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Vol. 58 No. 204

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Federal Register

Book 1 of 3 Books
Monday, October 25, 1993

Briefing on How To Use the Federal Register
For information on briefing in New York, NY, see
announcement on the inside cover of this issue.



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- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
 1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

NEW YORK, NY

- WHEN:** November 23, 9:00 am—12:00 pm
- WHERE:** National Archives—Northeast
Region, 201 Varick Street, 12th Floor,
New York, NY
- RESERVATIONS:** 1-800-347-1997



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Federal Register

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Monday, October 25, 1993

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 906

[Docket No. FV93-906-2 IFR]

Oranges and Grapefruit Grown in the Lower Rio Grande Valley in Texas; Temporary Relaxation of Minimum Size Requirements for Texas Grapefruit

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule temporarily relaxes the minimum size requirements for certain Texas grapefruit for the entire 1993-94 season. The Texas Valley Citrus Committee (committee) met July 15, 1993, and unanimously recommended this action. This rule is expected to help the Texas citrus industry successfully market the 1993-94 season grapefruit crop.

DATES: This interim final rule becomes effective: October 25, 1993. Comments which are received by November 24, 1993, will be considered prior to any finalization of this interim final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, PO Box 96456, room 2523-S, Washington, DC 20090-6456. Three copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours. All comments should reference the docket number, date, and page number of this issue of the Federal Register.

FOR FURTHER INFORMATION CONTACT: Charles L. Rush, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, PO Box 96456, Room

2523-S, Washington, DC 20090-6456; telephone: 202-720-2431; or Belinda G. Garza, McAllen Marketing Field Office, USDA/AMS, 1313 East Hackberry, McAllen, Texas 78501; telephone: 210-682-2833.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement and Marketing Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, hereinafter referred to as the order. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This interim final rule has been reviewed by the U.S. Department of Agriculture (Department) in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule. This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This interim final rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 9c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are about 15 citrus handlers subject to regulation under the marketing order covering oranges and grapefruit grown in Texas, and about 750 producers of oranges and grapefruit in Texas. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of these handlers and producers may be classified as small entities.

The committee, which administers the order locally, meets prior to and during each season to review the handling regulations effective on a continuous basis for each citrus fruit regulated under the order. Committee meetings are open to the public, and interested persons may express their views at these meetings. The Department reviews committee recommendations, information submitted by the committee and other information, and determines whether modification, suspension, or termination of the handling regulations would tend to effectuate the declared policy of the Act.

Minimum size requirements for fresh grapefruit grown in Texas are in effect under § 906.365 (7 CFR 906.365). This action amends § 906.365 by revising paragraph (a)(4) to permit shipment of grapefruit measuring at least 3 5/8 inches in diameter (pack size 112) for the entire 1993-94 season ending July 31, 1994, provided such grapefruit grade at least U.S. No. 1.

This relaxation is expected to help the Texas citrus industry successfully market its 1993-94 season grapefruit crop and have a positive effect on producer returns. Permitting shipment of pack size 112 grapefruit grading at least U.S. No. 1 for the entire 1993-94 season will enable Texas grapefruit

handlers to meet market needs and compete with similar sized grapefruit expected to be shipped from Florida. This action is based on the current and prospective crop and market conditions for Texas grapefruit. Fresh Texas grapefruit shipments are expected to begin in early October this season.

This action also removes paragraph (c) of § 906.365. That paragraph sets forth quality requirements for oranges and grapefruit which were in effect through February 15, 1992. Thus, the provisions in that paragraph are obsolete.

Texas grapefruit shipments to fresh markets in the United States, Canada, and Mexico are subject to handling requirements effective under this order. Exempt from such handling requirements are shipments made: (1) Within the production area in Texas; (2) in individually addressed gift packages aggregating not more than 500 pounds which are not for resale; (3) under the 400 pound minimum quantity exemption provision; and (4) for relief, charity, and home use. In addition, fruit shipped to approved processors located outside of the production area may be exempted from the handling requirements.

This action reflects the committee's and the Department's appraisal of the need to issue the relaxed requirements. The Department believes that this action will have a beneficial impact on producers and handlers because it will permit 1993-94 season grapefruit shipments consistent with anticipated crop and market conditions. The application of handling requirements to Texas grapefruit over the years has been beneficial to the Texas citrus industry in marketing its crops.

Based on the above, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, the information and recommendations submitted by the committee, and other information, it is found that the relaxation set forth below will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined, upon good cause, that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because: (1) This action relaxes size requirements currently in effect for Texas grapefruit; (2) shipment of the

1993-94 season Texas grapefruit crop is expected to begin in early October; (3) Texas grapefruit handlers are aware of this action which was unanimously recommended by the committee at a public meeting, and they will need no additional time to comply with the relaxed requirements; and (4) the rule provides a 30-day comment period, and any comments timely received will be considered prior to any finalization of this interim final rule.

List of Subjects in 7 CFR Part 906

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 906 is amended as follows:

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

1. The authority citation for 7 CFR part 906 continues to read as follows:

Authority: 7 U.S.C. 601-674.

2. Section 906.365 is amended by removing paragraph (c), and by revising paragraph (a)(4) to read as follows:

§ 906.365 Texas Orange and Grapefruit Regulation 34.

(a) * * *

(4) Such grapefruit are at least pack size 96, except that the minimum diameter limit for pack size 96 grapefruit in any lot shall be 3³/₁₆ inches: *Provided*, That any handler may handle grapefruit, except during the period November 16 through January 31 each season, which are smaller than pack size 96, if such grapefruit grade at least U.S. No. 1 and they are at least pack size 112, except that the minimum diameter limit for pack size 112 grapefruit in any lot shall be 3³/₁₆ inches: *Provided further*, That for the period beginning October 25, 1993, and ending July 31, 1994, any handler may handle grapefruit if such grapefruit grade at least U.S. No. 1 and they are at least pack size 112, except that the minimum diameter limit for pack size 112 grapefruit in any lot shall be 3³/₁₆ inches in diameter.

* * * * *

Dated: October 18, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.
[FR Doc. 93-26117 Filed 10-22-93; 8:45 am]

BILLING CODE 3410-02-P

7 CFR Parts 911, 915, 927, and 929

[Docket Nos. FV92-911-1FIR, Amdt. 1; FV93-927-1FIR; and FV93-929-1FIR]

Finalization of Interim Final Rules for Specified Marketing Orders (Limes, Avocados, Winter Pears, and Cranberries)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of three interim final rules that authorized expenses and established assessment rates for the Florida Lime Administrative Committee, Florida Avocado Administrative Committee, Winter Pear Control Committee, and Cranberry Marketing Committee (Committees) under Marketing Order Nos. 911, 915, 927, and 929, respectively.

Authorization of these budgets enables the Committees to incur expenses that are reasonable and necessary to administer their respective programs. Funds to administer these programs are derived from assessments on handlers.

EFFECTIVE DATES: Sections 911.232 and 915.232 are effective April 1, 1993, through March 31, 1994; § 927.233 is effective July 1, 1993, through June 30, 1994; and § 929.233 is effective September 1, 1993, through August 31, 1994.

FOR FURTHER INFORMATION CONTACT:

Britthany E. Beadle (§ 929.233), Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 96456, room 2522-S, Washington, DC 20090-6456; telephone: (202) 720-5127; William J. Pimental (§§ 911.232 and 915.232), Southeast Marketing Field Office, Fruit & Vegetable Division, AMS, USDA, PO Box 2276, Winter Haven, Florida 33883-2276; telephone (813) 299-4770; or Teresa Hutchinson (§ 927.233), Northwest Marketing Field Office, 1220 SW Third Avenue, room 369, Portland, Oregon 97204, telephone: (503) 326-2724.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Marketing Order No. 911 (7 CFR part 911) regulating the handling of fresh limes grown in Florida; Marketing Agreement and Marketing Order No. 915 (7 CFR Part 915) regulating the handling of fresh avocados grown in Florida; Marketing Agreement and Marketing Order No. 927 (7 CFR Part 927) regulating the handling of winter pears grown in Oregon, Washington, and California;

and Marketing Agreement and Marketing Order No. 929 (7 CFR Part 929), regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. The marketing orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This final rule has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, limes and avocados grown in Florida, winter pears grown in Oregon, Washington, and California, and cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York are subject to assessments. It is intended that the assessment rates specified herein will be applicable to all assessable limes, avocados, winter pears, and cranberries handled during the 1993-94 marketing year, which began April 1, 1993, through March 31, 1994 (M.O.'s 911 and 915), July 1, 1993, through June 30, 1994 (M.O. 927); and September 1, 1993, through August 31, 1994 (M.O. 929). This final rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 20 handlers of limes and 40 handlers of avocados grown in Florida, 90 handlers of winter pears grown in Oregon, Washington, and California, and 30 handlers of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York who are subject to regulation under the respective marketing orders. There are approximately 260 producers of limes, 300 producers of avocados, 1,850 producers of winter pears, and 950 producers of cranberries in the regulated areas. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of the lime, avocado, winter pear, and cranberry producers and handlers may be classified as small entities.

The respective marketing orders require that the assessment rates for a particular marketing year shall apply to all assessable limes, avocados, pears, and cranberries handled from the beginning of such year. An annual budget of expenses is prepared by each Committee and submitted to the Department for approval. The members of the Committees are producers of the regulated commodities. They are familiar with the Committees' needs and with the costs for goods, services, and personnel in their local areas and are thus in a position to formulate appropriate budgets. The budgets are formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rates recommended by the Committees are derived by dividing anticipated expenses by

expected shipments of limes, avocados, winter pears, and cranberries. Because these rates are applied to actual shipments, they must be established at rates which will produce sufficient income to pay the Committees' expected expenses. The recommended budgets and rates of assessment are usually acted upon by the Committees shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, the budget and assessment rate approval must be expedited so that the Committees will have funds to pay their expenses.

The Florida Lime Administrative Committee (FLAC) and the Florida Avocado Administrative Committee (FAAC) met on December 9, 1992, and unanimously recommended total expenses for the 1993-94 fiscal year of \$106,346 and an assessment rate of \$0.16 per bushel for their respective Committees. This action was published as an interim final rule in the Federal Register (58 FR 8533, February 18, 1993) and provided a 30-day comment period which ended March 18, 1993.

The FLAC and FAAC met again February 11, 1993, and unanimously recommended to increase budgeted expenses for both limes and avocados to \$108,346. As a result, the FLAC and FAAC submitted a comment to the Department to increase their budgeted expenses by \$2,000.

The \$2,000 increase in expenditures for each Committee will finance an aerial survey on which a tree count can be conducted, scheduled for March 1994. This survey is necessary due to the hurricane that hit the production area in August 1992. The strong winds uprooted many lime and avocado trees. The aerial survey will give a better idea of crop size for assessment and estimating purposes by the Committees.

The FLAC's and FAAC's 1993-94 fiscal year expenses and assessment rate approvals, including the recommended increase in expenses, were adopted in a final rule and published in the Federal Register (58 FR 33757, June 21, 1993).

The FLAC and FAAC met again on June 9, 1993, and unanimously recommended to increase their budget of expenses from \$108,346 to \$113,846, representing an increase of \$5,500 for each Committee. Each Committee deemed the increase necessary in order to finance additional research on the impact of increased water supplies on the water table in the lime and avocado production areas. Adequate funds are available from the Committees' reserves to cover these expenses.

The Winter Pear Control Committee (WPCC) met on June 4, and June 24, 1993, and unanimously recommended

total expenses of \$6,933,615 for the 1993-94 fiscal year. In comparison, the 1992-93 fiscal year expense amount was \$6,716,983, which is \$216,632 less than the recommended amount for this fiscal year.

The WPCC also unanimously recommended an assessment rate of \$0.45 per standard box, or equivalent and a supplemental assessment rate of \$0.04 per standard box, or equivalent for Anjou variety pears. In comparison, the 1992-93 pear assessment rate was \$0.43 per standard box, or equivalent and \$0.09 for the supplemental assessment rate on Anjou variety pears. This represents a \$0.02 increase and \$0.05 decrease, respectively, in the assessment rates recommended for this fiscal year. These rates, when applied to anticipated pear shipments of 13,167,475 standard boxes and Anjou pear shipments of 10,570,650, will yield a total of \$6,348,190 in assessment income. The supplemental assessment will be used to fund Ethoxyquin data research.

Assessment income, along with \$190,000 from other income, and \$395,425 from the Committee's authorized reserve, will be adequate to cover budgeted expenses. The \$395,425 withdrawal of funds from the Committee's authorized reserve will result in no reserve remaining at the end of the 1993-94 fiscal period.

Major expense categories for the 1993-94 fiscal year include \$4,937,803 for advertising, \$566,433 for contingency, \$422,828 for Ethoxyquin data research, and \$174,775 for salaries and benefits. Comparable 1992-93 budgeted expenses are \$4,562,500, \$490,578, \$855,000, and \$160,905, respectively.

The Cranberry Marketing Committee (CMC) conducted a mail vote and unanimously recommended total expenses for the 1993-94 fiscal year of \$155,000 and an assessment rate of \$0.03 per 100-pound barrel. In comparison, the 1992-93 fiscal year expense amount was \$146,600, which is \$8,400 less than the \$155,000 recommended for this fiscal year and the assessment rate has remained unchanged.

Assessment income for the 1993-94 fiscal year is expected to amount to \$124,350 based upon an estimated domestic production of 4,145,000 barrels. This, along with the anticipated \$4,500 in interest income and the transfer of \$26,150 from the CMC's authorized reserve fund, will be adequate to cover budgeted expenses. Funds in the reserve at the end of the fiscal year will be within the maximum permitted by the order of one fiscal year's expenses.

Major expense categories for the 1993-94 fiscal year include \$68,174 for operating and compensation expenses, \$32,512 for administrative and office expenses, and \$34,500 for travel and meeting expenses. Comparable 1992-93 budgeted expenses are \$67,640, \$44,245, and \$37,500, respectively.

While the application of assessments will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived from the operation of the marketing orders. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

This action finalizes three interim final rules published in the *Federal Register* (58 FR 42187, August 9, 1993), for 7 CFR parts 911 and 915, (58 FR 42491, August 10, 1993), for 7 CFR part 927, and (58 FR 42493, August 10, 1993), for 7 CFR part 929. Each interim final rule provided a 30-day comment period for interested persons. No comments were received.

It is found that the specified expenses for each marketing order specified in the interim final rules are reasonable and likely to be incurred, and that authorizing such expenses and establishing assessment rates to cover such expenses will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the *Federal Register* (5 U.S.C. 553) because the committees need to have sufficient funds to pay their expenses which are incurred on a continuous basis.

The 1993-94 fiscal years for the programs began on April 1, 1993, for Florida limes and avocados, August 1, 1993, for winter pears, and September 1, 1993, for cranberries. The respective marketing orders require that the rates of assessment for each fiscal year apply to all assessable limes, avocados, pears, and cranberries handled during their respective fiscal year. In addition, handlers are aware of these actions which were recommended by the Committees at public meetings and published in the *Federal Register* as interim final rules. No comments were received concerning the three interim final rules that are adopted in this action as a final rule without change.

List of Subjects

7 CFR Part 911

Lime, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 915

Avocados, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 927

Marketing agreements, Pears, Reporting and recordkeeping requirements.

7 CFR Part 929

Cranberries, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR parts 911, 915, 927, and 929 are hereby amended as follows:

1. The authority citation for 7 CFR parts 911, 915, 927, and 929 is revised to read as follows:

Authority: 7 U.S.C. 601-674.

PART 911—LIMES GROWN IN FLORIDA

2. The interim final rule amending § 911.232 of 7 CFR part 911 which was published at 58 FR 42187 on August 9, 1993, is adopted as a final rule without change.

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

3. The interim final rule amending § 915.232 of 7 CFR part 915 which was published at 58 FR 42187 on August 9, 1993, is adopted as a final rule without change.

PART 927—WINTER PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

4. The interim final rule adding § 927.233 to 7 CFR part 927 which was published at 58 FR 42491 on August 10, 1993, is adopted as a final rule without change.

PART 929—CRANBERRIES GROWN IN STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

5. The interim final rule adding § 929.233 to 7 CFR part 929 which was published at 58 FR 42493 on August 10, 1993, is adopted as a final rule without change.

Dated: October 18, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93-26116 Filed 10-22-93; 8:45 am]

BILLING CODE 3410-02-P

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, 221 and 224

[Regulations G, T, U, and X]

Securities Credit Transactions; List of Marginable OTC Stocks; List of Foreign Margin Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; determination of applicability of regulations.

SUMMARY: The List of Marginable OTC Stocks (OTC List) is composed of stocks traded over-the-counter (OTC) in the United States that have been determined by the Board of Governors of the Federal Reserve System to be subject to the margin requirements under certain Federal Reserve regulations. The List of Foreign Margin Stocks (Foreign List) is composed of foreign equity securities that have met the Board's eligibility criteria under Regulation T. The OTC List and the Foreign List are published four times a year by the Board. This document sets forth additions to and deletions from the previous OTC List and the Foreign List.

EFFECTIVE DATE: November 8, 1993.

FOR FURTHER INFORMATION CONTACT:

Peggy Wolfrum, Securities Regulation Analyst, Division of Banking Supervision and Regulation, (202) 452-2781, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. For the hearing impaired only, contact Dorothea Thompson, Telecommunications Device for the Deaf (TDD) at (202) 452-3544.

SUPPLEMENTARY INFORMATION: Listed below are the additions to and the deletions from the OTC List. This supersedes the last OTC List which was effective August 9, 1993. Additions and deletions to the OTC List were last published on July 26, 1993 (58 FR 39639). A copy of the complete OTC List is available from any Federal Reserve Bank.

The OTC List includes those stocks that meet the criteria in Regulations G, T and U (12 CFR parts 207, 220 and 221, respectively). This determination also affects the applicability of Regulation X (12 CFR part 224). These stocks have the degree of national investor interest, the depth and breadth of market, and the availability of information respecting

the stock and its issuer to warrant regulation in the same fashion as exchange-traded securities. The OTC List also includes any OTC stock designated under a Securities and Exchange Commission (SEC) rule as qualified for trading in the national market system (NMS security). Additional OTC stocks may be designated as NMS securities in the interim between the Board's quarterly publications. They will automatically become marginable upon the effective date of their NMS designation. The names of these stocks are available at the Board and the SEC and will be incorporated into the Board's next quarterly publication of the OTC List.

Also listed below are the additions to and the deletions from the Foreign List, which was last published on July 26, 1993 (58 FR 39640), and effective August 9, 1993. Stocks on the Foreign List are eligible for margin treatment at broker-dealers pursuant to a 1990 amendment to Regulation T (12 CFR part 220). The Foreign List includes those securities that meet the criteria in Regulation T and are eligible for margin treatment at broker-dealers on the same basis as domestic margin securities. A copy of the complete Foreign List is available from any Federal Reserve Bank.

Public Comment and Deferred Effective Date

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and continued inclusion on the Lists specified in 12 CFR 207.6(a) and (b), 220.17(a), (b), (c) and (d), and 221.7(a) and (b). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of these Lists as soon as possible. The Board has responded to a request by the public and allowed approximately a two-week delay before the Lists are effective.

Public Comment and Deferred Effective Date

List of Subjects

12 CFR Part 207

Banks, Banking, Credit, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 220

Banks, Banking, Brokers, Credit, Margin, Margin requirements, Investments, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 221

Banks, Banking, Credit, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 224

Banks, Banking, Borrowers, Credit, Margin, Margin requirements, Reporting and recordkeeping requirements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), and in accordance with 12 CFR 207.2(k) and 207.6 (Regulation G), 12 CFR 220.2(u) and 220.17 (Regulation T), and 12 CFR 221.2(j) and 221.7 (Regulation U), there is set forth below a listing of deletions from and additions to the OTC List and the Foreign List.

Deletions From the List of Marginable OTC Stocks

Stocks Removed for Failing Continued Listing Requirements

All American Semiconductor, Inc.

Class A, warrants
(expire 06-18-97)

American City Business Journals, Inc.

6% convertible debentures

American Health Services Corp.

\$.03 par common

Assix International, Inc.

\$.001 par common

Bruno's Inc.

6.5% convertible subordinated
debentures

BTR Realty Inc.

\$.01 par common

Cimflex Tecknowledge Corporation

\$.01 par common

Fabri-Centers of America, Inc.

6.¼% convertible subordinated
debentures

F.F.O. Financial Group, Inc.

\$.10 par common

Genetics Institute Inc.

\$4.00 convertible exchangeable
preferred

NHD Stores, Inc.

\$.10 par common

Perceptronics, Inc.

\$.001 par common

Price/Stern/Sloan, Inc.

\$.10 par common

Sahara Resorts

\$.20 par common

Sciclone Pharmaceuticals Inc.

Warrants (expire 03-16-97)

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| Sierra Real Estate Equity Trust '84 No par common | Additions To The List of Marginable OTC Stocks. | Cencall Communications Corporation \$.001 par common |
| United Coasts Corporation \$.01 par common | A Pea in the Pod, Inc. \$.01 par common | Central Garden & Pet Company \$.01 par common |
| Warehouse Club, Inc. Warrants (expire 11-13-94) | A+ Communications, Inc. \$.01 par common | Central Virginia Bankshares, Inc. \$2.50 par common |
| <i>Stocks Removed for Listing on a National Securities Exchange or Being Involved in an Acquisition</i> | Actel Corporation \$.001 par common | CFI Proservices, Inc. No par common |
| American National Petroleum Company \$.01 par common | Aetrium Incorporated \$.001 par common | Checkmate Electronics, Inc. \$.01 par common |
| ATKM Metals Center Inc. No par common | Air Methods Corporation \$.06 par common | Churchill Downs Incorporated No par common |
| Aztar Corporation \$.01 par common | Allied Holdings Inc. No par common | Cobancorp, Inc. (Ohio) No par common |
| Ballard Medical Products \$.10 par common | American Oilfield Divers, Inc. No par common | Cobra Gulf Incorporated \$.001 par common |
| Centennial Savings Bank, FSB \$1.00 par common | Antec Corporation \$.01 par common | Commander Aircraft Company \$.50 par common |
| Columbia Hospital Corporation \$.01 par common | APS Holding Corporation Class A, \$.01 par common | Commercial Bankshares Inc. (Florida) \$.08 par common |
| Commerce Banc Corporation \$1.25 par common | Aramed, Inc. \$.01 par common | Community First Bank (Florida) \$2.00 par common |
| Commonwealth Bancshares Corp. \$3.50 par common | Arbor Health Care Company \$.03 par common | Complink, Ltd. \$.01 par common |
| Costar Corporation \$.10 par common | Arethusa (Off-Shore) Limited \$.10 par common | Computer Concepts Corp. \$.0001 par common |
| Crestar Financial Corporation \$5.00 par common | Arrow Transportation Company No par common | Comstock Bank (Nevada) \$.50 par common |
| Cybertek Corporation \$.01 par common | Asyst Technologies Inc. No par common | Conductus, Inc. \$.0001 par common |
| Dahlberg, Inc. \$.10 par common | Atchison Casting Corporation \$.01 par common | Cornerstone Imaging, Inc. \$.01 par common |
| Enclean, Inc. \$.10 par common | Atlantic Coast Airlines, Inc. \$.02 par common | CSB Financial Corporation (Virginia) \$.01 par common |
| Equitable of Iowa Companies No par common | Baker, J., Inc. 7% convertible subordinated debentures due 2002 | Cygne Designs, Inc. \$.01 par common |
| Franklin First Financial Corp. \$.01 par common | Bank of Nashville, The \$6.00 par common | Cyrix Corp. \$.004 par common |
| HDR Power Systems Inc. \$.01 par common | Benton Oil & Gas Company \$.01 par common | Dataware Technologies, Inc. \$.01 par common |
| Home Intensive Care Inc. \$.01 par common | Best Power Technology, Incorporated \$.01 par common | Davco Restaurants, Inc. \$.001 par common |
| ICF Kaiser International Inc. \$.01 par common | Big Rock Brewery Ltd. No par common | Diasonics Ultrasound, Inc. \$.01 par common |
| La Petite Academy, Inc. \$.10 par common | Billy Blues Food Corporation \$.05 par common | Discovery Zone Inc. Liquid Yield Option Notes due 10- 14-2013 |
| National Community Banks Inc. \$2.00 par common Series B, \$2.00 par cumulative convertible preferred | Biosafety Systems, Inc. \$.01 par common | Dual Drilling Company \$.01 par common |
| Naylor Industries, Inc. \$.01 par common | Broadcasting Partners Inc. Class A, \$.01 par common | Elek-Tek, Inc. \$.01 par common |
| Perception Technology Corporation \$.10 par common | Builders Transport, Incorporated 8% convertible debentures due 2005 | Envirofil Inc. \$.001 par common |
| Pioneer Bancorp, Inc. \$1.00 par common | Cairn Energy USA, Inc. \$.01 par common | EP Technologies, Inc. \$.01 par common |
| Pioneer Fed Bancorp, Inc. \$.01 par common | Capital Gaming International, Inc. No par common | Equest Finance, Inc. \$.05 par common |
| Preston Corporation \$1.00 par common | Carolina First Corporation Series 1993, 7.50% non-cumulative convertible preferred | EV Environmental, Inc. \$.01 par common |
| Protective List Corporation \$.50 par common | Casino & Credit Services, Inc. \$.001 par common Warrants (expire 08-10-98) | Evans Systems, Inc. \$.01 par common |
| USA Waste Services, Inc. \$.01 par common | Casino Resource Corporation \$.01 par common | Excel Technology, Inc. Class B, warrants (expire 02-08-98) |
| Vari-Care Inc. \$.01 par common | Class A, warrants (expire 09-15-96) | Executone Information Systems, Inc. Series A, preferred |
| Village Financial Services Ltd. \$.01 par common | CB Bancorp, Inc. (Indiana) \$.01 par common | EZ Communications, Inc. Class A, \$.01 par common |
| | | FCB Financial Corporation \$.01 par common |

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| FFW Corporation \$.01 par common | K-TEL International, Inc. \$.01 par common | Morgan Group, Inc., The Class A, \$.015 par common |
| First Colonial Group, Inc. (Pennsylvania) \$5.00 par common | Kenetech Corporation \$.0001 par common | Mountain Parks Financial Corporation \$.001 par common |
| First Federal Savings and Loan (Ohio) \$.01 par common | Kentucky Electric Steel Inc. \$.01 par common | MRS Technology, Inc. \$.01 par common |
| First Midwest Financial, Inc. \$.01 par common | Key Technology, Inc. No par common | National Gypsum Company \$.01 par common |
| First Palm Beach Bancorp, Inc. (Florida) \$.01 par common | Kurzweil Applied Intelligence, Inc. \$.01 par common | Warrants (expire 07-01-2000) |
| First Southeast Financial Corporation \$.01 par common | Lady Luck Gaming Corporation \$.001 par common | National Picture & Frame Company \$.01 par common |
| Founders Financial Corporation (Florida) \$1.00 par common | Lam Research Corporation 6% convertible subordinated debentures due 2003 | National R.V. Holdings Inc. \$.01 par common |
| Futuremedia Public Limited Company American Depositary Receipts Warrants (expire 08-19-96) | Landry's Seafood Restaurants, Inc. \$.01 par common | National Record Mart, Inc. \$.01 par common |
| Gartner Group Inc. Class A, \$.001 par common | Las Vegas Entertainment Network, Inc. \$.001 par common | Netmanage, Inc. \$.01 par common |
| General Atlantic Resources, Inc. \$.01 par common | Laurel Bancorp, Inc. (Maryland) \$.01 par common | Network Solutions, Inc. \$.10 par common |
| Gensia, Inc. Warrants (expire 12-31-96) | LCI International, Inc. 5% cumulative convertible exchangeable preferred | Neurex Corporation \$.01 par common |
| Govett & Company Limited American Depositary Receipts | Leader Financial Corporation \$1.00 par common | North American Savings Bank (Missouri) \$1.00 par common |
| Great American Management and Investment, Inc. \$.01 par common | Level One Communications Incorporated No par common | North American Watch Corporation \$.01 par common |
| Great Central Mines, N.L. American Depositary Receipts | Lidak Pharmaceuticals Class A, no par common | North Coast Energy, Inc. Series B, \$.01 par cumulative preferred |
| Great Wall Electronic International Ltd. American Depositary Receipts | Class B, warrants (expire 05-08-95) | NSD Bancorp, Inc. \$1.00 par common |
| Greenfield Industries, Inc. \$.01 par common | Class C, warrants (expire 05-26-95) | Octus, Inc. No par common |
| Grow Biz International, Inc. No par common | Life Medical Sciences, Inc. \$.01 par common | OHSL Financial Corp. \$.01 par common |
| GTE California, Inc. 4.5% 1956 cumulative preferred | Live Entertainment Inc. Series B, no par cumulative preferred | Old Lyme Holding Corporation \$.01 par common |
| Hariston Corporation No par common | Loewenstein Furniture Group, Inc. \$.01 par common | Omega Environmental, Inc. \$.0025 par common |
| Haven Bancorp Inc. (New York) \$.01 par common | M-Systems Flash Disk Pioneers Ltd. Ordinary Shares, NIS \$.001 | Omni Insurance Group, Inc. \$.01 par common |
| Hollinger, Inc. No par common | Madge, N.V. 1g par common | Oroamerica, Inc. \$.001 par common |
| Hollywood Entertainment Corporation No par common | Magnetech Corporation \$.000025 par common | Pairgain Technologies, Inc. \$.001 par common |
| Home State Holdings, Inc. \$.01 par common | Manugistics Group, Inc. \$.002 par common | Panhandle Royalty Company Class A, \$.10 par common |
| Hometown Buffet, Inc. \$.01 par common | Maxim Group, Inc., The \$.001 par common | Park View Federal Savings Bank (Ohio) \$.01 par common |
| Image Industries, Inc. \$.01 par common | Warrants (expire 09-30-98) | Performance Food Group Company \$.01 par common |
| Inbrand Corporation \$.10 par common | MDL Information Systems, Inc. \$.01 par common | Petsmart, Inc. \$.0001 par common |
| Independence Bancorp, Inc. (New Jersey) \$1.00 par preferred | Metrocall, Inc. \$.01 par common | Philadelphia Consolidated Holding Company No par common |
| Innodata Corporation Warrants (expire 08-09-97) | Micro Component Technology Inc. \$.01 par common | Phillips & Jacobs, Incorporated \$.01 par common |
| INVG Mortgage Securities Corp. \$.01 par common | Microprobe Corporation \$.001 par common | Preferred Entertainment, Inc. \$.01 par common |
| Invitro International Warrants (expire 05-16-96) | Warrants (expire 09-28-98) | Price Company, The Convertible subordinated debentures due 2012 |
| IVI Publishing Inc. \$.01 par common | Mid Ocean Limited Class A, \$.20 par ordinary shares | Price Reit, Inc., The Series B, \$.01 par common |
| Johnstown America Industries Inc. \$.01 par common | Milgray Electronics, Inc. \$.25 par common | Quickresponse Services, Inc. No par common |
| | Momentum Corporation \$1.00 par common | Redman Industries Inc. \$.01 par common |
| | Monaco Coach Corporation \$.01 par common | |
| | Monarch Casino & Resort, Inc. \$.01 par common | |

Renal Treatment Centers, Inc.
\$.01 par common

Revenue Properties Company Limited
No par common

RFS Hotel Investors, Inc.
\$.01 par common

RHNB Corporation
\$2.50 par common

Rimage Corporation
\$.01 par common

River Oaks Furniture, Inc.
\$.01 par common

Royal Grip, Inc.
\$.001 par common

Rural/Metro Corporation
\$.01 par common

Schuler Homes, Inc.
6½% convertible subordinated
debentures due 2003

Scientific Games Holding Corporation
\$.001 par common

Servicios Financieros Quadrum, S.A.
American Depository Receipts

SFX Broadcasting Inc.
Class A, \$.01 par common

Shuffle Master, Inc.
\$.01 par common

SI Diamond Technology, Inc.
\$.001 par common

Simmons Outdoor Corporation
\$.01 par common

Speizman Industries, Inc.
\$.10 par common

SPSS Inc.
\$.01 par common

Stant Corporation
\$.01 par common

Starcraft Automotive Corporation
No par common

Starsight Telecast, Inc.
No par common

Statesman Group, Inc., The
6¼% convertible subordinated
debentures due 2003

Steck-Vaughn Publishing Corporation
\$.01 par common

Suburban Bancorporation, Inc. (Ohio)
\$.01 par common

Sudbury, Inc.
\$.01 par common

Summa Four, Inc.
\$.01 par common

Taro-Vit Industries Ltd.
Ordinary shares (NIS .0001 par)

Thomas Group, Inc.
\$.01 par common

Tinsley Laboratories, Inc.
No par common

Triangle Pacific Corporation
\$.01 par common

Ultratech Stepper, Inc.
\$.001 par common

Uniflex, Inc.
\$.10 par common

Union Bankshares Corporation
\$4.00 par common

United International Holdings, Inc.
Class A, \$.01 par common

Urethane Technologies, Inc.

\$.01 par common

Vaalco Energy, Inc.
\$.10 par common

Valley Fashions Corporation
Class A, \$.01 par common

Valuevision International, Inc.
\$.01 par common

Victoria Financial Corporation
\$.01 par common

Washington Mutual Savings Bank
(Washington)
Series E, 7.6% no par non-cumulative
perpetual preferred

Wellcare Management Group, Inc., The
\$.01 par common

Wonderware Corporation
\$.001 par common

Zale Corporation
\$.01 par common

Class A warrants (expire 07-29-98)

Zonagen, Inc.
\$.001 par common

Additions to the List of Foreign Margin Stocks

Canadian Natural Resources Ltd.
No par common

Nippon Paper Industries Co., Ltd.
50 par common

Deletions From the List of Foreign Margin Stocks

Jujo Paper Company Ltd.
50 par common

Midland Bank PLC
Ordinary shares, par value 100 p

Rank Hovis McDougall PLC
Common, par value 25 p

Sanyo-Kokusaku Pulp Co., Ltd.
50 par common

By order of the Board of Governors of the Federal Reserve System, acting by its Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.7(f)(10)), October 19, 1993.

William W. Wiles,
Secretary of the Board.
[FR Doc. 93-26132 Filed 10-22-93; 8:45 am]
BILLING CODE 6210-01-P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 337

RIN 3064-AA80

Unsafe and Unsound Banking Practices

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: This final rule revises definitions used in FDIC regulations governing the acceptance of brokered deposits to conform those definitions to the definitions used in regulations

implementing section 38 of the Federal Deposit Insurance Act (FDI Act). As a result of these revisions, the capital category definitions used in FDIC regulations governing the acceptance of brokered deposits will have the same meaning as provided under regulations implementing section 38 of the FDI Act. **EFFECTIVE DATE:** November 24, 1993.

FOR FURTHER INFORMATION CONTACT:

Valerie Jean Best, Counsel, Legal Division, (202) 898-3812 or William G. Hrindac, Examination Specialist, Division of Supervision, (202) 898-6892, FDIC, 550 17th Street NW., Washington DC 20429.

SUPPLEMENTARY INFORMATION:

Discussion

Statutory Provisions Governing Brokered Deposits and Proposed Rule

Section 301 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA) amended section 29 of the FDI Act and added a new section 29A. 12 U.S.C. 1831f, 1831f-1. Section 301 of FDICIA regulates the acceptance of funds obtained, directly or indirectly, by or through any "deposit broker" for deposit into one or more deposit accounts (*i.e.*, brokered deposits). "Well capitalized" insured depository institutions may accept, renew, or roll over brokered deposits without restraint. "Adequately capitalized" insured depository institutions are prohibited from accepting, renewing, or rolling over brokered deposits without first obtaining a waiver from the FDIC. "Undercapitalized" insured depository institutions are prohibited from accepting, renewing, or rolling over brokered deposits. Section 301 of FDICIA also imposes certain interest rate restrictions on insured depository institutions that are not well capitalized.

The terms "well capitalized" and "adequately capitalized" are not defined in section 301 of FDICIA, but those same terms are used in section 38 of the FDI Act dealing with prompt corrective action (PCA). 12 U.S.C. 1831o. Moreover, section 301 of FDICIA indicates that the term "undercapitalized" is to have the same meaning provided in section 38 of the FDI Act. When the FDIC adopted a final rule on May 29, 1992, implementing section 301 of FDICIA, however, the regulatory definitions of the different capital levels identified in section 38 of the FDI Act were not available. The FDIC indicated that it intended to adopt those definitions once they became available. 57 FR 23933, 23935 (June 5, 1992). Thereafter, those definitions became available and, consistent with

its earlier statements, the FDIC issued for comment a proposed rule (58 FR 26705, May 5, 1993) conforming the capital category definitions used in its brokered deposit regulations to the definitions used in the PCA regulations promulgated by the federal banking agencies. The FDIC received comment letters from three trade associations representing financial institutions, three bank holding companies, and two banks. The comment letters uniformly supported the FDIC's proposed action. One commenter stated: "[T]he change is * * * important in order to achieve consistency throughout the complex banking regulations prompted by FDICIA and the FDI Act". Another commenter stated that "consistency in these two different regulatory areas will contribute to overall compliance with these laws by the banking industry". A third commenter agreed with the FDIC that the proposed amendment "does not broadly change the range of institutions affected by the brokered deposits regulation".

Although the comment letters supported the FDIC's proposed action, a few letters asked that certain provisions be added. One comment letter asked that the revisions be made retroactive to June 16, 1992, the date when the brokered deposit regulations implementing FDICIA first became effective. This commenter noted that the capital category definitions in the brokered deposit regulation impact the availability of "pass-through" deposit insurance coverage for employee benefit plan deposits. Pass-through insurance is not provided for any such deposit accepted by an insured institution which, at the time the deposit is accepted, may not accept brokered deposits. 12 U.S.C. 1821(a)(1)(D); 58 FR 29952, 29964 (May 25, 1993) (to be codified at 12 C.F.R. 330.12(b)). This commenter argued that retroactive application "would allow greater certainty as to the deposit insurance coverage of deposits made by certain employee benefit plan depositors".

The FDIC does not agree that retroactive application is warranted in this case. A very small class of institutions stand to benefit from retroactive application. In order to benefit from retroactive application, an institution would have to be one that satisfied the stated percentages of leverage and risk-based capital applicable to well capitalized institutions but was classified as adequately capitalized because it was in "troubled condition". Further, it would have to have been in "troubled condition" for a reason other than having been subject to an order, written

agreement, capital directive, or PCA directive to meet and maintain a specific capital level for any capital measure. Any such institution already had available to it an alternative method of preserving pass-through deposit insurance coverage for employee benefit plans.¹ That is, the institution could have given the depositor written notification (*i.e.*, "self-certification") that the deposits were entitled to insurance coverage on a pass-through basis. See FDIC Advisory Opinion 92-94 (Dec. 17, 1992); 58 FR 29952, 29964 (May 25, 1993) (to be codified at 12 CFR 330.12(b)). Adequately capitalized institutions other than the small class described above would not benefit from retroactive application of this rule. Undercapitalized institutions would not benefit from retroactive application. Moreover, we are not persuaded that retroactive application would allow greater certainty as to insurance coverage. The term "troubled condition" is clearly defined in the current brokered deposit regulations; its inclusion in the capital category definitions did not create uncertainty as to an institution's capital status. In summary, a very small class of depository institutions would benefit from retroactive application; those institutions already had available to them a method for preserving pass-through insurance coverage; inclusion of the "troubled condition" criteria did not create uncertainty as to the availability of pass-through insurance coverage; there is some potential for confusion to depositors if this rule is applied retroactively. The FDIC therefore declines to apply this rule retroactively.

It should be noted that the burden of determining pass-through coverage will be eased through this final rule in the following respect: An institution's capital status will be determined less frequently than under the previous brokered deposit regulations. The availability of pass-through coverage for employee benefit plans is dependent on an institution's capital status at the time any deposit is accepted. Under the earlier brokered deposit regulations, an institution's capital status was determined on a day-to-day basis. This final rule provides that an insured institution shall be deemed to be within a given capital category, for purposes of the brokered deposit regulations, as of

¹ The reduction in pass-through insurance coverage did not go into effect until December 19, 1992, six months after the brokered deposit rule implementing FDICIA went into effect. Consequently, the capital category requirements were available six months before insurance coverage was affected by the statute.

the date the institution is notified of, or is deemed to have notice of, its capital category under regulations implementing PCA. In turn, the PCA regulations generally provide that an institution is deemed to have been notified of its capital category as of the most recent date:

(1) A Consolidated Report of Condition and Income or Thrift Financial Report is required to be filed with the appropriate federal banking agency;

(2) A final report of examination is delivered to the institution; or

(3) Written notice is provided by the appropriate federal banking agency to the institution of its capital category.

Another comment letter asked that a "grace period" of at least one calendar-quarter be included for institutions that are reclassified from well-capitalized status to adequately-capitalized status. They argued that a grace period was needed to give the institution time to increase its capital levels or, alternatively, obtain a waiver, thereby avoiding funding disruptions and speculation regarding the institution's financial condition.

The FDIC believes it is not necessary to delay the effective date of any reclassification for purposes of the brokered deposit regulations because the PCA regulations and the brokered deposit regulations already give an institution sufficient time to react to any proposed reclassification. Before any reclassification under the PCA regulations goes into effect, an institution is provided prior written notice of the proposed reclassification, an opportunity to file a written response, and an opportunity for an informal hearing. See, 57 FR 44866, 44876-77 (Sept. 29, 1992).² Under the brokered deposit regulations, any properly authorized FDIC official may grant a temporary waiver based upon a preliminary review for a short period in order to facilitate the orderly processing of an application for a waiver. 12 CFR 337.6(e)(1). Moreover, any application filed by an institution that is CAMEL or MACRO rated 1 or 2 by its appropriate federal banking agency is deemed approved for the period requested 21 days after filing unless the institution is notified otherwise in the interim. 12 CFR 337.6(e)(2). In light of the procedural safeguards preceding any reclassification under the PCA regulations and the fact that an

² The reclassification procedures can generally be found in the following sections. FDIC—12 CFR 308.202. Board of Governors of the Federal Reserve System—12 CFR 263.203. Office of the Comptroller of the Currency—12 CFR 19.221. Office of Thrift Supervision—12 CFR 565.8.

institution may seek a temporary waiver should circumstances warrant, it is not necessary to delay imposition of the brokered deposit regulations.

Several of the comment letters raised issues that were not the subject of the rulemaking. One letter objected to the proliferation of capital definitions, citing such terms as equity capital, core capital, tangible capital, Tier 1 capital, Tier 2 capital, risk-based capital, leverage capital, well capitalized, adequately capitalized, undercapitalized, significantly undercapitalized, and critically undercapitalized. It should be recognized that many of these terms are required by statute. For example, the five capital category terms—well capitalized, adequately capitalized, undercapitalized, significantly undercapitalized, and critically undercapitalized—were established by section 131 of FDICIA governing PCA. Section 131 also specifies a leverage limit and a risk-based capital requirement as “relevant capital measures”. Section 305 of FDICIA refers to risk-based capital standards and specifies the components that the federal banking agencies must take into account when setting such standards. Various sections of FDICIA refer to tangible capital (e.g., sections 141, 461, 475). Although many of the terms complained of are necessitated by statute, the FDIC will continue to work with the other federal banking agencies to attain consistency and clarity and to minimize any burden on insured depository institutions.

One comment letter objected to the fact that an institution may be excluded from the well-capitalized category by virtue of the fact that it is under a capital directive to maintain a specific capital level. However, it is not the purpose of this rule to revisit the definitions adopted by the federal banking agencies in the PCA regulations. Another letter objected to the fact that the capital categories used for risk-based assessment purposes were not consistent with the capital categories used for the PCA provisions and the proposed brokered deposit provisions. For purposes of the risk-based assessment system, the definition of “well capitalized” reflects only the capital-ratio standards of the PCA definitions; it does not refer to written agreements, orders, capital directives, or PCA directives. Although the risk-based assessment regulation does not refer to such capital agreements and directives in the definition of “well capitalized”, these elements are considered as part of the supervisory subgroup determinations employed in the

assessment regulation. 57 FR 45263, 45280–81, 45285 (Oct. 1, 1992).

Summary of Final Rule

This final rule provides that, for purposes of the brokered deposit statute and implementing regulations, the terms “well capitalized”, “adequately capitalized”, and “undercapitalized”, shall have the same meaning as provided under regulations implementing section 38 of the FDI Act issued by the appropriate federal banking agency for that institution. For purposes of section 38 of the FDI Act, an institution is deemed to be:

* * * “Well capitalized” if the institution: (1) Has a total risk-based capital ratio of 10.0 percent or greater; (2) Has a Tier 1 risk-based capital ratio of 6.0 percent or greater; (3) Has a leverage ratio of 5.0 percent or greater; and (4) Is not subject to any written agreement, order, capital directive, or prompt corrective action directive to meet and maintain a specific capital level for any capital measure.

* * * “Adequately capitalized” if the institution: (1) Has a total risk-based capital ratio of 8.0 percent or greater; (2) Has a Tier 1 risk-based capital ratio of 4.0 percent or greater; (3) Has a leverage ratio of 4.0 percent or greater (or a leverage ratio of 3.0 percent or greater if the institution is rated composite 1 under the CAMEL or MACRO rating system in its most recent report of examination, subject to appropriate federal banking agency guidelines); and (4) Does not meet the definition of a well capitalized institution;

* * * “Undercapitalized” if the institution: (1) Has a total risk-based capital ratio that is less than 8.0 percent; or (2) Has a Tier 1 risk-based capital ratio that is less than 4.0 percent; or (3) Has a leverage ratio that is less than 4.0 percent (or a leverage ratio that is less than 3.0 percent if the institution is rated composite 1 under the CAMEL or MACRO rating system in its most recent report of examination, subject to appropriate federal banking agency guidelines).

Unlike section 38 of the FDI Act and its implementing regulations, the brokered deposit regulations do not contain specific definitions for “significantly undercapitalized” and “critically undercapitalized” institutions. This is because section 29 of the FDI Act restricts all undercapitalized institutions from accepting, renewing, or rolling over brokered deposits; it is irrelevant into which of the three lower capital categories the depository institution falls (i.e., “undercapitalized”, “significantly undercapitalized”, or “critically undercapitalized”).

This final rule incorporates the capital categories adopted in the PCA regulations for insured branches of foreign banks. These definitions exclude an insured branch of a foreign bank from the well capitalized category if it has received written notice from:

(1) The Office of the Comptroller of the Currency to increase its capital equivalency deposit pursuant to 12 CFR 28.6(a) or to comply with asset maintenance requirements pursuant to 12 CFR 28.9; or

(2) The FDIC to pledge additional assets pursuant to 12 CFR 346.19 or to maintain a higher ratio of eligible assets pursuant to 12 CFR 346.20.

Reclassification Under PCA Regulations

Section 38 of the FDI Act provides that the appropriate banking agency may, under certain circumstances, reclassify a well capitalized insured depository institution as adequately capitalized. The statute provides, in part, that if the appropriate federal banking agency determines (after notice and opportunity for hearing) that an insured depository institution is in an unsafe or unsound condition or, pursuant to section 8(b)(8),³ deems the institution to be engaging in an unsafe or unsound practice, the agency may reclassify the institution as adequately capitalized if the institution is well capitalized. 12 U.S.C. 1831o(g)(1)(A). The PCA regulations adopted by each agency track, for the most part, the statutory language described above.⁴ As a result of conforming the definitions used in the brokered deposit regulations to the definitions used in the PCA regulations, a well capitalized institution that is reclassified as adequately capitalized pursuant to section 38 of the FDI Act, will be subjected to the brokered deposit provisions applicable to adequately capitalized institutions.

Section 38 of the FDI Act permits the appropriate federal banking agency to require an adequately capitalized or undercapitalized institution to comply with the supervisory provisions as if the institution were in the next lower category (but not treat a significantly undercapitalized institution as critically undercapitalized) based on supervisory information other than the capital levels of the institution. These provisions are not strictly a reclassification. 57 FR 44866, 44876 (Sept. 29, 1992). The FDIC has determined that, if the appropriate federal banking agency subjects an

³ Section 8(b)(8) of the FDI Act provides that if an insured depository institution receives, in its most recent report of examination, a less-than-satisfactory rating for asset quality, management, earnings or liquidity, the appropriate federal banking agency may (if the deficiency is not corrected) deem the institution to be engaging in an unsafe or unsound practice. 12 U.S.C. 1818(b)(8).

⁴ FDIC—12 CFR 325.103(d). Board of Governors of the Federal Reserve System—12 CFR 208.33(c). Office of the Comptroller of the Currency—12 CFR 6.4(d). Office of Thrift Supervision—12 CFR 565.4(c).

adequately capitalized insured depository institution to the supervisory actions applicable to a lower capital category pursuant to section 38, the institution will not be subjected to the provisions applicable to such lower (*i.e.*, undercapitalized) capital category under the brokered deposit rule. The basis for this determination is that an adequately capitalized institution's access to brokered deposits is already strictly regulated by the brokered deposit statute and regulations. An adequately capitalized institution is prohibited from accepting brokered deposits unless it first obtains a waiver from the FDIC. A waiver is granted only if the FDIC concludes that the acceptance of brokered deposits does not constitute an unsafe or unsound practice with respect to the applicant. 12 U.S.C. 1831f(c); 12 CFR 337.6(c). Since the acceptance of brokered deposits by adequately capitalized institutions is controlled, little would be achieved by subjecting an adequately capitalized institution to the prohibitions applicable to undercapitalized institutions.

For the reasons outlined above, this final rule adopts the amendments outlined in the proposed rule without change.

Paperwork Reduction Act

This final rule does not impose any new information-collection requirements. Consequently, no information has been submitted to the Office of Management and Budget for review.

Regulatory Flexibility Act

The Board of Directors of the FDIC hereby certifies that these amendments to part 337 will not have a significant economic impact on a substantial number of small business entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) In light of this certification, the Regulatory Flexibility Act requirements (at 5 U.S.C. 603, 604) to prepare initial and final regulatory flexibility analyses do not apply.

List of Subjects in 12 CFR Part 337

Banks, Banking, Reporting and recordkeeping requirements, Savings associations, Securities.

For the reasons set forth in the preamble, the Board of Directors of the FDIC hereby amends Part 337 of Chapter III of title 12 of the Code of Federal Regulations as set forth below.

PART 337—UNSAFE AND UNSOUND BANKING PRACTICES

1. The authority citation for part 337 continues to read as follows:

Authority: 12 U.S.C. 375a(4), 375b, 1816, 1818(a), 1818(b), 1819, 1821(f), 1828(j)(2), 1831f, 1831f-1.

2. Section 337.6 is amended by removing paragraphs (a)(1), (a)(9), and (a)(10), by redesignating paragraphs (a)(2) and (a)(3) as paragraphs (a)(1) and (a)(2), respectively; and by adding a new paragraph (a)(3) to read as follows:

§ 337.6 Brokered deposits.

(a) * * *

(3) *Capital categories.* (i) For purposes of section 29 of the Federal Deposit Insurance Act and this § 337.6, the terms *well capitalized*, *adequately capitalized*, and *undercapitalized*,¹¹ shall have the same meaning as to each insured depository institution as provided under regulations implementing section 38 of the Federal Deposit Insurance Act issued by the appropriate federal banking agency for that institution.¹²

(ii) If the appropriate federal banking agency reclassifies a well capitalized insured depository institution as adequately capitalized pursuant to section 38 of the Federal Deposit Insurance Act, the institution so reclassified shall be subject to the provisions applicable to such lower capital category under this § 337.6.

(iii) An insured depository institution shall be deemed to be within a given capital category for purposes of this § 337.6 as of the date the institution is notified of, or is deemed to have notice of, its capital category, under regulations implementing section 38 of the Federal Deposit Insurance Act issued by the appropriate federal banking agency for that institution.¹³

¹¹ The term *undercapitalized* includes any institution that is *significantly undercapitalized* or *critically undercapitalized* under regulations implementing section 38 of the Federal Deposit Insurance Act and issued by the appropriate federal banking agency for that institution.

¹² For the most part, the capital measure terms are defined in the following regulations: FDIC—12 CFR part 325, subpart B; Board of Governors of the Federal Reserve System—12 CFR part 208; Office of the Comptroller of the Currency—12 CFR part 6; Office of Thrift Supervision—12 CFR part 565.

¹³ The regulations implementing section 38 of the Federal Deposit Insurance Act and issued by the federal banking agencies generally provide that an insured depository institution is deemed to have been notified of its capital levels and its capital category as of the most recent date: (1) A Consolidated Report of Condition and Income or Thrift Financial Report is required to be filed with the appropriate federal banking agency; (2) A final report of examination is delivered to the institution; or (3) Written notice is provided by the appropriate federal banking agency to the institution of its capital category for purposes of section 38 of the Federal Deposit Insurance Act and implementing regulations or that the institution's capital category has changed. Provisions specifying the effective date of determination of capital category are generally published in the following regulations:

* * * * *

By order of the Board of Directors.

Dated at Washington, DC this 19th day of October 1993.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 93-26177 Filed 10-22-93; 8:45 am]

BILLING CODE 6714-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-ANE-42; Amendment 39-8693; AD 93-18-08]

Airworthiness Directives; Pratt & Whitney Canada JT15D Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to Pratt & Whitney Canada (PWC) JT15D-4B series turbofan engines, that currently requires initial and repetitive borescope inspections of the high pressure turbine (HPT) assembly and removal of the HPT assembly if forward blade movement exists. This amendment includes the initial and repetitive borescope inspection requirements of the existing AD, but also extends its effectivity to include all PWC JT15D-1, -1A, -1B, -4, -4B, -4C, and -4D series engines. This amendment also requires the incorporation of a new or reworked HPT stator assembly and new HPT blade retention rivets as terminating actions to the inspection program. This amendment is prompted by reports of two recent contained HPT blade failures that occurred on PWC JT15D-4D series engines. The actions specified by this AD are intended to prevent an HPT assembly failure, and an inflight engine shutdown or loss of engine power.

DATES: Effective November 24, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 24, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Pratt & Whitney Canada, Box 10, Longueuil, Quebec, Canada J4K 4X9.

FDIC—12 CFR 325.102. Board of Governors of the Federal Reserve System—12 CFR 208.32. Office of the Comptroller of the Currency—12 CFR 6.3. Office of Thrift Supervision—12 CFR 565.3.

This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Richard Woldan, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7136; fax (617) 238-7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 91-06-01, Amendment 39-6911 (56 FR 7802, February 26, 1991), which is applicable to Pratt & Whitney Canada (PWC) JT15D-4B series engines, was published in the Federal Register on June 18, 1992 (57 FR 27195). That action proposed to require initial and repetitive borescope inspections of the high pressure turbine (HPT) assembly on all PWC JT15D-1, -1A, -1B, -4, -4B, -4C, and -4D series engines. That action also proposed to require the incorporation of a new or re-worked HPT stator assembly and new HPT blade retention rivets as terminating actions to the inspection program.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comment received.

The commenter agrees with the rule as proposed.

Since publication of the NPRM, PWC has issued Service Bulletin (SB) No. JT15D 72-7297, Revision 1, dated May 25, 1991; PWC SB JT15D 72-7296, Revision 3, dated October 18, 1991; and PWC SB JT15D 72-7307, Revision 2, dated December 19, 1991. The AD has been changed accordingly to reference these new SB revisions. For the purpose of this AD, accomplishment of the actions described in earlier revisions of these SB's constitutes accomplishment of the actions described in the SB's referenced in this final rule.

The NPRM proposed to require borescope inspections in accordance with procedures described in the Temporary Revisions to the applicable maintenance manuals. This final rule incorporates the borescope inspection procedures described in those Temporary Revisions to the applicable maintenance manuals into Appendix 1 of this AD.

In addition, there was a typographical error in paragraph (a)(1)(iv) of the NPRM that mistakenly required removal from service of HPT assemblies with

evidence of forward blade movement in excess of the 0.020 inch limit. The correct value is 0.020 inch, and this final rule has been changed accordingly.

After careful review of the available data, including the comment noted above, the Federal Aviation Administration (FAA) has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 1,400 PWC JT15D-1, -1A, -1B, and -4 engines and 1,700 PWC JT15D-4B, -4C, -4D engines are installed on aircraft of U.S. registry, that it will take approximately 4 work hours per engine to accomplish the inspection requirements of this AD, and 11 work hours per engine to incorporate the HPT blade retention rivets. An additional 8 work hours per engine is required to incorporate the new or reworked HPT stator on approximately 1,700 affected PWC JT15D-4B, -4C, and -4D engines. The average labor rate is \$55 per work hour. The total material cost will be approximately \$50 per engine for new rivets on all engines. There is no additional parts cost due to the new or reworked HPT stator. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$3,460,500. The manufacturer has advised the FAA that it may reimburse operators for some labor and material costs, thereby reducing the economic impact on U.S. operators.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39-6911 (56 FR 7802, February 26, 1991) and by adding a new airworthiness directive, Amendment 39-8693, to read as follows:

93-18-08 Pratt & Whitney Canada:

Amendment 39-8693. Docket 91-ANE-42. Supersedes AD 91-06-01, Amendment 39-6911.

Applicability: Pratt & Whitney Canada (PWC) Model JT15D-1, -1A, -1B, -4, -4B, -4C, and -4D series turbofan engines installed on but not limited to Cessna Citation I, Citation II/SII and Citation 500, Aerospatiale Corvette, Mitsubishi Diamond 1/1A and Agusta S211 aircraft.

Compliance: Required as indicated, unless accomplished previously.

To prevent a high pressure turbine (HPT) assembly failure, and an inflight engine shutdown or loss of engine power, accomplish the following:

(a) For PWC JT15D-4B, -4C, and -4D series engines for which the requirements of PWC Service Bulletin (SB) JT15D 72-7297, Revision 1, dated May 25, 1991, and either PWC SB JT15D 72-7296, Revision 3, dated October 18, 1991, or PWC SB JT15D 72-7307, Revision 2, dated December 19, 1991, have not been accomplished as of the effective date of this AD, accomplish the following:

(1) Borescope inspect the HPT assembly for HPT blade shift in accordance with the inspection requirements outlined in Appendix 1 of this AD, as follows:

Appendix 1

1. Inspect high pressure turbine (HPT) blades for evidence of blade shift using a 3 or 4 mm flexible borescope. Blade forward movement in excess of 0.020 inch is reason for removal of the HPT for repair.

2. Inspection with a 5 or 6 mm borescope has proven to be extremely difficult and is not recommended.

3. Borescope access is achieved by passing the borescope probe between the blades of the low pressure turbine (LPT) assembly. With the borescope in position, rotation of

the high pressure rotor via the accessory gearbox starter-generator driveshaft allows all HPT blades to be inspected. The extent of blade shift may be assessed by comparing with the HPT blade serration to serration pitch, which is 0.090 inch.

(i) Within 25 hours time in service (TIS) or 30 days after the effective date of this AD, whichever occurs first, for those engines which have accumulated on the effective date of this AD, greater than 275 hours TIS since the last inspection performed in accordance with AD 91-06-01, or since the last hot section inspection (HSI), or since new, if not previously inspected.

(ii) Prior to accumulating 300 hours TIS since the last inspection performed in accordance with AD 91-06-01, or since the last HSI, or since new if not previously inspected, for those engines which have accumulated on the effective date of this AD 275 hours or less TIS since the last inspection performed in accordance with AD 91-06-01 or since the last HSI, or since new, if not previously inspected.

(iii) Thereafter, reinspect the HPT assembly for HPT blade shift in accordance with Appendix 1 of this AD at intervals not to exceed 300 hours TIS since the last inspection.

(iv) Remove from service prior to further flight, and replace with a serviceable assembly those HPT assemblies with evidence of forward blade movement in excess of the 0.020 inch limit as provided in Appendix 1 of this AD. Serviceable assemblies include HPT assemblies removed from engines which have completed an HSI, or that portion of the HSI requiring deblading and re-riveting the turbine assembly in accordance with the applicable JT15D Maintenance Manuals.

(2) Incorporate high turbine (HT) blade retaining rivets in accordance with PWC SB

JT15D 72-7297, Revision 1, dated May 25, 1991, at the next shop visit when the engine is disassembled sufficiently to afford access to the HPT assembly.

(3) Incorporate the new or reworked HT stator assembly in accordance with applicable PWC SB JT15D 72-7307, Revision 2, dated December 19, 1991, or PWC SB JT15D 72-7296, Revision 3, dated October 18, 1991, at the next shop visit when the engine is disassembled sufficiently to afford access to the HPT assembly.

(4) Initial and repetitive borescope inspections performed in accordance with paragraphs (a)(1) of this AD are not required once the new HPT blade retention rivets and the new or reworked HT stator assembly are incorporated in accordance with paragraphs (a)(2) and (a)(3) of this AD.

(b) For PWC JT15D-1, -1A, -1B, and -4 series engines for which the requirements of PWC SB JT15D 72-7297, Revision 1, dated May 25, 1991, have not been accomplished as of the effective date of this AD, accomplish the following:

(1) Borescope inspect the HPT assembly within 300 hours TIS after the effective date of this AD for HPT blade shift in accordance with the inspection requirements outlined in Appendix 1 of this AD.

(i) Thereafter, reinspect at intervals not to exceed 300 hours TIS since last inspection.

(ii) Remove from service prior to further flight HPT assemblies that exhibit forward blade movement in accordance with paragraph (a)(1)(iv) of this AD.

(2) Incorporate HT blade retaining rivets in accordance with PWC SB JT15D 72-7297, Revision 1, dated May 25, 1991, at the next shop visit when the engine is disassembled sufficiently to afford access to the HPT assembly.

(3) Initial and repetitive borescope inspections in accordance with paragraph

(b)(1) of this AD are no longer required once the new HPT blade retention rivets are incorporated in accordance with paragraph (b)(2) of this AD.

(c) For the purpose of this AD, accomplishment of the actions described in the following earlier revisions of these SB's constitutes accomplishment of actions described in the current revisions of these SB's referenced in this final rule:

(1) PWC SB JT15D 72-7297, Original, dated December 18, 1990;

(2) PWC SB JT15D 72-7296, Revision 2, dated September 5, 1991; Revision 1, dated May 15, 1991; and Original, dated February 8, 1991;

(3) PWC SB JT15D 72-7307, Revision 1, dated October 18, 1991; and Original, dated May 15, 1991.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The inspections, replacement, and modification shall be done in accordance with the following service documents:

| Document No. | Pages | Issue | Date |
|---|-------|--------------|----------------|
| PWC SB JT15D 72-7297R1 Total pages: 8. | 1-8 | Rev. 1 | May 25, 1991. |
| PWC SB JT15D 72-7307R2 Total pages: 9. | 1-9 | Rev. 2 | Dec. 19, 1991. |
| PWC SB JT15D 72-7296R3 Total pages: 8. | 1-8 | Rev. 3 | Oct. 18, 1991. |

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Pratt & Whitney Canada, Box 10, Longueuil, Quebec, Canada J4K 4X9. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on November 24, 1993.

Issued in Burlington, Massachusetts, on September 16, 1993.

Mark C. Fulmer,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 93-26147 Filed 10-22-93; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 93-NM-29-AD; Amendment 39-8687; AD 93-18-02]

Airworthiness Directives; Airbus Industrie Model A320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Industrie Model A320 series airplanes, that requires modification of the nose landing gear (NLG) wheels. This amendment is prompted by reports of deteriorating NLG wheel bearings; such deterioration caused damage to the sliding tube/integral axle assembly of the NLG wheel. The actions specified by this AD are intended to prevent reduced directional control due to loss of the NLG wheel during taxiing or landing.

DATES: Effective November 24, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director

of the Federal Register as of November 24, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Stephen Slotte, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2797; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Airbus Industrie Model A320 series airplanes was published in the Federal Register on April 29, 1993 (58 FR 25954). That action proposed to require modification of the nose landing gear (NLG) wheels.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Several commenters support the rule as proposed.

One commenter requests that the applicability statement of the AD be revised from the proposed "Model A320-111, -211, and -231 series airplanes, as listed in Airbus Industrie Service Bulletin No. A320-32-1061, Revision 3, dated October 19, 1992" to "Model A320 series airplanes equipped with BFGoodrich NLG wheels part number 3-1470, on which Airbus Industrie Modification 22098 has not been accomplished." The commenter feels that the applicability statement as proposed in the notice is not clear and could confuse operators. The FAA does not concur with the commenter's request. The FAA considers that the effectivity listing of the service bulletin accurately describes which airplanes are currently known to be affected by the subject unsafe condition, and, thus, which airplanes are subject to this AD. The FAA notes that the phrase "unless accomplished previously" in the compliance section of the rule provides credit to any operator that has accomplished the modification prior to the effective date of this AD.

One commenter, the manufacturer of the NLG wheels, requests that the

compliance time for modification of the NLG wheels be extended from the proposed 4 months. The commenter states that, by establishing a compliance time of no sooner than February 15, 1994, all operators of Airbus Model A320 series airplanes would have sufficient time (during routine shop visits for tire change) to accomplish the modification. The commenter states that all operators, with the exception of one, are in the final stages of modifying the BFGoodrich NLG wheels. Since the commenter currently performs all maintenance of the NLG wheels for this lone operator, the bearings for these wheels would be closely inspected during the extended period prior to compliance, and any discrepant wheel would be readily detected. In addition, the commenter states that there is a problem with the availability of wheel spacers to modify all of the nose wheels for this lone operator within the proposed compliance time, and that it will take approximately six months from receipt of the wheel spacers to modify all of the NLG wheels. The FAA does not concur with the commenter's request to extend the compliance time. The FAA's policy is that specific calendar dates should be used to express compliance times only when engineering analysis establishes a direct relationship between that date and airworthiness. Additionally, in developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the availability of required parts and the practical aspect of accomplishing the required modification within a maximum interval of time allowable for all affected airplanes to continue to operate without compromising safety. The FAA notes, however, that, based on the effective date of this AD, the compliance time will fall close to February 15, 1994. Moreover, under the provisions of paragraph (b) of the final rule, the FAA may approve requests for adjustments to the compliance time if data is submitted that substantiates that such an adjustment would provide an acceptable level of safety.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 52 airplanes of U.S. registry will be affected by this AD, that it will take approximately 5 work hours per airplane to accomplish the required actions, and that the average labor rate is \$55 per work hour. Based on these figures, the total cost

impact of the AD on U.S. operators is estimated to be \$14,300, or \$275 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

93-18-02 Airbus Industrie: Amendment 39-8687. Docket 93-NM-29-AD.

Applicability: Model A320-111, -211, and -231 series airplanes, as listed in Airbus Industrie Service Bulletin No. A320-32-1061, Revision 3, dated October 19, 1992; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced directional control due to loss of the nose landing gear wheel during taxiing or landing, accomplish the following:

(a) Within 4 months after the effective date of this AD, modify the nose landing gear wheels in accordance with Airbus Industrie Service Bulletin No. A320-32-1061, Revision 3, dated October 19, 1992.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The modification shall be done in accordance with Airbus Industrie Service Bulletin No. A320-32-1061, Revision 3, dated October 19, 1992, which contains the following list of effective pages:

| Page No. | Revision level shown on page | Date shown on page |
|-----------|------------------------------|--------------------|
| 1-4 | 3 | October 19, 1992. |
| 5-7 | 1 | June 10, 1991. |

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on November 24, 1993.

Issued in Renton, Washington, on September 8, 1993.

David G. Hmiel,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-26148 Filed 10-22-93; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 93-NM-157-AD; Amendment 39-8702; AD 92-16-12 R1]

Airworthiness Directives; British Aerospace Model DH/BH/HS/BAe 125 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to certain British Aerospace Model DH/BH/HS/BAe 125 series airplanes, that currently requires the installation of fluid vent masts on the undercarriage fairing. The actions specified in that AD are intended to prevent a fire in the tail cone. This amendment revises the applicability of the rule to specify which series of airplanes are affected by the AD, and includes reference to a later revision of the applicable service bulletin as an additional source of appropriate service information.

DATES: Effective September 28, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 28, 1992 (57 FR 38266, August 24, 1992).

The incorporation by reference of certain other publications listed in the regulations is approved by the Director of the Federal Register as of September 28, 1992 (57 FR 38266, August 24 1992).

The incorporation by reference of certain other publications listed in the regulations is approved by the Director of the Federal Register as of October 25, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer,

Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2148; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: On July 14, 1992, the FAA issued AD 92-16-12, Amendment 39-8321 (57 FR 38266, August 24, 1992), applicable to British Aerospace Model DH/BH/HS/BAe 125 series airplanes, to require the installation of fluid vent masts on the undercarriage fairing. That amendment was prompted by reports indicating that fluid leaking from the overboard drains under the wing can stream back along the outside of the fuselage and re-enter the fuselage tail cone. The actions specified by that AD are intended to prevent a fire in the tail cone.

Since the issuance of that AD, the FAA has received several questions concerning the applicability of the rule. Operators have indicated confusion as to whether the rule is applicable to the newer models in the Model 125 series, namely Model 125-1000 and Model 125-800 series airplanes.

Apparently, during the time of the previous rulemaking action, British Aerospace had released a revision to the service bulletin referenced in AD 92-16-12 that changed the airplane effectivity listing (and included some additional set-up procedures in certain of the accomplishment instructions): Revision 1 to British Aerospace Service Bulletin SB.53-74-3193C&D, dated March 12, 1992, specifies that affected airplanes include "all Model 125 series, up to, and including Model 125-800 series, equipped with a long range ventral tank or baggage pannier (pre-Mod 253193B, production embodiment of drain masts); and all series without a long range ventral tank (pre-Mod 255640) and pre-Mod 253193B." In effect, the revised effectivity listing excludes the Model 125-1000 series, and specifies that the Model 125-800 series is indeed affected. The Civil Aviation Authority of the United Kingdom classified this revised service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

This airplane model is manufactured in United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since confusion exists as to which airplanes are applicable to a rule that requires corrective action to address the unsafe condition presented by a potential fire in the tail cone, the FAA

has determined that AD 92-16-12 must be revised to clarify its applicability to exclude airplanes that are not affected by the addressed unsafe condition. This amendment revises the applicability statement of AD 92-16-12 by including a reference to the effectivity listing of the revised British Aerospace service bulletin, discussed previously. A note has been added to the applicability statement to specify that Model BAe 125-1000A airplanes are not affected by the AD.

This action also revises paragraph (a) of the rule by adding the revised British Aerospace service bulletin as an optional source of appropriate service information.

The effective date of the rule remains September 28, 1992.

The final rule is being reprinted in its entirety for the convenience of affected operators.

Since this action only clarifies the applicability of a rule to exclude certain airplanes and includes an optional service information source, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-8321 (57 FR 38266, August 24, 1994), and by adding a new airworthiness directive (AD), amendment 39-8702, to read as follows:

92-16-12 R1 British Aerospace: Amendment 39-8702. Docket 93-NM-157-AD. Revises AD 92-16-12, Amendment 39-8321.

Applicability: Model DH/BH/HS/BAe 125 series airplanes, as listed in British Aerospace Service Bulletin SB.53-74-3193C&D, Revision 1, dated March 12, 1992; certificated in any category.

Note 1: Model BAe 125-1000A airplanes are not affected by this AD.

Compliance: Required within 4 months after the effective date of this AD, unless accomplished previously.

To prevent fire in the tail cone, accomplish the following:

(a) Install fluid vent masts on the undercarriage fairing, and plug certain existing vent holes, in accordance with British Aerospace Service Bulletin SB.53-74-3193C&D, dated January 7, 1992; or Revision 1, dated March 12, 1992.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The installation shall be done in accordance with British Aerospace Service Bulletin SB.53-74-3193C&D, dated January 7, 1992; or British Aerospace Service Bulletin SB.53-74-3193C&D, Revision 1, dated March 12, 1992. (The issuance date of Revision 1 of this service bulletin appears only on page 1 of the document.) The incorporation by reference of the former service bulletin was approved previously by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, as of September 28, 1992 (57 FR 38266, August 24, 1992). The incorporation by reference of the latter service bulletin was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment is effective on September 28, 1992.

Issued in Renton, Washington, on September 27, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-26149 Filed 10-22-93; 8:45 am]

BALLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 92-NM-179-AD; Amendment 39-8703; AD 93-19-05]

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all Boeing Model 767 series airplanes, that currently requires functional checks of the leading edge slat shutoff valve, the trailing edge flap drive bypass valve, the leading edge slat long term shutoff control, and the leading edge slat drive mechanical rigging. This amendment adds repetitive functional checks of the leading edge slat long term shutoff control and the leading edge slat drive mechanical rigging; requires installation of terminating modifications for the functional checks; and limits the applicability of the rule. The actions specified by this AD are intended to prevent uncommanded deployment of the leading edge slats, which could result in structural damage to the wing and consequent degradation of flight control.

DATES: Effective November 24, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 24, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: David Herron, Aerospace Engineer, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM-130S, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2672; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 89-26-04, Amendment 39-6423 (54 FR 51195, December 13, 1989), which is applicable to all Boeing Model 767 series airplanes, was published in the

Federal Register on May 3, 1993 (58 FR 26074). The action proposed to add repetitive functional checks of the leading edge slat long term shutoff control and the leading edge slat drive mechanical rigging; require installation of terminating modifications for the functional checks; and limit the applicability of the rule only to airplanes having line numbers 001 through 402.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the proposal.

One commenter, the airframe manufacturer, requests that the currently required repetitive interval of 400 hours time-in-service for the functional checks of the leading edge slat shutoff valve and the trailing edge flap drive bypass valve be extended to 4,000 flight hours. This commenter submitted empirical data indicating that a 4,000-hour check interval will provide an acceptable level of safety. Additionally, such extension will allow this check to be conducted concurrently with the proposed functional checks of the leading edge slat long term shutoff control and the leading edge inboard and outboard slat drive mechanical rigging, and thus minimize the burden on affected operators. The FAA concurs with the commenter's request. The FAA considers that, once the initial inspections are completed, the probability of the event occurring (uncommanded deployment or inoperative components) is not greater or lesser whether the inspection is repeated at 400 hours or 4,000 hours; a shorter inspection interval will not serve to limit or prevent the event from occurring any more than a longer inspection interval. In light of this, the FAA finds nothing to warrant the additional economic burden of the shorter inspection interval. Additionally, the FAA finds no reason to support why the functional check of the leading edge slat shutoff valve and the trailing edge flap drive bypass valve should be conducted any more frequently than the functional check of the leading edge slat long term shutoff control and the leading edge inboard and outboard slat drive mechanical rigging. The final rule has been revised to change the repetitive interval for the checks of the leading edge slat shutoff valve and the trailing edge flap drive bypass valve to 4,000 hours time-in-service as of the effective date of the rule.

One commenter requests that the compliance time for installing the terminating modifications be extended from the proposed 12,000 flight hours to 16,000 flight hours. By extending the compliance time, operators can avoid special scheduling outside of normal maintenance service intervals. The FAA does not concur with the commenter's request. In developing an appropriate compliance time for this action, the FAA considered the safety implications, parts availability, and normal maintenance schedules for timely accomplishment of the modifications. In consideration of these items, the FAA has determined that 12,000 flight hours represents the maximum interval of time allowable wherein the modifications can reasonably be accomplished by the affected fleet and an acceptable level of safety can be maintained. Further, based on average utilization rates of the U.S. fleet, the FAA finds that 12,000 flight hours equals approximately 3 years for most affected operators. During that time period, most operators would have scheduled at least two to three heavy maintenance services for the subject airplanes; operators could schedule the installation of the modifications during one of these services, and thereby avoid any additional costs associated with special airplane scheduling. However, under the provisions of paragraph (g) of the final rule, the FAA may approve requests for adjustments to the compliance time if data is submitted to substantiate that such an adjustment would provide an acceptable level of safety.

One commenter requests that the proposed rule be revised to give "credit" to operators that have used earlier versions of the cited service bulletin to accomplish work previously. The commenter indicates that allowing such "credit" would prevent unnecessary rework and/or documentation changes on the part of operators. The FAA concurs. A note has been added to the final rule to indicate that any work done previous to the effective date of the rule in accordance with earlier versions of the referenced service bulletin is considered to be in compliance with the rule.

Several commenters request that the FAA not make the terminating modifications mandatory. These commenters request that terminating action be optional instead, and that operators be allowed to continue indefinitely with the repetitive functional checks. These commenters consider that an adequate level of safety can be maintained by the currently required repetitive checks. One

commenter points out that, although there has been one failure that has occurred since issuance of the AD 89-26-04, there have been at least 1.5 million flights without incident since the effective date of that AD; this indicates that the functional checks are sufficient for maintaining continued operational safety. One commenter notes that, since the proposed checks would be conducted at 4,000-flight hour intervals, it is difficult to justify the expense of the terminating action, considering the lack of economic burden associated with performing the checks. Finally, these commenters note that, based on the recommendations of the Airworthiness Assurance Task Force (AATF), indefinite continuation of inspections/checks should be permitted, in lieu of mandatory terminating action, if (1) the area is easily accessible, (2) the problem is easily detectable, and (3) the consequences of the problem are not likely to be catastrophic. These commenters believe that these criteria should be applied to the proposed AD action as well.

The FAA does not concur with the commenters' request. It is first important to point out that the task of the AATF is to deal specifically with structural issues of aging airplanes, especially those issues relative to fatigue cracking and corrosion—how to detect it and effectively deal with it. Further, there are important differences to consider in reviewing structure and systems:

1. Most primary structure is designed with a fail-safe concept that provides a "window of opportunity" that will ensure continued operation even if the primary structure fails. However, such a fail-safe provision does not always exist with systems.

2. Inspection of structure can identify a problem, such as fatigue cracking, in an early stage, and corrective action then can be taken not only to prevent that crack growth, but to prevent cracking from occurring in other areas. Inspection of systems, however, only limits the likelihood of the unwanted event from occurring during the interval of exposure (that is, the interval between inspections); inspections do not prevent the event from occurring, however.

It was for these reasons that the FAA-sponsored Systems Review Task Force (SRTF) did not recommend the same criteria as the AATF relative to the issue of allowing indefinite inspections in lieu of terminating modifications. The modifications required by this AD action are in consonance with the position taken by the SRTF.

In light of this discussion, and the fact that other problems have occurred recently in other transport category airplanes to highlight the adverse effect on airworthiness that occurs when high lift devices inadvertently deploy, the FAA has determined that continued operational safety will be better assured by actual modification of the subject components to remove the source of the problem, rather than by repetitive checks.

One commenter notes that the word "Alert" should be dropped from the references to Boeing Service Bulletins 767-27-0096 and 767-27-0108, since these documents were not issued as "alert service bulletins." The FAA concurs and has changed the references to these service bulletins in the final rule accordingly.

This commenter also notes that, in the preamble to the notice, one of the terminating design modifications contained in Boeing Alert Service Bulletin 767-27-0108 was described as "a modified flap/slat electronic unit (FSEU) to monitor new equipment and to initiate a maintenance level message, 'SLAT ISLN VAL,' if the slat shutoff valve does not operate properly." This commenter requests that the proposed rule not make the "SLAT ISLN VAL" message mandatory. The commenter states that this message is not supported by all versions of the engine indication and crew alerting system (EICAS) computer installed on the affected airplanes; it is a fault isolation aid only. This commenter indicates that, when the modifications specified in Boeing Service Bulletin 767-27-018 are installed, a failure of the slat shutoff valve will result in the display of the maintenance level EICAS message, "FLAP/SLAT ELEC;" this message is a no-dispatch message, requiring corrective action. The FAA concurs, and acknowledges that the description of the subject modification in the preamble to the notice may have been misleading. It was not the FAA's intent to require that airplanes with certain EICAS equipment be modified to enable the use of the "SLAT ISLN VAL" maintenance message. However, it is the FAA's intent to require the enablement of the "FLAP/SLAT ELEC" message, which is implemented when the modifications described in the referenced service bulletin are installed. No change to the final rule itself is necessary to clarify this item, however.

Several commenters state that the economic impact information contained in the preamble to the notice grossly underestimated the cost of the required modifications. These commenters indicate that, although the airframe

manufacturer has stated that the modification kits will cost \$4,000 per airplane and will require 60 work hours to install, the actual costs will include additional work hours and modifications that must be accomplished prior to installing the required kits. The commenters estimate that the full cost of accomplishing the modification requirements of the proposed rule actually could range between \$14,827 and \$21,087 per airplane. The FAA concurs that some adjustment of the applicable cost information is necessary. The commenters are correct in pointing out that the installation of the proposed terminating modifications can be accomplished only if other work is performed previously. This "pre-work" is described in several Boeing and Shimadazu service bulletins and entails installation of new and modified parts on the airplane, modification of the airplane itself, and shop modification of components. The work hours required to perform this pre-work range from 2 to 12, and costs of pre-work modification kits range from \$580 to \$6,827 per airplane. In light of this, the economic impact information, below, has been revised to include the additional costs of the pre-work associated with the required modifications. The FAA does not consider that this revised estimate significantly increases the economic burden on affected operators, in consideration of the consequences of the unsafe condition being addressed. The specified 12,000-flight hour compliance time for installing the required modifications should allow ample time for the installation to be accomplished coincidentally with scheduled major airplane inspection and maintenance activities, thereby minimizing the costs associated with special airplane scheduling.

The formatting of the final rule has been revised for clarity.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 402 Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 143 airplanes of U.S. registry will be affected by this AD.

The functional checks that are currently required by AD 89-26-04 require approximately 6 work hours to accomplish, at an average labor charge

of \$55 per work hour. Based on these figures, the total cost impact of the functional checks required by the previously issued AD on U.S. operators is estimated to be \$47,190, or \$330 per airplane, per cycle. Since this new AD action requires that these functional checks be repeated less frequently, the associated economic burden on affected operators is reduced.

The functional check procedures that are added by this new AD action will require approximately 6 work hours to accomplish, at an average labor charge of \$55 per work hour. Based on these figures, the total cost impact of the functional checks added by this new AD on U.S. operators is estimated to be \$47,190, or \$330 per airplane, per cycle.

The terminating modification procedures that are added by this new AD action will require 62 work hours to install the pressure switch and to replace the rotary variable differential transformer (RVDT) and the flap/slat electronic unit (FSEU), and 2 work hours to replace the bypass valve motor. The average labor charge is \$55 per work hour. Required parts will cost approximately \$4,200 per airplane. Based on these figures, the total cost impact of the modification requirements of this AD on U.S. operators is estimated to be \$1,103,960, or \$7,720 per airplane.

The total cost figures discussed above assume that no operator has yet accomplished any of the actions required by this AD.

Operators should note that the Boeing service bulletins containing procedures for installing the terminating modifications required by this AD also refer to additional work that must be accomplished prior to installing those modifications. Therefore, it may be necessary for some affected operators first to accomplish certain procedures (which entail installation of new and modified parts on the airplane, modification of the airplane itself, and shop modification of components) that are described in the following service bulletins:

| Service bulletin | Number of work hours | Parts cost |
|---|----------------------|------------|
| Boeing (Shop) Service Bulletin 285T0049-27-06 | 12 | \$580 |
| Boeing Service Bulletin 767-27-0058 | 6 | 911 |
| Shimadazu Service Bulletins 732-18550-27-3 and 732-18600-27-1 | 7.5 | 6,287 |
| Total | 25.5 | 7,778 |

In light of this information, the additional costs associated with installing the required terminating modifications could entail as much as 25.5 additional work hours at a labor charge of \$55 per work hour, and \$7,778 in additional required parts, for some operators. Based on these figures, the total cost of additional work that may be required of some operators is estimated to be \$9,180.50 per airplane. Some or all of this work may have been accomplished previously on some airplanes, but the FAA is unable to ascertain at this time specifically which airplanes those are.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

\$39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-6423 (54 FR

51195, December 13, 1989), and by adding a new airworthiness directive (AD), to read as follows:

93-19-05 Boeing: Docket 92-NM-179-AD. Supersedes AD 89-26-04, Amendment 39-6423.

Applicability: Model 767 series airplanes, line positions 001 through 402, inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

Note 1: Paragraph (a) of this AD restates the requirements of paragraph B. of AD 89-26-04. As allowed by the phrase, "unless accomplished previously," if the requirements of paragraph B. of AD 89-26-04 have been accomplished previously, paragraph (a) of this AD does not require that they be repeated.

To prevent uncommanded deployment of the slats and to ensure trailing edge flap shutdown protection and trailing edge flap alternate mode availability, accomplish the following:

(a) Within the next 25 days after December 27, 1989 (the effective date of AD 89-26-04, amendment 39-6423), conduct a functional check of the leading edge slat long term shutoff control and the leading edge inboard and outboard slat drive mechanical rigging in accordance with Boeing Alert Service Bulletin 767-27A0094, dated September 28, 1989.

(b) Within the next 25 days after December 27, 1989, conduct a functional check of the leading edge slat shutoff valve and the trailing edge flap drive bypass valve in accordance with Boeing Alert Service Bulletin 767-27A0094, dated September 28, 1989; or Revision 4, dated October 22, 1992. Repeat this functional check thereafter at intervals not to exceed 400 landings until the functional check required by paragraph (c) of this AD is accomplished.

Note 2: Accomplishment of the functional check prior to the effective date of this AD in accordance with any revision of Boeing Alert Service Bulletin 767-27A0094 prior to Revision 4, dated October 22, 1992, is considered acceptable for purposes of compliance with this paragraph.

(c) Within 4,000 hours time-in-service after the last functional check performed in accordance with paragraph (b) of this AD, conduct a functional check of the leading edge slat shutoff valve and the trailing edge flap drive bypass valve in accordance with Boeing Alert Service Bulletin 767-27A0094, Revision 4, dated October 22, 1992. Accomplishment of this functional check terminates the repetitive functional check requirements of paragraph (b) of this AD. Repeat this functional check thereafter at intervals not to exceed 4,000 hours time-in-service.

(d) Within 4,000 flight hours after the effective date of this AD, conduct a functional check of the leading edge slat long term shutoff control and the leading edge inboard and outboard slat drive mechanical rigging, in accordance with Boeing Alert Service Bulletin 767-27A0094, Revision 4, dated October 22, 1992. Repeat this functional check thereafter at intervals not to exceed 4,000 hours time-in-service.

(e) If any failed parts are detected by the functional checks required by paragraphs (a), (b), (c), or (d) of this AD, prior to further flight, replace the failed part in accordance with the Boeing 767 Maintenance Manual.

(f) Within 12,000 flight hours after the effective date of this AD, accomplish the requirements of paragraphs (f)(1) and (f)(2) of this AD. Accomplishment of these requirements constitutes terminating action for the repetitive functional checks required by paragraphs (b), (c), and (d) of this AD.

(1) Install a pressure switch and replace the rotary variable differential transformer (RVDT) and the flap/slat electronic unit (FSEU) in accordance with Boeing Service Bulletin 767-27-0108, Revision 1, October 1, 1992.

(2) Replace the bypass valve motor (trailing edge flaps, control valve module) in accordance with Boeing Service Bulletin 767-27-0096, dated April 23, 1992.

(g) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(h) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(i) The functional checks shall be done in accordance with Boeing Alert Service Bulletin 767-27A0094, dated September 28, 1989; and Boeing Alert Service Bulletin 767-27A0094, Revision 4, dated October 22, 1992. The modifications shall be done in accordance with Boeing Service Bulletin 767-27-0108, Revision 1, October 1, 1992; and Boeing Service Bulletin 767-27-0096, dated April 23, 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(j) This amendment becomes effective on November 24, 1993.

Issued in Renton, Washington, on September 27, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-26109 Filed 10-22-93; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 93-NM-155-AD; Amendment 39-8701; AD 93-18-01]

Airworthiness Directives; Jetstream Model 4101 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the Federal Register an amendment adopting Airworthiness Directive (AD) 93-18-01 that was sent previously to all known U.S. owners and operators of Jetstream Model 4101 series airplanes by individual letters. This AD requires repetitive visual inspections of the aileron trim tab hinge pins for proper location and lock peening, and locking the hinge pins of the trim tabs by a more positive method, if necessary. This amendment is prompted by a report indicating that the aileron trim tab hinge pin (wire) had migrated inboard, out of the tab hinge on one airplane. The actions specified by this AD are intended to prevent the migration of the aileron trim tab hinge pins out of the hinge, which could impede the movement of the aileron control system and cause reduced controllability of the airplane.

DATES: Effective November 9, 1993, to all persons except those persons to whom it was made immediately effective by priority letter AD 93-18-01, issued on September 7, 1993, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 9, 1993.

Comments for inclusion in the Rules Docket must be received on or before December 27, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 93-NM-155-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The applicable service information may be obtained from Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041-6029. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

William Schroedef, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2148; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: On September 7, 1993, the FAA issued priority letter AD 93-18-01, applicable to all Jetstream Model 4101 series airplanes, which requires repetitive visual inspections of the aileron trim tab hinge pins for proper location and lock peening, and locking the hinge pins of the trim tabs by a more positive method, if necessary. That action was prompted by a report indicating that the aileron trim tab hinge pin (wire) had migrated inboard, out of the tab hinge on one airplane. Migration of the hinge pin was caused by improper lock peening of the ends of the hinge pin to retain it in the hinge. If the hinge pin were to migrate far enough out of the hinge, it could impede the movement of the aileron control system. This condition, if not corrected, could result in reduced controllability of the airplane.

Jetstream Aircraft Limited has issued Alert Service Bulletin J41-A27-020, dated August 13, 1993, which describes procedures for visual inspections of the hinge pins of the left and right aileron trim tabs to determine if the hinge pin has moved out of the hinge and if the ends of the pin are properly peen locked. The service bulletin also describes procedures for locking the hinge pins of the trim tabs by a more positive method. The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, classified this service bulletin as mandatory.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design registered in the United States, the FAA issued priority letter AD 93-18-01 to prevent the migration of the aileron trim tab hinge pins out of the hinge, which

could impede the movement of the aileron control system and cause reduced controllability of the airplane. The AD requires repetitive visual inspections of the aileron trim tab hinge pins for proper location and lock peening, and locking the hinge pins of the trim tabs by a more positive method, if necessary. The actions are required to be accomplished in accordance with the service bulletin previously described.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on September 7, 1993, to all known U.S. owners and operators of Jetstream Model 4101 series airplanes. These conditions still exist, and the AD is hereby published in the Federal Register as an amendment to § 39.13 of part 39 of the Federal Aviation Regulations (FAR) to make it effective as to all persons.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption "ADDRESSES." All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped

postcard on which the following statement is made: "Comments to Docket Number 93-NM-155-AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

93-18-01 Jetstream Aircraft Limited: Amendment 39-8701. Docket 93-NM-155-AD.

Applicability: All Model 4101 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent the migration of the aileron trim tab hinge pins out of the hinge, which could impede the movement of the aileron control system and cause reduced controllability of the airplane, accomplish the following:

(a) Within 25 hours time-in-service after the effective date of this AD, conduct a visual inspection of the inboard and outboard ends of the hinge pin (wire) of the trim tab on the aileron to determine if the pin has moved or can be moved out of the hinge, in accordance with "Part 1—Initial Inspection Left and Right," of the Accomplishment Instructions of Jetstream Alert Service Bulletin J41-A27-020, dated August 13, 1993.

(b) If the pin has moved, or if the pin moves out of the hinge when the end of the wire is tapped, prior to further flight, accomplish the corrective procedures specified in "Part 3, Rectification, Left and Right," of the Accomplishment Instructions of Jetstream Alert Service Bulletin J41-A27-020, dated August 13, 1993. After accomplishment of this corrective action, no further action is required by this AD.

(c) If the pin is correctly positioned, within 50 hours time-in-service, conduct a visual inspection of the inboard and outboard ends of the hinge pin (wire) of the trim tab on the aileron to assure reliability, in accordance with "Part 2—Repeat Inspection Left and Right," of the Accomplishment Instructions of Jetstream Alert Service Bulletin J41-A27-020, dated August 13, 1993.

(1) If the pin is correctly positioned, no further action is required by this AD.

(2) If the pin has moved, or if the pin moves out of the hinge when the end of the wire is tapped, prior to further flight, accomplish the corrective procedures specified in "Part 3—Rectification, Left and Right," of the Accomplishment Instructions of the service bulletin. After accomplishment of this corrective action, no further action is required by this AD.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The inspections and corrective procedures shall be done in accordance with Jetstream Alert Service Bulletin J41-A27-020, dated August 13, 1993. This incorporation by reference was approved by

the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041-6029. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on November 9, 1993, to all persons except those persons to whom it was made immediately effective by priority letter AD 93-18-01, issued on September 7, 1993, which contained the requirements of this amendment.

Issued in Renton, Washington, on September 27, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-26111 Filed 10-22-93; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 93-NM-05-AD; Amendment 39-8672; AD 93-17-02]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, that currently requires repetitive inspections of the wing main tank float switch electrical conduits for trapped water, and removal of the water, if found. This amendment requires installation of grease in the interior of the float switch conduits, which terminates the requirement for repetitive inspections of the conduits. This action also expands the applicability of the rule. This amendment is prompted by the development of a modification that precludes the possibility for water to accumulate in the conduits. The actions specified by this AD are intended to prevent fuel leakage from the wing main tanks, which could propagate down the wing leading edge cavity, onto the respective engine tail pipe, and cause an external fire under the wing.

DATES: Effective November 24, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 24, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane

Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC. **FOR FURTHER INFORMATION CONTACT:** Stephen Bray, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2681; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 91-20-11, Amendment 39-8045 (58 FR 50042, October 3, 1991), which is applicable to certain Model 737 series airplanes, was published in the Federal Register on March 4, 1993 (58 FR 12347). The action proposed to require installation of grease in the interior of the float switch conduits, which terminates the requirement for repetitive inspections of the conduits. The action also proposed to expand the applicability of the rule.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the proposed rule.

Several commenters request that the proposed requirement to install grease in the conduits terminate the proposed inspections in paragraph (b) of the proposal. Paragraph (c) of the proposal indicates that installation of the grease only terminates the inspections in paragraph (a) of the proposal. The FAA concurs. The inspections required by paragraph (b) are identical to those required by paragraph (a). In fact, the intent of paragraph (b) is merely to add airplanes to the existing AD; therefore, paragraph (b) merely restates the inspection requirements of paragraph (a) of the existing rule, but applies them to the additional airplanes. Installation of the grease in the conduit constitutes terminating action for the inspection requirements of both paragraphs (a) and (b). The FAA has revised paragraph (c) of the final rule to specify this.

One commenter requests that the final rule be revised to permit the installation of various other types of grease as terminating action for the proposed repetitive inspections. The FAA concurs. The service letter, referenced in the final rule as the appropriate

source of service information, specifies MIL-G-27617, Type I, grease as the appropriate type of grease to install in the conduits. However, since issuance of the proposal, FAA has reviewed and approved Boeing Service Letter 737-SL-28-42-a, dated July 15, 1993, that describes procedures for the installation of Types I, II, III, and IV of MIL-G-27617 grease in the interior of the float switch conduits. Therefore, paragraph (c) of the final rule has been revised to reference this service letter as an additional source of service information.

One commenter requests that the final rule be revised to permit operators to use other suppliers of the required grease in addition to Braycote, which is the supplier specified in the service letter referenced in the proposal. The FAA does not concur that revision of the rule is necessary. Although the service letter references Braycote as a supplier for obtaining the subject grease, it does not specify Braycote as the sole source for obtaining this grease. Further, the AD does not require the installation of only Braycote grease.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 2,132 Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 799 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the required actions, and that the average labor rate is \$55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$131,835, or \$165 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule"

under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-8045 (58 FR 50042, October 3, 1991), and by adding a new airworthiness directive (AD), amendment 39-8672, to read as follows:

93-17-02 Boeing: Amendment 39-8672.

Docket 93-NM-05-AD. Supersedes AD 91-20-11, Amendment 39-8045.

Applicability: Model 737-300, -400, and -500 series airplanes, line positions through 2428, inclusive; and Model 737-200 series airplanes, equipped with DC powered fuel tank float switches; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the wing main tank float switch electrical conduits and subsequent fuel leakage resulting in an engine tail pipe fire, accomplish the following:

(a) For airplanes listed in Boeing Service Letter 737-SL-28-36, dated November 30, 1990: Within 90 days after November 7, 1991 (the effective date of AD 91-20-11, Amendment 39-8045), and thereafter at intervals not to exceed 1,500 flight hours, perform an inspection of the wing main tank float switch electrical conduits for fuel leakage and condensation build-up, in accordance with Boeing Service Letter 737-SL-82-36, dated November 30, 1990. If evidence of fuel leakage and/or water condensation is found while performing the initial or repetitive inspections, prior to further flight, purge and install a new vapor

seal assembly in accordance with the Boeing service letter.

Note 1: The installation of a new vapor seal assembly does not terminate the requirement for the 1,500 flight hour repetitive inspection.

(b) For airplanes listed in Boeing Service Letter 737-SL-28-42, dated December 15, 1992, that are not subject to paragraph (a) of this AD: Within 90 days after the effective date of this AD, and thereafter at intervals not to exceed 1,500 flight hours, perform an inspection of the wing main tank float switch electrical conduits for fuel leakage and condensation build-up, in accordance with Boeing Service Letter 737-LS-28-36, dated November 30, 1990. If evidence of fuel leakage and/or water condensation is found while performing the initial or repetitive inspections, prior to further flight, purge and install a new vapor seal assembly in accordance with the Boeing service letter.

Note 2: The installation of a new vapor seal assembly does not terminate the requirement for the 1,500 flight hour repetitive inspection.

(c) Within 3 years after the effective date of this AD, install grease in the interior of the wing main tank float switch electrical conduits in accordance with Boeing Service Letter 737-SL-28-42, dated December 15, 1992, or 737-SL-28-42-A, dated July 15, 1993. Installation of grease in the conduits constitutes terminating action for the inspections required by paragraphs (a) and (b) of this AD.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The inspections shall be done in accordance with Boeing Service Letter 737-SL-28-36, dated November 30, 1990. The installation shall be done in accordance with Boeing Service Letter 737-SL-28-42, dated December 15, 1992, or Boeing Service Letter 737-SL-28-42-A, dated July 15, 1993. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on November 24, 1993.

Issued in Renton, Washington, on August 20, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-26112 Filed 10-22-93; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 92-NM-208-AD; Amendment 39-8681; AD 93-17-10]

Airworthiness Directives; Lockheed Model L-1011-385 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Model L-1011-385 series airplanes, that requires inspections of certain areas of the rear spar caps, web, skin and certain fastener holes; and repair of any confirmed crack findings. This amendment is prompted by reports of fatigue cracks in the caps of the wing rear spar inboard of inner wing station (IWS) 346. The actions specified by this AD are intended to prevent rupture of the rear spar, which could result in extensive damage to the wing and fuel spillage.

DATES: Effective November 24, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 24, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Lockheed Western Export Company (LWEC), Dept. 693, Zone 0755, 86 South Cobb Drive, Marietta, Georgia 30063. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, suite 210C, 1669 Phoenix Parkway, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Thomas Peters, Aerospace Engineer, Flight Test Branch, ACE-160A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, suite 210C, 1669 Phoenix Parkway, Atlanta, Georgia 30349; telephone (404) 991-3915; fax (404) 991-3606.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal

Aviation Regulations to include an airworthiness directive (AD) that is applicable to all Model L-1011-385 series airplanes was published in the Federal Register on December 4, 1992 (57 FR 57395). That action proposed to require (1) repetitive x-ray inspections of certain areas of the rear spar caps, web, and skin between inner wing stations (IWS) 231 and 343; (2) repetitive ultrasonic inspections of a certain fastener hole inboard of IWS 346; (3) eddy current inspections, if necessary; and (4) repair of any confirmed crack findings.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the proposed rule.

One commenter points out that the Discussion section of the preamble to the notice incorrectly referred to findings of cracks in the lower spar cap. The commenter states that there have been no findings of cracks in the lower spar caps on in-service airplanes. The FAA concurs and clarifies that it has received reports of cracking only in the upper caps of the wing rear spar web inboard of IWS 346. However, no change to the final rule itself is necessary.

One commenter suggests performing eddy current inspections in lieu of the x-ray inspections proposed in paragraph (a) because eddy current inspections are simpler and not as cost prohibitive to perform as the proposed x-ray inspections. The FAA does not concur because, currently, no approved method of performing eddy current inspections exists that adequately detects cracking in the upper and lower caps of the rear spar and the associated web and skin areas between IWS 231 and IWS 343. However, under the provisions of paragraph (e) of the final rule, the FAA may approve alternative methods of compliance if sufficient justification is presented to the FAA.

One commenter suggests that the proposal is unnecessary, since the requirements contained in the proposal would be incorporated more appropriately into the requirements of AD 91-05-05, amendment 39-6878 (56 FR 6556, February 19, 1991). That AD addresses structural modifications for Model L-1011 series airplanes and references Lockheed Service Bulletin 093-51-035, "Structures—Aging Aircraft Structural Modifications and Inspections—Collector Service Bulletin," dated June 28, 1990. The FAA infers from this comment that the commenter requests to have the

proposal withdrawn. The FAA does not concur. This AD addresses and references the inspections described in Lockheed Service Bulletin 093-57-203, Revision 3, dated October 28, 1991. Although this service bulletin was listed in the Collector Service Bulletin, paragraph A. of AD 91-05-05 specifically excluded the actions described in this service bulletin from the requirements of that AD because the FAA has determined that the compliance times in that AD are not stringent enough to detect cracking in a timely manner in the upper and lower caps of the rear spar and the associated web and skin areas between IWS 231 and 343. Therefore, the FAA has concluded that it is more appropriate to address cracking in those areas in a separate rulemaking action.

One commenter requests that, if the inspection required by proposed paragraph (a) was conducted prior to the effective date of the AD in accordance with Revision 2 of Lockheed Service Bulletin 093-57-203, dated January 25, 1991, then the next inspection be required within 2,000 flight cycles following accomplishment of that inspection. The FAA concurs. The FAA has reviewed and approved Revision 2 of Lockheed Service Bulletin 093-57-203, dated January 25, 1991, that describes procedures for inspections of the caps, web, skin, and certain fastener holes; and modification of the rear spars. Consequently, a note has been added to paragraph (a) of the final rule to state that inspections performed prior to the effective date of the AD in accordance with Revision 2 of the service bulletin are equivalent to inspections performed in accordance with Revision 3 of the service bulletin. Therefore, the next inspection would be required within 2,000 flight cycles following accomplishment of the inspection performed in accordance with Revision 2 of the service bulletin.

One commenter requests that the proposed AD be revised to permit repairs to be accomplished "in accordance with FAA-approved repair procedures." This would permit approval of repairs by Designated Engineering Representatives (DER) of the Lockheed Aeronautical Systems Company or by organizations that hold an SFAR 36 authorization. The FAA does not concur. While DER's and SFAR 36-authorized organizations are authorized to determine whether a design or repair method complies with a specific requirement, they are not authorized to make the discretionary determination as to what the applicable requirement is.

Finally, this same commenter requests that paragraph (d) of the proposal be revised to permit repairs to be performed in accordance with the structural repair manual, or to permit modifications to be accomplished in accordance with certain service bulletins. The FAA concurs. Paragraph (d) of the final rule has been revised to provide additional alternative methods of repairing confirmed findings of cracking. One of these methods is to modify the rear spar upper and lower caps between IWS 228 and 346 in accordance with Lockheed Service Bulletins 093-57-184, Revision 6, dated October 28, 1991; Lockheed Service Bulletin 093-57-196, Revision 5, dated October 28, 1991; or Lockheed Service Bulletin 093-57-203, Revision 3, dated October 28, 1991; as applicable. Each of these service bulletins describes modification of a specific configuration of Model L-1011 series airplane. Accomplishment of any one of these modifications would terminate the inspections required by this AD. Further, paragraph (d) of the final rule has been revised to add another alternative method of repairing crack findings: To repair in accordance with the Lockheed L-1011 Structural Repair Manual.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 241 Model L-1011-385 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 111 airplanes of U.S. registry will be affected by this AD, that it will take approximately 21 work hours per airplane to accomplish the required actions, and that the average labor rate is \$55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$128,205, or \$1,155 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism

implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

93-17-10 Lockheed Aeronautical Systems Company: Amendment 39-8681. Docket 92-NM-208-AD.

Applicability: All Model L-1011-385-1, L-1011-385-1-14, L-1011-385-1-15, and L-1011-385-3 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent rupture of the rear spar, which could result in extensive damage to the wing and fuel spillage, accomplish the following:

(a) At the times specified in Table 1 of Lockheed Change Notification 093-57-203, R3-CN1, dated June 22, 1992, or within 6 months after the effective date of this AD, whichever occurs later, perform an x-ray inspection to detect cracks in the upper and lower caps of the rear spar, and of the associated web and skin areas between inner wing stations (IWS) 231 and 343, in accordance with Part II of the Accomplishment Instructions of Lockheed Service Bulletin 093-57-203, Revision 3, dated October 28, 1991.

Note 1: As allowed by the phrase, "unless accomplished previously," if the inspections

required by this paragraph were conducted prior to the effective date of this AD in accordance with Lockheed Service Bulletin 093-57-203, Revision 2, dated January 25, 1991, those inspections need not be repeated.

(1) Except as provided by paragraph (a)(2) of this AD, if no evidence of cracking is detected, repeat the x-ray inspections thereafter at intervals not to exceed 2,000 flight cycles.

(2) If no evidence of cracking is detected in the upper caps, skin, and web of the wing spar, the x-ray inspections of the lower cap assembly may be deferred to the next repetitive inspection interval of 2,000 flight cycles. Subsequent x-ray inspections of the lower cap assembly may be deferred by 2,000 flight cycles, if there is no evidence of cracking in the upper cap, skin, and web of the wing spar.

(b) At the times specified in Table 1 of Lockheed Change Notification 093-57-203, R3-CN1, dated June 22, 1992, or within 6 months after the effective date of this AD, whichever occurs later, perform an ultrasonic inspection to detect cracks in the 1½ inch diameter fastener hole located inboard of IWS 346 in accordance with Part II of the Accomplishment Instructions of Lockheed Service Bulletin 093-57-203, Revision 3, dated October 28, 1991. If no evidence of cracking is detected, repeat this inspection thereafter at intervals not to exceed 2,000 flight cycles.

(c) If cracking is detected or suspected as a result of the inspections required by paragraph (a) or (b) of this AD, prior to further flight, perform an eddy current inspection to confirm findings of cracks, in accordance with Part II of the Accomplishment Instructions of Lockheed Service Bulletin 093-57-203, Revision 3, dated October 28, 1991.

(1) If cracking is confirmed in the 1½ inch diameter fastener hole located inboard of IWS 346 as a result of the eddy current inspection required by paragraph (c) of this AD, prior to further flight, perform an eddy current inspection to detect cracking of the four ¾-inch diameter fastener holes.

(2) If the crack findings cannot be confirmed with eddy current inspection techniques, continue to reinspect as required by paragraphs (a) and (b) of this AD.

(d) If any finding of cracking is confirmed, prior to further flight, accomplish paragraph (d)(1), (d)(2), or (d)(3), of this AD.

(1) Repair the cracked area in accordance with a method approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Or

(2) Repair the rear spar upper and lower caps between IWS 228 and 346 in accordance with the Lockheed Model L-1011 Structural Repair Manual. Or

(3) Modify the rear spar upper and lower caps between IWS 228 and 346 in accordance with Lockheed Service Bulletin 093-57-184, Revision 6, dated October 28, 1991; Lockheed Service Bulletin 093-57-198, Revision 5, dated October 28, 1991; or Lockheed Service Bulletin 093-57-203, Revision 3, dated October 28, 1991; as applicable. Accomplishment of this modification constitutes terminating action for the inspections required by this AD.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(f) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(g) The inspections shall be done in accordance with Lockheed Service Bulletin 093-57-203, Revision 3, dated October 28, 1991; and Lockheed Change Notification 093-57-203, R3-CN1, dated June 22, 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Lockheed Western Export Company (LWEC), Dept. 693, Zone 0755, 86 South Cobb Drive, Marietta, Georgia 30063. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, Suite 210C, 1669 Phoenix Parkway, Atlanta, Georgia 30349; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on November 24, 1993.

Issued in Renton, Washington, on August 26, 1993.

David G. Hmiel,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-26113 Filed 10-22-93; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 92-NM-221-AD; Amendment 39-8680; AD 93-17-09]

Airworthiness Directives; McDonnell Douglas Model DC-10 Series Airplanes and KC-10A (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to McDonnell Douglas Model DC-10 series airplanes and KC-10A (military) airplanes, that currently requires the implementation of a Structural Inspection Document (SID) program of structural inspections to detect fatigue cracking, and repair or replacement, as necessary, to ensure

continued airworthiness as these airplanes approach the manufacturer's original fatigue design life goal. This amendment requires, among other things, revising the existing SID sampling program to include some new inspection procedures for certain Principal Structural Elements (PSE). This amendment is prompted by new data submitted by the manufacturer indicating that certain revisions to the SID program are necessary in order to increase the confidence level of the statistical program to ensure timely detection of fatigue cracks in PSE's. The actions specified by this AD are intended to prevent fatigue cracking that could compromise the structural integrity of these airplanes.

DATES: Effective November 24, 1993.

The incorporation by reference of McDonnell Douglas Report No. L26-012, "DC-10 Supplemental Inspection Document (SID)," Volume I, Revision 3, dated December 1992; Volume II, Revision 3, dated December 1992; and Volume III-92, dated October 1992; as listed in the regulations, is approved by the Director of the Federal Register as of November 24, 1993.

The incorporation by reference of McDonnell Douglas Report No. L26-012, "DC-10 Supplemental Inspection Document (SID)," Volumes I, II, and III, Revision 1, dated May 1990, as listed in the regulations, was approved previously by the Director of the Federal Register as of March 9, 1992 (57 FR 3931, February 3, 1992).

ADDRESSES: The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846-1771, Attention: Business Unit Manager, Technical Publications—Technical Administrative Support, C1-L5B. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Maureen Moreland, Aerospace Engineer, Airframe Branch, ANM-121L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (310) 988-5238; fax (310) 988-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 92-02-08, Amendment 39-8144 (57 FR 3931, February 3, 1992), which is applicable to McDonnell Douglas Model DC-10 series airplanes and KC-10A (military) airplanes, was published in the *Federal Register* on March 24, 1993 (58 FR 15813). The action proposed to require, among other things, revising the existing Structural Inspection Document (SID) sampling program to include some new inspection procedures for certain Principal Structural Elements (PSE's).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the proposed rule.

One commenter requests that proposed paragraph (c) be revised to permit repair of any cracked structure in a PSE found during any inspection to be accomplished in accordance with an FAA-approved method. The commenter states that it is illogical to have different approval procedures that are dependent upon how the crack was detected in that PSE: During a SID inspection or during other types of inspections. The FAA does not concur. While DER's and SFAR 36-authorized organizations are authorized to determine whether a design or repair method complies with a specific requirement, they are not authorized to make the discretionary determination as to what the applicable requirement is. Further, the SID program is based upon cooperation between aircraft operators, the FAA, and the manufacturer. The SID program functions most effectively in detecting fatigue cracks if all findings of fatigue cracking are reported to McDonnell Douglas as required by this AD. It is crucial for the FAA Aircraft Certification Office, as well as McDonnell Douglas, to be aware of all repairs made to PSE's. Damage tolerance analysis must be accomplished on all PSE repairs and an alternative inspection program must be developed to ensure that the repaired PSE is maintained at the same level of safety as the original PSE.

One commenter requests that the visual inspection techniques for PSE's in the Fleet Leader Operator Sampling (FLOS) be clarified as to how they are to be performed, since the referenced McDonnell Douglas Report No. L26-012, "DC-10 SID," Volume II, Section 4, Revision 3, dated December 1992, does not detail these inspections. The FAA concurs that the visual inspection techniques for all of the FLOS PSE's

were not adequately described in Volume II, Section 4, Revision 3, of the SID referenced in this AD. Therefore, a new paragraph (b)(1) has been added to the final rule to include instructions as to how those general visual inspections are to be performed for those PSE's.

This same commenter requests that the reporting requirement in proposed paragraph (b) be revised to avoid confusion. The commenter notes that reporting in accordance with Volume III-92, Section 2, Revision 3, of the SID would result in a reporting date of July 31; while reporting in accordance with Volume I, Section 1, Revision 3, of the SID would result in a reporting date of January 31. The FAA does not concur that the possibility for confusion exists. Paragraph (b) of the final rule clearly states that reports are to be submitted in accordance with Volume III-92, Section 2, of the SID, dated October 1992, which results in a reporting date of July 31.

One commenter requests that paragraph (b) of the proposal be revised to reconcile the differences in the ENDDATES for 3 PSE's specified in the previous revision of the SID (referenced in proposed paragraph (a) and required by AD 92-02-08, Amendment 39-8144, (57 FR 3931, February 3, 1992)) and the new revision of the SID (referenced in proposed paragraph (b)). The commenter notes that Volume III-90 of the SID, dated May 1990, specified an ENDDATE of October 1993, while Volume III-92 of the SID, dated October 1992, specified an ENDDATE of June 1993. The FAA concurs. The FAA's intent was that the inspections be conducted during a regularly scheduled maintenance visit for the majority of the affected fleet, when the airplanes would be located at a base where special equipment and trained personnel would be readily available, if necessary. Consequently, a new paragraph (b)(2) has been added to the final rule to specify that the ENDDATE for those PSE's remains October 1993 as specified in Volume III-90 of the SID, dated May 1990.

One commenter requests that the FAA delay issuance of the rule until the accuracy of all of the revised inspection procedures specified in Volume II, Revision 3 of the SID (referenced in proposed paragraph (b)) can be verified by the "lead airline" and the manufacturer. The FAA does not concur. However, the FAA does acknowledge that certain inaccuracies exist in some of the procedures specified in the revised SID. Consequently, the FAA is working with operators and McDonnell Douglas to resolve these inspection difficulties on a PSE-by-PSE basis. Since the difficulties

with these inspections differ with airplane configuration, operators should schedule their airplanes as early as possible to allow time for the resolution of any difficulties that may arise with these PSE inspections. Furthermore, the FAA finds that it is unnecessary to delay this action until after all of the inspection procedures have been refined. However, paragraph (d) of the final rule does provide affected operators the opportunity to request an adjustment of the compliance time by submitting data justifying such an extension.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 426 Model DC-10 series airplanes and KC-10A (military) airplanes of the affected design in the worldwide fleet. The FAA estimates that 269 airplanes of U.S. registry and 10 U.S. operators will be affected by this AD.

Incorporation of the SID program into an operator's maintenance program, as required by AD 92-02-08, is estimated to necessitate 1,250 work hours (per operator), at an average labor cost of \$55 per work hour. Based on these figures, the cost to the 10 affected U.S. operators to incorporate the SID program is estimated to be \$687,500.

The incorporation of the additional procedures required by this new AD action will require approximately 20 additional work hours per operator to accomplish, at an average labor cost of \$55 per work hour. Based on these figures, the cost to the 10 affected U.S. operators to incorporate these additional procedures into the SID program into an operator's maintenance program is estimated to be \$11,000.

The recurring inspection costs, as required by AD 92-02-08, are estimated to be 355 work hours per airplane per year, at an average labor cost of \$55 per work hour. Based on these figures, the recurring inspection costs required by AD 92-02-08 are estimated to be \$19,525 per airplane, or \$5,252,225 for the affected U.S. fleet.

The recurring inspection procedures added to the program by this AD action will require approximately 10 additional work hours per airplane per year to accomplish. The average labor charge will be \$55 per work hour. Based on these figures, the additional recurring inspection cost impact added

by this AD on U.S. operators is estimated to be \$550 per airplane, or \$147,950 for the affected U.S. fleet.

Based on the above figures, the total cost impact of this AD is estimated to be \$5,411,175 for the first year, and \$5,390,825 for each year thereafter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12812, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-8144 (57 FR 3931, February 3, 1992), and by adding

a new airworthiness directive (AD), amendment 39-8680 to read as follows:

93-17-08 McDonnell Douglas: Amendment 39-8680. Docket 92-NM-221-AD. Supersedes AD 92-02-08, Amendment 39-8144.

Applicability: Model DC-10 series airplanes and KC-10A (military) airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure the continuing structural integrity of these airplanes, accomplish the following:

(a) Within 6 months after March 9, 1992 (the effective date of AD 92-02-08, Amendment 39-8144), incorporate a revision into the FAA-approved maintenance inspection program which provides for inspection(s) of the Principal Structural Elements (PSE's) defined in Section 2 of Volume I of McDonnell Douglas Report No. L26-012, "DC-10 Supplemental Inspection Document (SID)," Revision 1, dated May 1990, in accordance with Section 2 of Volume III-90, dated May 1990, or Section 2 of Volume III-91, dated December 1991, of the SID. The non-destructive inspection (NDI) techniques set forth in Section 2 and Section 4 of Volume II, Revision 1, dated May 1990, of the SID provide acceptable methods for accomplishing the inspections required by this paragraph. All inspection results (negative or positive) must be reported to McDonnell Douglas, in accordance with the instructions contained in Section 2 of Volume III-90, dated May 1990; or Section 2 of Volume III-91, dated December 1991, of the SID. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) and have been assigned OMB Control Number 2120-0056.

(b) Within 6 months after the effective date of this AD, replace the revision of the FAA-approved maintenance inspection program required by paragraph (a) of this AD, with a revision that provides for inspection(s) of the PSE's defined in Section 2 of Volume I of McDonnell Douglas Report No. L26-012, "DC-10 Supplemental Inspection Document (SID)," Revision 3, dated December 1992, in accordance with Section 2 of Volume III-92, dated October 1992, of the SID. The NDI techniques set forth in Section 2 and Section 4 of Volume II, Revision 3, dated December 1992, of the SID provide acceptable methods for accomplishing the inspections required by this paragraph. All inspection results (negative or positive) must be reported to McDonnell Douglas, in accordance with the instructions contained in Section 2 of Volume III-92, dated October 1992, of the SID. Information collection requirements

contained in this regulation have been approved by the OMB under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) and have been assigned OMB Control Number 2120-0056.

(1) For those Fleet Leader Operator Sampling (FLOS) PSE's which do not have a Normal Maintenance Visual Inspection specified in Section 4 of Volume II, Revision 3, dated December 1992, of the SID, the procedure for general visual inspection is as follows: Perform an inspection of the general PSE area for cleanliness, presence of foreign objects, security of parts, cracks, corrosion, and damage.

(2) For PSE's 53.10.031E/.032E, 53.10.047E/.048E, and 57.10.029E/.030E: The ENDDATE for these PSE's is October 1993. (For these PSE's disregard the June 1993 ENDDATE specified in Section 2 of Volume III-92, dated October 1992, of the SID.)

(c) Any cracked structure detected during the inspections required by paragraph (a) or (b) of this AD must be repaired before further flight, in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note 1: Requests for approval of any PSE repair that would affect the FAA-approved maintenance inspection program that is required by this AD should include a damage tolerance assessment for that PSE repair.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles ACO, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The incorporation of the revision and reporting requirements shall be done in accordance with McDonnell Douglas Report No. L26-012, "DC-10 Supplemental Inspection Document (SID)," Volumes I, II, and III, Revision 1, dated May 1990; and McDonnell Douglas Report No. L26-012, "DC-10 Supplemental Inspection Document (SID)," Volume I, Revision 3, dated December 1992, and Volume III-92, dated October 1992; which contains the following list of effective pages:

| Volume number referenced and date | Page number | Revision level shown on page | Date shown on page |
|---|---|------------------------------|--------------------|
| I—All Series, Revision 3, December 1992 | List of Effective Pages A, B, C, D, E, and F | 3 | December 1992 |
| II—All Series, Revision 3, December 1992 | List of Effective Pages A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, and P. | 3 | December 1992 |
| III-92—All Series, Original, October 1992 | Entire Document | Original | October 1992 |

Note: The issue/publish date of Volumes I, II, III is indicated on the Record of Revisions page. The incorporation by reference of McDonnell Douglas Report No. L26-012, "DC-10 Supplemental Inspection Document (SID)," Volume I, Revision 3, dated December 1992, Volume II, Revision 3, dated December 1992, and Volume III-92, dated October 1992; is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The incorporation by reference of McDonnell Douglas Report No. L26-012, "DC-10 Supplemental Inspection Document (SID)," Volumes I, II, and III, Revision 1, dated May 1990, was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of March 9, 1992 (57 FR 3931, February 3, 1992). Copies may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846-1771, Attention: Business Unit Manager, Technical Publications—Technical Administrative Support, C1-L5B. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on November 24, 1993.

Issued in Renton, Washington, on August 25, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-26110 Filed 10-22-93; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 71

[Airspace Docket No. 93-ASO-15]

Revocation of Class E5 Airspace; Cookeville, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes the Class E5 airspace that extends upward from 700 feet above ground level (AGL) at Cookeville, TN. The Putnam County airport at Cookeville, TN will be permanently closed effective October 15, 1993. The Cookeville Non Directional Beacon (NDB) will be decommissioned on October 15, 1993. The standard instrument approach procedure (SIAP) based on the NDB will be canceled. Controlled airspace extending upward from 700 feet above the surface will no longer be needed to contain Instrument Flight Rules (IFR) operations at Cookeville, TN.

EFFECTIVE DATE: 0459 u.t.c. October 16, 1993.

FOR FURTHER INFORMATION CONTACT: Alfred P. Smith, Airspace Section, Airspace and Procedure Branch, Air Traffic Division, ASO-532, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320; Telephone (404) 763-7646.

The Rule

This amendment to part 71 of the Federal Aviation Regulation revokes the 700 foot Class E airspace area at Cookeville, TN. The Putnam County Government advised the Federal Aviation Administration (FAA) of its decision to deactivate the Putnam County Airport at Cookeville, TN, effective October 15, 1993. Concurrently with the closing of the airport, the Putnam County Government will decommission the NDB. The FAA will cancel the Standard Instrument Approach based on the NDB on October 15, 1993. Controlled airspace extending upward from 700 feet above the surface will no longer be needed to contain IFR operations at Cookeville, TN.

Since this action merely involves the revocation of Class E airspace area as a result of an airport closure and removal of a navigation aid by the Putnam County Government, notice and public procedure under 5 U.S.C. 553(b) are unnecessary, and since there will no longer be aviation activity at Cookeville, the Class E airspace area must be removed to avoid confusion on the part of the pilots flying in the vicinity of the closed Putnam County Airport and to promote safe and efficient handling of air traffic in the area. Therefore, I find that notice and public procedure under U.S.C. 553(b), are impracticable and good cause, pursuant to 5 U.S.C. 553(d), exists for making this amendment effective in less than thirty days.

Designations for Class E airspace extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1, effective September 16, 1993. The Class E airspace designation listed in this document will be removed subsequently from the Order.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a significant regulatory action under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a

regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Para. 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ASO TN E5 Cookeville, TN [Removed]

* * * * *

Issued in East Point, Georgia, on October 4, 1993.

Michael J. Powderly,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 93-26166 Filed 10-22-93; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 93-ASO-16]

Amendment to Class D Airspace Areas, Numerous Locations In Alabama, Florida and Georgia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the effective hours of the listed Class D airspace areas from full-time to part-time. When a control tower closes, the associated Class D airspace changes to Class E or Class G airspace. The operating hours of the air traffic control

towers at these locations is no longer full-time and the category of airspace will no longer be Class D when the control tower is closed. These Class D airspace areas will be effective during the specific days and times established in advance by Notice to Airman.
EFFECTIVE DATE: 0901 u.t.c., January 6, 1994.

FOR FURTHER INFORMATION CONTACT:
 Kenneth R. Patterson, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On September 16, 1993, Airspace Reclassification became effective. Before the reclassification, when an air traffic control tower closed, the associated control zone remained a control zone. After reclassification became effective, when a control tower closes, the associated Class D airspace changes to Class E or Class G airspace. The listed Class D Airspace areas are presently described as full-time. This amendment will change them to part-time. Accordingly, since this action merely involves a change in the legal descriptions and does not involve a change in the dimensions or operating requirements of the airspace, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. The coordinates for this airspace docket are based on North American Datum 83. Class D airspace areas are published in Para. 5000 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 in effect as of September 16, 1993 (58 FR 36298; July 6, 1993). The Class D airspace areas listed in this document will be published subsequently in the Handbook.

The Rule

This amendment to part 71 of the Federal Aviation Regulations changes the effective hours of the listed Class D airspace areas in Alabama, Florida and Georgia from full-time to part-time as a result of the part time operating hours of the control towers.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a significant regulatory action under Executive Order 12866 (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44

FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:
 Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

- Para. 5000 General
- ASO AL D Dothan, AL
- ASO AL D Huntsville, Redstone Army Air Field, AL
- ASO AL D Montgomery, AL
- ASO FL D Fort Myers, FL
- ASO FL D Homestead, FL
- ASO FL D Jacksonville Whitehouse NOLF, FL
- ASO FL D Key West, FL
- ASO FL D MacDill AFB, FL
- ASO FL D Mayport NS Mayport, FL
- ASO FL D Melbourne, FL
- ASO FL D Miami Tamiami, FL
- ASO FL D Orlando, FL
- ASO FL D St. Petersburg, FL
- ASO FL D Tyndall AFB, FL
- ASO FL D Vero Beach, FL
- ASO GA D Atlanta Fulton County Airport-Brown Field, GA
- ASO GA D Columbus Lawson AAF, GA
- ASO GA D Savannah Hunter AAF, GA
- * * * * *

add the words "This Class D airspace is effective during the specific days and times established in advance by a Notice to Airman. The effective days and times will thereafter be continuously published in the Airport/Facility Directory."
 * * * * *

Issued in East Point, Georgia, on October 4, 1993.

Michael J. Powderly,
 Acting Manager, Air Traffic Division,
 Southern Region.

[FR Doc. 93-28167 Filed 10-22-93; 8:45 am]
 BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 93-ASO-17]

Amendment to Class D Airspace Areas, Multiple Locations in Kentucky, Mississippi, North Carolina, South Carolina and Puerto Rico

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the effective hours of the listed Class D airspace areas from full-time to part-time. When a control tower closes the associated Class D airspace changes to Class E or G airspace. The operating hours of the air traffic control towers at these locations are no longer full time and the category of airspace will no longer be Class D when the control tower is closed. These Class D airspace areas will be effective during the specific days and times established in advance by Notice to Airman.

EFFECTIVE DATE: 0901 u.t.c., January 6, 1994.

FOR FURTHER INFORMATION CONTACT:
 Kenneth R. Patterson, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On September 16, 1993, Airspace Reclassification became effective. Before the reclassification, when an air traffic control tower closed, the associated control zone remained a control zone. After reclassification became effective, when a control tower closes, the associated Class D airspace changes to Class E or Class G airspace. The listed Class D Airspace areas are presently described as full-time. This amendment will change them to part-time. Accordingly, since this action merely involves a change in the legal descriptions and does not involve a change in the dimensions or operating requirements of the airspace, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. The coordinates for

this airspace docket are based on North American Datum 83. Class D airspace areas are published in Para. 5000 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 in effect as of September 16, 1993 (58 FR 36298; July 6, 1993). The Class D airspace areas listed in this document will be published subsequently in the Handbook.

The Rule

This amendment to part 71 of the Federal Aviation Regulations changes the effective hours of the listed Class D airspace areas in Kentucky, Mississippi, North Carolina, South Carolina and Puerto Rico, from full-time to part-time as a result of the part-time operating hours of the control towers.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a significant regulatory action under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR part 71

Aviation safety, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Para. 5000 General
ASO KY D Louisville Bowman Field, KY

ASO MS D Columbus Golden Triangle, MS
ASO MS D Meridian Key Field, MS
ASO MS D Meridian NAS-McCain Field, MS
ASO NC D Asheville, NC
ASO NC D Cherry Point MCAS, NC
ASO NC D Wilmington, NC
ASO NC D Winston-Salem, NC
ASO PR D Roosevelt Roads, PR
ASO PR D San Juan Fernando Luis Ribas
Dominicci Airport, PR
ASO SC D Beaufort, SC
ASO SC D Florence, SC

* * * * *

add the words "This Class D airspace is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory."

* * * * *

Issued in East Point, Georgia, on October 4, 1993.

Michael J. Powderly,

Acting Manager, Air Traffic Division,
Southern Region.

[FR Doc. 93–26168 Filed 10–22–93; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 93–ASO–18]

Amendment to Class E Airspace Areas, Multiple Locations in Alabama, Georgia, Kentucky, Mississippi, North Carolina and Tennessee

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the effective hours of the listed Class E airspace areas designated as surface areas for airports from full-time to part-time. Weather reporting and communications are required to establish Class E airspace areas designated as surface areas for airports. Weather reporting and/or communications at the listed locations are no longer full-time. These Class E airspace areas will be effective during the specific days and times established in advance by Notice to Airman.

EFFECTIVE DATE: 0901 u.t.c., January 6, 1994.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Patterson, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763–7646.

SUPPLEMENTARY INFORMATION:

History

The below listed Class E Airspace Areas are presently described as full-time. This amendment will change them

to part-time. Accordingly, since this action merely involves a change in the legal descriptions and does not involve a change in the dimensions or operating requirements of the airspace, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designated as surface areas for airports are published in Para. 6002 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 in effect as of September 16, 1993 (58 FR 36298; July 6, 1993). The Class E airspace areas listed in this document will be published subsequently in the Handbook.

The Rule

This amendment to part 71 of the Federal Aviation Regulations changes the effective hours of the listed Class E airspace areas as a result of part-time weather reporting and/or communications.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR-9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A,

Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Para. 6002 Class E airspace areas designated as a surface area for an airport.
 ASO AL E2 Muscle Shoals, AL
 ASO GA E2 Brunswick Glynnco Jetport, GA
 ASO KY E2 London, KY
 ASO MS E2 McComb, MS
 ASO NC E2 Hickory, NC
 ASO NC E2 New Bern, NC
 ASO TN E2 Crossville, TN

add the words "This Class E airspace is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory."

Issued in East Point, Georgia, on October 4, 1993.

Michael J. Powderly,

Acting Manager, Air Traffic Division,
 Southern Region.

[FR Doc. 93-26169 Filed 10-22-93; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 305

[RIN 3084-AA26]

Rule Concerning Disclosures of Information About Energy Consumption and Water Use for Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission ("Commission") amends the Appliance Labeling Rule ("Rule") to add showerheads, faucets, water closets (i.e., toilets), and urinals as covered products. This action is being taken pursuant to the Energy Policy Act of 1992 ("EPA 92"), which directed the Commission to prescribe, by October 24, 1993, rules requiring such products to be marked and labeled with certain disclosures about their water use. EPA 92 also directed the Commission to prescribe a format and manner of display for any voluntary disclosures of estimated annual operating cost claims made for such plumbing products. The Commission has concluded that it is appropriate to defer the prescribing of a format and manner of display until such time as the manufacturers of these products elect to make such claims.

EFFECTIVE DATE: October 25, 1994. The incorporation by reference of certain

publications listed in the regulations is approved by the Director of the Federal Register as of October 25, 1994.

FOR FURTHER INFORMATION CONTACT:
 Terrence J. Boyle, Attorney, 202-326-3016, or James G. Mills, Attorney, 202-326-3035, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Introduction

EPA 92 was enacted on October 24, 1992.¹ One subchapter of EPA 92 amends in several respects the Energy Policy and Conservation Act of 1975 ("EPCA").² That statute directed the Commission to issue the Appliance Labeling Rule, which requires certain products to bear labels that disclose information about the energy consumption and efficiency of the products.³

EPA 92 adds four categories of plumbing products, showerheads, faucets, water closets, and urinals, to EPCA's list of covered products.⁴ It establishes national standards governing maximum permissible water usage rates for each of these four plumbing product categories (e.g., all urinals manufactured after January 1, 1994, may use no more than 1.0 gallons per flush).⁵ It also adopts the testing protocols contained

¹ Pub. L. 102-486, 106 Stat. 2776, 2817-2832 (1992) (codified at 42 U.S.C. 6201, 6291-6307).

² 42 U.S.C. 6291 *et seq.* EPCA also has been amended by the National Energy Conservation Policy Act of 1978, Pub. L. 95-619, 92 Stat. 3258 (1978); the National Appliance Energy Conservation Act of 1987 ("NAECA 87"); Pub. L. 100-12, 101 Stat. 103 (1987); and the National Appliance Energy Conservation Amendments of 1988 ("NAECA 88"); Pub. L. 100-357, 102 Stat. 671 (1988).

³ 16 CFR part 305. EPCA established energy consumption standards for certain categories of major home appliances and directed the Department of Energy ("DOE") to devise similar standards for certain other categories of such products. 42 U.S.C. 6295. EPCA also directed the Commission for certain categories of products to prescribe rules, and for certain other categories of products to consider prescribing rules, requiring these appliances to be labeled with disclosures of the products' estimated annual energy cost of operation or another useful measure of energy usage. 42 U.S.C. 6294. EPCA also allowed the Commission to exempt some covered products or categories of covered products from labeling requirements if the Commission determined such labeling would not be technologically or economically feasible or not likely to help consumers in making purchasing decisions. 42 U.S.C. 6294(a)(1)-(2).

⁴ 106 Stat. 2821 (codified at 42 U.S.C. 6292(a)(15)-(18)). Besides these four plumbing products, EPA 92 adds fluorescent and incandescent lamps to EPCA. 106 Stat. 2821 (codified at 42 U.S.C. 6292(a)(14)). These products will be addressed in a subsequent rulemaking proceeding.

⁵ 106 Stat. 2826-27 (codified at 42 U.S.C. 6295(j)(1)-(2) and (k)(1)-(2)).

in two national standards of the American Society of Mechanical Engineers ("ASME") as the proper protocols for measuring the water usage of these plumbing products.⁶

EPA 92 directs the Commission, within one year, to prescribe rules requiring that all covered plumbing products, other than faucets,⁷ be permanently marked with legible disclosures of their water usage rates.⁸ The Commission also is directed to require that all covered plumbing products bear disclosures consistent with the marking and labeling requirements presently specified in the ASME standards.⁹ EPA 92 specifies that the new marking/labeling disclosures rule shall be applicable to covered plumbing products manufactured after the 12-month period beginning on the date of the publication of such rule.¹⁰ Further, the Commission must include in the rules the requirement that manufacturers of these products submit annually to the Commission relevant data about their products.¹¹ Lastly, EPA 92 directs the Commission to prescribe a format and manner of display for labels containing statements of annual operating costs for these plumbing products in the event a manufacturer should elect to make such claims.¹²

In accordance with sections 324(b) and 336(a) of EPCA, 42 U.S.C. 6294(b) and 6306(a), this proceeding was conducted pursuant to section 553 of the Administrative Procedure Act ("APA"), 5 U.S.C. 553. In addition, pursuant to section 324(b)(2) of EPCA, 42 U.S.C. 6294(b)(2), interested persons were afforded the opportunity to present oral, as well as written, data, views and arguments. On May 5, 1993, the Commission published a Notice of Proposed Rulemaking ("NPR") in the Federal Register¹³ seeking comment for 45 days on proposed amendments to the Appliance Labeling Rule. Specifically, the Commission sought comment on proposed amendments that would require that specific disclosures appear

⁶ 106 Stat. 2821 (codified at 42 U.S.C. 6293(b)(7)(A) and (8)(A)).

⁷ Faucets were exempted from the marking requirement to avoid marring the appearance of designer models. Aerators, which are flow restricting or controlling spout end devices that are inserted in faucets to create a water flow rate with a consistent spray, will be required to bear permanent legible markings. 106 Stat. 2822 (codified at 42 U.S.C. 6294(a)(2)(D)(i)).

⁸ 106 Stat. 2822-23 (codified at 42 U.S.C. 6294(a)(2)(D)(i) and (E)(i)).

⁹ *Id.*

¹⁰ *Id.*

¹¹ 106 Stat. 2829 (codified at 42 U.S.C. 6296(b)(4)).

¹² 106 Stat. 2823-24 (codified at 42 U.S.C. 6294(c)(8)).

¹³ 58 FR 26715.

on all covered plumbing products, other than faucets, and in the labeling, point-of-sale promotional materials, and catalog advertising for all covered plumbing products. In addition, the Commission solicited comment on its tentative decision not to prescribe a format and manner of display for estimated annual cost of operation claims for covered plumbing products until such time as manufacturers elect to make such claims. The Commission also sought comment on its proposal, in conformity with the Metric Conversion Act, 15 U.S.C. 205b, to require that the mandated water usage rate disclosures be stated both in gallons and in liters.

In the NPR the Commission tentatively concluded that the proposed amendments would not have a "significant economic impact" on a substantial number of "small entities" in the plumbing products industry, as those terms are defined in the Regulatory Flexibility Act, 5 U.S.C. 605. The Commission, however, sought comment concerning this industry and the impact the proposed amendments would have on small entities. In the NPR the Commission also tentatively concluded that the proposed amendments' requirements for "recordkeeping," as that term is defined in the Paperwork Reduction Act, 44 U.S.C. 3501, would be minimal. The Commission sought comment on its estimate of the paperwork burdens that the proposed amendments would impose. Lastly, as part of its ongoing regulatory review of existing and proposed regulations, the Commission sought comment about the overall costs and benefits of the proposed amendments.

No hearing was requested and none was held. The Commission received five timely written comments and they are summarized in Part II(C) of this notice. The amendments the Commission is adopting today are discussed in Part III. The text of the amendments appears at the end of this notice.

II. Background

A. EPCA and the Existing Appliance Labeling Rule

The Commission, pursuant to EPCA's directives, issued the Appliance Labeling Rule on November 19, 1979, to cover seven categories of EPCA's covered products.¹⁴ Since then the Commission has twice amended the Rule, to expand one category of covered products and to add an eighth and a ninth category of covered products.¹⁵

¹⁴ 44 FR 66468.

¹⁵ 52 FR 46888 (Dec. 10, 1987), adding pulse combustion furnaces and condensing furnaces to

The Rule now requires EnergyGuide labeling for all or most products sold in the United States in the following categories: Residential furnaces; refrigerators and refrigerator-freezers; freezers; water heaters; clothes washers; dishwashers; window and wall-mounted room air conditioners; and central air conditioners and heat pumps.¹⁶ Pursuant to the 1988 EPCA amendment, the Rule also now requires all fluorescent lamp ballasts to be labeled or marked with the symbol of a capital letter E enclosed in a circle, denoting that the ballast meets a DOE energy efficiency standard.¹⁷

Except for fluorescent lamp ballasts, the Rule also requires all point-of-sale promotional materials and certain catalog advertising to contain disclosures of required energy consumption and efficiency information.¹⁸ Further, the Rule requires disclosure of energy usage information for furnaces on fact sheets¹⁹ and for central air conditioners and heat pumps either on fact sheets or in industry directories.²⁰

EPCA authorizes the Commission to assess monetary civil penalties for violations of the Rule. 42 U.S.C. 6303(a) and (d). The Commission can assess penalties of not more than \$100 for each unit when: (1) Manufacturers or private labelers knowingly distribute covered products that are not properly labeled and (2) manufacturers, distributors, or retailers knowingly remove or make illegible required labels.²¹ The Commission also can assess penalties of not more than \$100 per day when: (1) Manufacturers or private labelers fail to include required disclosures in their catalog advertising and (2)

the furnace category and adding to the Rule's list of covered products an eighth product category—central air conditioners and heat pumps; and 54 FR 28031 (July 5, 1989), adding to the list of covered products a ninth product category—fluorescent lamp ballasts.

¹⁶ 16 CFR 305.11(a)-(c). The EnergyGuides required by the Rule are 5-5/16" by 7-3/8" labels with black type on a yellow background. 16 CFR 305.11(a)(1)-(3). Although alike in appearance, they vary somewhat by product in the "primary energy usage disclosure" that they must contain. Some have data on estimated annual operating costs; others have energy efficiency ratings. 16 CFR 305.11(a)(5)(i)(E) and .11(a)(5)(iii)(C). Both types disclose the product's energy consumption rate within a range of the rates known for other, similar-sized models of the product. 16 CFR 305.11(a)(5)(i)(F) and .11(a)(5)(ii)(D)-(E). For most of these products, the Rule also requires the EnergyGuides to give a "secondary energy usage disclosure," intended to help consumers estimate their own operating costs based on local utility rates. 16 CFR 305.11(a)(5)(i)(H).

¹⁷ 16 CFR 305.11(d).

¹⁸ 16 CFR 305.13 and .14.

¹⁹ 16 CFR 305.11(b).

²⁰ 16 CFR 305.11(c).

²¹ 16 CFR 305.4(a)(1)-(3).

manufacturers or private labelers fail to keep, or grant the Commission access to, records the Rule requires to be kept, fail to provide reports or product samples as specified by the Rule, or fail to permit testing to be observed.²² EPCA also states that it is an unfair or deceptive act or practice in or affecting commerce (within the meaning of section 5(a)(1) of the FTC Act, 15 U.S.C. 45(a)(1)), for any person to make unsubstantiated energy use or efficiency claims. 42 U.S.C. 6303(c). Thus, the Commission can issue cease-and-desist orders against violators. In addition, EPCA grants the United States District Courts the authority to enjoin violations of EPCA and the Commission's labeling requirements. 42 U.S.C. 6304.

B. EPA 92's Provisions Concerning Plumbing Products

EPA 92 establishes maximum permissible water use rates for all urinals, water closets (*i.e.*, toilets), showerheads and faucets sold in this country.²³ For all urinals and for most toilets, EPA 92 establishes maximum water use rates of 1.0 and 1.6 gallons per flush respectively.²⁴ Blowout toilets, the one exception to the 1.6 gallon per flush standard for toilets, are products for commercial use that are designed for a more powerful discharge. They will be allowed up to 3.5 gallons per flush.²⁵ For all showerheads and faucets other than metering faucets (but including aerators sold separately for use in faucets), EPA 92 establishes a maximum water use rate of 2.5 gallons per minute at 80 pounds of water pressure per square inch.²⁶ The one exception to the 2.5 gallon per minute standard is for metering faucets, devices that over a few seconds gradually turn themselves off. They will be limited to .25 gallons per cycle at 80 pounds of water pressure per square inch.²⁷ After January 1, 1994, no non-conforming product may be manufactured for sale in this country.²⁸

²² 16 CFR 305.4(b)(1)-(5).

²³ 106 Stat. 2826-27 (codified at 42 U.S.C. 6295(j)(1)-(2) and (k)(1)-(2)).

²⁴ 106 Stat. 2827 (codified at 42 U.S.C. 6295(k)(1)-(2)).

²⁵ 106 Stat. 2827 (codified at 42 U.S.C. 6295(k)(1)(A)).

²⁶ 106 Stat. 2826 (codified at 42 U.S.C. 6295(j)(1)-(2)).

²⁷ 106 Stat. 2826 (codified at 42 U.S.C. 6295(j)(2)).

²⁸ 106 Stat. 2826-27 (codified at 42 U.S.C. 6295(j)(1)-(2) and (k)(1)-(2)). Gravity tank-type white 2 piece toilets using no more than 3.5 gallons per flush have an exception to this deadline. They may be manufactured until January 1, 1997, if they bear an adhesive label conspicuous upon installation consisting of the words "Commercial Use Only." 106 Stat. 2827 (codified at 42 U.S.C. 6295(k)(1)(B)). These toilets are different from the blowout toilets that indefinitely will be allowed 3.5 gallons per flush.

EPA 92 adopts test protocols contained in two ASME national standards as the proper procedures for determining the water usage rates of the covered plumbing products.²⁹ These standards ("ASME A112.18.1M-1989, Plumbing Fixture Fittings" and "ASME A112.19.2M-1990, Vitreous China Plumbing Fixtures") previously have been recognized by all government jurisdictions with plumbing codes and therefore effectively govern the construction and performance of these fixtures and fittings throughout the United States. EPCA authorizes DOE to enforce EPCA's energy conservation standards, which now include the water usage standards established by EPA 92. 42 U.S.C. 6302(a)(5) and 6303(a). EPA 92 also authorizes DOE to modify, where appropriate, the test procedures specified for these plumbing products, if ASME revises its standards' test protocols for measuring water flow rates and the American National Standards Institute ("ANSI") approves those revisions.³⁰

EPA 92 directs the Commission to prescribe and enforce rules requiring disclosures of the products' water use rates as measured according to those standards.³¹ Specifically, the Commission must require that certain disclosures be permanently marked on all covered plumbing fixtures and fittings other than faucets and that other disclosures be made in the labeling of all covered plumbing products.³² EPA 92's provisions for product labeling incorporate by reference the existing labeling provisions of the two ASME standards.³³

The ASME standards presently require every plumbing product to be permanently marked with a legible disclosure of the manufacturer's identity "located where it can be seen after installation" (ASME A112.18.1M-1989, para. 8.1(a)) or "located so as to be visible after the fixture is installed, except for a fixture built into or for a counter or cabinet" (ASME

A112.19.2M-1990, para. 8.1.1). These standards also require every product either to be marked with a disclosure of the product's water use rate and the identity of the pertinent ASME standard or else to have its labeling bear the same information.³⁴ ASME A112.18.1M-1989, para. 8.1, and ASME A112.19.2M-1990, para. 8.1. EPA 92, however, expands the requirements of the ASME standards to require that the products themselves, except faucets, be permanently marked with legible disclosures of their water usage rates.³⁵

EPA 92 also directs the Commission to require that plumbing product manufacturers annually submit to the Commission relevant data about their products' water usage rates.³⁶ The term "relevant data" is not, however, defined in EPCA or EPA 92.

Lastly, EPA 92 directs the Commission to prescribe a format and manner of display for labels containing statements of estimated annual operating costs if a manufacturer elects to make such claim.³⁷ EPA 92 does not define the terms "format" and "manner of display" and the statute does not specify how the Commission is to prescribe them.

C. Identification of Comments Received

In response to the NPR the Commission timely received the five comments listed below.³⁸ This list includes the document number assigned to the comment on the public record and a general description of the commenter and its interests relating to this proceeding.³⁹ For the remainder of this notice each comment will be cited by the acronym given in parenthesis and the assigned document number.

1. D-1 Moen Incorporated ("MI"). MI is a manufacturer of showerheads, faucets and aerators.

²⁹ In the terminology of the ASME standards, labeling includes the product's "package," the "label on the product" and/or a "tag attached to the product." ASME A112.18.1M-1989, para. 8.1, and ASME A112.19.2M-1990, para. 8.1.1.

³⁰ 106 Stat. 2822-23 (codified at 42 U.S.C. 6294(a)(2)(D)(i) and (E)(i)).

³¹ 106 Stat. 2829 (codified at 42 U.S.C. 6296(b)(1) and (4)).

³² 106 Stat. 2823-24 (codified at 42 U.S.C. 6294(c)(6)).

³³ One other comment was received 23 days after the comment period closed and was not considered.

³⁴ All public documents are filed in the Commission's Rulemaking Record No. P934201. Industry comments are filed in category "D. Industry comments." Other comments are filed in category "E. Comments from other sources." Documents are numbered sequentially, such as Document No. D-1, Document No. D-2, in the order received. In this notice comments are cited by an identifying acronym of the commenter, the comment Document Number, and the relevant page number(s), e.g., "ACEEE, E-2, 2-3."

2. D-2 Price Pfister, Inc. ("PPI"). PPI is a manufacturer of showerheads and faucets.
3. D-3 Plumbing Manufacturers Institute ("PMI"). PMI is a national trade association representing firms that manufacture plumbing products.
4. E-1 California Energy Commission ("CEC"). CEC is the resources agency of the State of California.
5. E-2 American Council for an Energy-Efficient Economy ("ACEEE"). ACEEE is an environmental and conservation interest group.

These comments are discussed below.

III. Discussion of Rule Amendments Being Adopted

Each amendment the Commission is adopting today is identified below. The substantive revisions are described in detail. Minor, self-explanatory Rule changes are merely noted. Any comments about a proposed amendment are discussed with that amendment. If none of the comments discussed a proposed amendment, the Commission adopts the amendment without discussion.

In the NPR the Commission noted that there was then pending another NPR to amend numerous provisions of the Appliance Labeling Rule in response to a comprehensive review of the Rule.⁴⁰ In addition to making a few corrections to typographical errors in §§ 305.4(e) and 305.5(a), there was a substantive proposed amendment in that proceeding relevant to this proceeding. In § 305.8 the Commission proposed deleting the references to start-up reporting dates and rewording the paragraph to make it clearer. The NPR in this proceeding used the language that had been proposed for those provisions as the text to base the plumbing amendments. There was no comment on any of these minor revisions in either proceeding. The Commission is therefore today making the corrections to the typographical errors in §§ 305.4(e) and 305.5(a) and is amending § 305.8 as proposed in the two NPRs.

A. Section 305.1 Scope

This section summarizes the coverage of the Rule. The Commission is amending three pertinent subsections to include water usage.

B. Section 305.2 Definitions

This section contains definitions of seventeen terms used by EPCA and the Rule. The Commission is amending it to include (as five new subsections)

⁴⁰ 58 FR 28715, 28717 (referring to the comprehensive review NPR, 58 FR 12818 (Mar. 4, 1993)).

²⁹ 106 Stat. 2821 (codified at 42 U.S.C. 6293(b)(7)(A) and (8)(A)).

³⁰ 106 Stat. 2821-22 (codified at 42 U.S.C. 6293(b)(7)(B) and (8)(B)).

³¹ 106 Stat. 2822-23 (codified at 42 U.S.C. 6294(a)(2)(D)(i) and (E)(i)).

³² *Id.*

³³ 106 Stat. 2822-23 (codified at 42 U.S.C. 6294(a)(2)(D)(i) and (E)(i)). If ASME changes the marking and labeling requirements contained in the standards, and ANSI approves of the changes, EPA 92 directs the Commission to amend its Rule to be consistent with such revised ASME/ANSI requirements, unless such revisions are inconsistent with the purposes of EPA 92 or the requirement that covered plumbing fixtures and fittings other than faucets be permanently marked with disclosures of their water flow rates. 106 Stat. 2822-23 (codified at 42 U.S.C. 6294(a)(2)(D)(i) and (E)(i)).

definitions for five terms that EPA 92 uses for the plumbing fixtures and fittings that EPA 92 has added to EPCA (i.e., "water use," "ASME," "ANSI," "flushometer valve," "flow restricting or controlling spout end device").

C. Section 305.3 Description of Covered Products to Which This Part Applies

This section lists the ten categories of appliances now covered by EPCA and the Rule. The Commission is amending it to add (as four new subsections) the four categories of plumbing fixtures and fittings that EPA 92 has added to EPCA.

D. Section 305.4 Prohibited Acts

This section makes it unlawful to distribute in commerce any covered product not labeled and advertised as prescribed by the Rule. Failing to maintain and make available certain records and product samples as prescribed by the Rule is also prohibited. The Commission is amending four subsections of this section to specify that failure to comply with the Rule's requirements for covered plumbing products is unlawful.

The Commission is amending subsections (a) and (b) of this section to reflect that EPA 92 requires disclosures to be made on plumbing products themselves and not just on their labels and in certain of their catalog advertising. The Rule did not previously require any covered product itself to be permanently marked. Therefore, in this section where the expressions "label" or "labeled" were used (i.e., subsections (a)(1); (a)(2); and (b)(4)), the Commission is amending the provisions to say "marking and/or label" or "marked and/or labeled." Other language in the Rule makes clear which products are to be marked and labeled and which just labeled.

Subsection (d) states that it is an unfair or deceptive act or practice in violation of section 5(a)(1) of the FTC Act, 15 U.S.C. 45(a)(1), to represent the energy consumption of, or the cost of energy consumed by, a covered product unless the representation fairly discloses the results of tests conducted on the product in accordance with the applicable DOE test procedure. The Commission is amending subsection (d) to include these plumbing products and to indicate that for them it is representations of water usage, or of the cost of water used, that are subject to this subsection. This subsection is also being revised to state that for these plumbing products the relevant test procedures are statutorily established and not DOE prescribed. The amendment splits subsection (d) into

two paragraphs that are worded almost exactly the same as section 323(c) of EPCA, 42 U.S.C. 6293(c), as it has been amended by NAECA 87 and EPA 92.

Finally, in subsection (e), which identifies the Rule's effective date for each category of covered product, the Commission establishes the effective date of the plumbing products amendments. Congress directed the Commission to prescribe, by October 24, 1993, rules for marking and labeling covered plumbing fixtures and fittings and provided that such rules be applicable to those covered plumbing products manufactured after the 12-month period beginning on the date of their publication in final form. All plumbing products rule provisions are being made effective as of this date.

E. Section 305.5 Determinations of Estimated Annual Energy Cost and Energy Efficiency Rating and of Water Use Rate

This section specifies the test procedures to be used for measuring the energy consumption and efficiency of the various categories of products covered by the Rule. Consistent with EPA 92, the Commission is adding a subsection specifying the two ASME standards as providing the appropriate procedures for measuring water use rates.

F. Section 305.8 Submission of Data

This section requires manufacturers of covered products to submit to the Commission, in the form of annual reports, certain data concerning their products. Section 326(b)(1) of EPCA, 42 U.S.C. 6296(b)(1), requires manufacturers to notify the Commission of all their existing product model numbers within 60 days after a Rule covering them takes effect and all their future product model numbers prior to commencement of production. Section 326(b)(4) of EPCA, 42 U.S.C. 6296(b)(4), requires manufacturers to supply annually to the Commission, at times to be specified by the Commission, relevant data respecting their products' energy consumption. EPA 92 amended this provision to add relevant data respecting water use, but did not specify what "relevant data" means.⁴¹ The Commission is amending § 305.8 of the Rule to require plumbing products manufacturers to submit to the Commission by March 1, 1995, and annually thereafter, reports disclosing each company's name and address and the trade names, model numbers, and water usage rates of its covered

products. This amendment will require plumbing products manufacturers to submit the same type of information manufacturers of other products covered by the Rule submit.

Four comments addressed this issue. One comment objected to having to submit annual reports.⁴² Two comments said that, although the Rule should be specific as to what and how information must be submitted, having to report the manufacturing start-up dates and the discontinuance of particular models would be burdensome⁴³ and difficult.⁴⁴ Two comments suggested that industry directories or the records of trade associations or state regulatory bodies be accepted by the Commission in place of original reports from each manufacturer.⁴⁵ One comment, however, insisted that "[i]f the FTC imposes reporting requirements, these must be submitted by manufacturers and not by a third party or certification organization" and advised that states have different reporting requirements and not all manufacturers report on all their products to any one state.⁴⁶

The requirement that manufacturers submit model numbers, and other information, is one that EPA 92 has mandated. The Commission cannot excuse manufacturers from complying with that requirement. The Commission does, however, have discretion over the manner in which the information is submitted. The amended Rule permits manufacturers to satisfy the starting serial number and other reporting requirements by submitting individual company reports, industry directories, catalogs with cover letters, copies of reports filed with state regulatory authorities, or any other format that contains the required data.⁴⁷

G. Section 305.11 Labeling for Covered Products

This section contains specific labeling requirements for the Rule's covered products. The Commission is amending this provision by adding a fifth subsection to address the labeling and marking requirements that EPA 92 directs for plumbing products.⁴⁸ This new subsection (e) specifies that

⁴² PMI, D-3, 2.

⁴³ MI, D-1, 2.

⁴⁴ PMI, D-3, 2.

⁴⁵ CEC, E-1, 4; ACEEE, E-2, 2.

⁴⁶ PMI, D-3, 3.

⁴⁷ See discussion in Part III(J) of this Notice concerning the type of test data required to be submitted.

⁴⁸ The first subsection applies to all the covered products heretofore included in the Rule except fluorescent lamp ballasts; the second concerns only furnaces and central air conditioners; the third only central air conditioners; and the fourth only fluorescent lamp ballasts.

⁴¹ 106 Stat. 2829 (codified at 42 U.S.C. 6296(b)(4)).

covered plumbing fixtures and fittings must be marked and labeled consistent with the marking and labeling requirements of the two ASME standards presently in effect that EPA 92 adopts. These standards require every covered plumbing product to be permanently marked with a legible disclosure of the manufacturer's identity "located where it can be seen after installation" (ASME A112.18.1M-1989, para. 8.1(a)) or "located so as to be visible after the fixture is installed, except for a fixture built into or for a counter or cabinet" (ASME A112.19.2M-1990, para. 8.1.1).

In addition, the standards require every product to bear a disclosure identifying the ASME standard applicable to it. For showerheads and faucets, including aerators, this disclosure may be made by means of a permanent mark on the product, a label on the product, or a tag attached to the product. ASME A112.18.1M-1989, para. 8.1(b). For water closets and urinals, the disclosure must be on the product and be visible after installation, but need not be permanent. ASME A112.19.2M-1990, para. 8.1.2.

The standards also require disclosures about the products' water consumption. For showerheads and faucets, including aerators, this disclosure must be on the packaging or on any label attached to the packaging and must state the actual or maximum allowed water flow rate. ASME A112.18.1M-1989, para. 8.2(b). For water closets and urinals, the standards require the products to be marked with a label specifically identifying the fixture's water consumption classification and also require their maximum allowable water consumption rates to appear on the products themselves and on their packaging. The marking, however, need not be permanent. ASME A112.19.2M-1990, paras. 8.3.3 and 8.4.3.

Pursuant to EPA 92's directive, the new subsection (e) specifies the particular ASME labeling requirements regarding disclosures of water flow rates, manufacturers' identity, and standards designation that henceforth will be required under the Rule. This subsection, pursuant to EPA 92's directive, also requires all covered plumbing products (except for faucets, but including aerators) to be permanently and legibly marked with the products' water use rates. The Commission solicited comment on proposals regarding the legibility and permanence of the disclosures.

For plumbing products, EPA 92 mandates the wording of the disclosures and the Commission therefore did not seek comment on this issue. Two

comments, however, said the Commission should allow alternative disclosures.⁴⁹ One comment said it wanted to disclose the water usage rates of its showerheads and faucets (including aerators) in terms of gallons per minute at 60 pounds of water pressure per square inch and not at 80 pounds.⁵⁰ EPA 92, however, established a standard of 80 pounds. EPA 92 permits that national standard to be changed, if ASME, ANSI and DOE all agree on the changes; but until that occurs the Commission cannot allow under its Rule any disclosure other than that specified in EPA 92.⁵¹ Further, for comparison purposes, products should be measured by the same standard and the results disclosed according to that standard.

In terms of legibility, the Commission concluded in the NPR that a required disclosure is legible only if the purchaser can readily find the disclosure. Accessible placement not only allows code officials and other professionals to determine a product's water use rate, but also facilitates consumers' ability to comparison-shop for efficient plumbing products at retail. Further, in certain circumstances consumers may need to be able to ascertain after sale whether their plumbing fixtures and fittings comply with the EPA 92 water use standards. Some states, such as California, are considering legislation to require homeowners offering their homes for sale to certify that their plumbing meets these standards.

In the NPR the Commission noted that manufacturers of the plumbing products to be covered by this Rule are already required by state plumbing and building codes and by the ASME standards to mark their products permanently with the manufacturer's identity. The Commission's staff looked at dozens of different brands of covered plumbing products on display in local retail outlets and reported that at present manufacturers seem always to put their identifying marks in optimum locations (*i.e.*, in places readily findable after installation). Therefore, the Commission tentatively concluded that if

manufacturers placed the Rule's required disclosures near their own identifying markings, consumers should have little difficulty locating the required water use disclosures.

The Commission sought comment on a proposed Rule stating that disclosing the water use rate in a location near the manufacturers' identifying mark will suffice for purposes of legibility. The proposed Rule did not, however, require any particular location. The Commission used a similar "safe harbor" approach in setting the size specifications for the required disclosure for lamp ballasts when it last amended the Rule.⁵² No comment provided adequate or persuasive evidence against this approach.

One comment contended that requiring markings on decorative aerators would be impractical and would limit consumers' style choices.⁵³ An examination of a diagram of that commenter's decorative aerator showed, however, that there is space on it for non-defacing disclosures of the water use rate. Further, even if this were not the case, the requirement that every aerator be marked with its water flow rate is a statutory mandate that the Commission cannot waive.

Another comment contended that requiring markings on two-piece toilets at each of the two locations where the manufacturers' identifying marks are now appearing would not be practical. The comment stated that because the manufacturers' identifying marks put on the bowl components of such toilets between the two seat bolts are so large (and the space so confined) that there would not be enough space for additional disclosures there.⁵⁴

Although a manufacturer could reduce the size of its identifying mark between the seat bolts to accommodate the water usage rate disclosure, this is not required because the Rule does not require disclosures at any particular location on toilets or that two-piece toilets be marked on both the bowls and the tanks.⁵⁵ The Rule requires only that

⁴⁹ See 16 CFR 305.11(d).

⁵⁰ PFI, D-2, 1.

⁵¹ PMI, D-3, 1-2.

⁴⁹ MI, D-1, 2-3; PMI, D-3, 3.

⁵⁰ MI, D-1, 1.

⁵¹ Similarly, two comments urged that the Rule allow disclosures of testing standards other than the two ASME standards (*e.g.*, the Canadian Standards Association). PMI, D-3, 3; MI, D-1, 2-3. EPA 92, however, mandates that the Rule require all covered products to be labeled in conformity with the marking and labeling provisions of the two ASME standards. Those standards require that the products' labels disclose the pertinent ASME designation. EPA 92 provides for having different disclosure requirements, but only if ASME and ANSI first agree upon the new requirements.

⁵² The ASME standards' marking and labeling requirements, which EPA 92 directed the Commission to include in this Rule, require toilets to be permanently marked with the manufacturer's identifying mark, and specify that a 2-piece toilet must have that marking on each component. The ASME standards do not require permanent markings of the water usage rates. EPA 92 imposed an additional requirement. The Commission's Rule for disclosing water use rates follows the exact language used in EPA 92 and only requires that the toilet fixture be marked with its water usage rate. As a result, manufacturers can comply by marking

each fixture be permanently and legibly marked, while stating that a marking near the manufacturer's identifying mark would suffice for the placement aspect of legibility. Other locations that are readily findable and viewable by consumers also will comply with the legibility requirement.

In the NPR the Commission proposed not to set type size/style and color contrast specifications as part of the legibility requirement. The Commission tentatively concluded that it would be impractical to specify any particular disclosure format or even a safe harbor for all the covered products because plumbing fixtures and fittings (from nozzles to urinals) comprise so many shapes, sizes, colors and surface conditions. The Commission, however, solicited comment on these issues. One comment suggested the Rule require that disclosures of water usage rates on products be in type sizes no less than half the sizes used for the manufacturers' identifying marks so as to prevent the use of very small, illegible types.⁵⁶ Because the Rule addresses so many types of products and possible disclosure variations, the Commission has concluded that it is necessary to preserve manufacturer flexibility in meeting the legibility requirement.

In the NPR the Commission also tentatively concluded that it was unnecessary to define or specify how markings should be made permanent. The Commission noted that the state codes that require permanent marking of the manufacturer's identity, and the ASME standards that those codes are based upon, do not specify how the marking is to be done, instead leaving it to the manufacturer to decide. The Commission sought comment on this issue and no one objected to the Rule's specifying only that the markings must be permanent.

Finally, the Commission has decided that all disclosures must be made in terms of both gallons and liters per flush, minute, or cycle, except where the size of the product would make it impractical to disclose more than the gallons. Several comments addressed this issue and they are discussed below in Section VIII concerning metrication.

H. Section 305.13 Promotional Material Displayed or Distributed at Point of Sale

This section requires that all promotional materials for covered products that are displayed at the point

of sale bear the following statement: "Before purchasing this appliance, read important energy cost and efficiency information available from your retailer." The Commission's authority under section 324(c)(4) of EPCA, which requires that point-of-sale promotional materials for covered products contain the same disclosures as required on the products' labels, was not changed by EPA 92. 42 U.S.C. 6294(c)(4). In the NPR the Commission therefore proposed requiring that plumbing product point-of-sale materials also include a disclosure. At the same time, the disclosure statement that is now required by this subsection of the Rule for all those products heretofore covered by the Rule, is not one of those that EPA 92 would allow the Commission to require on plumbing product labels. The Commission therefore proposed adding to this section a clause that would require the disclosure of the water usage rates in all point-of-sale promotional materials for covered plumbing products.

Two comments addressed the proposal for point-of-sale promotional materials. One supported the proposal because it would increase consumer awareness of the importance of considering water use when purchasing plumbing products.⁵⁷ The other comment urged that the Rule state that only those materials printed one year after the Rule's effective date must be in compliance.⁵⁸ The Rule goes into effect one year after its publication today and only those materials disseminated after that date must comply with the amended Rule. Therefore, industry members will have ample time to use up existing promotional materials and to prepare conforming materials.

I. Section 305.14 Catalogs

This section requires advertising for covered products in all catalogs from which purchasers may order the items to disclose information about those products' energy consumption and efficiency. The Commission's authority under section 326(a) of EPCA to require this disclosure in catalog advertising for covered products was not changed by EPA 92. 42 U.S.C. 6296(a). In the NPR the Commission proposed amending the Rule to indicate that manufacturers of covered plumbing fixtures and fittings are required to disclose in pertinent catalog advertising their products' water usage rates, rather than energy cost and efficiency information. The Commission also proposed deleting, in existing 305.14(a), the specific reference to

payment "by cash, charge account or credit terms," because such a limitation in the payment method is not required by the statute and does not encompass all possible payment methods (e.g., checks or electronic funds transfers).

Two comments addressed the issue of catalog disclosures. One supported the proposal because it would increase consumer awareness of the importance of considering water use when purchasing plumbing products.⁵⁹ The other comment requested that the Rule state that only those catalogs printed one year after the Rule's effective date must be in compliance.⁶⁰ The Rule goes into effect one year after its publication today and only those catalogs disseminated after that date must comply with the amended Rule. Therefore, industry members will have ample time to use up existing catalogs and to prepare conforming ones.

J. Section 305.15 Test Data Records

This section requires energy consumption and efficiency test data to be maintained and made available to the Commission. In the NPR the Commission proposed amending subsection (b) to include water usage test data and solicited comment on this proposal. One comment asked whether a manufacturer's own test reports would suffice or whether only third party testing would be acceptable. The comment further stated that there was industry opposition to this provision's requirement that test data be made available within 30 days of a Commission request, asking that the Rule instead specify 90 days.⁶¹

EPCA does not specify who must conduct the tests on which submissions to the Commission are based and the Rule also does not contain requirements regarding this. The Commission has no objection to manufacturers submitting test data from tests conducted by manufacturers on their own products as long as the records are adequate to show the tests were performed properly.

The Commission has decided not to change the 30 days requirement. It applies to manufacturers of all products covered by the Appliance Labeling Rule, not just plumbing products manufacturers. No evidence was presented to show why the plumbing products industry would need more time than other industries to transmit to the Commission requested test data records that subsection (a) of this provision of the Rule would already require them to have in their possession.

the fixture on either the bowl or the tank component.

⁵⁶ ACEEE, E-2, 1.

⁵⁷ ACEEE, E-2, 1.

⁵⁸ PMI, D-3, 4.

⁵⁹ ACEEE, E-2, 1.

⁶⁰ PMI, D-3, 4.

⁶¹ PMI, D-3, 4.

IV. Format and Manner of Display for Voluntary Disclosures of Estimated Annual Operating Cost Claims on Labels of Covered Plumbing Products

EPA 92 did not amend EPCA to require manufacturers of covered plumbing products to provide consumers with estimated annual operating cost disclosures. It does, however, envision that in the future some manufacturers might voluntarily make such claims. Specifically, EPA 92 has amended section 324(c) of EPCA to provide that:

If a manufacturer of a covered product specified in paragraph (15) or (17) of section 322(a) elects to provide a label for such covered product conveying the estimated annual operating cost of such product or the range of estimated annual operating costs for the type or class of such product—

(A) such estimated cost or range of costs shall be determined in accordance with test procedures prescribed under section 323;

(B) the format of such label shall be in accordance with a format prescribed by the Commission; and

(C) such label shall be displayed in a manner, prescribed by the Commission, to be likely to assist consumers in making purchasing decisions and appropriate to carry out the purposes of this Act. 106 Stat. 2823-24 (to be codified at 42 U.S.C. 6294(c)(8)).

In the NPR the Commission noted that its staff had consulted with industry representatives and interested consumer and environmental groups, who stated that they knew of no manufacturer that presently makes estimated annual operating costs claims or intends to do so. The NPR also stated that unlike other appliances covered by the Rule (e.g., refrigerators), for which EPCA has directed DOE to devise estimated annual cost of operation energy consumption data, DOE does not now have such data available for plumbing products.⁶²

Because EPA 92 does not specify any time frame by which the Commission must prescribe formats and manners of display for labels bearing such claims, the Commission proposed postponing doing so until informed that manufacturers have elected to make covered claims. At that time the Commission would evaluate the types of

claims the manufacturers were proposing to use and then prescribe a format and manner of display accordingly. In the meantime, any cost claims that might be made would be regulated by § 305.4(d) of the Rule, 16 CFR 305.4(d), which states that it is a violation of section 5(a)(1) of the FTC Act to make unsubstantiated water use claims.

The Commission solicited comments on the proposal to defer prescribing a format and asked whether, in fact, any firm is now making or intends to make such claims. Four comments addressed this issue. One comment noted that operating cost claims would necessarily be quite arbitrary.⁶³ A second comment agreed the matter should be postponed, stating that manufacturers would not likely make such claims because of the wide variety of rates and costs throughout the United States.⁶⁴ Another comment agreed with postponing prescribing a format and manner of display, saying the Commission should wait until there is publication of a national test procedure that includes a means of estimating annual operating costs, something that does not now exist.⁶⁵ The last comment also agreed with the postponement, saying that no manufacturers have plans to make such claims and contending that there is no need for such disclosures because consumers will have virtually no water usage options in buying plumbing products due to the new national standards.⁶⁶

In the NPR the Commission also sought comment on the method it should use when it prescribes the format and manner of display. EPA 92 does not specify how the Commission is to prescribe a format and manner of display for such claims. Wherever else in the statute Congress directs the Commission to "prescribe" requirements, it directs the Commission to "prescribe by rule." For these voluntary disclosures, however, Congress only directs that the Commission "shall prescribe" the format and manner of display. Therefore, the Commission could prescribe a format and manner of display for these claims by rule or through an enforcement policy statement or other similar means.

If the Commission were to prescribe display requirements by rule, those manufacturers that voluntarily disclose operating cost information could be liable for monetary civil penalties if

they did not follow the prescribed format and manner of display rules. Manufacturers therefore might be discouraged from voluntarily disclosing such information because even a minor violation of the prescribed format and manner of display could subject them to the possibility of a civil penalty action. In contrast, if the Commission were to prescribe display requirements through an enforcement policy statement, manufacturers who chose voluntarily to disclose operating cost information would not be subject to actions for monetary civil penalties (although section 5(b) administrative proceedings for cease and desist orders, 15 U.S.C. 45(b), and section 13(b) district court proceedings for permanent injunctive relief, 15 U.S.C. 53(b), are remedies that the Commission could pursue). In addition to noting the differences in remedies, the Commission in the NPR stated that an enforcement policy statement could probably be adopted more quickly than a rule and would be easier to amend, if necessary, as manufacturers in the future identified different proposed claims or as other circumstances changed.

The Commission therefore sought comment on whether it should adopt format and manner of display requirements by rule or through an enforcement policy statement or other means. Only one comment addressed this issue and it recommended that the Commission adopt these requirements, when it does so, by policy statement, rather than by rule, because this would allow for easier modifications as circumstances and product technology change.⁶⁷

The Commission has decided to defer prescribing a format and manner of display for voluntary estimated annual operating cost claims for covered plumbing products until it is notified that manufacturers have elected to make such claims. At that time the Commission will announce whether it will prescribe the requirements by rule or through an enforcement policy statement. Accordingly, until such time as the Commission prescribes such requirements, the Act prohibits manufacturers from making such claims. In order to ensure that advertisers have adequate notice of this prohibition, the Commission is amending the Rule to add § 305.11(e)(3). A manufacturer desiring to make a covered operating costs claim may petition the Commission to prescribe such requirements. See 16 CFR 1.25.

⁶² Further, there are many ways annual operating cost claims could be made. For example, claims could be made in terms of dollars and cents spent for water or in terms of amounts of water used. The claims could be based on typical household use (e.g., X number of showers a day by a family of Y number of people) or on a typical shower taking X minutes and using Y amount of water. Differently phrased claims would raise distinct questions regarding the statistical bases on which the claims rest (e.g., claims for showerheads and faucets, where hot water is involved, might involve energy consumption as well as water use costs).

⁶³ MI, D-1, 1.

⁶⁴ ACEEE, E-2, 2.

⁶⁵ CEC, E-1, 3-4.

⁶⁶ PMI, D-3, 2.

⁶⁷ PMI, D-3, 4.

V. Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, requires government agencies, before promulgating rules or other regulations that would require "collection of information" (*i.e.*, recordkeeping or reporting requirements), to obtain approval from the Office of Management and Budget ("OMB"). Sections 305.8 and 305.15 of the Rule include requirements that plumbing manufacturers report certain data annually to the Commission and that certain records be retained. In the NPR the Commission estimated that the paperwork burden of these requirements on plumbing manufacturers would be approximately 60 hours and sought comment on this estimate.

Four comments addressed this issue. One comment objected to requiring annual reports.⁶⁸ Two comments recommended that the Rule specify exactly what information must be submitted and clarify how it should be submitted.⁶⁹ One comment said that the requirement to report manufacturing start-up dates and discontinuance of particular models would be particularly burdensome.⁷⁰ Another comment said that having to keep reports current with respect to discontinued and new models would be difficult.⁷¹ Two comments suggested that the Commission accept industry directories or the records of trade associations or state regulatory bodies as well as original reports from each manufacturer.⁷² One comment, however, insisted that "[i]f the FTC imposes reporting requirements, these must be submitted by manufacturers and not by a third party or certification organization."⁷³

The reporting requirements cited by the commenters were set by statute. The Rule provision that requires manufacturers to submit starting serial numbers, and other information, is mandated by EPCA and the Commission does not have the discretion to excuse plumbing products manufacturers from this obligation. The Commission, however, will accept manufacturers' reports in any format that contains the necessary information. These could be catalogs with cover letters, industry directories, copies of reports to state regulatory authorities, or original reports.

Because these requirements will involve "collections of information," as that term is defined by the OMB

regulations implementing the Paperwork Reduction Act, the Commission submitted the proposed amendments to OMB for clearance. OMB approved the request and assigned control number 3084-0068 to the information collection requirements. This approval will expire on February 28, 1996, unless it is extended before that date.

VI. Regulatory Flexibility Act

The Commission in the NPR stated that the provisions of the Regulatory Flexibility Act, 5 U.S.C. 603, 604, requiring a regulatory analysis were not applicable to the proposed amendments because the amendments did not appear to have "a significant economic impact on a substantial number of small entities." 58 FR 26720. Based on available information, the Commission in the NPR tentatively concluded that the proposed amendments would have a minimal effect on all business entities within the affected industries, regardless of their size. The Commission stated in the NPR that its staff had been informed by industry representatives that approximately 100 to 120 American companies manufacture the covered plumbing products, but that most of them are not "small entities," as that term is defined in section 601 of the Regulatory Flexibility Act and in the regulations of the Small Business Administration, found in 13 CFR part 121 (1992).

While there are some "small entities" among these companies, the Commission stated in the NPR that the impact of the proposed amendments on those small entities would be minimal. Specifically, the amendments would require manufacturers to submit annual reports to the Commission. Manufacturers, however, are already required by state plumbing and building codes to submit this information to state authorities, and it is contained in other documents routinely generated by manufacturers for their own business purposes. The amendments also would require products to be permanently marked with their water usage rates and require the labeling, certain catalog advertising, and point-of-sale promotional materials of those products to contain various disclosures. Those disclosures, however, are already required by industry standards to appear on product labels.

In the NPR the Commission tentatively concluded that the impact of requiring manufacturers to send to the Commission a duplicate copy of their state reports containing the information required by the amendments and of requiring those manufacturers to

disclose in their catalog and point-of-sale promotional materials the same short disclosures that are already appearing on product labels would be *de minimis* and not, therefore, significant. Further, the Commission stated that the principal economic costs to be imposed on small entities by these amendments are due to the statutorily mandated requirement that these plumbing products be permanently marked and that the proposed regulations would impose few, if any, independent additional costs. The Commission sought comment on these tentative conclusions.

No comments discussed the impact on small entities. Two comments stated that compliance with the amendments would cost hundreds of thousands of dollars per company.⁷⁴ Most of the estimated expenses cited in the comments appear to derive from the requirement that products themselves will have to be permanently marked. That, however, is a statutorily imposed requirement as to which the Commission has no discretion.

On the basis of all the information now available, including the written comments submitted in response to the NPR, the Commission has determined that the amendments will not have a significant impact on a substantial number of small entities. Consequently, the Commission concludes that a regulatory flexibility analysis is not required. In light of the above, the Commission certifies, pursuant to section 605 of the Regulatory Flexibility Act, that the amendments it is adopting will not have a significant impact on a substantial number of small entities.

VII. Regulatory Review

The Commission has implemented a program for regulatory review of all the Commission's current and proposed rules and guides. One of the purposes of the review is to minimize the economic impact of new regulatory actions. As part of that review, the Commission in the NPR requested comments on the costs and benefits of the proposed amendments to add these plumbing products to the Appliance Labeling Rule. No comments specifically addressed the general regulatory review questions the Commission asked. But, based on the discussion in Parts V and VI above of the comments received concerning the Regulatory Flexibility Act and Paperwork Reduction Act issues, the Commission concludes that these amendments will ensure that consumers receive important information about the water use of

⁶⁸ PMI, D-3, 2.

⁶⁹ MI, D-1, 2; PMI, D-3, 2.

⁷⁰ MI, D-1, 2.

⁷¹ PMI, D-3, 2.

⁷² CEC, E-1, 4; ACEEE, E-2, 2.

⁷³ PMI, D-3, 3.

⁷⁴ MI, D-1, 2; PMI, D-3, 3.

plumbing products that can facilitate and encourage conservation efforts. Further, the Commission concludes that these amendments will not have a significant economic impact on covered parties.

VIII. Metric Conversion Act

Section 205b of the Metric Conversion Act, 15 U.S.C. 205b, states that the metric measurement system is the preferred system of weights and measures in the United States. It also requires federal agencies to use the metric system of measurement in all procurements, grants and other business-related activities (including rulemakings), except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms. These requirements are also expressed in Executive Order 12770 of July 25, 1991.⁷⁵

EPA 92 specifies that the required disclosures of water usage rates be in terms of gallons. Nothing, however, in EPA 92 or its legislative history suggests that Congress intended to override the Metric Conversion Act for these plumbing products. The Commission in the NPR proposed requiring the water usage rate disclosures to appear in both gallons and liters unless the size of the product would make dual disclosure impractical (in which case only gallons would have to be disclosed).

The Commission solicited comments on this dual disclosure approach. One comment supported this approach, saying it would not be impractical and that it would enhance consumers' knowledge of the metric system.⁷⁶ Another comment took no position, but noted that the dual disclosure approach would be beneficial for North American markets even though in the United States market it would not likely enhance metrication knowledge because U.S. citizens do not normally relate to metric values.⁷⁷ One comment opposed the dual disclosure approach, preferring that one measurement system or the other be required because dual markings will be confusing to inspectors and do little to educate consumers.⁷⁸ Two comments opposed metric disclosures. One contended that consumer awareness and familiarity with metric measurements are insufficient to make their inclusion worthwhile and that requiring dual disclosures will likely result in disclosures in smaller type, rendering the rating information

difficult to read.⁷⁹ The other comment argued that dual disclosures are unnecessary and confusing, contending that plumbing inspectors and consumers do not want or need to know the metric measurements.⁸⁰

The Commission has decided that the amended Rule should require plumbing products disclosures of water usage rates in both gallons and liters unless the size of the product would make dual disclosure impractical. Dual disclosure can help make consumers aware of metric equivalents, and this goal is in accord with the Metric Conversion Act. Although dual disclosures will require that more space be given to the water usage rate data, both the gallons and the liters disclosures will have to be legible. The Rule provides that metric disclosures are not required where the size of the product would make it impractical.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Incorporation by reference, Labeling, Reporting and recordkeeping requirements, Water conservation.

Text of Amendments

For the reasons set out in the preamble, 16 CFR part 305 is amended as follows:

1. The heading of part 305 is revised to read as follows:

PART 305—RULE CONCERNING DISCLOSURES OF INFORMATION ABOUT ENERGY CONSUMPTION AND WATER USE FOR CERTAIN HOME APPLIANCES AND OTHER PRODUCTS REQUIRED UNDER THE ENERGY POLICY AND CONSERVATION ACT.

2. Further, the authority citation for part 305 is revised to read as follows:

Authority: 42 U.S.C. 6294.

3. Further, § 305.1 is amended by revising the heading and paragraphs (a), (b), and (d), to read as follows:

§ 305.1 Scope.

(a) Labeling and/or marking the products with information required by this part indicating their operating cost (or different useful measure of energy consumption) and related information, disclosing their water use rate and related information, or stating their compliance with applicable standards under section 325 of the Energy Policy and Conservation Act, 42 U.S.C. 6295;

(b) Including in printed matter displayed or distributed at the point of

sale of such products, or including in any catalog from which the products may be purchased, information concerning their water use or their energy consumption;

(d) Making representations, in writing or in broadcast advertising, respecting the water use, energy consumption, or energy efficiency of the products, or the cost of water used or energy consumed by the products.

4. Further, § 305.2 is amended by adding new paragraphs (r) through (v), to read as follows:

§ 305.2 Definitions.

(r) *Water use* means the quantity of water flowing through a showerhead, faucet, water closet, or urinal at point of use, determined in accordance with test procedures under section 323 of the Act, 42 U.S.C. 6293.

(s) *ASME* means the American Society of Mechanical Engineers and, as used herein, is the prefix for national standards and codes adopted by the Society.

(t) *ANSI* means the American National Standards Institute and, as used herein, is the prefix for national standards and codes adopted by the Institute.

(u) *Flushometer valve* means a valve attached to a pressured water supply pipe and so designed that, when actuated, it opens the line for direct flow into the fixture at a rate and quantity to operate properly the fixture, and then gradually closes to provide trap reseal in the fixture in order to avoid water hammer. The pipe to which this device is connected is in itself of sufficient size that, when opened, will allow the device to deliver water at a sufficient rate of flow for flushing purposes.

(v) *Flow restricting or controlling spout end device* means an aerator used in a faucet.

5. Further, § 305.3 is amended by adding new paragraphs (k) through (n), to read as follows:

§ 305.3 Description of covered products to which this part applies.

(k) *Showerhead* means any showerhead (including a handheld showerhead), except a safety shower showerhead.

(l) *Faucet* means a lavatory faucet, kitchen faucet, metering faucet, or replacement aerator for a lavatory or kitchen faucet.

(m) *Water closet* means a plumbing fixture having a water-containing receptor which receives liquid and solid

⁷⁵ 56 FR 35801 (July 29, 1991).

⁷⁶ CEC, E-1, 3.

⁷⁷ MI, D-1, 1.

⁷⁸ PPI, D-2, 1.

⁷⁹ ACEEE, D-2, 1-2.

⁸⁰ PMI, D-3, 2.

body waste and, upon actuation, conveys the waste through an exposed integral trap seal into a gravity drainage system, except such term does not include fixtures designed for installation in prisons.

(n) *Urinal* means a plumbing fixture which receives only liquid body waste and, on demand, conveys the waste through a trap seal into a gravity drainage system, except such term does not include fixtures designed for installation in prisons.

6. Further, § 305.4 is amended by revising paragraphs (a)(1), (a)(2), (b)(4), (d), (e) introductory text, (e)(2), and (e)(3), to read as follows:

§ 305.4 Prohibited acts.

(a) * * *

(1) For any manufacturer or private labeler knowingly to distribute in commerce any new covered product unless such covered product is marked and/or labeled in accordance with § 305.11 with a marking, label, flap tag, hang tag, or energy fact sheet which conforms to the provisions of the Act and this part.

(2) For any manufacturer, distributor, retailer, or private labeler knowingly to remove or render illegible any marking or label required to be provided with such product by this part.

* * * * *

(b) * * *

(4) Refuse, when requested by the Commission or its designated representative, to supply at the manufacturer's expense, no more than two of each model of each covered product to any laboratory designated by the Commission for the purpose of ascertaining whether the information in catalogs or set out on the label or marked on the product as required by this part is accurate. This action will be taken only after review of a manufacturer's testing records and an opportunity to revalidate test data has been extended to the manufacturer.

* * * * *

(d) (1) It shall be an unfair or deceptive act or practice in violation of section 5(a)(1) of the Federal Trade Commission Act, 15 U.S.C. 45(a)(1), for any manufacturer, distributor, retailer or private labeler to make any representation in or affecting commerce, in writing (including a representation on a label) or in any broadcast advertisement, with respect to the energy use or efficiency or, in the case of showerheads, faucets, water closets, and urinals, water use of a covered product to which a test procedure is applicable under section 323 of the Act, 42 U.S.C. 6293, or the cost of energy

consumed by such product, unless such product has been tested in accordance with such test procedure and such representation fairly discloses the results of such testing.

(2) Effective 180 days after an amended or new test procedure applicable to a covered product is prescribed or established under section 323(b) of the Act, 42 U.S.C. 6293(b), it shall be an unfair or deceptive act or practice in violation of section 5(a)(1) of the Federal Trade Commission Act, 15 U.S.C. 45(a)(1), for any manufacturer, distributor, retailer or private labeler to make any representation in or affecting commerce, in writing (including a representation on a label) or in any broadcast advertisement, with respect to the energy use or efficiency or, in the case of showerheads, faucets, water closets and urinals, water use of such product, or cost of energy consumed by such product, unless the product has been tested in accordance with such amended or new test procedures and such representation fairly discloses the results of such testing. This requirement is not limited to consumer appliance products covered by the labeling requirements of this Part.

(3) Any manufacturer, distributor, retailer, or private labeler may file a petition with the Commission not later than sixty (60) days before the expiration of the period involved for an extension of the 180 day period. If the Commission finds that the requirements would impose an undue hardship on the petitioner, the Commission may extend the 180 day period with respect to the petitioner up to an additional 180 days.

(e) This part shall not apply to:

* * * * *

(2) Any covered product, other than central air conditioners, pulse combustion and condensing furnaces, fluorescent lamp ballasts, showerheads, faucets, water closets, and urinals, if the manufacture of the product was completed prior to May 19, 1980. Any central air conditioner or any pulse combustion or condensing furnace if its manufacture was completed prior to June 7, 1988. Any fluorescent lamp ballast if its manufacture was completed prior to January 1, 1990. Any showerhead, faucet, water closet or urinal if its manufacture was completed prior to October 25, 1994.

(3) Any catalog or point-of-sale printed material pertaining to any covered products, other than central air conditioners, pulse combustion and condensing furnaces, fluorescent lamp ballasts, showerheads, faucets, water closets, and urinals, that were

distributed prior to May 19, 1980, and any catalog or point-of-sale printed material pertaining to any central air conditioners and pulse combustion and condensing furnaces that were distributed prior to June 7, 1988, and any catalog or point-of-sale printed material pertaining to any fluorescent lamp ballasts that were distributed prior to June 23, 1989, and any catalog or point-of-sale printed material pertaining to any showerheads, faucets, water closets and urinals that were distributed prior to October 25, 1994, except that if representations respecting the energy consumption or energy efficiency or water use of any covered product or other consumer appliance product or cost of energy consumed or water used by such product are included, they are subject to the requirements of paragraph (d) of this section.

* * * * *

7. Further, § 305.5 is revised to read as follows:

§ 305.5 Determinations of estimated annual energy cost and energy efficiency rating and of water use rate.

(a) Procedures for determining the estimated annual energy costs, the energy efficiency ratings, and the power and efficacy factors of covered products are those found in 10 CFR part 430, subpart B, in the following sections:

- (1) Refrigerators and refrigerator-freezers—§ 430.22(a).
- (2) Freezers—§ 430.22(b).
- (3) Dishwashers—§ 430.22(c).
- (4) Water heaters—§ 430.22(e).
- (5) Room air conditioners—§ 430.22(f).
- (6) Clothes washers—§ 430.22(j).
- (7) Central air conditioners and heat pumps—§ 430.22(m).
- (8) Furnaces—§ 430.22(n).
- (9) Fluorescent lamp ballasts—§ 430.22(q).

(b) Procedures for determining the water use rates of covered products are those found in the following standards:

- (1) Showerheads and faucets—ASME A112.18.1M-1989, Plumbing Fixture Fittings. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of ASME A112.18.1M may be obtained from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, or may be inspected at the Federal Trade Commission, room 130, 600 Pennsylvania Avenue NW., Washington, DC, or at the Office of the Federal Register, suite 700, 800 North Capitol Street NW., Washington, DC.
- (2) Water closets and urinals—ASME A112.19.2M-1990, Vitreous China

Plumbing Fixtures. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of ASME A112.19.2M may be obtained from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, or may be inspected at the Federal Trade Commission, room 130, 600 Pennsylvania Avenue NW., Washington, DC, or at the Office of the Federal Register, suite 700, 800 North Capitol Street NW., Washington, DC.

8. Further, § 305.8 (a) and (b) is revised to read as follows:

§ 305.8 Submission of data.

(a) (1) Each manufacturer of a covered product, except manufacturers of fluorescent lamp ballasts, showerheads, faucets, water closets or urinals, shall submit annually to the Commission a report listing the kilowatt-hour use per year (for refrigerators, refrigerator-freezers and freezers), the energy factor (for clothes washers, dishwashers and water heaters) or the energy efficiency rating (for room air conditioners, central air conditioners, heat pumps and furnaces) for each basic model in current production, determined according to § 305.5 and statistically verified according to § 305.6. The report must also list, for each basic model in current production: the model number; the total energy consumption, determined in accordance with § 305.5, used to calculate the kilowatt-hour per year, energy factor, or energy efficiency rating; the number of tests performed; and its capacity, determined in accordance with § 305.7. For those models that use more than one energy source or more than one cycle, each separate amount of energy consumption, or energy cost, measured in accordance with § 305.5, shall be listed in the report. Appendix J of this part illustrates a suggested reporting format. Starting serial numbers or other numbers identifying the date of manufacture of covered products shall be submitted whenever a new basic model is introduced in the market.

(2) Each manufacturer of a covered fluorescent lamp ballast shall submit annually to the Commission a report for each basic model of fluorescent lamp ballast in current production. The report shall contain the following information:

- (i) Name and address of manufacturer;
- (ii) All trade names under which the fluorescent lamp ballast is marketed;
- (iii) Model number;
- (iv) Starting serial number, date code or other means of identifying the date of manufacture (date of manufacture information must be included with only

the first submission for each basic model);

(v) Nominal input voltage and frequency;

(vi) Ballast efficacy factor; and

(vii) Type (F40T12, F96T12 or F96T12HO) and number of lamp or lamps with which the fluorescent lamp ballast is designed to be used.

(3) Each manufacturer of a covered showerhead, faucet, water closet or urinal shall submit annually to the Commission a report for each basic model of such products in current production. The report shall contain the following information:

- (i) Name and address of manufacturer;
- (ii) All trade names under which the product is marketed;
- (iii) Model number;
- (iv) Starting serial number, date code or other means of identifying the date of manufacture (date of manufacture information must be included with only the first submission for each basic model);

(v) The product's water use, expressed in gallons and liters per flush (gp/Lpf) or gallons and liters per minute (gpm/Lpm) or per cycle (gpc/Lpc) as determined in accordance with § 305.5.

(b) All data required by § 305.8(a), except serial numbers, shall be submitted to the Commission annually, on or before the following dates:

| Products | Deadline for data submission |
|---------------------------------|------------------------------|
| Refrigerators | Aug. 1 |
| Refrigerator-freezers | Aug. 1 |
| Freezers | Aug. 1 |
| Central air conditioners | July 1 |
| Heat pumps | July 1 |
| Dishwashers | June 1 |
| Water heaters | May 1 |
| Room air conditioners | May 1 |
| Furnaces | May 1 |
| Clothes washers | Mar. 1 |
| Fluorescent lamp ballasts | Mar. 1 |
| Showerheads | Mar. 1 |
| Faucets | Mar. 1 |
| Water closets | Mar. 1 |
| Urinals | Mar. 1 |

All revisions to such data (both additions to and deletions from the preceding data) shall be submitted to the Commission as part of the next annual report period. Serial number reports for new covered products are due sixty days after the annual effective mandatory labeling date for each product.

9. Further, § 305.11 is amended by revising the heading of paragraph (a) and by adding a new paragraph (e), to read as follows:

§ 305.11 Labeling for covered products.

(a) Labels for covered products other than fluorescent lamp ballasts, showerheads, faucets, water closets and urinals—* * *

* * * * *

(e) Plumbing fixtures—(1) Showerheads and faucets. Showerheads and faucets shall be marked and labeled as follows:

(i) Each showerhead and flow restricting or controlling spout end device shall bear a permanent legible marking indicating the flow rate, expressed in gallons per minute (gpm) or gallons per cycle (gpc), and the flow rate value shall be the actual flow rate or the maximum flow rate specified by the standards established in subsection (j) of section 325 of the Act, 42 U.S.C. 6295(j). Except where impractical due to the size of the fitting, each flow rate disclosure shall also be given in liters per minute (Lpm) or liters per cycle (Lpc). For purposes of this section, the marking indicating the flow rate will be deemed "legible," in terms of placement, if it is located in close proximity to the manufacturer's identification marking.

(ii) Each showerhead and faucet shall bear a permanent legible marking to identify the manufacturer. This marking shall be the trade name, trademark, or other mark known to identify the manufacturer. Such marking shall be located where it can be seen after installation.

(iii) Each showerhead and faucet shall be marked "A112.18.1M" to demonstrate compliance with the applicable ASME standard. The marking shall be by means of either a permanent mark on the product, a label on the product, or a tag attached to the product.

(iv) The package for each showerhead and faucet shall disclose the manufacturer's name and the model number.

(v) The package or any label attached to the package for each showerhead or faucet shall contain at least the following: "A112.18.1M" and the flow rate expressed in gallons per minute (gpm) or gallons per cycle (gpc), and the flow rate value shall be the actual flow rate or the maximum flow rate specified by the standards established in subsection (j) of section 325 of the Act, 42 U.S.C. 6295(j). Each flow rate disclosure shall also be given in liters per minute (Lpm) or liters per cycle (Lpc).

(2) Water closets and urinals. Water closets and urinals shall be marked and labeled as follows:

(i) Each such fixture (and flushometer valve associated with such fixture) shall

bear a permanent legible marking indicating the flow rate, expressed in gallons per flush (gpf), and the water use value shall be the actual water use or the maximum water use specified by the standards established in subsection (k) of section 325 of the Act, 42 U.S.C. 6295(k). Except where impractical due to the size of the fixture, each flow rate disclosure shall also be given in liters per flush (Lpf). For purposes of this section, the marking indicating the flow rate will be deemed "legible," in terms of placement, if it is located in close proximity to the manufacturer's identification marking.

(ii) Each water closet (and each component of the water closet if the fixture is comprised of two or more components) and urinal shall be marked with the manufacturer's name or trademark or, in the case of private labeling, the name or registered trademark of the customer for whom the unit was manufactured. This mark shall be legible, readily identified, and applied so as to be permanent. The mark shall be located so as to be visible after the fixture is installed, except for fixtures built into or for a counter or cabinet.

(iii) Each water closet (and each component of the water closet if the fixture is comprised of two or more components) and urinal shall be marked at a location determined by the manufacturer with the designation "ASME A112.19.2M" to signify compliance with the applicable standard. This mark need not be permanent, but shall be visible after installation.

(iv) The package, and any labeling attached to the package, for each water closet and urinal shall disclose the flow rate, expressed in gallons per flush (gpf), and the water use value shall be the actual water use or the maximum water use specified by the standards established in subsection (k) of section 325 of the Act, 42 U.S.C. 6295(k). Each flow rate disclosure shall also be given in liters per flush (Lpf).

(v) With respect to any gravity tank-type white 2-piece toilet offered for sale or sold before January 1, 1997, which has a water use greater than 1.6 gallons per flush (gpf), any printed matter distributed or displayed in connection with such product (including packaging and point of sale material, catalog material, and print advertising) shall include, in a conspicuous manner, the words "For Commercial Use Only."

(3) *Annual Operating Cost Claims for Covered Plumbing Products.* Until such time as the Commission has prescribed a format and manner of display for labels conveying estimated annual

operating costs of covered showerheads, faucets, water closets, and urinals or ranges of estimated annual operating costs for the types or classes of such plumbing products, the Act prohibits manufacturers from making such representations on the labels of such covered products. 42 U.S.C. 6294(c)(8). A manufacturer desiring that the Commission prescribe a label format and manner of display may petition the Commission to do so. See 16 CFR 1.25.

10. Further, § 305.13 is amended by revising paragraph (a), to read as follows:

§ 305.13 Promotional material displayed or distributed at point of sale.

(a) (1) Any manufacturer, distributor, retailer, or private labeler who prepares printed material for display or distribution at point of sale concerning a covered product (except fluorescent lamp ballasts, showerheads, faucets, water closets, and urinals) shall clearly and conspicuously include in such printed material the following required disclosure:

Before purchasing this appliance, read important energy cost and efficiency information available from your retailer.

(2) Any manufacturer, distributor, retailer, or private labeler who prepares printed material for display or distribution at point-of-sale concerning a covered showerhead, faucet, water closet, or urinal shall clearly and conspicuously include in such printed material the product's water use, expressed in gallons and liters per minute (gpm/Lpm) or per cycle (gpc/Lpc) or gallons and liters per flush (gpf/Lpf) as specified in § 305.11(e).

11. Further, § 305.14 is amended by revising paragraph (a) introductory text and by adding a new paragraph (d), to read as follows:

§ 305.14 Catalogs.

(a) Any manufacturer, distributor, retailer, or private labeler who advertises a covered product (except fluorescent lamp ballasts, showerheads, faucets, water closets or urinals) in a catalog, from which it may be purchased, shall include in such catalog, on each page that lists the covered product, the following information required to be disclosed on the label:

(d) Any manufacturer, distributor, retailer, or private labeler who advertises a covered showerhead, faucet, water closet or urinal in a catalog, from which it may be purchased, shall include in such

catalog, on each page that lists the covered product, the product's water use, expressed in gallons and liters per minute (gpm/Lpm) or per cycle (gpc/Lpc) or gallons and liters per flush (gpf/Lpf) as specified in § 305.11(e).

12. Further, § 305.15 is amended by revising paragraph (b), to read as follows:

§ 305.15 Test data records.

(b) Upon notification by the Commission or its designated representative, a manufacturer or private labeler shall provide, within 30 days of the date of such request, the underlying test data from which the water use or energy consumption rate, the energy efficiency rating, or the estimated annual cost of using each basic model was derived.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 93-26195 Filed 10-22-93; 8:45 am]

BILLING CODE 6750-01-P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Prohibition on Insider Trading

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission ("Commission") has adopted amendments to its regulations necessary to effectuate section 214 of the Futures Trading Practices Act of 1992 ("FTPA"), which makes it a felony for employees and governing members of self-regulatory organizations ("SROs") to disclose or trade on inside information in violation of a Commission regulation and for tippees of such insiders to trade on inside information so disclosed. The amendments also modify the regulation's definitions of "material information," "linked exchange," and "non-public information."

DATES: The amendments will become effective on November 24, 1993. The SROs will have until January 24, 1994 to submit to the Commission any rule amendments necessary to conform their rules to revised Regulation 1.59.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Patterson, Special Counsel, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION:

I. Introduction

On August 23, 1993, the Commission published for public comment in the *Federal Register* proposed amendments to existing Commission Regulation 1.59, 17 CFR 1.59.¹ The proposed amendments are responsive to Section 214 of the FTPA, Public Law No. 102-546, 106 Stat. 3590 (1992). Section 214 of the FTPA amends section 9 of the Commodity Exchange Act, 7 U.S.C. 13, by creating a felony prohibition of certain activities of futures industry insiders and their tippees. In particular, Section 214 makes it a felony for any person who is an employee of, a member of the governing board of, or a member of any committee of, a board of trade, a contract market, or a registered futures association, in violation of a regulation issued by the Commission, willfully and knowingly (1) to trade for such person's own account, or for or on behalf of any other account, in contracts for future delivery or options thereon on the basis of any material, non-public information obtained through special access related to the performance of such person's official duties as an employee or member or (2) to disclose for any purpose inconsistent with the performance of such person's official duties any material, non-public information obtained through special access related to the performance of such duties. Section 214 also makes it a felony for any person willfully and knowingly to trade in futures or options for such person's own account, or for or

on behalf of any account, on the basis of any material, non-public information that such person knows was obtained in violation of the aforementioned insider disclosure prohibition.²

The Commission proposed to amend Regulation 1.59 in four respects.³ First, the Commission proposed to create a new paragraph (e) to Regulation 1.59. This paragraph would have contained all the direct prohibitions on insider and tippee activity necessary to effectuate section 214 of the FTPA. Second, the Commission proposed to add to Regulation 1.59 a new paragraph (d), which would have required SROs to adopt rules prohibiting persons within their disciplinary jurisdiction from trading on inside information disclosed by SRO employees or governing board or committee members. This new SRO rulemaking requirement would have paralleled the new tippee liability provision contained in section 214 of the FTPA, but was intended to limit an SRO's obligation to persons within the scope of its jurisdiction as an SRO. Third, the Commission proposed to move the text of its existing prohibition on employee disclosures into the regulation's provision requiring SROs to promulgate rules prohibiting SRO employees from making disclosures of inside information. As a result of this revision, paragraph (b) would have contained only requirements directing SROs to maintain in effect rules governing conduct of SRO employees possessing inside information. Fourth, the Commission proposed to amend several of the definitions in paragraph

(a) of the existing regulation. These amendments, which would have revised the definitions of the terms "material information" and "linked exchange," would have taken into account several recent developments in the futures industry.

The Commission received nine written comments in response to the proposed amendments. The commenters comprised four contract markets (the Chicago Board of Trade ("CBT"), the Chicago Mercantile Exchange ("CME"), the Coffee, Sugar & Cocoa Exchange, Inc. ("CSC"), and the New York Mercantile Exchange ("NYMEX")), a futures clearing organization (the Board of Trade Clearing Corporation ("BOTCC")), three commodity industry associations (the Futures Industry Association ("FIA"), the National Grain and Feed Association ("NGFA"), and the National Grain Trade Council ("NGTC")), and a group of individuals representing various agricultural associations. The comments received on particular aspects of the Commission's proposal are discussed below in the context of the specific rule provision to which they pertain. The Commission has carefully reviewed each of these comments and, based upon that review and its reconsideration of the proposed amendments, has now adopted final amendments which it believes are responsive to the concerns raised by commenters and the statutory objectives of this rulemaking. The final revisions to Regulation 1.59 are summarized in the following table:

| Topic | Old section No. | New section No. | Final disposition |
|------------------------------------|-----------------|-----------------|-------------------|
| Definitions | (a) | (a) | Unchanged. |
| Self-regulatory organization | (1) | (1) | Unchanged. |
| Employee | (2) | (2) | Unchanged. |
| Material Information | (3) | (3) | Revised. |
| Non-public information | (4) | (4) | Unchanged. |
| Linked Exchange | (5) | (5) | Revised. |
| Commodity Interest | (6) | (6) | Unchanged. |
| Related Commodity Interest | (7) | (7) | Unchanged. |
| Pooled Investment Vehicle | (8) | (8) | Unchanged. |
| Employee conduct | (b) | (b) | Retitled. |
| SRO rules | (2)(i) | (1) | Deleted. |
| Employee trading | (A) | (i) | Unchanged. |
| Employee disclosures | (B) | (ii) | Revised. |
| Exemptions | (ii) | (2) | Unchanged. |
| Pooled investments | (A) | (i) | Unchanged. |
| Miscellaneous | (B) | (ii) | Unchanged. |
| Governing members; SRO rules | (c) | (c) | Retitled. |
| Prohibited conduct | | (d) | New. |

¹ 58 FR 44470 (August 23, 1993).

² Under the terms of section 214, any violation of the section's prohibitions is punishable by a fine of not more than \$500,000 plus any profits realized through the particular violation, or imprisonment for not more than five years, or both, together with the costs of prosecution.

³ Regulation 1.59, in its existing form, has been in effect since March of 1988. Existing Regulation 1.59 directly prohibits SRO employees from disclosing material, non-public information obtained through SRO employment where the employee has or should have a reasonable expectation that the information may assist another

person in trading. The regulation also directs SROs to maintain in effect rules proscribing disclosure of or trading based on inside information by SRO employees and governing members.

II. Discussion of Amendments

A. Prohibitions on Insider Trading

1. Proposed Paragraph (e)

As noted above, the Commission proposed to create a new paragraph (e) of Commission Regulation 1.59 which would have contained the prohibitory language necessary to effectuate section 214 of the FTPA. In particular, proposed paragraph (e)(1) would have provided that:

* * * No person who is an employee of, a member of a governing board of, or a member of any committee of [an SRO] shall: (i) trade for such person's own account, or for or on behalf of any other account, in any commodity interest, on the basis of any material, non-public information obtained through special access related to the performance of such person's official duties as an employee or member, or (ii) disclose for any purpose inconsistent with the performance of such person's official duties as an employee or member any material, non-public information obtained through special access related to the performance of such duties.

Proposed paragraph (e)(2) provided that:

* * * No person shall trade for such person's own account, or for or on behalf of any account, in any commodity interest, on the basis of any material, non-public information that such person knows was obtained in violation of paragraph (e)(1) from an employee of, a member of the governing board of, or a member of any committee of [an SRO].

The language of proposed paragraph (e) tracked very closely the language of the statute. However, the Commission omitted from the proposed regulation the words "willfully" and "knowingly" which modify the felony prohibitions in the statute. In addition, where the statute refers to employees and members of governing boards of and committees of boards of trade, contract markets, and registered futures associations, the Commission proposed to substitute references to employees and members of governing boards of and committees of self-regulatory organizations.⁴ Finally, the Commission proposed to replace the statute's references to trading "in contracts for future delivery or options thereon" with references to trading "in commodity interests."⁵

⁴ The term "self-regulatory organization," which is used in the existing regulation, includes not only boards of trade, contract markets, and registered futures associations, but also clearing organizations. See existing paragraph (a)(1) of Regulation 1.59.

⁵ Under existing paragraph (a)(6) of Regulation 1.59, the term "commodity interest" includes not only commodity futures and options traded on contract markets, but also commodity futures and options traded on linked exchanges and cash commodities traded on contract markets.

2. Comments Received

CBT, CME, BOTCC, FIA, NGFA, NGTC, and the group of individual agricultural representatives addressed the substance of proposed paragraph (e). In general, the commenters expressed concern about the breadth of the prohibitions as proposed, stating in particular that the language went beyond that used in delineating the criminal violation of section 214 of the FTPA.

The commenters mentioned particularly the absence of the statute's "willful and knowing" standard from the proposed prohibitions, which would be enforced through civil or administrative action by the Commission. BOTCC, CBT, and CME stated that the absence of the phrase "willfully and knowingly" could result in negligent or inadvertent conduct being encompassed by the prohibitions. The commenters argued that this was inappropriate in light of the relatively severe sanctions that the Commission can obtain in civil proceedings.⁶ CBT, BOTCC, and FIA contrasted the apparent negligence standard with the scienter standard used in securities insider trading cases, arguing that the same standard should be applied in both industries.

BOTCC, CBT, NGFA, NGTC, and FIA also contested the Commission's proposal to include the term "commodity interest" in the proposed language of paragraph (e). The commenters took particular exception to the fact that the term "commodity interest" defined in existing paragraph (a)(6), includes certain cash commodities. They stated that the inclusion of cash commodities would be in conflict with the intent of Congress, given that section 214 of the FTPA prohibits insider trading only in futures and options contracts.

In sum, the commenters stated that the absence of a willful and knowing standard, in combination with the broad range of persons and activities covered by the proposed paragraph (e) provisions, would result in an overly broad regulation. This, the commenters argued, in turn would discourage potential industry volunteers from serving on SRO governing boards and committees. NGFA expressed concern that the trading prohibitions, as proposed, would discourage persons who trade in both commodity futures

⁶ In this connection, the commenters pointed to sections 6 (c) and (d) of the Commodity Exchange Act, which permit the Commission, in civil actions, to impose a registration revocation or suspension, a trading ban, and/or a fine of \$100,000 or triple the monetary gain for each violation, plus restitution, and to issue a cease and desist order.

and related cash commodities from serving on SRO governing boards and committees because such service would put both the volunteers and their cash customers, potential tippees, in jeopardy of running afoul of Regulation 1.59.⁷

This result, they argued, would be at odds with the express intentions of Congress, voiced in section 206 of the FTPA, to encourage broader participation of non-SRO members on SRO governing boards and major disciplinary committees.

3. Disposition

Having thoroughly reviewed the various comments addressing the prohibitions contained in proposed paragraph (e), the Commission continues to believe that the scope of the proposed language is appropriate. Therefore, the Commission has determined not to revise proposed paragraph (e).⁸ The Commission believes that the language of paragraph (e), as proposed, is consistent with Congress' general intent to strengthen insider trading prohibitions in futures.

In particular, the Commission continues to believe that omitting the statute's "willfully and knowingly" standard from Regulation 1.59 is appropriate. As the Commission noted in the proposing release, the words "willfully" and "knowingly" in section 214 of the FTPA are required for the prohibited conduct to constitute a felony, but are not necessary where civil liability is sought for insider trading activities.⁹

As discussed above, the BOTCC, CBT and CME assert that the absence of the "willful and knowing" standard would mean that SRO insiders could be held liable in Commission civil or administrative actions for mere negligent or inadvertent conduct. The absence of "willful and knowing" from the final regulation will not have that result. As the Commission noted in its proposing release, the prohibitions of proposed paragraph (e) cover essentially the same conduct as does existing Regulation 1.59, which includes no "willful and knowing" standard. The

⁷ NGFA and NGTC also urged the Commission to delete the existing reference to "present or anticipated cash positions" from the existing definition of "material information" because they believed that the continued inclusion of this language likewise would have a chilling effect on cash market participants' involvement in SRO governance.

⁸ Due to the Commission's determination not to make final proposed paragraph (d), proposed paragraph (e) has been renumbered paragraph (d) of the final regulation. See footnote 18 below and the related text.

⁹ 58 FR 44471.

Commission is unaware of instances of SRO disciplinary or other actions against SRO insiders based on inadvertent conduct. Nor has the Commission brought any such action. The language of the regulation itself provides ample protection against the possibility of enforcement action based solely on inadvertent conduct.¹⁰ In any event, the Commission, for purposes of Regulation 1.59, intends to apply a scienter standard in evaluating whether SRO insiders or tippees disclosed or traded on the basis of material, non-public information. In so doing, the Commission will look at the facts of any case before it. The Commission believes that scienter is present where an individual commits a wrongful act intentionally or with reckless disregard for his duties under the Act.¹¹

The Commission also continues to believe that prohibiting insider trading in "commodity interests" is appropriate. As noted in the proposing release, the term "commodity interest" is used in existing Regulation 1.59 and, therefore, use of the term in paragraph (e) would provide internal consistency within the amended regulation. The Commission notes that the definition of "commodity interest" found in paragraph (a)(6) does not and would not result in the restriction of trading in *all* cash commodities, but only in those "traded on or subject to the rules of a board of trade which has been designated as a contract market."¹² Although Congress was fully aware of the existence of Regulation 1.59 and of its scope when it adopted section 214 of the FTPA, the legislative record is devoid of any

indication that Congress intended that the Commission delete the regulation or amend its definitions. Therefore, the Commission does not agree that existing Regulation 1.59 is inconsistent with Congressional intent.

The Commission is especially sensitive to the concern of FIA and others that the Commission's insider trading prohibitions might create a disincentive to service on SRO governing boards and committees. The Commission agrees that such a result would be at odds with the intention of Congress, expressed in Section 206 of the FTPA, to encourage SRO board participation by non-SRO-member futures experts and other qualified individuals. The Commission does not believe, however, that the regulatory prohibitions, as proposed and as intended to be interpreted by the Commission, should have a chilling effect on potential volunteers for SRO service.

The Commission notes that not all potential trading activities or disclosures would be prohibited under revised Regulation 1.59. SRO employees and governing members would be prohibited from trading on or disclosing only material, non-public information obtained in their official capacities.¹³

Thus an individual who obtained information through his or her duties at an SRO could disclose or trade on such information if it were generally available to the trading public or would not be considered important by a reasonable person in making a trading decision.

More importantly, the Commission wishes to underscore that, with respect to each provision identified by the commenters and discussed above, the conduct proscribed "is essentially the same as that prohibited under existing Regulation 1.59."¹⁴ No commenter has argued, and indeed the experience under existing Regulation 1.59 offers no basis to conclude, that the existing regulation has had a chilling effect on participation in SRO self-governance. Based on this record, the Commission has clarified the standard of proof in this discussion, but does not believe

¹³ For this reason the Commission believes that NGFA's and NGTC's concern about the continued inclusion in the "material information" definition of the phrase "present and anticipated cash positions" is misplaced. Under final Regulation 1.59, cash market participants serving on SRO governing boards would be prohibited from trading based on only that non-public cash market information which was obtained through their official duties at the SROs. The Regulation would not prohibit trading based on cash information obtained through other sources.

¹⁴ 58 FR 44474.

there is any basis to alter the provisions of existing Regulation 1.59.

B. Tippee Liability; SRO Rules

1. Proposed Paragraph (d)

In connection with paragraph (e)'s proposed prohibition on insider trading by tippees, the Commission proposed to create a new paragraph (d) of Regulation 1.59 which would have directed SROs to adopt rules prohibiting tippees of SRO insiders from trading on inside information. In particular, paragraph (d) would have required SROs to maintain in effect rules providing that no member of, employee of a member of, employee of, member of the governing board of, member of any committee of, or other person within the disciplinary jurisdiction of an SRO, could trade for such person's own account, or for or on behalf of any account, in any commodity interest, on the basis of any material, non-public information that such person knew was obtained in violation of newly renumbered paragraph (b)(1) or existing paragraph (c) of Regulation 1.59 from an employee of, a member of the governing board of, or a member of any committee of an SRO.¹⁵ The Commission believed that such a requirement would be consistent with both the intent of Congress to prohibit trading by tippees of SRO insiders and with the scheme of the existing regulations which is based on the principle that SROs, which are the first line of enforcement of rules relative to exchange operation, have a duty to the public and to their members to prevent misuse of material, non-public information.¹⁶

2. Comments Received

All four exchange commenters and BOTCC commented on the

¹⁵ Renumbered paragraph (b)(1) (existing paragraph (b)(2)(i)) provides, in pertinent part, that each SRO must maintain in effect rules that, at a minimum, prohibit: "Employees of the self-regulatory organization from trading, directly or indirectly, in any commodity interest traded on or cleared by the employing contract market or clearing organization, in any related commodity interest, and in any commodity interest traded on or cleared by contract markets or clearing organizations other than the employing self-regulatory organization where the employee has access to material non-public information concerning such commodity interest."

Existing paragraph (c) requires that each SRO adopt rules providing that: " * * * no member of such self-regulatory organization governing board or of a committee of such self-regulatory organization shall use or disclose, for any purpose other than the performance of such member's official duties as a governing board or committee member, material, non-public information obtained as a result of such member's participation on any committee or governing board of such self-regulatory organization."

¹⁶ 50 FR 24533, 24535 (June 11, 1985).

¹⁰ For example, as discussed elsewhere in this release, trading on or disclosing information would be prohibited only if the information were non-public, *i.e.*, had not been disseminated in a manner that made it generally available to the trading public, and material, *i.e.*, was such that a reasonable person would consider it important in making a trading decision. In addition, an SRO employee or governing member would be foreclosed from using information only if it were obtained through special access related to his or her official duties. Moreover, the regulation prohibits trading "on the basis" of insider information, not trades that otherwise would have been entered for legitimate purposes. *Cf. Freeman v. Decio*, 584 F. 2d 186, 197 (7th Cir. 1978) (in securities insider trading case, district court correctly considered evidence of past pattern and practices of trading in determining whether trading at issue was "on the basis" of inside information).

¹¹ See generally, *Sundstrand Corp. v. Sun Chemical Corp.*, 553 F. 2d 1033 (7th Cir. 1977), *cert. denied*, 434 U.S. 875 (1977); *Hollinger v. Titan Capital Corp.*, 914 F. 2d 1564 (9th Cir. 1990); *First Interstate Bank of Denver, N.A. v. Pring*, 969 F. 2d 891 (10th Cir. 1992), *cert. granted*, 113 S. Ct. 1042 (U.S. January 19, 1993) (No. 92-854).

¹² Currently, cash commodities are actively traded on the Minneapolis Grain Exchange. In addition, CBT is making its Project A automated trading system available for the listing of cash commodity products.

Commission's proposal to require SROs to maintain in effect rules addressing tippee liability. CSC and CBT argued that existing SRO rules addressing disclosure of material, non-public information by SRO employees and governing members are sufficient to discourage the use of inside information and are more readily susceptible than the proposed SRO tippee provision to surveillance and enforcement by SROs directly. All five commenters generally stated that SRO rules adopted pursuant to the paragraph (d) requirement would be difficult to enforce. The commenters contended that, as drafted, the provision would necessitate that each SRO develop programs to monitor not only for trading on that SRO based on the SRO's inside information but also for trading on other SROs based on information disclosed by other SRO's insiders. Moreover, stated CSC and CME, only employees and members of those exchanges fall within their disciplinary jurisdictions. Thus, argued CSC and CME, the scope of both the activities and persons required to be monitored under paragraph (d) would exceed the limitations of the regulatory capabilities and enforcement resources of the SROs. These commenters believed that "the responsibility for prohibiting tippee trading and enforcing violations thereof should reside with the Commission, which, unlike individual SROs, has both the ability to conduct surveillance across all commodity markets and the disciplinary jurisdiction over trading by any tippee in any commodity interest."¹⁷

3. Disposition

The Commission believes that the comments received on this point have merit. The Commission recognizes that the SROs have limited disciplinary jurisdictions. Moreover, the Commission recognizes that the enforcement resources of the SROs are most appropriately spent in monitoring the conduct of their members and employees as it pertains to activities on their own markets. The Commission also agrees that it is better situated than the SROs to monitor for tippee trading across the various markets. Accordingly, the Commission has determined not to make final the proposed requirement that SROs adopt rules prohibiting trading by tippees of SRO insiders.¹⁸

¹⁷ Letter of September 22, 1993 from Carl A. Royal, Senior Vice President and General Counsel, CME, to Jean A. Webb, Secretary of the Commission, at p. 4.

¹⁸ As a result of this deletion the "Prohibited Conduct" provision which had been denominated paragraph (e) in the proposed amendments has been renumbered paragraph (d) in the final regulation.

C. Activities of SRO Employees; SRO Rules

1. Proposed Amendments to Paragraph (b)

The Commission proposed several amendments to paragraph (b) of Regulation 1.59 for purposes of restructuring and clarifying that paragraph. First, the Commission proposed to delete existing paragraph (b)(1), which contains the Commission's current prohibition on disclosures of inside information by SRO employees, in favor of the new prohibition on employee disclosures required by the statute and included in new paragraph (e). Second, the Commission proposed to amend existing paragraph (b)(2)(i)(B), which requires SROs to adopt rules that prohibit disclosures of material, non-public information by SRO employees, by incorporating the text of the employee disclosure prohibition being deleted from paragraph (b)(1).¹⁹ Third, the Commission proposed to amend paragraph (b)(2)(i)(A), which requires SROs to adopt rules that prohibit certain trading by SRO employees where the employee has access to inside information, by adding a reference to "linked exchanges."²⁰

2. Comments Received

CBT commented that the provisions of paragraph (b) requiring SROs to maintain in effect rules prohibiting SRO employees from trading on or disclosing inside information should be modified to include the "willfully and knowingly" standard of the Section 214 of the FTIP.

3. Disposition

The Commission has determined not to further revise the paragraph (b) provisions. As discussed in greater detail above, the phrase "willfully and knowingly" is intended to address the degree of culpability necessary to prove

¹⁹ The existing language of paragraph (b)(2)(i)(B) incorporates the paragraph (b)(1) prohibition by reference. Because the Commission proposed to delete that prohibition, the Commission also proposed to delete the cross-reference to paragraph (b)(1). In place of the cross-reference, the Commission proposed to insert the text of the existing paragraph (b)(1) prohibition into the SRO requirement.

²⁰ "Linked exchange" is defined in paragraph (a)(5) of Regulation 1.59 and is discussed below.

The Commission also proposed to make several non-substantive revisions to paragraph (b). The Commission proposed to add the words "self-regulatory organization rules" to the title of paragraph (b) for ease of reference. (The same change was proposed for the title of paragraph (c).) In addition, the provisions of paragraph (b) which remained after the deletion of existing paragraph (b)(1) would have been renumbered to reflect the proposed amendments.

a felony and is not necessary for non-criminal liability.

D. Definitions

1. Linked Exchanges

a. *Proposed revisions to paragraph (a)(5).* The Commission proposed to revise the existing definition of the term "linked exchange" found in paragraph (a)(5) of Commission Regulation 1.59. The Commission proposed to revise the definition in order to take into account several recent developments in the futures industry. These developments are: the cross-margining of futures and non-futures positions cleared by various clearing organizations, the acceptance of additional types of assets as performance bond margin by certain futures clearing organizations, and the cross-exchange trading of products of foreign exchanges through electronic means.

Currently, the definition of "linked exchange" includes only an exchange outside the U.S. which has an agreement with an exchange within the U.S. for mutual offset of contracts.²¹ The Commission proposed to add to this definition, first: "any board of trade, exchange, or market outside the United States, its territories or possessions, the products of which are listed on a United States contract market or a trading facility thereof." This new language was intended to include a foreign exchange such as the Marche' a Terme International de France ("MATIF"), the products of which are available for trading by CME members through the Globex electronic trading system. As a result of this change and the fact that, as discussed further below, the Commission proposed to add references to "linked exchanges" to the definition of "material information," the definition of "material information," would have encompassed regulatory actions of foreign exchanges with products listed on U.S. trading facilities. Similarly, "material information" would have included information regarding the positions and financial condition, etc., of members of such foreign exchanges.

²¹ The term "linked exchange" is used in the existing regulation in the definitions of the terms "commodity interest" and "related commodity interest." The term "commodity interest" is defined as "any commodity futures or commodity option contract traded on or subject to the rules of a contract market or linked exchange, or cash commodities traded on or subject to the rules of a board of trade which has been designated as a contract market." (Existing paragraph (a)(6) of Regulation 1.59.) The term "related commodity interest" refers to a commodity interest traded on a contract market or linked exchange with respect to which an employing SRO has afforded special margin treatment between that commodity interest and one traded on the SRO. (Existing paragraph (a)(7) of Regulation 1.59.)

This modification of the term "linked exchange" also would have resulted in a prohibition on trading by SRO employees, SRO governing members, and tippees on certain inside information in futures and futures options listed on a foreign exchange which fell within the definition because a futures product traded on a "linked exchange" would be a "commodity interest" which such individuals would be prohibited from trading under new paragraph (e) of this regulation.

Second, the Commission proposed to amend the term "linked exchange" to include "any securities exchange, the products of which are held as margin in a commodity account or cleared by a securities clearing organization pursuant to a cross-margining arrangement." This new language was intended to encompass a securities exchange, such as the New York Stock Exchange ("NYSE"), the products of which are deposited as margin against futures positions, or a securities option exchange, such as the Chicago Board Options Exchange ("CBOE"), the products of which are held pursuant to a cross-margining arrangement. Again, this revision, in turn, would have modified the "material information" definition to include information concerning regulatory actions of such exchanges or information related to their members. This particular revision would not have resulted in the application of the regulation's trading prohibitions to additional markets because the term "commodity interest" does not include securities products and, therefore, the trading prohibitions of new paragraph (e) would not apply to such products.

Third, the Commission proposed to include in the definition of "linked exchange" clearing organizations of the exchanges listed in the definition. Thus, for example, the Options Clearing Corporation ("OCC"), which clears CBOE options held in cross-margining accounts, would have fallen within the definition of "linked exchange." As a result of this addition, information related to clearing organizations of the foreign exchanges and securities exchanges and their members mentioned above would have been considered "material" within the meaning of paragraph (a)(3), as would have information related to their members. Due to the definition of "commodity interest," the scope of the regulation's trading prohibitions would have been modified as a result of this amendment only to the extent that such a clearing organization cleared for a foreign exchange with a trading link to a U.S. exchange.

b. *Comments received.* BOTCC, CBT, CME, and NGFA commented regarding the Commission's proposal to include in the definition of "linked exchange" foreign exchanges the products of which are listed on U.S. exchanges or trading facilities thereof. These commenters stated that the proposed amendment would go beyond what Congress intended. NGFA believed that this revision would unnecessarily burden innovative systems such as Globex. CME believed that the previously-included reference to mutual offset arrangements in paragraph (a)(5) was appropriate because, for example, material inside information obtained by a CME official regarding a CME contract theoretically could be exploited by trading in a fungible SIMEX contract. CME argued, however, that the danger of insider trading which the Commission intended to address through the proposed language is "extremely remote" in the only existing program in which the products of a foreign exchange are listed on the facilities of a U.S. exchange (*i.e.*, the CME-MATIF Globex link). According to CME, only if a foreign market lists a contract that is fungible with one listed by the related U.S. contract market is there a significant risk of inside information being used to advantage. CME contended, moreover, that a CME insider would have access through Globex to no material information regarding MATIF contracts because MATIF contracts traded on Globex are matched on a European host computer by Reuters and cleared by MATIF.

With regard to the second proposed addition to the definition of "linked exchange," that which would take in securities exchanges, the products of which are accepted as margin by a commodity exchange or clearing house or cleared by a securities clearing organization pursuant to a cross-margining arrangement, BOTCC, CBT, and CME commented that the proposal went beyond what Congress intended in promulgating Section 214 of the FTPA. CME further stated that, because the proposed reference to "property deposited as margin" in the "material information" definition was inappropriate and therefore should be deleted, this reference to securities exchanges which trade those products deposited as margin was unnecessary.

c. *Disposition.* The Commission has determined to make final its proposed amendments to the definition of "linked exchange." The comments received on this matter notwithstanding, the Commission continues to believe that the proposed additions to paragraph (a)(5) are appropriate and necessary

acknowledgements of recent developments in the futures industry.

With respect to the first proposed addition, that is, the reference to foreign exchanges the products of which are listed on a domestic exchange or trading facility thereof, the Commission took special note of CME's comments, since that Exchange's affiliation with MATIF through Globex was intended to be addressed by the proposed revision. The Commission agrees with CME's contention that fungible contracts which form the basis for international exchange linkages give rise to greater risk with respect to insider trading issues than do non-fungible contracts traded on a shared trading system. The Commission continues to believe, however, that it is quite possible that an SRO insider might, through his SRO duties, become aware of some information related to the regulatory activities of a foreign exchange with which the SRO had a relationship or about the financial status of one of the foreign exchange's members which could be considered material in making a trading decision regarding a futures product of the SRO or the foreign exchange. The Commission further believes that it is important for both the Commission and the SROs to have express authority to take action in this area. The Commission therefore has determined to retain this proposed revision.

The Commission does not believe that this amendment should impede innovation with respect to foreign linkages. Here again, an SRO employee or governing member would be prohibited from disclosing or trading on the basis of inside information only if that information were "material," *i.e.*, if it would be considered important by a reasonable person in deciding whether to trade a particular commodity interest.²²

With respect to the proposal to include within the definition of "linked exchanges" securities exchanges the products of which are deposited as futures margin or cleared pursuant to a cross-margining arrangement, the Commission believes, as discussed below, that information regarding the regulatory actions of such exchanges or the financial condition of their members could, in certain circumstances, be material to a trading decision. For this reason, the Commission has determined to retain this provision.

2. "Material Information"

a. *Proposed revisions to paragraph (a)(3).* The Commission proposed to

²² See existing paragraph (a)(3).

amend paragraph (a)(3) by adding to the non-exclusive list of information that would be considered "material" in making a trading decision a reference to property deposited as margin by members. This addition was intended to make clear that information regarding a member's deposits of certain property as margin, in particular his deposits of stock, would be considered "material." The Commission intended to address, for example, a situation in which an exchange employee sought to trade in stock index futures based on knowledge, obtained through his position at the exchange, that a large number of clearing members had deposited a substantial number of shares of a particular stock as margin and that the stock price was likely to fall because those positions were being liquidated. In making this proposal, the Commission invited comment regarding the likelihood that an SRO employee or governing member possessing information concerning a member's margin assets would be able to profit from trading in related futures based on that information.

The Commission also proposed to amend the definition of "material information" by incorporating references to "linked exchanges." The inclusion of these references was intended to clarify that information regarding members of linked exchanges and information relating to regulatory actions or proposed regulatory actions of linked exchanges would be included in the definition.

b. *Comments received.* NYMEX, CBT, CME, and BOTCC responded to the Commission's particular request for comment regarding the addition of the phrase "property deposited as margin" to the "material information" definition. All four of these comments argued that it is highly unlikely that an SRO employee or governing member would be able to profit by trading based on information regarding a clearing member's margin assets or the proposed liquidation thereof. CBT, CME, and BOTCC believed it improbable that liquidation of stock deposited by a clearing member would have a material impact on the price of that stock and, in turn, on the price of a stock index futures contract. Moreover, the commenters noted that the amount of Treasury securities deposited as margin is small compared to the total volume of Treasury securities in the system and that therefore, an insider's knowledge of the liquidation of a clearing member's Treasury securities should not advantage that insider in his trading in Treasury securities. BOTCC also argued that the inclusion of the reference to

"property deposited as margin" in the "material information" definition would imply that such information would always be material in making a trading decision. Finally, BOTCC stated its belief that to the extent that information concerning a clearing member's margin assets would materially affect a reasonable person's trading decisions, the existing definition would take in such information.

With respect to the proposed addition of the term "linked exchange" to the "material information" definition, CBT and BOTCC argued that the addition would have an overly broad regulatory effect. They stated that it is questionable whether information regarding the positions or financial condition of members of foreign exchanges with which U.S. exchanges have trading relationships would be material to domestic trading decisions. Here again, BOTCC argued that any such information that would materially affect trading decisions would already be included in the general definition of "material information."

c. *Disposition.* The Commission has considered the extensive comments regarding the proposed addition of the phrase "property deposited as margin" to the "material information" definition. The Commission is persuaded that in most instances information regarding property deposited as margin by clearing members would be of little value in making futures-related trading decisions. Accordingly, the Commission has deleted the reference to such property from paragraph (a)(3). The Commission notes, however, that under particular circumstances such information could be considered important in making a trading decision. The Commission therefore, wishes to make clear that information about property deposited as margin would still be considered "material" within the meaning of paragraph (a)(3) if the information, "were it publicly-known, would be considered important by a reasonable person in deciding whether to trade a particular commodity interest on a contract market."

In contrast, the Commission does not believe that deletion of the reference to "linked exchanges" from the "material information" definition is warranted. As discussed in detail above, the Commission has determined to retain the proposed additions to the term "linked exchange" in paragraph (a)(5). As the Commission stated in that context, the additions are necessary in view of recent developments in the futures industry. The Commission believes that, given the nature of these developments, there is a meaningful

potential that an SRO employee or governing board member would come into possession of information related to foreign futures exchanges or domestic securities exchanges falling within the "linked exchange" definition or to the clearing houses or members of such linked exchanges and that such information could be considered important in making a trading decision under certain circumstances. As noted above, the Commission believes that it is important for both the Commission and the SROs to have clear authority to monitor for abuse in this area. Although the Commission has decided to retain the references to "linked exchanges" in paragraph (a)(3) in order to make clear that information related to the members or regulatory actions of such exchanges may be considered material, the Commission wishes to reiterate that information of this type would be considered "material" only if a reasonable person would consider it important in making a trading decision.

3. "Non-Public Information"

In the course of this rulemaking, the Commission did not propose to revise the definition of "non-public information" found in paragraph (a)(4) of existing Regulation 1.59. BOTCC, however, noted that the provision's phrase "through recognized channels of distribution" has become "practically meaningless" due to dramatic growth and rapid innovation in the information and communications industries. Accordingly, BOTCC urged the Commission to delete this phrase from paragraph (a)(4). The Commission believes BOTCC is correct in its assessment and, therefore, has deleted the words "through recognized channels of distribution" from the final version of Regulation 1.59.

III. Conclusion

The Commission believes that the final amendments to Commission Regulation 1.59 discussed above meet the mandate of section 214 of the FTPA to implement rules effectuating the insider trading prohibitions of the statute. Through this rulemaking, the statutory felony provisions will become effective. In addition, existing Regulation 1.59 will be amended so as to include parallel Commission prohibitions and to address recent industry developments.

IV. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601 *et seq.* (1988), requires that agencies, in adopting rules,

consider the impact of those rules on small businesses. The final Regulation 1.59 amendments would affect SROs, including registered futures associations, and individuals who (i) are employed by SROs, (ii) serve on governing boards of and committees of SROs, or (iii) obtain material, non-public information from SRO insiders. The Commission has previously determined that contract markets are not "small entities" for purposes of the RFA, and that the Commission, therefore, need not consider the effect of proposed rules on contract markets. 47 FR 18618, 18619 (April 30, 1982). Furthermore, the Acting Chairman of the Commission previously has certified on behalf of the Commission that comparable rule proposals affecting registered futures associations, if adopted, would not have had a significant economic impact on a substantial number of small entities. 58 FR 13565, 13569 (March 12, 1993).

The Commission therefore continues to believe that the final amendments would have a significant economic impact on SRO employees or governing members. The amendments prohibit SRO employees and governing members from trading on material non-public information. The trading prohibited under the amendments is essentially the same as that prohibited under SRO rules promulgated pursuant to existing Regulation 1.59. Accordingly, the individual employees and governing members affected by the rule should not be precluded from trading activity which is permitted currently.

Moreover, the Commission does not believe that the amendments would have a significant economic impact on persons to whom inside information is disclosed. The amendments prohibit tippees from trading on material, non-public information disclosed by SRO employees and governing members. Such disclosures by SRO insiders already are prohibited by existing SRO rules promulgated pursuant to Regulation 1.59. Accordingly, potential tippees currently should not have access to material, non-public information related to SROs.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1980 ("PRA"), 44 U.S.C. 3501 *et seq.* (1988), imposes certain requirements on federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the PRA. The Commission believes the final amendments to Regulation 1.59 would not impose a paperwork burden on self-regulatory organizations.

List of Subjects in 17 CFR Part 1

Commodity futures, Contract markets, Clearing organizations, Registered futures associations, Members of contract markets, Self-regulatory organization employees, Self-regulatory organization governing board and committee members.

In consideration of the foregoing, and based on the authority contained in the Commodity Exchange Act and, in particular, sections 3, 4b, 5, 5a, 6, 6b, 8, 8a, 9, 17, and 23(b) thereof, 7 U.S.C. 5, 6b, 7, 7a, 8, 13a, 12, 12a, 13, 21 and 26(b), the Commission hereby amends title 17, chapter I, part 1 of the Code of Federal Regulations by amending existing Regulation 1.59 as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

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

Authority: 7 U.S.C. 2, 2a, 4, 4a, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 7, 7a, 8, 9, 12, 12a, 12c, 13a, 13a-1, 16, 16a, 19, 21, 23, and 24, unless otherwise noted.

2. Section 1.59 is revised to read as follows:

§ 1.59 Activities of self-regulatory organization employees and governing members who possess material, non-public information.

(a) *Definitions.* For purposes of this section:

(1) *Self-regulatory organization* means "self-regulatory organization," as defined in Commission regulation 1.3(ee), and includes the term "clearing organization," as defined in Commission regulation 1.3(d).

(2) *Employee* means any person hired or otherwise employed on a salaried or contract basis by a self-regulatory organization.

(3) *Material information* means information which, if such information were publicly known, would be considered important by a reasonable person in deciding whether to trade a particular commodity interest on a contract market. As used in this section, "material information" includes, but is not limited to, information relating to present or anticipated cash, futures, or option positions, trading strategies, the financial condition of members of self-regulatory organizations or members of linked exchanges or their customers or option customers, or the regulatory actions or proposed regulatory actions of a self-regulatory organization or a linked exchange.

(4) *Non-public information* means information which has not been

disseminated in a manner which makes it generally available to the trading public.

(5) *Linked exchange* means: (i) any board of trade, exchange or market outside the United States, its territories or possessions, which has an agreement with a contract market in the United States that permits positions in a commodity interest which have been established on one of the two markets to be liquidated on the other market; (ii) any board of trade, exchange or market outside the United States, its territories or possessions, the products of which are listed on a United States contract market or a trading facility thereof; (iii) any securities exchange, the products of which are held as margin in a commodity account or cleared by a securities clearing organization pursuant to a cross-margining arrangement with a futures clearing organization; or (iv) any clearing organization which clears the products of any of the foregoing markets.

(6) *Commodity interest* means any commodity futures or commodity option contract traded on or subject to the rules of a contract market or linked exchange, or cash commodities traded on or subject to the rules of a board of trade which has been designated as a contract market.

(7) *Related commodity interest* means any commodity interest which is traded on or subject to the rules of a contract market, linked exchange, or other board of trade, exchange or market, other than the self-regulatory organization by which a person is employed, and with respect to which:

(i) Such employing self-regulatory organization has recognized or established intermarket spread margins or other special margin treatment between that other commodity interest and a commodity interest which is traded on or subject to the rules of the employing self-regulatory organization; or

(ii) Such other self-regulatory organization has recognized or established intermarket spread margins or other special margin treatment with another commodity interest as to which the person has access to material, nonpublic information.

(8) *Pooled investment vehicle* means a trading vehicle organized and operated as a commodity pool within regulation 4.10(d), and whose units of participation have been registered under the Securities Act of 1933, or a trading vehicle for which regulation 4.5 makes available relief from regulation as a commodity pool operator, *i.e.*, registered investment companies, insurance

company separate accounts, bank trust funds, and certain pension plans.

(b) *Employees of self-regulatory organizations; Self-regulatory organization rules.* (1) Each self-regulatory organization must maintain in effect rules which have been submitted to the Commission pursuant to section 5a(a)(12)(A) of the Act and Commission regulation 1.41 (or, pursuant to section 17(j) of the Act in the case of a registered futures association) that, at a minimum, prohibit:

(i) Employees of the self-regulatory organization from trading, directly or indirectly, in any commodity interest traded on or cleared by the employing contract market or clearing organization, in any related commodity interest, in any commodity interest traded on or cleared by contract markets or clearing organizations other than the employing self-regulatory organization, and in any commodity interest traded on or cleared by a linked exchange where the employee has access to material non-public information concerning such commodity interest; and

(ii) Employees of the self-regulatory organization from disclosing to any other person any material, non-public information which such employee obtains as a result of his or her employment at the self-regulatory organization where such employee has or should have a reasonable expectation that the information disclosed may assist another person in trading any commodity interest; *Provided, however,* That such rules shall not prohibit disclosures made in the course of an employee's duties, or disclosures made to another self-regulatory organization, linked exchange, court of competent jurisdiction or representative of any agency or department of the federal or

state government acting in his or her official capacity.

(2) Each self-regulatory organization may adopt rules, which must be submitted to the Commission pursuant to section 5a(a)(12)(A) of the Act and Commission regulation 1.41 (or, pursuant to section 17(j) of the Act in the case of a registered futures association), which set forth circumstances under which exemptions from the trading prohibition contained in paragraph (b)(1)(i) of this section may be granted; such exemptions are to be administered by the self-regulatory organization on a case-by-case basis. Specifically, such circumstances may include:

(i) Participation by an employee in pooled investment vehicles where the employee has no direct or indirect control with respect to transactions executed for or on behalf of such vehicles; and

(ii) Trading by an employee under circumstances enumerated by the self-regulatory organization in rules which the self-regulatory organization determines are not contrary to the purposes of this regulation, the Commodity Exchange Act, the public interest, or just and equitable principles of trade.

(c) *Members of self-regulatory organization governing boards and committees; Self-regulatory organization rules.* Each self-regulatory organization must maintain in effect rules which have been submitted to the Commission pursuant to section 5a(a)(12)(A) of the Act and Commission regulation 1.41 (or, pursuant to section 17(j) of the Act in the case of a registered futures association) which provide that no member of such self-regulatory organization governing board or of a committee of such self-regulatory

organization shall use or disclose, for any purpose other than the performance of such member's official duties as a governing board or committee member, material, non-public information obtained as a result of such member's participation on any committee or governing board of such self-regulatory organization.

(d) *Prohibited conduct.* (1) No person who is an employee of, a member of the governing board of, or a member of any committee of a self-regulatory organization shall:

(i) Trade for such person's own account, or for or on behalf of any other account, in any commodity interest on the basis of any material, non-public information obtained through special access related to the performance of such person's official duties as an employee or member; or

(ii) Disclose for any purpose inconsistent with the performance of such person's official duties as an employee or member any material, non-public information obtained through special access related to the performance of such duties.

(2) No person shall trade for such person's own account, or for or on behalf of any account, in any commodity interest, on the basis of any material, non-public information that such person knows was obtained in violation of paragraph (d)(1) from an employee of, a member of the governing board of, or a member of any committee of a self-regulatory organization.

Issued in Washington, DC on October 19, 1993, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-26131 Filed 10-22-93; 8:45 am]

BILLING CODE 8351-01-M

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

**Office of the Assistant Secretary for
Housing-Federal Housing
Commissioner**

24 CFR Part 3280

[Docket R-93-1497; FR-2622-F-03]

RIN 2502-AE66

**Manufactured Home Construction and
Safety Standards**

AGENCY: Office of the Assistant
Secretary for Housing-Federal Housing
Commissioner, (HUD).

ACTION: Final rule.

SUMMARY: HUD is amending the Federal
Manufactured Home Construction and
Safety Standards (FMHCSS) to include
preemptive standards significantly
upgrading the existing energy
conservation requirements. The
ventilation and indoor air quality
standards for manufactured homes are
also being updated to provide for proper
ventilation of homes.

Other sections of the FMHCSS are
also being changed to update the
standards for components and products
that are used in manufactured homes.
Finally, certain changes have been made
based on the recommendations by the
Council of American Building Officials
(CABO) and the MHCSS Consensus
Committee (MCC).

DATES: *Effective date:* October 25, 1994.
The incorporation by reference of
certain publications listed in the
regulations is approved by the Director
of the Federal Register as of October 15,
1993.

FOR FURTHER INFORMATION CONTACT:
Philip W. Schulte, Chief, Compliance
Branch, Manufactured Housing and
Construction Standards Division,
Department of Housing and Urban
Development, 451 Seventh Street, SW.,
room B-133, Washington, DC 20410-
8000. Telephones: (voice) (202) 755-
7420; (TDD) (202) 708-4594. (These are
not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

I. Background

The National Manufactured Housing
and Construction and Safety Standards
Act of 1974, 42 U.S.C. 5401 et seq. (Act),
authorizes the Secretary of Housing and
Urban Development (Secretary) to
establish and amend the Federal
Manufactured Home Construction and
Safety Standards (FMHCSS), 24 CFR
part 3280 (Standards). The stated
purposes of the Act are to reduce the
number of personal injuries and deaths

and the amount of insurance costs and
property damage resulting from
manufactured home accidents and to
improve the quality and durability of
manufactured homes. In accordance
with the Act and these purposes, the
Department is issuing these changes to
the FMHCSS.

The Housing and Community
Development Act of 1987, amended the
Act to require preemptive energy
conservation standards. The new
subsection of section 604 of the Act is
as follows:

(i) (1) The Federal manufactured
home construction and safety standards
established by the Secretary under this
section shall include preemptive energy
conservation standards according to this
subsection.

(2) The energy conservation standards
established under this subsection shall
be cost-effective energy conservation
performance standards designed to
ensure the lowest total of construction
and operating costs.

(3) The energy conservation standards
established under this subsection shall
take into consideration the design and
factory construction techniques of
manufactured homes and shall provide
for alternative practices that result in
net estimated energy consumption equal
to or less than the specified standards.

Congress gave the Department further
guidance concerning the development
of these energy conservation standards
in the Energy Policy Act of 1992.
Section 104(c), Exception to Federal
Preemption, states that if the
Department has not issued thermal
insulation and energy efficiency
standards for manufactured homes that
take effect before January 1, 1995 by
October 24, 1993, the States may issue
separate standards for thermal
insulation and energy efficiency.

However, the state standards must be
at least as stringent as the Second Public
Review Draft of the BSR/ASHRAE 90.2
P entitled "Energy Efficient Design of
Low-Rise Residential Buildings." Secondly,
the State standards must take
into account all public reviews of
Independent Substantive Changes to
BSR/ASHRAE 90.2 P that have been
approved by October 24, 1993.

The Department believes that
Congress intended that these energy
conservation measures be issued
promptly so that consumers would be
able to purchase more energy efficient
homes. The Department is hereby
issuing this final regulation to establish
these energy conservation standards for
manufactured homes.

**II. Development of the Energy
Conservation Standards**

To comply with the Housing and
Community Development Act of 1987,
the Department contracted with the
Pacific Northwest Laboratories (PNL) to
assist in developing a revision to the
existing energy conservation
requirements in the FMHCSS. The
developed revision is based upon the
requirement to ensure the lowest total of
construction and operating costs. This
revision was published as a proposed
rule for public comment on February 24,
1992 (57 FR 6420).

The approach used in developing the
energy conservation standards revision
is a cost-benefit analysis (life-cycle cost
analysis) in which the costs of energy
conservation measures (ECMs) were
balanced against the benefits of energy
savings. The life-cycle cost (LCC)
compares the total long-run (present
value) dollar costs for an objective
achieved through several alternative
courses of action and selects the course
of action that achieves the objective for
the least cost.

For this LCC analysis, the benefit is
the energy savings from the ECMs; the
major cost is the ECM cost, including
the associated mortgages, fees, and
payments. Maintenance expenses were
also included as costs. The resulting
optimum value was used to specify an
overall level of energy conservation in
terms of a building shell U_o-value
(thermal conductance) that produced
the lowest life-cycle cost to the owner
of a manufactured home.

**Automated Residential Energy Standard
(ARES) Software**

The analysis to develop the standard
was done with the Automated
Residential Energy Standard (ARES)
software. ARES was developed by the
U.S. Department of Energy (DOE)
specifically for the development of
residential energy conservation
standards. Given a set of fuel price,
financial, economic, and ECM costs for
a building at a specific location, ARES
identifies the set of ECMs to invest in
such that the purchaser's total life-cycle
cost is minimized.

Rather than selecting a few cities to
represent the U.S., all 881 cities
available in ARES were used. Selection
of all 881 cities included in ARES
provided a density of locations such
that any point in the U.S. was close to
a city for which an optimum U value
was produced. This coverage alleviated
any bias which might have resulted
from selecting a small number of cities
to encompass the large area of the
country.

Several financial, economic, and fuel price parameters were required for the LCC analysis. Because most homes are purchased with financing, the development of the standard was based on a manufactured home purchased with financing. The loan selected has a 14% mortgage rate over 14 years with a down payment of 15%. The discount rate or alternative investment rate was 12%. The inflation rate was 4.9%. The period of analysis and building lifetime were both 33 years.

Furthermore, each state's average residential fuel price was defined for electricity, fuel oil, natural gas, and liquid petroleum gas (LPG). Residential fuel price escalation rates (real) were defined by U.S. Census Region. Nationally, these annual fuel escalation rates averaged: electricity, 0.0% (constant); fuel oil, 2.5%; natural gas, 2.0%; and LPG, 2.4%.

The ECM options used in the life-cycle cost analysis are based upon cost data and commercial availability as determined from a survey of about one-third of the manufacturing plants in the United States. Single and double-wide homes were considered separately when there were significant differences between the ECM characteristics of the two. The ranges of insulation levels included as options are:

- Ceilings.....R-11 to R-38
- Walls.....R-7 to R-19
- Floors.....R-7 to R-22

Insulation and other building materials are rated in terms of Resistance value (R-value). This is the approximate inverse of a U-value which is related to energy flow, or consumption.

Energy conservation measures which would lower infiltration were considered, but rejected based on several concerns. Currently new manufactured homes are relatively airtight, so that a very low natural infiltration rate would result from further tightening. ECMs which could result in very low infiltration rates can have significant negative impacts on occupant health and compound the problem of condensation control. For these reasons, no infiltration control ECMs were considered. The issue of ventilation requirements is addressed as a solution to controlling condensation and indoor air quality.

Heating and cooling equipment efficiencies were required for the life-cycle cost analysis. The National Appliance and Energy Conservation Act of 1987 (NAECA) minimum standards for heating and cooling system efficiency in manufactured homes were assumed. A procedure to give credit for

efficiencies higher than those required by the NAECA was also developed.

Initially, single-and double-wide homes which made use of five specific types of HVAC equipment and fuels were optimized by ARES. The five equipment/fuel types for which optimum U-values were produced for each city are: natural gas with a forced air furnace, LPG with a forced air furnace, oil with a forced air furnace, electric resistance baseboard heaters, and an electric heat pump with forced air distribution. In all cases, an electric air-conditioning system was included.

The separate HVAC equipment and fuel types were aggregated into U-values for all equipment/fuel types based on the frequency with which each type of equipment was present in each region. Consideration was given to establishing separate fossil and electric U-values, but the combination of all system types was selected as preferable for a number of reasons including simplicity.

Combination of Uo Values Into Geographic Zones

After the production of the 881 U-values defined above, the individual U-values were aggregated to four Uo value zones selected as representing the range of optimums found in the U.S. The U-value applicable to each zone was defined as the sales weighted average of the U-values for all states in that zone. The four zones and the U-value requirement associated with each were shown in the proposed rule. Single and double wide U-values were determined to be very similar and were combined into U-values for all homes. The Uo value indicates the maximum transmission heat loss coefficient expressed as [BTUs/(hr)(sq.ft.)(F degree)] that will be acceptable.

The existing Standards (24 CFR 3280.506) divide the country into 3 Outdoor Winter Design Temperature Zones. The southern half of the United States is within Zone I and the northern half is within Zone II. Alaska is Zone III.

The proposed rule combined Zones II and III into Zone IV except for the States of Kansas, Missouri, and Kentucky. The maximum transmission heat loss coefficient for most of Zone IV was reduced to 0.079 from 0.126. Alaska was reduced to 0.079 from 0.104.

California, Arizona, New Mexico, Oklahoma, Kentucky, Tennessee, and North Carolina were included in Zone III and therefore, the Uo value in the proposed rule was 0.096. In 24 CFR 3280.506, Kansas, Missouri and Kentucky have a present Uo value of 0.126; the other states mentioned above have a present Uo value in 24 CFR 3280.506 of 0.157. The rest of the

present Zone I states, with the exception of Florida, are reduced in the February 24, 1992 proposed rule to 0.109 (the current standard in 24 CFR 3280.506 is 0.157). Florida is reduced in the February 24, 1992 proposed rule 0.132 from 0.157.

Calculation of Cost and Benefits from Revised Uo Values

The costs and benefits from the consumer's perspective were estimated to compare homes built to the proposed rule (national average U-value of 0.098) with current practice of the industry (range in U-values 0.125 to 0.140) and with the existing FMHCSS (Title VI) which requires an average U-value of 0.145.

The present value of the net savings sums the total energy savings and deducts all the ECM costs, mortgage costs, and financing costs, putting all values in terms of present dollars. The cost of incorporating the ECMs above current practice was estimated to average \$800 to \$1100 per home and above Title VI were estimated to average \$1200 per home. The net savings from the revised Uo values are shown in Table A.

TABLE A.—THERMAL CONDUCTANCE STANDARD AVERAGE CONSUMER SAVINGS WITH REVISED STANDARD (Based On A Sales Weighted Average For Each State)

| | |
|---------------------------------|-------------------------|
| 1. Existing HUD-code (Uo .145). | \$2000 per home. |
| 2. Average home (Uo .125-.140). | \$800-\$1,600 per home. |

To examine the national total present value of the proposed standard, the average new home U-value for the current practice (rather than the Title VI) minimum U-values for a new home was approximated. The national aggregated present value of the savings for each year, assuming the Uo values contained in the proposed rule were in effect, was estimated to be \$300 million. This value would be about \$400 million per year if all homes were assumed to be built to the current standard in 24 CFR 3280.506.

Credit for Energy Efficient Appliances

Two alternative methods of compliance are suggested for inclusion in the standard. The first alternative method allows a trade-off between investments which lower a home's U-value and investments in high efficiency HVAC equipment. This alternative gives homes a U-value credit for increases in HVAC efficiency, but does not require the use of equipment above the NAECA

standard. The second alternative allows a calculation or simulation of annual energy use to show that a home meets the energy use implicit in the U-value standard.

One acceptable method for calculating the coefficient of heat transmission has been developed and published (HUD User-005945, Overall U-Values and Heating/Cooling Loads-Manufactured Homes, PNL 8006, February 1992). While this method will not be mandatory, it will indicate a minimum acceptable method for calculating the coefficient of heat loss transmission (Uo value). The Overall U-Values and Heating/Cooling Loads-Manufactured Homes, PNL 8006, February 1992, along with three related documents, were made available to the general public through the HUD-USER service (P.O. Box 6091, Rockville, MD 20850, Telephone Number (301) 251-5154).

Summary of Development of Energy Conservation Measures

In total, there were five major actions involved in the development of the energy conservation standards:

1. A life-cycle cost model to determine the optimum ECM investment was developed.
2. The definitions of the ECMs, including their cost and "U" value, which could be considered as options were established.
3. The financial, economic, and fuel price parameters used in the life-cycle cost analysis were defined.
4. Separate U-value optimums were defined for a large number of cities using different energy sources for both single and multi (double) section homes.
5. The resultant U-values were aggregated in several steps into four U-value zones, each one having a specified maximum coefficient of heat transmission.

III. Publication of Proposed Rule

As stated previously, the proposed energy conservation standards were published for public comment on February 24, 1992 (57 FR 6420). Because of the significant nature of the changes

to the energy conservation standards and the other related changes to the manufactured home standards, the Department provided a 90 day comment period. The Department received a total of 75 comments from the general public, States, manufacturers, trade associations, utilities and others who are involved with the construction trades and the manufactured housing industry.

The Manufactured Housing Construction and Safety Standards Consensus Committee (MCC) developed an alternative energy conservation standard that was submitted to HUD during the public comment period. The MCC is a group of manufacturers, regulators and other interested parties involved with the manufactured housing industry. The Manufactured Housing Institute serves as the Secretariat of the MHCSS Consensus Committee.

Commentators included remarks on over 100 different issues which have been organized into three general categories:

- A. Energy conservation standards.
- B. Ventilation and indoor air quality standards.
- C. Other changes to the manufactured housing construction and safety standards.

In July 1992, the Department contracted with Pacific Northwest Laboratories to assist in analyzing the comments received and make further recommendations concerning the life-cycle cost analysis and the heat loss transmission coefficients (Uo values) that were included in the proposed rule. A similar contract was issued in August, 1992 to the Forest Products Laboratory (FPL) and the National Institute of Standards and Technology (NIST) to analyze the issues related to ventilation and indoor air quality.

Copies of these final reports were received in February, 1993 and are available to the general public through the HUD-USER service (P.O. Box 6091, Rockville, MD 20850, Telephone Number (301) 251-5154). Copies of the FPL/NIST report were also made available to the Manufactured Housing

Advisory Council. Where the contractor's summary or comments have been consistent with the views of the Department and used in the final rule, attribution has been indicated.

Manufactured Home Advisory Council

Under section 605 of the Manufactured Home Construction and Safety Standards Act, the Department must, to the extent feasible, consult with the Manufactured Home Advisory Council prior to establishing, amending or revoking any manufactured home construction standard. On June 13, 1993, the Department published a notice in the Federal Register of an upcoming meeting of the Manufactured Home Advisory Council (the Council) to be held on July 13-14, 1993. The Council was asked by the Department to consider, among other matters, the February 24, 1992 proposed rule, (57 FR 6420), concerning energy conservation and ventilation standards for manufactured homes.

The Council met for two days and made a number of recommendations to the Department. The Council's recommendations that relate to the energy conservation and ventilation standards are the following:

1. The Department should issue energy conservation standards prior to October 24, 1993 so that the national preemptive standard for manufactured homes will be maintained.

2. The energy conservation standards should be different from the Uo values included in the HUD proposed rule. The Council approved new Uo values based on a MCC compromise proposal presented by M. Emanuel Levy, President, the Levy Partnership. The Levy Partnership is a consulting firm which was hired by the MCC to develop an alternative energy standard for manufactured homes. The recommended Uo values were derived from a simple average of the 1989 MCC proposal and the values contained in the HUD proposed rule. The recommended Uo values approved by the Council are shown below:

UO VALUES BY ZONE

| Code | Zone I | Zone II | Zone III | Zone IV |
|---|--------|---------|----------|---------|
| MCC compromise proposal presented by Dr. Levy | .129 | .113 | .102 | .091 |
| HUD proposal | .132 | .109 | .096 | .079 |

3. The Department should withdraw the proposed ventilation provisions in subparts B and F and rewrite the

proposal based on the Forest Products Laboratory (FPL) and the National Institute of Standards and Technology

(NIST) research. Also, the Department should undertake a cost benefits justification and solicit input from the

public using negotiated rulemaking or "other processes." To the extent possible, the ventilation standards should be promulgated along the same time lines as the energy standards for implementation at the same time.

The Department has carefully considered these recommendations in terms of the requirements of The Housing and Community Development Act of 1987 and the Energy Policy Act of 1992. Also, we have considered the impact of the adoption of energy conservation measures without changes in the ventilation and indoor air quality standards. The Department's decisions on these issues are included with the discussion of the public comments.

IV. Discussion of Public Comments

There were several major questions about the methodology used to develop the energy conservation measures. Since the assumptions are crucial to the development of the final Uo standards, most of the comments focused on these assumptions. The investment period and the assumptions about the direction of future fuel prices generated the most comments. The following discussion includes the key areas of interest to the commentators.

The Use of the ARES II Software

ARES was issued by the U.S. Department of Energy (DOE) in 1987. However, in the review of the software, it was determined that the investment period contained in ARES would be inconsistent with the intent of Congress. Accordingly, the standards were developed using ARES II; the ARES II program allowed for any investment period to be postulated as part of the analysis.

Several persons commented on the use of the ARES II program for calculating the optimum level of energy conservation measures. The DOE noted in its comments on the proposed rule that "life-cycle cost-effectiveness * * * is an appropriate criterion for evaluating various levels of energy conservation measures (ECMs) in manufactured housing. A life-cycle net-present-value analysis * * * is broad enough in scope to cover all of the economic impacts that the purchaser of a new manufactured house must contend with, and to treat them in a way that makes real financial sense to the purchaser."

On the other hand, one major trade association noted that the ARES II program was not a consensus-based standard and that it should be considered by certain consensus bodies before being used to develop Uo values that will be incorporated into the Manufactured Home Construction and

Safety Standards. Also, this industry trade association indicated that HUD did not meet with the Manufactured Home Advisory Council prior to the issuance of the proposed rule.

Another trade association noted that the program was not available from DOE. Other criticisms of ARES were that the program is "not used by anyone" and that ARES fails to account for solar influx in windows since ARES assumes manufactured homes have no south facing windows.

The Department believes that the DOE ARES II software provides the best available tool for conducting this type of life-cycle cost since it provides for the determination of energy requirements based on the application of economic principles. Secondly, the program is flexible in its application since it includes appropriate local cost data. Also, it provides credit for new technologies and contains equipment sizing guidelines. Finally, the ARES software database is extremely comprehensive since it contains data from over 880 cities in the United States.

Further, the ARES II is very similar to the ARES software. The ARES software has been in the public domain for a number of years and was based on a consensus process. The DOE has recently issued the ARES II software for public comment. We have not received any technical comments from interested parties that would have a material bearing on the legitimacy and technical accuracy of the ARES II software. Finally, the MCC also used ARES in the calculation of Uo values. Accordingly, we believe that the ARES software is the appropriate methodology for conducting this analysis.

Industry Criticism of HUD's Investment Period

The time period used as the investment period for the life-cycle cost analysis was the issue of greatest importance to the commentators. Many manufacturers indicated that the analysis period should be limited to a period of seven years that is the typical occupancy period for the first purchaser of the home. As indicated above, the proposed rule is based on a 33-year period that is the useful life of the structure.

The comments made by the MCC represented many comments made by manufacturers of this product. The MCC stated that HUD has elected to interpret "useful life" and "effective" life to mean the 33-year physical life of the home. In the MCC's view, that investment period overstates the energy savings to the consumer, who only lives

in the home an average of seven years. The MCC cited the HUD 1989 American Housing Survey Tape that indicates that only 42 percent of homeowners remain in their homes after 7 years, 17 percent are left after 14 years, 3 percent after 21 years, and almost none after 28 years.

Also, the ASTM Standard E833-91a, Standard Terminology of Building Economics, defines "useful life" as "the period of time over which an investment is considered to meet its original objective." Therefore, many commentators suggested that the analysis period be based on the patterns of homeownership and the ASTM standard.

The MCC also indicated that a first occupant-based investment period was used by the National Association of Home Builders' (NAHB) updated energy policy stated in the May, 1992 issue of Builder magazine. The MCC reports that "cost-effectiveness" is based on the perspective of a typical first-time home buyer; benefits from the increased construction costs must exceed economic costs during a multiyear analysis, not to extend beyond the period of occupancy (usually seven years). Also, the MCC noted that other forms of housing, whether single family or multifamily, do not require 33-year breakeven points.

The MCC and certain suppliers further raised a technical objection concerning the use of the 33 year period. The MCC stated: "When a life-cycle cost analysis is performed with a significantly long analysis period involved (33 years), it is typical to designate a second financial criteria, e.g. a period when the investment is to be paid back or a point in time when positive cash flow is achieved."

One supplier to manufactured housing added that it is not appropriate "to use an economic model with the least favorable breakeven point for the home buyer needing the most affordable housing alternative." Also, one member of the ASHRAE-53 Committee indicated that the use of a 33-year analysis period is not consistent with the ASHRAE Committee that developed and endorsed the use of the ARES software.

Furthermore, the Manufactured Home Advisory Council approved on July 14, 1993 a MCC compromise proposal presented by Dr. Emanuel Levy, who had completed an earlier study that was the basis for the MCC 1989 proposal. The compromise uses a 15-year investment period which is between the period of time used by the Department (33 years) and that recommended by the MCC in 1989 (7 years) in its public comments to the Department.

On the other hand, there were many commentators who favored the period of analysis chosen by the Department. One such commentator indicated that the use of the life of the home rather than the residency period of the first buyer was "correct from a public policy point of view." That is, "from the point of view of economic efficiency, it does not matter who owns the house, but rather how long it is inhabited."

Also, a group of power companies and environmental groups submitted comments in support of the longer investment period. This group stated that the analysis period was appropriate due to long life of the improvements and the need to conserve energy. Also, the power companies raised the issue of the avoidance of the building of new production plants and other external benefits from improving the energy efficiency of these homes.

The Department and most commentators agree on the use of the life-cycle cost (LCC) method to determine the cost-benefit of energy conservation measures (ECM). The apparent difference between the HUD proposed standards and the MCC proposed standards are principally because of the difference in the time period used in the method of analysis, 33 years vs. 7 years. As noted above, the Advisory Council recommended differing standards which would approximate a LCC analysis based on a 15 year useful life.

The House of Representatives' Committee Report on Section 568 of the Housing and Community Development Act of 1987 instructed the Department to develop "a standard that assures the combination of construction costs and estimated value of energy saved through the operation of the energy-efficient home over its estimated useful life." Also, the language in the Committee report refers to manufactured home owners and there is no reference to the first home owner as proposed by the MCC.

Furthermore, Chairman Gonzalez of the House Subcommittee of Housing and Community Development wrote to Secretary Kemp on September 1, 1989 that "Congress intended your Department to develop standards that would be cost effective for the manufactured home owners over the expected useful life of the manufactured home." Finally, the use of an investment period based on the life of the house is supported by reference to the Congressional record where Senator Adams clarified that the Department was to perform a life cycle cost analysis "taking into consideration the cost of energy savings from those measures

over the effective physical life of the structure".

Accordingly, the Department developed a rule that considers these costs over the 33-year average useful life of manufactured homes. Based on the legislative history, the absence of the term "first home owner" from the law and the expressed language contained in Chairman Gonzalez's letter, the Department believes that the use of a 33-year investment period meets the intent of Congress.

HUD's contractor also noted that the use of a longer period concurs with the published ASHRAE guidelines in this area. Specifically, the 1989 ASHRAE Handbook of Fundamentals recommends that "[g]enerally, longer lifetimes (e.g., 30 years) rather than shorter lifetimes (e.g., 10 years) approach true life-cycle cost minimization more closely and avoid the high cost of retrofitting if energy prices rise." (ASHRAE 1989a, p. 2.). Also, the energy conservation measures that are likely to be employed (increased insulation, improved components such as doors and windows and other energy improvement measures) have useful lives that are much greater than 7 years.

Furthermore, while the HUD survey data does indicate that less than half of the original owners are in the home after 7 years, other data suggests that the initial occupancy period may be longer. For example, Ms. Helen Boosalis, Chairperson of the National Commission for Manufactured Housing, remarked in a recent Commission meeting that the American Association of Retired Persons (AARP) had found that senior citizens will occupy their homes for 12 or more years. Also, there is unpublished data from borrower surveys conducted by the DOE's Bonneville Power Administration that the occupancy period of the first homeowner is approximately 15 years.

Finally, the Department has noted that the analysis period, while important, does not have a significant effect on the overall Uo values that are determined under the life-cycle cost analysis. PNL has estimated what would be the result if the analysis that was completed in 1989 was redone using 1992 inputs and using analysis periods ranging from 7 to 33 years. The results of this analysis are shown in the Table below:

TABLE B

| | Proposed Uo by zone | 33 yr. | 15 yr. | 7 yr. |
|---------|---------------------|--------|--------|-------|
| I | 0.132 | 0.118 | 0.125 | 0.129 |

TABLE B—Continued

| | Proposed Uo by zone | 33 yr. | 15 yr. | 7 yr. |
|-----------|---------------------|--------|--------|-------|
| II | 0.109 | 0.097 | 0.103 | 0.106 |
| III | 0.096 | 0.086 | 0.091 | 0.094 |
| IV | 0.079 | 0.071 | 0.075 | 0.077 |

Accordingly, in Zones I-IV included in the February 24, 1992 proposed rule, the impact of the analysis period would have been slight and if the Department had redone the life-cycle cost analysis with 1992 data, the overall heat loss transmission coefficient would be lower than was proposed by the Department in 1989. However, until a more authoritative LCC analysis is performed, the Department has concluded that an analysis period based on the estimated life of the structure is appropriate and consistent with the statutory mandate.

There are several other parameters that were used in the ARES II analysis which several commentators disagreed with. These parameters can be separated into parameters that relate to the financial assumptions that are made in the purchase of the home, economic parameters concerning the discount rate and the energy provided to the home (type of fuel, future changes in fuel prices etc.). The financial parameters will be discussed first.

DOE's ARES II examines 12 financial impacts on the purchaser. ARES provides a means of comparison for the purchase of energy conservation measures which is more comprehensive than simple-payback and return-on-investment analyses that consider only two factors, purchase price of the ECM and fuel savings. The 12 expense and savings factors that ARES investigates include:

- (1) Down payment—the amount the purchaser actually pays in cash for each incremental level of ECM improvement;
- (2) Mortgage payments—to pay off the remaining price of the ECM during the loan term;
- (3) Loan fees—non-tax-deductible expenses associated with obtaining the mortgage for financing the balance of the ECM;
- (4) Mortgage points—a tax-deductible expense associated with obtaining the mortgage;
- (5) Tax deduction on mortgage interest—this results in a cash savings (i.e., a "negative expense") to the purchaser due to a reduction in personal income tax;
- (6) Tax deduction on mortgage points—this also results in a cash savings, albeit only during the year of purchase;

(7) Fuel expenses—fuel for heating and cooling will always be an expense for the home buyer, but the expense will decrease significantly as conservation levels improve;

(8) Operation and maintenance expenses other than for fuel necessary to keep degradable ECMs, such as heating equipment, operating properly and performing at the original efficiency;

(9) Property taxes—ECM purchases increase the value of the home and therefore the owner pays more property taxes, but some of the taxes can be "recovered" via the Federal income tax deduction allowed for property taxes;

(10) Capital replacements—some of the ECMs may fail during the period of analysis and the owner must bear the expense of replacing them;

(11) Resale value—when the manufactured house is sold, the owner will recover some part of the original expenditures for the ECMs; and

(12) Loan balance—when the house is sold, the owner must pay off that portion of the mortgage balance relating to the ECMs.

Because most homes are purchased with financing, the development of the standard was based on a manufactured home purchased with financing. The loan selected has a 14% mortgage rate over 14 years with a down payment of 15%.

The Financial Assumptions Savings and Expense Factors

There were relatively few comments on the savings and expense factors that were included in the proposed rule. A number of commentators noted there have been significant changes in savings and expense items since the new thermal requirements were generated. These included falling mortgage interest rates. These commentators suggested HUD adopt the proposed standard then update the analysis based on the new conditions.

The financial assumptions used to optimize the standard were generally current when the original analysis was performed. Since the analysis, we have noted that there have been significant changes in the mortgage interest rate and fuel costs. A rate of about 11.3% (2% above the site-built rate of about 9.3% nominal rate that represents a long-term Office of Thrift Supervision averages using 1963–1991 data (OTS 1991)). This long-term rate is also generally consistent with current real mortgage rates. This interest rate includes points and loan fees. Inflation has fallen from the 4.9% used in the original analysis to about 3.9% now. The change in interest rates would produce a lower optimum U_o value.

The Congress has requested in the National Energy Policy Act that the Department assess the energy efficiency of manufactured homes and make recommendations to the National Commission on Manufactured Housing regarding thermal insulation and energy efficiency standards. The Department will consider a further study of energy efficiency which may include the reconsideration of the optimal U_o values based on more current financial parameters.

To calculate the net present value of future energy savings from energy conservation measures, the life-cycle cost must use a discount rate as an input for ARES. The discount rate or Alternative Investment Rate (AIR) clearly has a significant effect on the outcome and, therefore, on the resulting energy conservation standards. HUD proposed that the rate of return of the conservation investment for a potential new-home buyer should be equal to the rate of return (i.e., the AIR) of another investment that is in some sense equivalent to the buyer's spending money on energy conservation.

Two primary considerations for any investor are risk and liquidity. A low-risk investment, such as a common passbook savings account, normally provides a low rate of return. High-risk investments, conversely, must pay high interest rates to attract capital, capital that the investor may lose. Investments with low liquidity, such as long-term certificates of deposit, must also pay higher rates to attract investors willing to tie up their money for long periods of time. Highly liquid investments generally offer lower interest rates since the principal amount is always available to the investor for withdrawal from the financial institution.

A conservation investment has to be considered as highly illiquid: the money cannot be recovered for any other use, at least during the time that the owner occupies the manufactured house. A number of possible discount rates were reviewed, with the consumers' best common "alternative investment," prepayment of the mortgage selected. This alternative investment established a discount rate of 7% (real). Prepayment of the mortgage is still probably the best alternative rate available to the owner of a manufactured home.

As a consequence of both moderate risk and low liquidity, HUD proposed an AIR of 12%. The AIR is derived by combining the real discount rate with the inflation rate according to standard economic formulas.

Discount Rate

Most commentators suggested a lower real discount rate that ranged from 2–5; there were other commentators who supported the rate used by HUD. The alternative proposal produced by the MCC was developed using a discount rate of 10%.

In determining an applicable real discount rate, it is appropriate to use a methodology that reflects alternate consumer durable goods purchase opportunities for the buyer of a new manufactured home. DOE used this approach in establishing the consumer discount rate in the Energy Conservation Program for Consumer Products. DOE developed 7% in setting energy conservation standards in the appliance program. DOE viewed 7% as the real rate of return for alternative uses of consumer money that is forgone to finance the purchase of energy efficient appliances.

In HUD's view, the DOE methodology seems to be the most appropriate for selecting a discount rate which reflects the low liquidity of the energy conservation investment. Secondly, the mortgage rates on manufactured homes have fallen substantially since the PNL analysis was completed three years ago. Therefore, the life-cycle cost analysis would support a discount rate that is lower than the 12% nominal and 7% real discount rate. A lower discount rate would further lower the heat loss transmission coefficients (U_o values) that could be derived from this analysis. Also, the lower interest rates would mean that the acceptance of a lower discount rate as suggested by some of the commentators would not have a significant impact on the heat loss transmission coefficients.

Another key assumption in calculating the U_o values is the direction of future fuel prices. Residential fuel price escalation rates (real) were defined by U.S. Census Region. Nationally, these annual fuel escalation rates averaged: electricity, 0.0% (constant); fuel oil, 2.5%; natural gas, 2.0%; and liquid petroleum gas (LPG); 2.4%.

These fuel price escalations were based on long term projections of the Federal Energy Management Program (NIST 1988). Similar rates were projected by the Energy Information Administration (EIA) (EIA 1989, page 47) and other, non-government projections.

Fuel Price Escalation Rates

Many comments were received on the fuel price escalation rates. Some commentators, including manufactured

home producers, recommended that constant real fuel prices should have been used in the analysis. They argued that it is difficult to project fuel prices for 33 years and therefore, the Department should have assumed constant real fuel prices.

The MCC stated that projecting costs reliably for a 33-year period is not practical since the reliability of such projections is poor. That is, experience during the last 15 years has "shown us there have been drastic shifts in forecasting of fuel rates almost yearly. Reliability is substantially improved when shorter range forecasting is used as opposed to long range."

Other commentators supported the fuel price projection used by HUD. These commentators argued that the projection of an increase in fuel prices was appropriate. Others argued that projecting an increase in fuel prices was necessary to calculate the savings from an investment in the energy efficiency of the manufactured homes.

While the Department recognizes that projections of fuel price escalation rates involve some uncertainty and are difficult to predict accurately, it disagrees with the idea of fixing those rates at 0 percent real in the ARES software. DOE's Federal Energy Management Program (FEMP) annually publishes forecasted fuel price escalations. The forecast used in the LCC analysis was the Energy Prices and Discount Factors for Life-Cycle Cost Analysis 1990 (NISTIR 85-3273-4, Rev. 5/90) that presents projected fuel price escalations for 5-year blocks and for each of four U.S. Census Regions. Converting these data to equivalent annual price escalation rates yields the table below:

TABLE C.—RESIDENTIAL FUEL PRICE ESCALATION RATES FOR 1990-2020 BY U.S. CENSUS REGION

[percent per year in real terms]

| Fuel Type | East | Central | South | West |
|-------------------|------|---------|-------|------|
| Electricity | 0.4 | 0.1 | 0.4 | 0.7 |
| Fuel Oil ... | 2.6 | 2.8 | 2.6 | 2.8 |
| Natural Gas | 3.5 | 1.9 | 2.6 | 2.5 |

Although these fuel escalation rates are used for analyzing proposed Federal building investments, they were derived from estimates by DOE's Energy Information Administration that are generally applicable and therefore suitable for use in proposed Federal standards.

There is no doubt that fuel prices are uncertain and short-term fuel prices are volatile. However, the behavior of fuel

prices over longer periods of time is more relevant over the useful life of the 33-year investment in energy-efficiency in a home. Long-term fuel prices have increased faster than inflation over the last 33 years, and there is no indication the long-term trend will change.

Furthermore, published projections of future fuel prices generally predict a slow escalation of long-term aggregate fuel prices. The update of the same source used by PNL in the original analysis, the newest FEMP projection of fuel prices for 1993-2022, includes fuel price escalations that in the aggregate average about the same as those projected for use in PNL's analysis.

In addition, the assumption of constant real fuel prices, which was proposed by numerous commentators, runs counter to the generally recommended practice for economic optimization. For example, the ASHRAE guidelines in the 1989 ASHRAE Handbook of Fundamentals include an annual rate of energy price increase in its evaluation of optimum insulation level (ASHRAE 1989a, p. 20.10). The ASHRAE 90.2 committee (ASHRAE 1989b), which also produced a manufactured home thermal standard, assumed a fuel price increase.

Several public and private projections on future fuel prices gave similar projections, especially in the aggregate, which is supportive of the DOE projection. Also, the commentators supporting constant fuel prices offered no expert analysis or reference that projected constant fuel prices in the future to support their position, nor is HUD aware of any long-term projections that the aggregate fuel prices seen by manufactured home owners will remain constant. Accordingly, the Department has concluded that the DOE projections represent the most authoritative evidence of the future direction of fuel prices.

Each state's average residential fuel price was defined for electricity, fuel oil, natural gas, and LPG. Residential fuel price escalation rates (real) were defined by U.S. Census Region. Fuel neutrality was assumed; the Department's stated primary reason for establishing one level was for simplicity.

Fuel Neutrality

Energy providers were divided on the question of fuel neutrality. The Edison Electrical Institute supported the HUD proposal for the following reasons:

Leaving the decision of fuel and equipment purchase to the individual customer assures that barriers to achieving higher equipment efficiency will be minimized. A policy of fuel

neutrality allows equipment to be selected based on customer choice. Maintaining fuel neutrality recognizes that different customers have different needs. Moreover, in some areas, fuel and equipment choices may be dictated by unique local conditions.

A policy of fuel neutrality also eliminates any biases in the choice of equipment that may emerge in the future. The uncertainties associated with future fuel availability and prices, technological advances, and customer preferences should not be restricted today. Fuel neutrality assures that customers will be able to maximize their choices.

On the other hand, The American Gas Association (AGA) requested that HUD reconsider its decision not to establish separate fossil and electric U-values. AGA stated that the rationale of simplicity does not meet the intent of the law that requires "energy conservation standards * * * designed to ensure the lowest total of construction and operating cost." The establishment of a single U-value will actually decrease the efficient utilization of energy in heating homes covered by the HUD FMHCSS, by encouraging the construction of housing that uses electric resistance heating.

AGA also stated that while electric resistance heating is the least expensive heating option according to first cost (i.e., equipment cost), electric resistance heating is the most expensive heating option in terms of average residential fuel prices and the least efficient in terms of total resource utilization. Furthermore, AGA stated that any federal standard that fails to consider the average residential energy price and energy efficiency will penalize the use of fossil fuels, such as natural gas for heating, by requiring thermal insulation levels that result in unduly long payback periods.

In support of this argument, AGA cited Department of Energy figures for residential average unit costs. This data indicates that electricity costs over four times as much as natural gas for the average residential consumer. With significant disparities in average residential energy costs, the economic payback for any given appliance will also be different, depending on the energy source. Accordingly, AGA advocated the need to establish separate fossil fueled Uo values in the FMHCSS.

AGA believes that it is vital for HUD to acknowledge that such standards should not be set on a site consumption basis alone. Current standards disadvantage fuels, such as natural gas, which are efficient at the point of end-use, but are even more advantageous

from a total resource conservation standpoint. The total energy cycle for natural gas would take into account all energy losses that occur from the point of energy source extraction, through processing, conversion, transportation and distribution of energy. The cumulative energy efficiency for the total cycle of natural gas is over 91 percent, as compared to a total cycle efficiency of between 26 to 37 percent (depending on type of electric generation plant) for electricity. These are significant numbers that should not be ignored.

Finally, a number of state model energy codes for site built housing, including California and Washington, recognize the need to have separate thermal insulation requirements for electric resistance heating and other energy sources. Thus, AGA maintains that there is ample precedent for their position.

The Department acknowledges the arguments being raised by the American Gas Association and there is no question that natural gas is a more efficient form of heating than electric resistance heating. However, the extent of usage of natural gas in manufactured homes is more limited due to the cost of installing gas lines to homes which tend to be sited in less populated areas.

Secondly, there is the issue of the difficulty of devising standards that are dependent on the type of energy selected. Manufacturers use different types of heating systems and the confusion of having appliance dependent heat loss transmission coefficients would be difficult in a home that is being produced to a national standard.

Thirdly, the heating system that is installed can be replaced rather easily. By permitting a reduced coefficient for one type of fossil fuel, a consumer may gain a temporary advantage that could be obviated by a later change in the type of furnace being used.

Finally, the use of different standards would create difficulties in enforcement as manufactured homes are checked only in one state of production by the in-plant primary inspection agency (IPIA) approved by HUD. Also, natural gas furnaces with higher fuel efficiency ratings can be used to obtain technical credit for fuel efficient appliances.

Accordingly, the Department has determined that there will not be separate heat loss transmission coefficients between the various types of fossil fuels and electric resistance heating. However, if the Department undertakes additional analyses for future changes in the heat loss transmission coefficients, we will

seriously consider conducting a parallel analysis to take into account the differences between fossil fuel and electric resistance heating costs.

The Effect of Lower Uo Values On Consumers

Finally, there were many industry commentators who indicated that the cost of these energy conservation measures would substantially reduce the number of Americans who can afford to purchase these homes. Also, the industry noted that the cost of the energy conservation measures would not be recovered upon the sale of the home since the second home purchaser will not repay the original purchaser for the energy conservation features of the home.

The Department is also concerned about the impact of this proposal on the cost of manufactured housing since many of these homes provide affordable housing in many parts of the country. For this reason, the life-cycle cost optimizes the economic benefit of the proposed energy conservation measures.

In completing the life-cycle cost analysis, the Department determined that the total cost of these measures would be less than half of the net benefits received each adjusted for the present value of money. That is, the estimated total cost of these measures (roughly \$175,000,000) would generate gross savings of about \$375,000,000. Therefore, the net benefit to consumers of requiring these savings is over \$200,000,000 per year.

Furthermore, the annual net savings from the increased energy conservation measures would be roughly \$20,000,000 after accounting for the larger mortgage and other related costs to buy the energy conservation measures. This represents cost-effective energy standards as required by the Congress. Also, the LCC shows that the energy conservation measures are clearly in the homeowners aggregate interests since they yield the least cost to the consumer, thereby making manufactured housing more affordable.

The industry also argues that the second home purchaser will not repay the original purchaser for the energy conservation features of the home. In general, it is difficult to quantify the value that a used home purchaser places on energy efficiency. Energy-efficient homes, such as the Super Good Cents homes, have been available for only a limited period of time in several areas and there is insufficient data to determine whether the increased value is retained.

Nevertheless, there is evidence that more energy-efficient homes command a

higher resale value. The current NADA Manufactured Housing Appraisal Guide does contain additive values for optional equipment, such as an upgraded insulation package. The value of the upgraded insulation package in the current HUD standard for Zone II (Uo value of .126) varies from \$750-\$1,600, depending on whether the home is a single or double wide home and the type of glazing and the presence of storm windows.

Since the NADA Guide is based on actual sales of homes, homes with lower Uo values are likely to command a higher resale value. Also, the amount of value which could be added to the resale price of a used home is roughly equivalent to the cost of the energy conservation measures.

The Manufactured Home Advisory Council also questioned the Department concerning the cost of increasing the level of ventilation in manufactured homes and whether the life cycle cost analysis prepared by PNL included the additional costs of ventilation. The original PNL study did not include specific costs for ventilation since PNL believed that it was difficult to specify the minimum ventilation rate. However, PNL recognized that low infiltration rates could trigger condensation problems in homes and recommended further studies of this question.

Furthermore, as PNL has noted in its evaluation of this analysis, the ventilation standard was not established based on the minimization of costs and therefore, it is somewhat misleading to sum the costs of the ventilation and the energy conservation measures. That is, the value of the ventilation requirements are for the elimination of the moisture damage and for an increase in occupant health and comfort.

However, as discussed below, the Department has concluded that the increase in whole house ventilation is necessary for energy efficient homes. Also, the Manufactured Home Advisory Council did express its concern for the impact of the ventilation cost on the overall costs and benefits of the energy conservation measures. For this reason, the Department has estimated the costs and benefits in a conservative manner.

PNL has completed further analysis of this matter and determined that the cost of the ventilation equipment would range from \$200-\$300 and that the annual energy loss for operation of the fan motor, the ventilation of heated air, etc. would average \$50 per year. Based on these findings and using the same parameters as were included in the original study, the Department has determined that the annual net savings

for an average home are reduced from \$94.00 to \$41.00 per year.

Therefore, even if the cost of ventilation is added to the initial costs of the energy conservation measures and the net savings are reduced, the energy conservation measures remain cost-effective. Also, the net benefits to consumers do not consider the benefits of ventilation and improvements to health which will require additional study for precise quantification of the benefits.

The Methodology Used to Derive the Heat Loss Transmission Coefficients

After a detailed review of the life-cycle cost methodology, the key assumptions including the period of analysis, the economic parameters and the financial parameters, the Department has concluded that this analysis is technically reasonable and consistent with the intent of Congress. Therefore, the Department has concluded that this method of analysis is valid for the determination of the heat loss transmission coefficients for manufactured homes.

The Four Heat Loss Transmission Zones Contained in the Proposed Rule

After the completion of the analysis using the ARES II database consisting of the 881 Uo values, individual Uo values were aggregated to four Uo value zones selected as representing the range of optimums found in the U.S. The Uo

value applicable to each zone was defined as the sales weighted average of the Uo values for all states in that zone. The 4 zones and the Uo value requirement associated with each area were shown in the February 24, 1992 proposed rule.

As has been indicated previously, the existing Standards (24 CFR 3280.506) divide the country into 3 U value zones. The southern half of the country is zone I and the northern half is zone II. Alaska is zone III. The proposed rule made zones II and III into zone IV except for the States of Kansas, Missouri and Kentucky. The maximum allowed Uo value for most of zone IV was reduced to 0.079 from 0.126. The coefficient is expressed as BTUs/(hr) (sq.ft) (F). Alaska was reduced to 0.079 from 0.104.

California, Arizona, New Mexico, Oklahoma, Kentucky, Tennessee, and North Carolina were given a Uo value of 0.096 in the proposed rule. The current HUD standard for Kansas, Missouri and Kentucky is presently 0.126; the other States have a Uo value of 0.157. The rest of the zone I States in the present HUD standard, with the exception of Florida, are reduced to 0.109 from 0.157. Florida was reduced in the proposed rule to 0.132 from 0.157.

Comments were received from three geographical areas suggesting that HUD change the proposed standard for that particular area. The State of Oregon recommended adopting the Pacific Northwest's Model Conservation

Standard, a site-built housing energy code. Due to the severity of its climate, the State of Alaska recommended that HUD adopt its state standard which is more stringent than the Uo value used in the proposed zone IV.

The Florida Energy Office (FEC) submitted comments indicating that "despite Florida's significant air conditioning requirements, the energy efficiency standard for Florida is the least stringent for the entire United States". FEC also stated that zone I would fail to satisfy the requirements of the Florida Energy Efficiency Code for Building Construction and that analysis by the University of Florida suggested that a more severe standard would be cost effective in Florida. Accordingly, the Florida Energy Office recommended, among other actions, that HUD establish an interim standard for zone I equal to the standard for zone II, i.e., a Uo value of 0.109.

Finally, several manufacturers stated that constructing a single wide home in zone IV to the proposed standards would be difficult due to the number of windows which are commonly used in single wide homes. For example, the Manufactured Housing Institute suggested a window area equal to 17% of the floor area was not uncommon.

The Manufactured Home Advisory Council recommended that the proposed four zones be used with changes in the Uo values for each of these zones (see the table below).

UO VALUES BY ZONE

| Code | Zone I | Zone II | Zone III | Zone IV |
|---|--------|---------|----------|---------|
| MCC compromise proposal presented by Dr. Levy | .129 | .113 | .102 | .091 |
| HUD proposal | .132 | .109 | .096 | .079 |

The Advisory Council based its recommendation on statements by producers and by Dr. Levy that windows which have been tested to

meet the requirements of the northern zone were not currently available. Also, the Council was concerned about the cost impact in zone IV and the cost

impact in zone IV for the proposed rule would be greater than for the MCC Compromise proposal. The relative cost impacts in each zone are shown below:

COST OF ENERGY CONSERVATION MEASURES

(In dollars)

| Code | Zone I | Zone II | Zone III | Zone IV |
|---|--------|---------|----------|---------|
| MCC compromise proposal presented by Dr. Levy | 437 | 908 | 1,281 | 1,654 |
| HUD proposal | 339 | 1,134 | 1,573 | 2,446 |

Concerning the adoption of the Uo value found in the Pacific Northwest model energy code, HUD believes that this recommendation would provide for a less optimal value than is provided by the ARES analysis that is the basis for

the heat loss coefficients in the Northern Zone IV of the proposed rule. Also, the Department believes that the HUD standards should be uniform for particular regions except where there is a technical basis for proposing a more

or less rigorous performance standard due to variations in the climate. Accordingly, the recommendation from the State of Oregon has not been accepted.

At the present time, the HUD standards do provide a separate zone for Alaska. However, given the very small number of homes that are shipped to Alaska and the prevailing practice to include a special insulation package for homes destined for areas in the State which experience severe cold, we do not believe that a separate Uo zone is necessary. Furthermore, the proposed Uo zone for Alaska is substantially lower than the current standard and is once again based on the optimal Uo value after surveying a total of six cities in Alaska.

Combination of Proposed Zones I and II

Based on comments and the other technical analysis submitted by the State of Florida Energy Office, the Department has reviewed the initial decision to separate Florida into a separate Uo zone. A reconsideration of the data indicates that a lower Uo value could be supported as being cost effective especially in the central and northern parts of the State where there is a greater concentration of manufactured homes.

In their public comments, manufacturers of homes also proposed a lower Uo value than was indicated by HUD in the proposed rule. The Department has also received a letter from Dr. Emanuel Levy, dated July 21, 1993, which indicates that the combination of Zones I and IIs would be justified since there are manufacturers in the South who ship to States in proposed Zones I, II, and III. The modified Levy proposal is shown below:

UO VALUES BY ZONE

| Code | Zone I | Zone II | Zone III |
|---|--------|---------|----------|
| Modified proposal submitted by Dr. Levy | .118 | .102 | .091 |
| HUD final rule .. | .116 | .096 | .079 |

The Department agrees that a common "southern zone" will be easier to administer and eliminate potential difficulties for homes which are produced in neighboring states and then shipped into Florida. Accordingly, the Department has concluded that the State of Florida should be included as part of new Zone I, consisting of proposed Zones I and II. The zones have been renumbered accordingly.

In determining the separate zones, PNL used a sales weighted average to determine the Uo value for each major geographic areas. Accordingly, the Department has determined that the State of Florida should be included with

the States in proposed Zone II. A revised Uo value of 0.116 is being implemented for the States of Florida, Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Hawaii.

Changes in the Uo Values

The Department has carefully analyzed the Advisory Council's recommendation for a compromise between the HUD proposed rule and the MCC 1989 recommendation. The compromise is based on an average of the Uo values derived from using a 7 and a 33-year investment period. Therefore, the MCC compromise recommendation presented by Dr. Levy would be approximately equivalent to using a 15-year investment period.

We have concluded that the MCC Compromise recommended by the Advisory Council cannot be accepted for the following four reasons:

1. Lack of Technical Justification

The 1987 law requires that: "The energy conservation standards established under this subsection shall be cost-effective energy conservation performance standards designed to ensure the lowest total of construction and operating costs." The Council recommendation does not have any technical support which shows that it provides the lowest total of construction and operating costs. Also, the plotting of the costs and benefits of the proposed rule indicates that the optimum level of net savings is reached by the use of an investment period similar to the useful life of the structure.

2. Lesser Energy Conservation Than Is Provided in ASHRAE 90-2 P

Under the Energy Policy Act of 1992, Congress stated that should HUD not issue a preemptive energy standard by October 24, 1993, States could issue energy standards provided that any State standard is as least as stringent as the Second Public Review Draft of the BSR/ASHRAE 90.2 P entitled "Energy Efficient Design of Low-Rise Residential Buildings." The HUD-proposed standards provide very similar results with ASHRAE 90-2 P when both numbers are reduced to a single national standard (see the Table below). Also, the ASHRAE standard is almost identical to the HUD-proposed standard in the Northern Zone; the MCC Compromise proposal would provide significantly lower levels of energy conservation.

COMPARATIVE ENERGY CODES FOR MANUFACTURED HOMES

| | |
|------------------------------|------|
| Modified levy proposal | .105 |
|------------------------------|------|

COMPARATIVE ENERGY CODES FOR MANUFACTURED HOMES—Continued

| | |
|-------------------------|------|
| Proposed HUD-code | .098 |
| ASHRAE 90-2 P | .092 |

3. Availability of Means to Comply With the Uo Standard in Proposed Zone IV

Members of the Advisory Council stated that the energy conservation standards established under this subsection shall take into consideration the design and factory construction techniques of manufactured homes. Several members of the Council stated that the type of windows being used in manufactured homes had not been tested to meet the Uo values that are needed for the northern zone.

The Department is not persuaded that the manufacturers will be unable to comply with the proposed standard. First, the standard is a performance standard for the overall building shell; there is no requirement for a specific U value for windows. A manufacturer may design a structure to provide for more or less insulation in lieu of specific types of windows.

Second in its initial survey of manufacturers, PNL determined that windows were available which have a low enough U value for the northern zone. PNL has reconfirmed that the windows are available in the marketplace.

Furthermore, the 1993 edition of the Energy Source Directory lists over 20 window manufacturers who are producing windows tested to the AAMA 1503.1-1988 standard. The directory lists over 150 models of windows that have been tested and determined to have a U value of 0.40 or less which would be sufficient to meet the building shell Uo value of 0.079 in Zone III of the final rule. Also, we have determined that should the manufacturer need to test certain windows, the necessary testing to ascertain U values could be performed within a few months.

4. The Production of Single Wide Homes to Much Lower Uo Values

Concerning the Advisory Council's concerns about the production of single wide homes with a Uo value of 0.079, the Department has noted that numerous manufacturers in the Pacific Northwest have produced single wide homes to a much lower standard (Uo value 0.056). Also, one manufacturer produced a single wide home that was tested by the National Renewable Energy Laboratory and which met the revised Uo value of 0.079 for proposed Zone IV. Accordingly, the Department has concluded that the production of

single wide homes in Zone IV is feasible.

For these reasons, the Department has concluded that the MCC Compromise recommended by the Advisory Council cannot be adopted in the final rule. However, the Department recognizes that over 30% of manufactured homes are sited in new Zone III and that the demand for windows to construct energy efficient houses in the northern area may result in some production delays or potential temporary shortages

of windows. Also, it may be necessary to complete certain tests for particular designs.

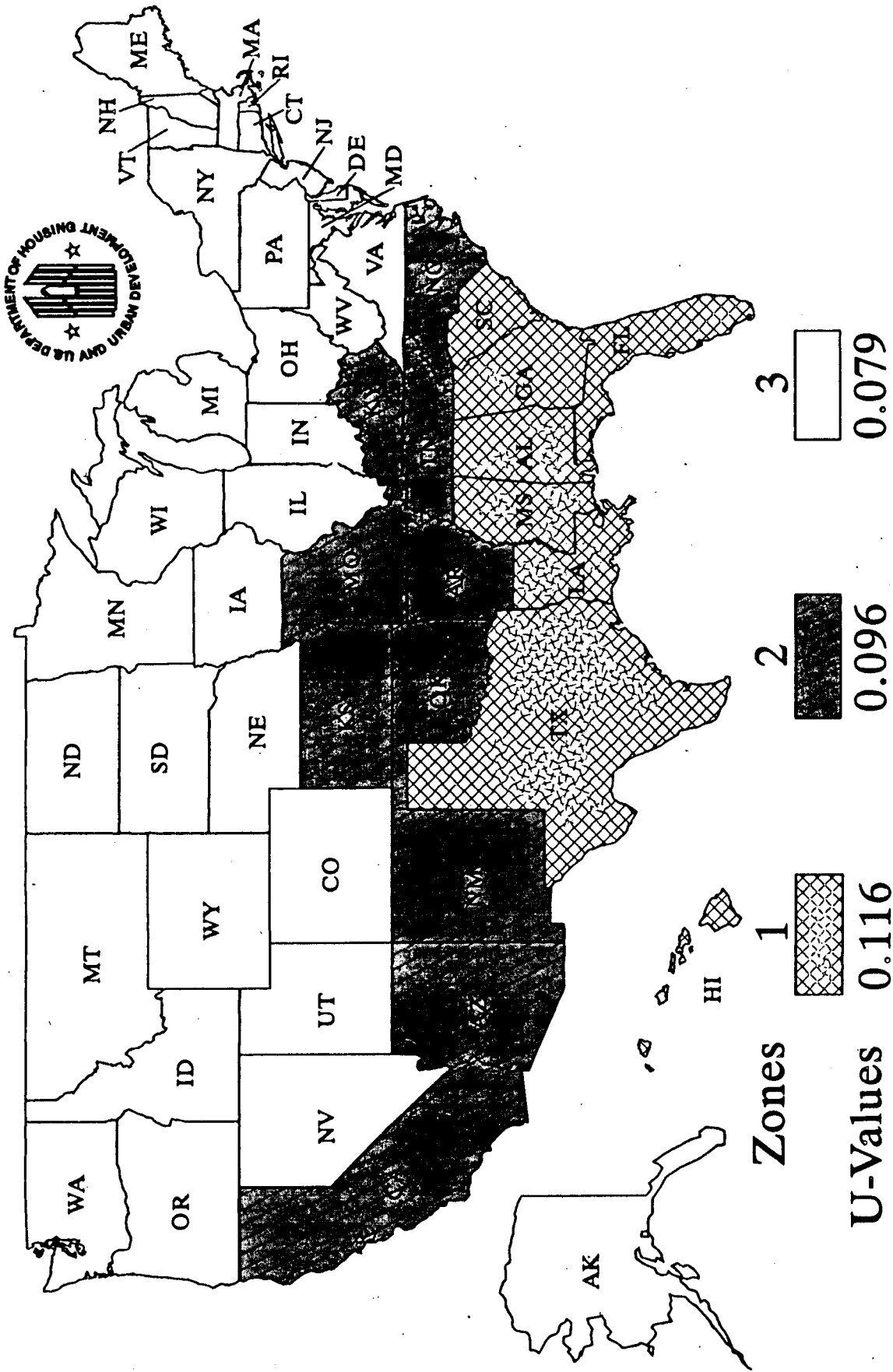
Furthermore, the Department believes that the national preemptive building code should have a uniform implementation date so that manufacturers in all parts of the United States will make these homes available at the same time to consumers. Also, a differing effective date solely for the northern region (Zone III) would complicate the enforcement of the

program and the orderly transition to new energy efficient homes.

To ensure that the production of manufactured homes is not adversely effected and for uniformity of enforcement, the Department has determined that the effective date of these energy standards is 12 months from the date of publication. The new three "U" Zones are shown on the attached map:

BILLING CODE 4210-27-U

U/O Value Zone Map for Manufactured Housing



Credit for High Efficiency Heating/Cooling Equipment. Calculating the Uo Value

In the proposed rule, the Department proposed a method for giving credit for high efficiency heating/cooling equipment. This would provide manufacturers with the flexibility to provide lesser insulation levels provided that the heating/cooling equipment exceeded the fuel efficiency used in calculating the Uo values for the home.

The MCC proposed that the Department permit credits in three areas:

1. Solar water heaters;
2. Infiltration control; and.
3. High-efficiency equipment.

Departmental Views on the Issues Raised by the Commentators

To assure the proper treatment for energy efficient heating/cooling equipment, HUD asked PNL to evaluate the proposed credits suggested by the MCC. Based on PNL's opinion, the Department has determined that the estimated credits are excessive, due to the fact that the MCC analysis assumes that a fractional change in equipment efficiency translates directly to the same fraction change in the required Uo yields.

The reduction in the Uo value is less than the increase in equipment efficiency (Revision To The Energy Conservation Requirements In The Manufactured Home Construction and Safety Standards—Appendix F—HUD User 005943). Further, the reduction in the Uo value should never be less than the change in the equipment efficiency (Appendix F).

The MCC calculations are not consistent with this principle. That is, the base case is the NAECA minimum for manufactured home fossil fuel furnaces, with an AFUE of 75. The MCC gives credits for two levels of equipment efficiency, AFUEs of 80 and 90, which yield an increase in efficiency of almost 7% and 20% (75/80 and 75/90) respectively. The increase in the allowed Uo value should be less than this.

Similarly, the MCC proposal includes a credit for solar water heaters which is excessive. The Department of Energy's Energy Information Administration (EIA) has determined that the hot water heating is only about 18% of total residential energy use. PNL has prepared the following table which shows the approximate solar savings implied by the change in Uo values in the four proposed zones.

TABLE D.—APPROXIMATE SOLAR SAVINGS

| | Base Uo | Solar | HVAC change (per-cent) | Change re-quired (per-cent) |
|-------------|---------|-------|------------------------|-----------------------------|
| Zone I | 0.126 | 0.155 | +23 | -69 |
| Zone II ... | 0.110 | 0.148 | +35 | -104 |
| Zone III .. | 0.092 | 0.128 | +39 | -117 |
| Zone IV .. | 0.098 | 0.117 | +19 | -58 |

Note that Zones II and III are estimated to require saving more than 100% of the water heating energy, which makes them unlikely. In general, solar water heaters meet a fraction of the water heating energy demand. It is seldom economical or practical to design a solar water heating system which meets 100% of the water heating need. There is also generally a need for electricity to pump the water being heated in the solar system. Finally, it should be noted that the MCC proposal did not include any specification for how large or effective the solar water heater was to be.

Based on the analysis enumerated above, we have concluded that the MCC proposed recommendations are not technically supportable and the methodology proposed by the Department in the February 24, 1992 proposed rule, should be included in the final rule. This methodology for alternative heat loss calculations of energy usage is contained in the publication "Overall U-Values and Heating/Cooling Loads—Manufactured Homes, PNL 8006, February 1992—§ 3280.508(b) (HUD User-005945). Other similar calculations could also be acceptable provided that all of the factors indicated in the HUD User-005945, Overall U-Values and Heating/Cooling Loads—Manufactured Homes, PNL 8006, February 1992—§ 3280.508(b), are covered.

V. Ventilation and Indoor Air Quality Standards

In conjunction with the proposed energy conservation standards, the Department is amending the standards to address the issues of condensation control and indoor air quality. The basic purpose of the ventilation standards is to prevent the potential deterioration of the home due to the accumulation of moisture and to obtain a satisfactory living environment.

The tighter construction of the homes that will occur as a result of the new energy conservation standards reduces the natural air flow in and out of these homes. This reduced number of natural air changes raises the concern about

indoor air quality. The Department has concluded that the issues of condensation control and indoor air quality require more effective standards for ventilation and vapor retarder placement.

Three sources of input have been used in developing the final standard for indoor air quality and ventilation:

1. ASHRAE 62-1989 which was the fundamental document which the proposed rule was based upon.

2. Public comments from consumers, manufacturers, trade associations and other interested parties.

3. An independent reviewer, FPL/NIST, that was used to determine the merits of all comments.

HUD's conclusions are embodied in the language of the rule.

To provide adequate ventilation for the interior of the home, the Department proposed that a combination of mechanical and passive systems be used. Each home would be designed with the capability to change the indoor air at the rate of 0.35 air changes per hour. HUD originally proposed a 75 cubic feet per minute intake with an exhaust system providing at least 50 cubic feet per minute exhaust.

The ventilating system would have to be capable of operating independently of the heating or heating and air conditioning function, but may be integrated with the main blower system. The Department proposed that a system may have automatic controls, but should be manually operable.

The Manufactured Home Advisory Council (the Council) met on July 13-14, 1993. The Council made this recommendation to the Department:

The Department should withdraw the proposed ventilation provisions in Subparts B and F and rewrite the proposal based on the Forest Products Laboratory (FPL) and National Institute of Standards and Technology (NIST) research. Also, the Department should undertake a cost benefits justification and solicit input from the public using negotiated rulemaking or "other processes". To the extent possible, the ventilation standards should be promulgated along the same time lines as the energy standards for implementation at the same time.

Members of the Advisory Council also made several comments concerning condensation problems. One council member said that indoor air quality solutions should be left up to manufacturers while another member said that some manufacturers will not include ventilation without mandatory standards. Another member of the Council said that there are considerable problems with moisture in the Northwest and that something should be done.

The Advisory Council members noted the work that had been done by FPL/NIST and several members indicated that HUD's final proposal should be patterned on the FPL/NIST report. The Council was also concerned about the October 24, 1993 deadline for the issuance of the energy conservation measures and the Council wished to see a better cost/benefit analysis.

The Advisory Council's recommendation on the ventilation standard consists of four parts:

1. The Department should use the FPL/NIST report in determining the ventilation standards.

2. The Department should undertake a cost benefit analysis of the ventilation standards.

3. The Department should solicit input from the public using negotiated rulemaking or "other process".

4. The ventilation standards should be promulgated along the same time lines as the energy standards for implementation at the same time.

Concerning the FPL/NIST report, HUD had contracted with these organizations to provide an independent and authoritative assessment of the public comments and the original proposed rule. The Advisory Council was supportive of the recommendations contained in the 1993 FPL/NIST report. Also, the FPL/NIST report is current and is based on ASHRAE 62-1989.

The Department and the Advisory Council both agree with the basic conclusions contained in the FPL/NIST report. Almost all of the recommendations presented by FPL/NIST were accepted by HUD. Some of their recommendations were modified to address the particular needs of manufactured homes. Also, several recommendations, such as requirements for the location of the wall vapor retarder, will be addressed in future revisions to the FMHCCS.

The next issue raised by the Council was the need for a cost benefit study of the ventilation standard. To ensure that the cost estimates are reflective of actual conditions, HUD has expanded the number of cities used in its study to obtain better precision for ventilation costs. This matter was previously covered as part of the discussion of the overall cost of the new Uo requirements on consumers (see Section IV D). It should be noted that even if the cost of ventilation equipment is added to the cost of the energy conservation measures, the overall energy and ventilation standard remains cost effective.

Concerning the solicitation of input and the use of negotiated rulemaking, the Department has compiled an

extensive public record on the ventilation standard, including the recommendations of the Advisory Council. Given the level of input shown in the public record and the study by FPL/NIST, the Department believes that negotiated rulemaking would not be appropriate and that the Department should proceed with the issuance of the final standard.

Finally, the Advisory Council recommended that the ventilation standards should be implemented at the same time as the other energy standards. We agree with this recommendation and therefore, the Department has determined that the energy and ventilation standards should be promulgated and made effective 12 months after the publication of the final rule.

Considerable public comments were received on interior mechanical ventilation. Several commentators expressed strong support for strengthening the current requirements for ventilation and there was generally no objection to using ASHRAE 62-1989 as a basis for ventilation standards for manufactured homes. Only one commentator opposed any change to the current standards, because in the commentator's opinion, even the current standards were not enforced sufficiently.

Most commentators generally accepted a target ventilation rate of 0.35 ACH as desirable. Several commentators stated that there is insufficient technical background information and justification given in the proposed rule. A number of disagreements focused on specific implementation of the standard and requirements that were perceived to go beyond ASHRAE 62-1989. These requirements include the mandatory installation of mechanical ventilation and HUD's rejection of openable windows as an alternative to mechanical ventilation.

The Bonneville Power Administration (BPA), which is part of the Department of Energy, agreed with HUD's assessment that homes are being built relatively air tight and that an unacceptably low natural infiltration rate would result from further air tightening. They also felt that, even though manufacturers are constructing air-tight homes now, there is no incentive for them to continue to do so. While some manufacturers may be producing air tight units at the factory, this does not guarantee they will remain at the same airtightness level after being transported to the site and undergoing the necessary set-up preparation (i.e., plumbing, electrical, HVAC, drainage, etc.) BPA suggested that testing be

required to assure units will perform at the stated maximum air tightness level.

BPA also recommended that some alternative method of infiltration control or ventilation equipment should be considered for a trade off credit, similar to the credits given for higher efficiency heating and air conditioning equipment. They felt that a considerable variety of cost effective equipment is available, which provides numerous alternatives to the manufacturers.

One major consumer organization wanted to increase whole house air flow beyond .35 air changes per hour (ACH). They stated that while .35 ACH is a reasonable ventilation level in most cases, the capacity to exceed this level is very important in smaller housing units or in housing units with a higher than average number of occupants. Further, additional ventilation capacity is particularly important in the first year of a new home, because building materials emit a variety of substances, including moisture. These substances can have significant negative impacts on an occupant's health and compound the problem of condensation control.

The Use of American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 62-1989

HUD has concluded that the supporting documentation provided by FPL and NIST provides good technical support for HUD's final determination to use the ASHRAE 62-1989 standard. They submitted a report to HUD which detailed their moisture determinations. This report, entitled Ventilation, Moisture, and Indoor Air Quality in Manufactured Houses, February, 1993, is available from HUD User.

ASHRAE originally established the ventilation rate of .35 ACH by a consensus process. It has been carefully researched and is considered to be the most authoritative and accurate document available. Most of the commentators did not object to using this document as a basis for our ventilation.

Accordingly, the Department has determined that the ASHRAE 62-1989 target of 0.35 air changes per hour is proper for the anticipated usage and occupancy level of manufactured homes. Use of enhanced ventilation for periods of unusually high occupancy or during the first year of occupancy while not required would be recommended. The value of .35 ACH is based on obtaining good indoor air quality under normal conditions.

Intake and Exhaust Rates for Whole House Ventilation

In order to accomplish the levels contained in ASHRAE 62-1989, the Department originally proposed a 75 cubic feet per minute intake with an exhaust system providing at least 50 cubic feet per minute (CFM) exhaust. This was in addition to the kitchen and bath ventilation (see the discussion below).

The Intake and Exhaust Rates

Some of the commentators focused on the potential technical problems which could occur. They said numerous problems will be created by the 75 CFM requirement, such as: creating a need to preheat air in colder climates; condensation in walls and attics; increased thermal load; and increased risk of structural damage from outside moist air. The home owner will simply not use the mechanical ventilation system since it will bring in raw unconditioned air, which the owner feels will be more costly to heat or cool.

Because of the air supply-exhaust differential, 75 and 50 CFM, most commentators believe that the requirement for a system with a positive pressure may be counterproductive and should be eliminated. They said that moist air will be forced into the wall or ceiling cavity potentially causing deterioration of the structure. In the Indoor Air Review, April 1992 issue, it was stated that "Positive Pressure Ventilation" has some major drawbacks as stated (see below).

Positive Pressure Ventilation— * * * The positive pressure can force warm, moist indoor air through holes left in the building envelope, increasing the risk of condensation in walls and attics. This approach is seldom used in colder climates due to the fact that the incoming air will create some discomfort in the home unless it is preheated. It can also create a great deal of structural damage to the building.

Several commentators stressed the need for further research. They felt that the Department, in cooperation with home manufacturers, equipment manufacturers and other Federal agencies, should undertake additional research and field testing of ventilation systems and installation methods.

A few commentators were concerned about HUD's proposed fixed fan ratings of 75 and 50 CFM ventilation, independent of the size of the home. They stated that this may not provide the anticipated results because homes vary in size from 800 up to 2500 square feet of floor area. If this fixed fan size is used in very small and very large size homes, a significant difference in the number of air changes per hour (ACH)

will exist. For example, the recommended fan systems in an 800 square foot home would provide about 0.5 ACH at an elevated positive pressure, while in a 2500 square foot home, the fan systems would provide only 0.15 ACH. Fan requirements should be sized to the size of the home.

A manufacturer believed that a lower rate, 25 CFM, was sufficient. The manufacturer based this conclusion on the fact that HUD's CFM rates are from the ASHRAE 62-1989 standard, which allows for natural ventilation of site built homes. They said that HUD did not allow credit for natural ventilation. Also, fuel burning fireplaces, water heaters and furnaces used in manufactured homes have sealed combustion chambers which require less air than site built homes. It appears to the commentator that 25 CFM mechanical ventilation systems would be adequate, and would compensate for the tighter home construction resulting from higher insulation levels.

Another commentator questioned the effectiveness of the fans installed CFM rate. BPA had studied a number of manufactured homes in the Pacific Northwest to determine compliance with their utility sponsored insulated home. They discovered that the performance of the fan was reduced by 35% from its rated CFM when installed in the home. They attributed this discrepancy to duct friction losses.

Some commentators felt mechanical ventilation standards lacked consideration of natural ventilation through openable windows. They noted that natural ventilation through openable windows is still the most practical and affordable means to improve indoor air quality. Also, ASHRAE 62-1989 and many model building codes require no mechanical ventilation for dwellings when rooms have openable window areas totaling at least 4 percent of floor areas.

There was total agreement among commentators that homes in Alaska should use only mechanical ventilation as Alaska's climatic conditions are more severe than most of North America. Their experience indicated that mechanical ventilation is the only mode of ventilation that works, because it provides better control of ventilation rates, air distribution and air tempering methods.

A home manufacturer was concerned about the home owner paying for mechanical ventilation when he/she can have ventilation for free by simply opening the window. A commentator stated that there is insufficient documentation or technical analysis to warrant the recommended changes with

regard to ventilation. Furthermore, several commentators suggested that adequate ventilation may not be provided as intended by the proposed rule.

HUD feels the supporting documentation for ventilation is strong and sufficient to make decisions on this matter. The FPL/NIST report provided good technical analysis and data to support HUD's final determination. These contractors used the latest in computer simulation, the MOIST computer program, to make the best determination concerning these complex moisture problems. The report details their determinations on the necessary level of ventilation and it addresses many of the comments submitted on the proposed energy rule.

The Department agrees with the commentators who questioned the air supply-exhaust differential rates (75 and 50 CFM) and the resulting problems caused by positive pressure. FPL/NIST's analysis also indicates that a balanced system is preferable. HUD has reconsidered this matter and agrees that an unbalanced system could be detrimental and would potentially allow moisture accumulation in the wall. As a result, the exhaust requirements of 75 CFM and 50 CFM fans are deleted and HUD will require that the manufacturer specifically meet .35 ACH for the home. Also, tolerance considerations allowing positive and negative pressures were noted in the rule which is a function of climate location.

In order to meet the ASHRAE 62-1989 standard, FPL/NIST determined that .035 CFM per square foot of floor area of mechanical ventilation was needed. This was derived from an empirical relationship of natural and mechanical ventilation, and the measured natural infiltration rates of manufactured homes. Recently built manufactured homes have an average natural infiltration of .25 ACH. An empirical relationship indicated that a .20 ACH mechanical ventilation is needed to obtain the total .35 ACH. This translates into .035 CFM per square foot of total floor area; a typical 1200 square foot home would require a 42 CFM fan.

Concerning the allowance in ASHRAE for natural ventilation, and thereby lower ventilation rates, ASHRAE 62-1989 states: "The ventilation is normally satisfied by infiltration and natural ventilation. Dwellings with tight enclosures may require supplemental ventilation supply for fuel burning appliances . . ." (Emphasis added.) HUD did allow for infiltration but calculations indicated that it was insufficient to meet ASHRAE's .35 ACH.

ASHRAE also states that additional ventilation is needed to accommodate the requirements of the installed fuel burning equipment. If manufactured homes did not have sealed combustion chambers, which obtain air for combustion directly from the outdoors, even more ventilation would be needed.

Concerning the use of openable windows to provide ventilation, we acknowledge that in theory, it is less expensive to use windows rather than mechanical ventilation. However, as noted in the public comments, some home owners would not use the windows on a regular enough basis to assure adequate ventilation. This tendency will be even more likely in cold climates.

In addition, an openable window does not provide for uniform ventilation of the home to the degree the fan system can provide. The validity of this concept is supported by the state of Alaska's specific request for mechanical ventilation. Their climate conditions are among the most severe in the United States. They said that mechanical ventilation provides better control of flow rates, air distribution and tempering means.

HUD acknowledges that a mechanical system could be disabled by the home owner. Nevertheless, we believe that the home owner will realize that the purpose of the ventilation system is for a healthy indoor environment and for the durability of the home.

Therefore, the Department has concluded that mechanical ventilation is necessary to obtain the level of ventilation specified in ASHRAE 62-1989. A requirement for mechanical ventilation at a rate of 0.35 CFM has been added.

Cost of Ventilation and Equipment

A number of commentators discussed the cost impact on homes. They said that the proposed requirements by HUD attempt to create acceptable indoor air quality by sacrificing energy conservation, without estimating the costs involved. Further, the commentators claim that the ventilation equipment has not proven to be reliable or effective; also, no evaluation of the operation and maintenance costs of the mechanical systems has been made. Concern was also raised that occupants would interfere with the proper operation of the equipment.

A number of commentators expressed concern that the new ventilation standards would be costly to install and the loss of heated air due to ventilation ("energy penalty") was not considered. HUD investigated this matter and has determined that the total costs for

equipment and increased energy consumption are small. The retail cost of the installed equipment ranges from \$200 to \$300.

Two feasible types of equipment were considered: the furnace fresh air vent system and a separate exhaust fan with intake vents. Five cities were considered in this analysis: two northern cities and three southern cities. For both systems, the annual cost of the energy averaged \$50, with a maximum of about \$100.

While this will reduce the net savings from the ECMs, the purchase of ECMs remains cost-effective with substantial net savings for the consumer. Further, HUD believes the societal benefit derived from healthier living conditions should be considered; this benefit is at least implicitly accounted for in the ASHRAE 62-1989 standard.

We believe that the concern about the reliability, maintenance and durability of the ventilation equipment is overstated. This concern appears to be based on operating standard bathroom or kitchen fans, most of which were not designed or intended to be operated continuously. While the manufacturer will need to install a fan which is appropriate for the size of the home, a properly chosen fan can run continuously for years.

On a related matter, a number of commentators suggested using a blower door test to verify infiltration rates and duct leaks. HUD did not present this or any testing protocol in the proposed rule; HUD will consider this in future updates to the FHMCS.

Kitchen and Bath Ventilation Rates

Kitchen and bath fans are installed to provide spot ventilation for the control of excessive moisture and odor. The HUD-code (24 CFR 3280, Subpart B) includes a requirement for an air change for the kitchen every 30 minutes. The proposed rule specifies a ventilation rate for the kitchen of 100 cubic feet per minute (CFM). The present HUD-code requires an air change every 12 minutes for bath and toilet areas. The proposed rule would be 50 cubic feet per minute in these areas. Ventilation through openable windows would not count as a ventilation method except for a separate toilet compartment. These rates conform to ASHRAE Standard No. 62-1989.

There was general agreement that the bath and kitchen fans should be capable of producing 50 and 100 CFM. This conforms to ASHRAE requirements, which are considered by most to be the best authoritative source; also, ASHRAE has a long history of development and consensus. The intent of these fans is to remove peak or spot ventilation needs.

HUD accepted a suggestion that in a separate water closet compartment, an operable window will be allowed in lieu of mechanical ventilation. Because of the severity of the climate, manufactured homes destined for Alaska will not be allowed to use openable windows.

Attic Ventilation

In the February 24, 1992 proposed rule, ventilation would have been required for all attic and roof cavities with the exception of single-section homes that have metal roofs and no underlayment. All attic or roof cavities, except those on certain single-section homes, should be ventilated with at least 50% of the open free ventilation area in the upper half of the roof cavity.

The remainder of the vents would be equally dispersed in the eaves or a low location in the gabled ends. A free ventilation area equal to at least 1/300 of the attic or roof cavity floor area should be provided. In addition, both mechanical and passive ventilation of the roof cavity will have a 1-inch air gap between roof and insulation. This 1-inch gap also applies to cathedral ceilings.

The research on this subject indicates that attic or roof cavity ventilation is the primary and most reliable method of removing condensation. It also assists in providing a way for moisture to escape from the home that is not removed by other methods. This research which was done in the late 70's also revealed that a vapor retarder should be utilized on the warm side of the attic or roof cavity. A prominent study was performed by Burch and Luna and is titled, A Mathematical Model for Predicting Attic Ventilation Rates for Preventing Condensation on Roofing Sheathing.

Alternatively, in the proposed rule, a mechanical system would be permitted in the attic or roof cavity to provide the ventilation. A minimum rate of 10 air changes per hour was included in the proposed rule, or 0.7 CFM per square foot of attic floor area. The mechanical ventilation was to be controlled by a switch with an automatic humidity sensor control.

Certain single section manufactured homes would be excluded from the attic and roof cavity ventilation requirements. These single wides were excluded because of economic considerations. However, additional requirements were imposed, such as the sealing of the ceiling diaphragm. Also, the Department proposed that an interior air exchange rate capable of at least 150 cubic feet per minute would be required.

Roof Cavity Ventilation

Generally, the comments supported most of HUD's proposed recommendations and confirmed HUD's view that attic ventilation is needed. Commentators indicated that HUD needs to provide industry with more flexible ventilation options in locating the open venting area and the ventilation reduction when a ceiling vapor retarder is installed. Many commentators agreed that the mechanical ventilation rate of 10 ACH is excessive. A few commentators indicated that the calculation of the roof cavity air change rate needs to be clarified. Several commentators raised the concern that roof cavity ventilation equipment would negatively pressurize the cavity, thereby causing indoor air to exfiltrate from the living space into the roof cavity.

Other commentators supported HUD's revision to the rule that permitted a sealed attic for certain single-wide homes. These homes would have special requirements including sealing of all air leakage sites in the ceiling. One commentator wanted this exception extended to double-wide homes. Another commentator stated that it would be difficult to seal all air leaks.

Many commentators agreed with HUD's decision to ventilate only homes having shingled roofs while some single section manufactured homes constructed with metal roofs will not require ventilation. Some suggested that a testing protocol be developed to guarantee proper sealing, possibly requiring a blower door test.

A manufacturer's experience indicated that most passive ventilation systems don't work as well in practice as in theory. An active ventilation system would be preferred provided it could be controlled by a humidity controller and would not provide positive pressure to the attic space. Some commentators had opposed mechanical ventilation saying that it would not be viable due to lack of air space volume and the potential for the system to fail.

One leading consumer organization supported HUD's requirement on roof ventilation. They believe that condensation damage has been a serious problem in manufactured housing and has resulted in expensive repairs and premature deterioration of homes. While maintaining the ASHRAE standard, this organization indicated that the Department should cooperate with other federal agencies, equipment producers and home manufacturers to undertake additional research. This should include field testing of

ventilation systems and installation methods. The organization also believes this approach will result in the best method for meeting the standard.

Another commentator stated that the ventilation condensation proposal would impose unnecessary and costly new standards upon manufacturers. Further, they said HUD failed to cite any rationale or justification for the change, such as reported systemic failures in manufactured homes (roofing system), or evidence that manufactured homes suffer from poor air quality or excessive condensation.

A major utility company supported the proposed ventilation requirements for all attic or roof cavities. The utility stated that the implementation of passive and mechanical systems is necessary for condensation control. Also, these measures will improve indoor air quality for residents and prolong the life of the structure.

A number of commentators felt that 10 ACH for the mechanical ventilation of the roof cavity was excessive; this was based on a .7 CFM/ft² of attic. HUD has determined that the rate for the roof cavity should be lowered to .02 CFM for every foot of attic floor area. FPL/NIST has investigated this matter and believes that this .02 CFM is reasonable.

In addition, many of the commentators concur with HUD's proposal to permit a sealed attic for certain single wide metal roof homes. The FPL/NIST recommendation allowed the option for the attic to be ventilated or sealed. However, FPL/NIST acknowledges that experience with construction standards over the years has indicated that ventilated attics work. Many of the commentators, including manufacturers of homes, support ventilating the attic.

Originally HUD proposed that single wide units with metal roofs would be required to have a minimum whole house mechanical ventilation rate of 150 CFM. Many commentators said the rate was excessive and not substantiated. These comments are supported by the recent report to us by FPL/NIST and the public comments. The report indicates that a whole house ventilation rate of 0.35 ACH is adequate, if the ceiling is sealed to prevent warm moist air from flowing into the unvented roof cavity. The requirement for single section homes with unvented roof cavities to have a whole house ventilation rate of 150 CFM is removed from the rule.

FPL/NIST, who did a recent study on attic ventilation, said they prefer a sealed attic for all homes; however, they also felt that a ventilated attic was acceptable. FPL and NIST said that cavity ventilation over the last forty

years has been a way to avoid moisture accumulation but little technical basis exists to support this method. Computer simulation run using the NIST moisture model (MOIST) showed the drying and wetting effects in the attic caused by various conditions, such as climate, indoor relative humidity and ceiling infiltration.

Even though FPL/NIST are not convinced that roof vents are necessary, vents can usually be installed cheaply and easily without comprising the thermal integrity of the roof. Because of the many years experience in constructing vented attics, they recommended a parallel to other building codes: 1/300 vent area to attic floor area. HUD concurs with their recommendations.

They also recommended that the roof cavity have positive pressure and that cathedral ceilings not be ventilated. Furthermore, measurements on vented walls showed that vents may increase leakage of moist air into the cavity. This would cause structural and sheathing deterioration in the wall cavity. This deterioration would go unnoticed since the interior of the wall is not easily accessible.

HUD believes that additional analysis and research needs to be done before a final decision is made concerning sealed roof cavities. Consumer organizations also recommended more field testing and research. As a result, HUD intends to have NIST investigate issues related to attic ventilation and infiltration.

Concerning the comment that the new standard is costly and there is no "evidence" that a problem exists, HUD has investigated many claims of condensation and moisture problems. These problems were mainly in the northeast and southern regions. Most of the problems seem to be related to unvented attics.

Another commentator said that a blower door test protocol should be developed to insure the proper sealing of the ceiling. HUD has considered this suggestion but concluded that the added cost versus benefit does not warrant making this a requirement. Nonetheless, HUD will investigate and consider this in the next cycle of proposed changes to the standards.

The issue of the possible failure of the mechanical system was also considered by HUD. HUD expects the manufacturer to give instructions in the owners manual that will give some indication of the inspection and maintenance needed on these fan systems.

Moisture Control

The main issues in the proposed rule concerned vapor retarder placement, the

condensation control map and the sealing of penetrations.

Ceiling Vapor Retarders

HUD included in the February 24, 1992 proposed rule a requirement for a ceiling vapor retarder with a permeance no greater than 1 perm (dry cup method) installed on the living side of the roof cavity. Also, the ceiling vapor retarder could be omitted in the southern condensation zone. Finally, the term "ceiling vapor barrier" has been changed in the proposed rule to the term "ceiling vapor retarder."

A manufacturer suggested that a vapor retarder should be used in humid climates, but should not be mandatory since these areas are small geographically. The Oregon State Building Code agency suggested that the vapor retarder be placed on the living side of all manufactured homes. A leading consumer organization suggested that HUD specify one uniform location for the vapor retarder because differing locations would restrict the transportation of homes to other locations. This organization also recommended following the experience of the Pacific Northwest in the placement of the vapor retarder. Alaska considers their situation unique and stressed the need for a vapor retarder in all their homes.

The State of Colorado's Housing Office agrees with HUD that a vapor retarder is needed and all air leakage paths should be sealed. They also stated that improper sealing was a major problem. To alleviate this problem, they recommended a blower door test. An insulation association advocated deleting the vapor retarder in mild heating climates and hot and humid climates. They felt this would more easily accommodate reverse (heat/moisture) flows.

Another code agency suggested that HUD follow ASHRAE and the MEC standards. ASHRAE specifies a vapor retarder on the outside in warm climates and on the inside for cold climates. The MEC allows the omission of the vapor retarder in hot and humid climates and gave detailed parameters where this applies. Another association recommended the use of both a vapor retarder and attic ventilation. They said the proposed standard should reduce the incidence of condensation damage, while assuring new homes will be able to achieve a high level of energy efficiency.

FPL/NIST felt the vapor retarder should be placed on the inside in cool climates and on the outside in warm climates. They also made the vapor retarder optional for southern zones

under certain building conditions. One commentator felt that a vapor retarder for crawl spaces should be specified in the homeowners manual.

The comments received concerning ceiling vapor retarders varied from recommending no vapor retarder to advocating a vapor retarder in certain weather conditions. No clear consensus seems to exist and very little analytical evidence was provided on the location and need for vapor or air retarders. Much of the public comment was based on experience.

HUD relied on the FPL/NIST study, Ventilation, Moisture, and Indoor Air Quality in Manufactured Houses, February 1993. Other reference standards, such as ASHRAE and the MEC, specify a vapor retarder on the inside for cold climates and on the outside for warm climates. This is similar to our proposed standard.

HUD has used the experience of the Pacific Northwest as much as possible but cannot directly apply their specifications to southern states and other climatic conditions. As with all homes in Zone III, a vapor retarder must be installed on all homes sited in Alaska.

The Department understands that the placement of a vapor retarder in one uniform location on all homes is desirable, so that the home can be moved from one location to another. However, a single location for the vapor retarder is not technically desirable. In addition, most homes, once originally sited, rarely are moved; if they are moved, the second destination is likely to be in the same climatic area.

Theoretical and practical evidence by known authorities and home manufacturers stressed the need for a vapor retarder that is a function of climate. The ASHRAE and the MEC standards also specifies a vapor retarder on the inside for cold climates and on the outside for warm climates.

Accordingly, the Department has determined that the ceiling vapor retarders may be omitted in Uo Zone 1 (see the map contained in Section IV). Also, the term "ceiling vapor barrier" has been changed to the term "ceiling vapor retarder."

The Department has determined that the test method, referred to as the dry cup method in the proposed rule, is referred to as the Desiccant method in the ASTM E-96-90 standard.

Accordingly, the Department has amended § 3280.504(a) to include the ASTM E-96-90 Standard Test method for vapor transmission, the Desiccant method.

To control moisture, placing a vapor retarder on bare crawl space ground

would be beneficial. However, since the set-up of and installation of the home is the responsibility of the local and state authorities, HUD does not have the authority to issue standards on this matter.

Condensation Control Map

In the original proposal, HUD used the ASHRAE condensation map of the United States.

Many commentators were concerned that the condensation control map was difficult to use and did not correspond to state boundaries, which made it difficult to determine the need and enforcement of the vapor retarder. Some commentators said that information concerning the condensation design zone of the home should be placed on the data plate, while others said it should be placed on the heating or cooling certificate. Other commentators said that a prospective second home buyer would benefit from this information and it would be more likely that the home would be placed in the correct condensation zone if the home were moved.

An insulation association generally agreed with the use of a vapor retarder, but was concerned about the interpretation of the condensation zone map. They recommended four zones that were similar to the thermal map; two zones would be hot and humid climates and two would be the cold climates. A code association said that the Canal Zone, Puerto Rico, and U.S. Virgin Islands should be included on the condensation control map.

The condensation control map was taken from the ASHRAE Book of Fundamentals. The ASHRAE zones were developed with the intent that local design engineers could determine the specific requirements for an individual home when they knew exactly the specific site location.

HUD agrees that the map is difficult to read and has redefined the zones to correspond to state borders by simply using the Uo zone map that is given in the energy conservation section (see Section IV E). HUD will also require the home's condensation design conditions of the home to be placed on the data plate. The three types of weather conditions are cold zone, hot zone, and hot and humid zone.

Air Leakage

There was concern about air leakage which could transport moisture and energy through the home envelope. The State of Minnesota was concerned about wind wash through the attic. They said that this causes considerable heat loss at the soffit-wall junction by displacing

entrapped conditioned air with outside air; a baffle can relieve this situation. In addition, the State of Minnesota wanted all penetrations sealed, including, but not limited to, the electrical, plumbing, flue and exhaust penetrations.

The State of Alaska was also concerned about air infiltration and extended Minnesota's recommendations. They added more prescriptive requirements to include the installation methods for doors and windows, and the sealing of major joint envelope elements. Further, they want to use the Canadian standard protocol for depressurization testing of homes. The State of Colorado agrees with the need for this test and felt it would also be effective in determining the leaks in the HVAC system.

A major home manufacturer and others pointed out that the ventilation equipment should exhaust indoor air directly to the outdoors, not into the roof cavity. Another commentator felt that exhausting indoor air into the roof cavity was acceptable.

Air infiltration/exfiltration can transmit considerable energy and humidity and many of the commentators expressed concern about sealing all potential leakage paths. New information presented in the technical journals indicates that leaks in the duct system can contribute as much as 25% to the energy loss in a home.

HUD agrees with Colorado's comment that all penetrations should be sealed; we also agree with Minnesota's suggestion to place air baffles in the soffit. The Department realizes that a blower door test is a good indicator of air leakage, but also realizes that this is an added cost, which may not be cost-effective. HUD is investigating these matters further and will consider them for the next standards update. The duct system issues will also be considered.

Ventilated Walls and the Location of Vapor Retarders in Walls

HUD asked for comments on the use of ventilated walls and the placement of the vapor retarder on exterior walls. The following questions were included in the proposed rule:

1. Given the need for improved thermal efficiency, should the Standards continue to permit the use of ventilated walls? Also, should the Standards limit the use of ventilated walls for use only with metal sided homes?

2. Should the placement and location of the vapor retarders in exterior walls be related to the condensation zone in which it is to be located?

Most of the comments received stated that the ventilated wall should not be allowed. In addition, the FPL/NIST

study also corroborates this opinion. FPL/NIST stated that it will add moisture to wall as well as increase moisture in the attic. Also, it will lose considerable energy and potentially cause deterioration of the home structure.

HUD has reviewed the comments on the use of a ventilated wall. Since the Department did not propose a standard in this area, a decision on this issue will be included in future revisions to the FMHCSS.

The Placement of the Vapor Retarder in the Exterior Wall

Many of the comments discussed in the ceiling vapor retarder section would also apply to the placement of the vapor retarder in the exterior wall. As was stated previously, there is a wide range of views on the placement and need for a vapor retarder.

HUD has reviewed all of the comments concerning the placement and/or need for a vapor retarder on the exterior wall. Since the Department did not propose a standard in this area, a decision on this issue will be included in future revisions to the FMHCSS.

VI. General Update of the Standards

In order to remain abreast of the industries that utilize those reference standards incorporated in the FMHCSS, the Department is amending the FMHCSS to incorporate the latest edition of those standards and incorporate new relevant standards. Public comments concerning reference standards affirmed the Department's position that the reference standards should be updated to the most recent version, new reference standards should be incorporated when adopted by the affected industry, and out of date standards should be deleted. The commentators also expressed concern that the Department is not updating the reference standards often enough. The Department concurs and will be proposing amendments to the FMHCSS on an annual basis.

There was one new reference standard on which there has been significant comment and discussion. First, the Department proposed that "AAMA1503.1-1988, Voluntary Test Method for Thermal Transmittance and Condensation Resistance of Windows, Doors and Glazed Wall Sections" be the appropriate standard for determining U-value of glazed products. Several commentators suggested that a more appropriate standard would be the "NFRC 100-91, Procedure for Determining Penetration Product Thermal Properties." The reasons given for using the NFRC 100-91 are

persuasive, better accuracy being the most significant.

However, the Department has not been given evidence that the AAMA1503.1-1988 is inadequate for the intended purpose. Also, at the present time, the NFRC procedures are being developed for the certification of windows and we have been informed that no certification labels for manufactured home windows have actually been issued by the NFRC. Therefore, the Department will consider the adoption of the NFRC in future revisions to the FMHCSS.

To provide an easy reference, the following table lists the reference standards found in the MHCSS by issuing organization. The organization name and address is underlined. The column to the right indicates the section of the Standards where the reference is used. To the left of the Standard, an asterisk (*) indicates that the Standard is updated. An "N" indicates the Standard is new.

Standards by issuing organization 24 CFR:

Aluminum Association, 900 19th Street NW., Washington, DC 20006

Specification for Aluminum Structures Construction Manual Series—Section 1, Fifth Edition—1986.

American Architectural Manufacturers Assoc., 1540 East Dundee Rd., Suite 310, Palatine, IL 60067

(N) AAMA 1503.1-88, Voluntary Test Method for Thermal Transmittance and Condensation Resistance of Windows Doors and Glazed Wall Sections—3280.508(e).

AAMA 1701.2-1985, Primary Window and Sliding Glass Door Voluntary Standard for Utilization in Manufactured Housing—3280.403(b), 3280.403(e), 3280.403(e)(2), 3280.404(b).

AAMA 1702.2-1985, Swinging Exterior Passage Doors Voluntary Standard for Utilization in Manufactured-Housing—3280.405(b), 3280.405(e), 3280.405(e)(2).

AAMA 1704-1985, Voluntary Standard Egress Window Systems for Utilization in Manufactured-Housing—3280.404(b), 3280.404(e).

American Forest and Paper Association (Formerly National Forest Products Association), 1250 Connecticut Avenue, NW., Washington, DC 20036

*Span Tables for Joists and Rafters, PS-20-70, 1992—3280.304(b)(1).

*National Design Specifications for Wood Construction, 1991 Edition, With Supplement, Design Values for Wood Construction—3280.304(b)(1).

*Wood Structural Design Data, 1986 Edition With 1992 Revisions—3280.304(b)(1).

*Design Values for Joists and Rafters, American Softwood Lumber Standard Sizes, 1993—3280.304(b)(1).

American Gas Association, 8501 East Pleasant Valley Road, Cleveland, OH 44131

(N) AGA Requirements for Gas Connectors for Connection of Fixed Appliances for Outdoor Installation, Park Trailers and Manufactured (Mobile) Homes to the Gas Supply. No. 3-87—3280.703.

American Institute of Steel Construction, One East Wacker Drive, Chicago, IL 60601

*AISC S335-1989, Specification for Structural Steel Buildings—Allowable Stress Designs, Plastic Design—3280.304(b)(1), 3280.305(i)(1).

American Iron and Steel Institute, 1101 17th Street NW., Washington, DC 20036

*AISI-1986 Edition With 1989 Addendum, Specification for the Design of Cold-Formed Steel Structural Members—3280.304(b)(1), 3280.305(i)(1).

AISI-1974, Stainless Steel Cold-Formed Structural Design Manual—3280.304(b)(1), 3280.305(i)(1).

AISI-1973, Manual for Structural Applications of Steel Cables for Buildings—3280.304(b)(1).

American National Standards Institute, 1430 Broadway, New York, NY 10018

*ANSI A112.14.1-1979, Backflow Valves—3280.604(a).

*ANSI/ASME A112.18.1M-1989, Finished and Rough Brass Plumbing Fixture Fittings—3280.604(a).

*ANSI/ASME A112.19.1M-1987, Enameled Cast Iron Plumbing Fixtures—3280.604(a).

ANSI/ASME A112.19.2(M)-1982, Vitreous China Plumbing Fixtures—3280.604(a).

*ANSI/ASME A112.19.3M-1987, Stainless Steel Plumbing Fixtures—3280.604(a).

ANSI/ASME A112.19.4(M)-1984, Porcelain Enameled Formed Steel Plumbing Fixtures—3280.604(a).

ANSI A112.19.5-1979, Trim for Water Closet, Bowls, Tanks, and Urinals—3280.604(a).

ANSI/ASME A112.21.3M-1985, Hydrants for Utility and Maintenance Use—3280.604(a).

ANSI A112.26.1-1969 (R 1975), Water Hammer Arrestors—3280.604(a).

*ANSI/AHA A135.4-1982, Basic Hardboard—3280.304(b)(1).

*ANSI/AHA A135.5-1988, Prefinished Hardboard Paneling—3280.304(b)(1).

*ANSI/AHA A135.6-1990, Hardboard Siding—3280.304(b)(1).

ANSI/AITC A190.1-1992, For Wood Products, Structural Glued Laminated Timber—3280.304(b)(1).

(N) ANSI A208.1-1989, Wood Particleboard—3280.304(b)(1).

ANSI/ASME B1.20.1-1983, Pipe Threads, General Purpose (Inch)—3280.604(a), 3280.703, 3280.705(e), 3280.706(d).

*ASME B16.3-1992, Malleable Iron Threaded Fittings—3280.604(a).

*ASME B16.4-1992, Gray Iron Threaded Fittings—3280.604(a).

*ANSI/ASME B16.15-1985, Cast Bronze Threaded Fittings 125 and 250 Pound—3280.604(a).

*ANSI B16.18-1984, Cast Copper Alloy Solder-Joint Pressure Fittings—3280.604(b).

*ASME/ANSI B16.22-1989, Wrought-Copper and Copper Alloy, Solder-Joint Pressure Fitting—3280.604(a).

*ASME B16.23-1984, Cast Copper Alloy Solder-Joint Drainage Fittings, DWV—3280.604(a).

*ASME/ANSI B16.26-1988, Cast Copper Alloy Fittings for Flared Copper Tubes—3280.604(a).

*ASME/ANSI B16.29-1986, Wrought Copper and Wrought Copper Alloy Solder-Joint Drainage Fittings-DWV—3280.604(a).

ANSI/ASME B36.10-1979, Welding and Seamless Wrought Steel Pipe—3280.604(a), 3280.703, 3280.705(b)(1), 3280.706(b)(1).

ANSI C73.17-1972, Dimension of Caps, Plugs and Receptacles, Grounding Type—3280.803(g).

*ANSI Z21.1-1990, Household Cooking Gas Appliance with addenda Z21.1a-1989 and Z21.1b-1989—3280.703.

*ANSI Z21.5.1-1992, Gas Clothes Dryers Vol. 1, Type 1 Clothes Dryers with Supplement Z21.5.1a-1987—3280.703.

*ANSI Z21.10.1-1990, With Addendum Z21.10.1a-1991 and Z21.10.1b-1992, Gas Water Heaters Vol. 1, Storage Water Heaters with Input Ratings of 75,000 BTU per hour or Less—3280.707(d)(2).

*ANSI Z21.15-1992, Manually Operated Gas Valves—3280.703.

*ANSI Z21.19-1990, With Addenda Z21.19a-1992, Refrigerators Using Gas Fuel—3280.703.

*ANSI Z21.20-1989, With Addendum Z21.20a-1991a and Z21.20b-1992, Automatic Gas Ignition Systems and Components—3280.703.

*ANSI Z21.21-1987, With Addendum Z21.21a-1989 and Z21.21b-1992,

Automatic Valves for Gas Appliances—3280.703.

*ANSI Z21.22-1986, With Addenda Z21.22a-1990, Relief Valves and Automatic Gas Shutoff Devices for Hot Water Supply Systems—3280.604(a), 3280.703.

*ANSI Z21.23-1989, With Addenda Z21.23a-1991, Gas Appliance Thermostats—3280.703.

*ANSI Z21.24-1987, With Addendum Z21.24a-1990 and Z21.24b-1992, Metal Connectors for Gas Appliances—3280.702(a)(17), 3280.703.

ANSI Z21.40.1-1981, With Addenda 1a-1982 Gas Fired Absorption Summer Air Conditioning Appliances—3280.703, 3280.714(a)(2).

*ANSI Z21.47-1990, With Addendum Z21.47a-1990 and Z21.47b-1992, Gas-Fired Central Furnaces [Except Direct Vent and Separated Combustion System Central Furnaces]—3280.703.

*ANSI Z21.64-1990, With Addenda Z21.64a-1992, Direct Vent Central Furnaces—3280.703.

ANSI Z34.1-1987, For Certification-Third Party Certification Program—3280.403(e)(1), 3280.405(e)(1).

ANSI Z97.1-1984, Safety Performance Specifications and Methods of Test for Safety Glazing Materials Used in Building—3280.114(b), 3280.304(b)(1), 3280.403(d)(1), 3280.604(a), 3280.607(b)(3)(iii).

*ANSI Z124.1-1987, Plastic Bathtub Units with Addenda Z124.1a-1990 and Z124.1b-1991—3289.604(a).

*ANSI Z124.2-1987, Plastic Shower Receptors and Shower Stalls with addendum Z124.2a-1990—3280.604(a).

*ANSI Z124.3-1986, Plastic Lavatories with addendum Z124.3a-1990—3280.604(a).

*ANSI Z124.4-1986, Plastic Water Closets, Bowls and Tanks with Addenda Z124.4a-1990—3280.604(a).

American Plywood Association, P.O. Box 11700, Tacoma, WA 98401

*APA E30M-1993, APA Design/Construction Guide, Residential and Commercial—3280.304(b)(1).

*APA-Y-510Q-1993, Plywood Design Specification—3280.304(b)(1).

*APA-S-811M-1990, Design and Fabrication of Plywood Curved Panels, Suppl. 1—3280.304(b)(1).

*APA-S-812P-1992, Design and Fabrication of Plywood Lumber Beams, Suppl. 2—3280.304(b)(1).

*APA-U-813K-1990, Design and Fabrication of Plywood Stressed Skin Panels, Suppl. 3—3280.304(b)(1).

*APA-U-814G-1990, Design and Fabrication of Plywood Sandwich Panels, Suppl. 4—3280.304(b)(1).

*APA-H-815P-1984, Design and Fabrication of All-Plywood Beams, Suppl. 5—3280.304(b)(1).

APA PRP E-108P, E445N-1989, Performance Standards and Policies for Structural Use Panels—3280.304(b)(1).

PS-2-92, Performance Standard for Wood-Based Structural Use Panels—3280.304(b)(1).

Air Conditioning and Refrigeration Institute, 1501 Wilson Boulevard, Arlington, VA 22209-2403

(N) ANSI/ARI 210/240-89, Unitary Air Conditioning and Air Source Unitary Heat Pump Equipment—3280.511(b), 3280.703, 3280.714(a)(1), (a)(1)(ii), 3280.714(a)(1)(iii).

American Society of Heating, Refrigeration and Air Conditioning Engineers, 1791 Tullie Circle, N.E., Atlanta, GA 30329

*1989 ASHRAE, Handbook of Fundamentals I.P. Edition—3280.508, 3280.511.

American Society of Civil Engineers, 345 East 47th Street, New York, NY 10017-2398

(N) ANSI/ASCE 7-88, American Society of Civil Engineering Minimum Design Loads for Buildings and other Structures—3280.304(b)(1).

American Society of Mechanical Engineers, 345 E. 47th Street, New York, NY 10017

*1992 ASME Boiler and Pressure Vessel Code, VIII, Pressure Vessels, Division 1—3280.704(b)(2).

(N) ASME A112.1.2-1991, Air Gaps in Plumbing Systems—3280.604(a).

(N) ASME/ANSI A112.19.7-1987 Whirlpool Bathtub Appliances—3280.604(a).

(N) ASME/ANSI A112.19.8-1989, Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs and Whirlpool Bathtub Appliances—3280.604(a).

American Society of Sanitary Engineering, P.O. Box 40362, Bay Village, OH 44140

(N) ASSE 1001 ASSE/ASNI-1990 Performance Requirements for Pipe Applied Atmospheric Type Vacuum Breakers—3280.604(a).

(N) ASSE 1002 Revision 5-1986, (ANSI/ASSE-1979) Performance Requirements for Water Closet Flush Tank Fill Valves (Ballcocks)—3280.604(a).

(N) ASSE 1006, ASSE/ANSI-1986, Plumbing Requirements for Residential Use (Household) Dishwashers—3280.604(a).

(N) ASSE 1007-1986, Performance Requirements for Home Laundry Equipment—3280.604(a).

(N) ASSE 1008-1986 Performance Requirements for Household Food Waste Disposer Units—3280.604(a).

(N) ASSE 1011-1981 (ANSI-1982), Performance Requirements for Hose Connection Vacuum Breakers Wall Hydrants, Freezeless Automatic Draining—3280.604(a).

(N) ASSE 1014-1989 (ANSI-1990), Performance Requirements for Handheld Showers—3280.604(a).

(N) ASSE 1016-1988, (ANSI 1990), Performance Requirements for Individual Thermostatic Pressure Balancing and Combination Control Valves for Bathing Facilities—3280.604(a).

(N) ASSE 1017-1986, Performance Requirements for Thermostatic Mixing Valves, Self Actuated For Primary Domestic Use—3280.604(a).

(N) ANSI/ASSE 1019-1978, Performance Requirements for Wall Hydrants, Freezeless Automatic Draining Anti-Backflow Types—3280.604(a).

(N) ASSE 1023-ANSI/ASSE-1979, Performance Requirements for Hot Water Dispensers, Household Storage Type Electrical Plumbing Requirements for—3280.604(a).

(N) ASSE 1025-ANSI/ASSE-1978, Performance Requirements for Diverters for Plumbing Faucets with Hose Spray, Anti-Siphon Type, Residential Applications—3280.604(a).

(N) ASSE 1037-1990 (ANSI-1990), Performance Requirements for Pressurized Flushing Devices (Flushometers) For Plumbing Fixtures—3280.604(a).

American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103

*ASTM A53-93, Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless—3280.604(a), 3280.703.

*ASTM A74-92, Standard Specification for Cast Iron Soil Pipe and Fittings—3280.604(a).

*ASTM A539-90a, Standard Specification for Electric-Resistance-Welded Coiled Steel Tubing for Gas and Fuel Oil Lines—3280.703, 3280.705(b)(4).

*ASTM B42-93, Standard Specification for Seamless Copper Pipe, Standard Sizes—3280.604(a), 3280.703.

*ASTM B43-91, Standard Specification for Seamless Red Brass Pipe, Standard Sizes—3280.604(a), 3280.705(b)(1).

*ASTM B 88-93, Standard Specification for Seamless Copper Water Tube—3280.604(a), 3280.703, 3280.705(b)(3), 3280.706(b)(3).

*ASTM B251-93, Standard Specification for General Requirements

for Wrought Seamless Copper and Copper-Alloy Tubes—3280.604(a), 3280.703.

*ASTM B280-93, Standard Specification for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service—3280.703, 3280.705(b)(3), 3280.706(b)(3).

*ASTM B306-92, Standard Specification for Copper Drainage Tube (DWV)—3280.604(a).

*ASTM C36-93, Standard Specification for Gypsum Wallboard—3280.304(b)(1).

*ASTM C564-88, Standard Specification for Rubber Gaskets for Cast Iron Soil Pipe and Fittings—3280.604(a), 3280.611(d)(5).

*ASTM D781-68 (73), Standard Test Methods for Puncture and Stiffness of Paperboard, and Corrugated and Solid Fiberboard—3280.304(b)(1), 3280.305(g)(4).

*ASTM D2235-88, Standard Specification for Solvent Cement for Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe and Fittings—3280.604(a).

*ASTM D2564-91a, Standard Specification for Solvent Cements for Poly (Vinyl Chloride) (PVC) Plastic Piping Systems—3280.604(a).

*ASTM D2661-91, Standard Specification Acrylonitrile-Butadiene Styrene (ABS) Schedule 40 Plastic Drain, Waste, and Vent Pipe and Fittings—3280.604(a).

*ASTM D2665-91b, Standard Specification for Poly (Vinyl Chloride) (PVC), Plastic Drain, Waste, and Vent Pipe and Fittings—3280.604(a).

*ASTM D2846-92, Standard Specification for Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Hot-and Cold-Water Distribution Systems—3280.604(a).

*ASTM D3309-92a, Standard Specification for Polybutylene (PB) Plastic Hot and Cold Water Distribution Systems—3280.604(a).

*ASTM D3311-92, Standard Specification for Drain, Waste, and Vent (DWV) Plastic Fitting Patterns—3280.604(a).

(N) ASTM D3953-91, Standard Specification for Strapping, Flat Steel and Seals—3280.306(g).

(N) ASTM D4442, Standard Test Methods for Direct Moisture Content Measurement of Wood and Wood-Base Materials—3280.304(b)(1).

(N) ASTM D4444-92, Standard Test Methods for Use and Calibration of Hand-Held Moisture Meters—3280.304(b)(1).

*ASTM E84-91a, Standard Test Method for Surface Burning Characteristics of Building Materials—3280.203(a).

(N) ASTM E96-93, Standard Test Methods for Water Vapor Transmission of Materials—3280.504 (a) and (c).

*ASTM E162-90, Standard Test Method for Surface Flammability of Materials Using a Radiant Heat Energy Source—3280.203(a).

*ASTM E773-88, Standard Test Methods for Seal Durability of Sealed Insulating Glass Units—3280.403(d)(2).

*ASTM E774-92, Standard Specification for Sealed Insulating Glass Units—3280.403(d)(2).

*ASTM E-1333-90, Standard Test Method for Determining Formaldehyde Levels from Wood Products Under Defined Test Conditions Using a Large Chamber—3280.406(b).

*ASTM F628-91 Standard Specification for Acrylonitrile-Butadiene-tyrene (ABS) Plastic Drain, Waste, and Vent Pipe with a Cellular Core—3280.604(a).

Cast Iron Soil Pipe Institute, 5959 Shallowford Rd., Suite 419, Chattanooga, TN 37421

*CISPI-301-90, Standard Specification for Hubless Cast Iron Soil Pipe and Fittings for Sanitary and Storm Drain, Waste, and Vent Piping Applications—3280.604(a).

*CISPI-310-90, Specification for Coupling For Use in Connection With Hubless Cast Iron Soil Pipe and Fittings For Sanitary and Storm Drain, Waste, and Vent Piping Applications.

*CISPI-HSN-85, Specification for Neoprene Rubber Gaskets for HUB and Spigot Cast Iron Soil Pipe and Fittings—3280.604(a), 3280.611(d)(5).

Department of Commerce, National Institute of Standards and Technology Standards, Office of Engineering Standards, Room A-166, Technical Building, Washington, DC 20234

PS-1-82, Voluntary Product Standard, Construction and Industrial Plywood—3280.304(b)(1).

Federal Specification, General Services Administration, Specification Branch, Room 6039, GSA Building, 7th & D Sts., SW., Washington, DC 20407

WW-P-541E/GEN-1980, Plumbing Fixtures (General Specifications)—3280.604(a).

ZZ-R-765B-1970, With 1971 Amendment 1, Rubber Silicone—3280.611(d)(5).

Hardwood Plywood and Veneer Association, P.O. Box 2789, 1825 Michael Faraday Drive, Reston, VA 22090

*HPMA Design Guide—HP-SG-86, Structural Design Guide for Hardwood Plywood Wall Panels—3280.304(b)(1).

(N) HPVA Interim Standard HP-1-93, Interim Voluntary Standard for Hardwood and Decorative Plywood—3280.304(b)(1).

HUD-FHA Use of Materials Bulletin, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410-8000

HUD-FHA Use of Materials Bulletin—UM-25d-73 Application and Fastening Schedule: Power-Driven, Mechanically Driven and Manually Driven Fasteners—3280.304(b)(1).

HUD USER, P.O. Box 280, Germantown, MD 20874

(N) HUD User—005945, Overall U-Values and Heating/Cooling Loads—Manufactured Homes, PNL 8006, February 1992—§ 3280.508(b).

IIT Research Institute, 10 West 35th Street, Chicago, IL 60616

J 6461, Development of Mobile Home Fire Test Methods to Judge the Fire-Safe Performance of Foam Plastic Sheathing and Cavity Insulation—3280.207(a)(4).

International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA 91789-2825

*IAPMO PS 2-89, Material and Property Standard for Cast Brass and Tubing P-Traps—3280.604(a).

*IAPMO PS 4-90, Material and Property Standard for Drains for Prefabricated and Precast Showers—3280.604(a).

IAPMO PS 5-84, Material and Property for Special Cast Iron Fittings—3280.604(a).

IAPMO PS 9-84, Material and Property Standard for Diversion Tees and Twin Waste Elbow—3280.604(a).

*IAPMO PS 14-89, Material and Property Standard for Flexible Metallic Water Connectors—3280.604(a).

*IAPMO PS 23-89, Material and Property Standard for Dishwasher Drain Airgaps (Air Breaks)—3280.604(a).

*IAPMO PS 31-91, Material and Property Standards for Backflow Prevention Assemblies—3280.604(a).

*IAPMO TSC 9-92, Standard for Gas Supply Connectors for Manufactured Mobile Homes—3280.703.

*IAPMO TSC 22-85, Standard for Porcelain Enameled Formed Steel Plumbing Fixtures—3280.604(a).

Military Specifications, Naval Publications Information Center, 5801 Tabor Road, Philadelphia, PA 19120

MIL-L-10547E-1975, Liners, Case, and Sheet Overwrap; Water-Vapor Proof or Waterproof, Flexible—3280.611(d)(5).

National Fire Protection Association, Batterymarch Park, Quincy, MA 02269

*NFPA 31, Installation of Oil Burning Equipment 1992 Edition—3280.703, 3280.707(f).

*NFPA54-1992 ANSI 223.1, National Fuel Gas Code—3280.703.

*NFPA-58, Standard for the Storage and Handling of Liquefied Petroleum Gases, 1992 Edition—3280.703, 3280.704(b)(5)(i).

*NFPA-70-1993, National Electrical Code—3280.801 (a) and (b), 3280.8093(k)(1), 3280.803(k)(3), 3280.805(a)(3)(iv), 3280.806(a)(2), 3280.808(a), 3280.808(m), 3280.811(b).

*NFPA-90B, Warm Air Heating and Air Conditioning Systems 1993 Edition—3280.703.

*NFPA-220, Standard Types of Building Construction 1992 Edition—3280.202(a) (4) and (5).

National Sanitation Foundation, P.O. Box 1468, Ann Arbor, MI 48105

*ANSI/NSF 14-1990, Plastic Piping Components and Related Materials—3280.604(b).

*ANSI/NSF 24-1988, Plumbing System Components for Manufactured Homes and Recreational Vehicles—3280.604(b).

National Wood Window and Door Association, 1400 E. Toughy Avenue, Suite G-54, Des Plaines, IL 60018

*ANSI/NWWDA I.S.1-87, Wood Flush Doors—3280.304(b)(1), 3280.405(c)(2).

*ANSI/NWWDA I.S.2-87, Wood Windows—3280.304(b)(1).

*NWWDA-I.S.3-88, Wood Sliding Patio Doors—3280.304(b)(1).

NWWDA-I.S.4-81, Water Repellent Preservative Non Pressure Treatment for Millwork—3280.304(b)(1), 3280.405(c)(2).

Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096

SAE-J533b, Flares for Tubing (1972)—3280.703, 3280.705(f)(1), 3280.705(f)(2).

Steel Joint Institute, 1205 48 Avenue N., Myrtle Beach, SC 29577

*Standard Specifications Load Tables and Weight Tables for Steel Joists and Joist Girders, Steel Joist Institute 1992—3280.304(b)(1).

Truss Plate Institute, 583 D'Onofrio Drive, Suite 200, Madison, WI 53719

TPI-85, Design Specifications for Metal Plate Connected Wood Trusses—3280.304(b)(1).

Underwriter's Laboratories, Inc., 333 Pfingsten Road, Northbrook, IL 60062

*UL 94 Fourth Edition 1991, With Revisions May 14, 1992 and August 19, 1993, Test for Flammability of Plastic Materials for Parts in Devices and Appliances—3280.715(e)(1).

*UL 103 Seventh Edition 1989, With Revision February 23, 1989, Chimneys, Factory Built Residential Type and Building Heating Appliance—3280.703.

UL 109 Fifth Edition 1993, Tube Fittings for Flammable and Combustible Fluids, Refrigeration Service, and Marine Use—3280.703.

*UL 127 Sixth Edition With Revisions January 4, 1989, June 10, 1991, June 29, 1992, Factory-Built Fireplaces—3280.703.

UL 174 Seventh Edition 1989, With Revisions May 8, 1990 and January 22, 1991, Household Electric Storage Tank Water Heater—3280.703.

UL 181 Seventh Edition 1990, Factory Made Air Ducts and Connectors—3280.703, 3280.715(e).

*UL 217 Fourth Edition 1993, Single and Multiple Station Smoke Detectors—3280.208(c).

*UL 307A Sixth Edition 1990, Liquid Fuel-Burning Heating Appliances for Manufactured Homes and Recreational Vehicle—3280.703, 3280.707(f).

*UL 307B First Edition 1982, With Revision May 18, 1987, Gas Burning Heating Appliances for Mobile Homes and Recreational Vehicles—3280.703.

*UL 311 Seventh Edition 1990, Roof Jacks for Manufactured Homes and Recreational Vehicles—3280.703.

*UL 441 Seventh Edition 1991, Gas Vents—3280.703.

*UL 465 Seventh Edition 1987, With Revision August 25, 1987, Central Cooling Air Conditioners—3280.703.

*UL 559 Fourth Edition 1987, With Revision December 24, 1987, Heat Pumps—3280.703.

*UL 569 Sixth Edition 1990, Pigtailed, and Flexible Hose Connectors for LP-Gas—3280.703, 3280.705(1)(1).

*UL 737 Sixth Edition 1988, With Revisions September 19, 1988, July 10, 1990 and June 10, 1991, Fireplace Stoves—3280.703.

*UL 1025 Second Edition 1987, With Revisions July 13, 1989, February 16, 1990 and December 3, 1991, Electrical Air Heaters—3280.703.

*UL 1042 Third Edition 1987, With Revision July 15, 1993, Electric Baseboard Heating Equipment—3280.703.

*UL 1096 Fourth Edition 1986, With Revision July 16, 1986 and January 30, 1988, Electric Central Air Heating Equipment—3280.703.

*UL 1482 Third Edition 1988, With Revision September 13, 1988, Room Heaters Solid-Fuel Type—3280.703.

The following Standards would be deleted from the FMHCSS as they are obsolete and have been withdrawn by the issuing organization:

ANSI C72.1 1972, Household Automatic Storage Type Water Heaters. ARI Standard 210-81 for Unitary Air Conditioning Equipment.

ARI Standard 240-81 for Air Sound Unitary Heat Pump Equipment.

ASTM A120-83 Standard Specifications for Pipe, Block Hot Dipped Zinc Coated (Galvanized) Welded and Seamless for Ordinary Uses.

CISPI 310-85

FTM-2-1985 Large Scale Test Method for Determining Formaldehyde Emissions from Wood Products.

ANSI A58.1-1982 Building Code Requirements for Minimum Design Loads in Buildings and other structures.

GAL Standard for Fireplace Stoves for Installation in Mobile Structures.

ASTM D2016-74(83), Standard Test Methods for Moisture Content of Wood.

LP-320B-1973, With 1977 Amendment 1, Pipe and Fittings [Polyvinyl Chloride (PVC)].

Drain Waste and Vent (DWV).

FF-N-105B-1971, With 1977 Amendment 4, Nails, Brads, Staples and Spikes, Wire Cuts and Wrought.

QQ-S-781H-1974, With 1977 Amendment 2 and Notice 1, Striping Steel and Seals.

WW-N-351C-1976, With 1977

WW-P-401E-1974, Pipe and Pipe Fittings, Cast Iron Soil.

WW-V-54D-1973, With 1977 Interim Amendment 3 Value, Gate Bronze.

Other Proposed Amendments

Other amendments are being incorporated into the Standards based upon recommendations submitted by the Department. Amendments developed by the Department in response to needs identified from working with the Standards. Following is a discussion of those changes by section. In addition, the Department considered concerns regarding the Americans with Disabilities Act, the Fair Housing Act and Section 504 of the Rehabilitation Act insofar as they may relate to use of manufactured housing by disabled persons. Design and construction of manufactured housing used as single family private residential housing may not be covered by these statutes. However, if manufactured homes constructed to the FMHCSS are used for commercial purposes, as public accommodations, by a governmental

entity or by recipients of Federal financial assistance or if they are covered multifamily dwellings (as defined by 24 CFR 100.201), the use of the home may be subject to the requirements of these civil rights statutes.

Section 3280.1 Scope

This section is amended to delete those requirements pertaining to waivers and interpretive bulletins. These requirements would be relocated in new §§ 3280.8 and 3280.9 respectively.

Section 3280.2 Definition

Old paragraph (2) definition of "center" is deleted because it does not appear in the FMHCSS.

A paragraph is added to provide a definition of a "Bay Window". The definition is needed to establish minimum square footage of the home for coverage under the Act.

Old paragraph (4) "Combustible material" is deleted as the definition conflicts with the preferred definition of "combustible materials" in § 3280.202(a)(1).

Old paragraphs (5) "defect" and (10) "imminent safety hazard" are deleted. They are more appropriately located in 24 CFR part 3282, the Manufactured Home Procedural and Enforcement Regulations.

Section 3280.3 Acceptance of Plans

The existing section is deleted and replaced with a new section titled Procedural and Enforcement Regulations and Consumer Manual Requirements.

Section 3280.4 Incorporation by Reference

Paragraph (a) is amended to clarify that reference standards have the same force and effect as the FMHCSS. One commentator recommended that the proposed language be changed to preclude over application of reference standards by using phrasing similar to that in model building codes. However, the Department was not addressing this issue with the proposed rule and believes that adding the phrase "Reference Standards have the same force and effect as this Standard" * * * does not impact the degree of applicability. Accordingly, the amendment will be effected as proposed.

Paragraph (b) is amended to provide an updated list of the names and addresses of those organizations whose standards are referenced in the FMHCSS.

Section 3280.5 Data Plate

This change incorporates the language of interpretive bulletin A-2-77 on the durability requirements for data plates. Additionally, a new requirement to provide the Department's certification label(s) number(s) on the data plate is added. One commentator stated that the certification label numbers are not necessary on the data plate. The Department believes that it is necessary to identify the label as belonging to the home in a way that can be verified at the manufactured home location.

Section 3280.8 Waivers

A new section sets forth the requirements for waivers that were previously located in § 3280.1. The changes substantially incorporate the MCC Standards Committee's recommendation except that the Department prefers to retain the term "waiver" as opposed to using the new terminology "determination of equivalency."

Section 3280.9 Interpretative Bulletins

A new section sets forth the provision on interpretative bulletins previously located in § 3280.1.

Section 3280.10 Use of Alternative Construction

A new section is added to clarify that certain homes that do not conform to the FMHCSS in all respects are permissible when certain criteria found in the Procedural and Enforcement Regulations are followed. This is a MCC recommendation.

Section 3280.11 Certification Label

This section has been renumbered from § 3280.8. Additionally, certain language pertaining to transition labels used at the time the FMHCSS were implemented that is no longer needed is being deleted.

Section 3280.103 Interior Light and Ventilation

This section is editorially amended to present the lighting requirements separately from the ventilation requirements. The lighting requirements would be in paragraph (a) and the ventilation requirements in paragraphs (b), (c), (d), and (e).

The lighting requirements in paragraph (a) would reflect the following revisions. The use of artificial light in place of exterior windows would be permitted now for laundry areas, utility rooms, and storage rooms. It would be permissible to combine the space of adjoining rooms to meet the lighting requirements provided at least 50 percent of the common wall area is

open and the open wall area is at least equal to 10 percent of the combined floor area. The CABO Standards Committee recommended the second change.

Paragraph (b) is amended to reflect the new whole house ventilation requirements. Refer to the explanation on whole house ventilation found in the Section of the Preamble on Condensation Control.

Section 3280.105 Exit Facilities

In the rule published for public comment on February 24, 1992 (57 FR 6420), the Department proposed to amend this section to incorporate Interpretative Bulletin B-1-76. Interpretative Bulletin B-1-76 clarifies that swinging exterior doors stops may not reduce the clear opening to less than 73 inches in height and 27 inches in width.

The Department has decided that this Interpretative Bulletin, while still in effect, should not be incorporated into § 3280.105 of the standards at this time. The Department will consider modifications to the standards for exit facilities in the next revision to the FMHCSS and will seek public comment on whether it is appropriate to issue guidelines designed to make manufactured housing more accessible to persons with disabilities.

Section 3280.109 Space Planning

The existing section did not provide any identifiable requirements, and therefore is deleted.

Section 3280.112 Hallways

The existing § 3280.113 is renumbered as § 3280.112 and a new paragraph. Also, in the February 24, 1992 rule, the Department proposed to amend this section to incorporate Interpretative Bulletin B-3-76. Interpretative Bulletin B-3-76 clarifies that an interior door shall have at least 27 inches clear width if the interior door must be passed through to reach an exterior door. This does not apply to interior passage doors which only provide interior access to another room or other interior area.

The Department has decided that this Interpretative Bulletin, while still in effect, should not be incorporated into § 3280.112 of the Standards at this time. The Department will consider modifications to the standards for hallway widths in the next revision to the FMHCSS and will seek public comment on whether it is appropriate to issue guidelines designed to make manufactured housing more accessible to persons with disabilities.

Section 3280.203 Flame Spread Limitations and Fire Protection Requirements

Paragraph (a) is editorially amended to include that list of materials which need not be flame spread tested in accordance with ASTM E-84 or ASTM E-162. This list was inadvertently deleted from the FMHCSS when the February 12, 1987 (52 FR 4581) amendments were published.

Paragraph (b)(4) is amended to clarify that vertical surfaces within 6 inches horizontally of the cooking range are subject to flame spread and combustibility requirements pertaining to cooking range areas. This requirement was inadvertently deleted from the FMHCSS when the August 9, 1984 (49 FR 32008) amendments were published.

Section 3280.208 Fire Detection Equipment

Paragraph (d) is amended to permit locating smoke detectors on walls at a distance permitted by the smoke detector's listing. Several comments were received to also permit smoke detectors on manufactured home ceilings. The Department is not rejecting this recommendation, but believes it needs to be addressed specifically along with several other issues relating to smoke detector reliability and effectiveness.

Section 3280.303(g) Alternate Test Procedures

The section is amended editorially to clarify that the Department shall be responsible for approving alternate test procedures developed under this section. The standards presently do not require the Department's approval before an alternate test procedure is used to approve a design. The industry commented that they prefer that the new requirement not be imposed but the Department's considers it necessary. Experience has often demonstrated that without prior review by the Department, that the real performance level of a tested component could be less than required by the FMHCSS.

Section 3280.304 Materials

Refer to IIIA of this preamble concerning reference standard updates.

Section 3280.305 Structural Design Requirements

A new paragraph (b)(4) is added to incorporate Interpretative Bulletin D-3-76. It clarifies that roof slopes of 20 degrees or less may be excluded from the horizontal wind calculation.

Paragraph (d) is amended to incorporate Interpretative Bulletin D-5-76. It clarifies that the deflection limit

for a cantilevered roof section is 2 times the length divided by 180. Additionally, it clarifies that the uplift loads specified in § 3280.305(c) (1) and (2) are required by § 3280.305(c)(3)(iii) to be increased by a factor of 2.5.

Paragraph (f)(2) is amended to incorporate Interpretative Bulletin D-8-76. This permits increasing the allowed stress on interior walls by 1.33.

Paragraph (g)(2) is amended to incorporate the provisions of Interpretative Bulletin D-8-76. This clarifies the application of coverings and sealants to wood floors subject to moisture.

A new paragraph (g)(3) is added to permit the installation of carpet in a laundry space when the laundry appliances are not provided with the home.

Section 3280.306 Windstorm Protection

Paragraph (a) is amended to incorporate interpretative bulletin D-7-76. This clarifies that 1.5 factor of safety is only applied to the tie down system and it is not required to be applied to the structure of the home.

Section 3280.309 Health Notice on Formaldehyde Emission

Paragraph (b), is amended to delete the requirement that the title be printed with the color red.

Section 3280.401 Structural Load Test

Paragraph (b) is amended to clarify that 2.5 is the lowest factor of safety that will be acceptable when testing under the ultimate load test procedures. This clarification is based upon Interpretive Bulletin E-1-76. Several commentator objected to the Department's requirement that a safety factor greater than 2.5 be used if the applicable reference standard for that material would require it. The purpose of Interpretive Bulletin E-1-76, however, was clearly to set the lower factor of safety limit at 2.5, and as this Interpretive Bulletin went through notice and comment rulemaking, proposed May 11, 1976; final January 4, 1977), it has the same effect as any other rule. Also, as the 1.5 adjustment factor is no longer specified, the Department does not see this posing a problem for the industry.

Section 3280.402 Test Procedure for Roof Trusses

This change was to be editorial by changing the term "mobile home" to "manufactured home". Industry requested that the words "Example of Test Procedure for Roof Trusses" be added. The Department concurs with

the comment that the figure could be misconstrued as implying that this is the only way to test trusses. Accordingly, the phrase is being added to the Figure A-1.

Section 3280.504 Condensation Control and Installation of Vapor Retarders

Section 3280.504 has been amended to have more effective ventilation and more effective placement of vapor retarders. Refer to the section in the Preamble on Condensation Control and Ventilation Requirements.

Section 3280.508 Heat Loss

This section is amended to use the term "U Value Zones" in place of "Winter Design Temperature Zones" and to incorporate the map designating the "U Value Zones" of which there are three.

Paragraph (a) is amended to incorporate the following "Maximum Transmission Coefficients": Zone 3=0.079, Zone 2=0.096 and Zone 1=0.116. The coefficient is in terms of Btu/(hr)(sq. ft.) (degree F).

Paragraph (c) is amended to require storm windows or insulating glass for homes designated for Zone 3.

These amendments to significantly improve the overall Heat Loss characteristics of manufactured homes are described in more detail in the Preamble section on Energy Conservation Standards.

Section 3280.508 Heat Loss, Heat Gain and Cooling Load Calculations

Paragraphs (a) and (b) of this section are amended to incorporate the applicable section of the 1989 edition of the ASHRAE Handbook of Fundamentals and a new paragraph incorporating the Pacific Northwest Laboratories document "Overall U-value and Heating/Cooling Loads—Manufactured Homes" as a reference standard which will outline an acceptable heat loss/heat gain calculation method. (See previous discussion on Energy Conservation Standards.)

A new paragraph (c) is incorporated to account for low R value paths in the heat loss calculations.

A new paragraph (d) is incorporated to calculate a credit to the required U value for utilizing high efficiency heating and cooling equipment.

A new paragraph (e) sets out the appropriate reference standards for determining the allowable U value for window and doors.

There were several comments received expressing concerns over the viability of the default window values

which were included in the proposed rule. Commentators on this subject stated that the values were too conservative and that lower U-values were available.

The Department agrees with the commentators based on its review of the 1989 ASHRAE Handbook of Fundamentals. Table 13 in Chapter 27 provides recognized U-values that are based upon the differing types of window construction and does provide lower U-values. Since the 1989 ASHRAE Handbook of Fundamentals is the source of values and data for heat loss and heat gain determinations, the Department has determined that the Table 13 values should be allowed.

Table 13 provides three categories of window types. Manufacturers shall select the appropriate type and select the window U value from the column for residential housing. Where the type classification is indeterminate, the U-value selected shall be from the window type having the higher U-value.

A new paragraph (f) is incorporated to set the criteria to determine an Annual Energy Used Based compliance as an alternative to the specific Uo requirement.

Section 3280.510 Heat Loss Certificate

The heat loss certificate is amended to be compatible with the revised U Value Zones.

Section 3280.511 Comfort Cooling Certificate and Information

The comfort cooling certificate is amended to be compatible with the revised U Value Zones.

Section 3280.602 Definitions

The definitions of (1) Flushometer tank; (2) Plumbing appliance; (3) Plumbing appurtenance; (4) Whirlpool bathtub are being incorporated into the Standards. A comment indicated that the cross reference in the Whirlpool bathtub definition to a definition of a Hydromassage Bathtub in the National Electrical Code could be misleading. The Department concurs and is removing the cross reference from the definition. A cross reference to address electrical requirements is now included in the new § 3280.607(c)(6).

Section 3280.603 General Requirements

Paragraph (a)(5) is amended to clarify the applicability of the reference standards. It further clarifies that when an appropriate standard not specified in § 3280.604 is utilized, or in absence of an appropriate standard, the plumbing component is to be listed. A commentator pointed out that the

proposed language did not allow for the use of alternative reference standards. The Department agreed with the comment. Accordingly, the final amendment states that alternative standards are acceptable also provided the component is listed.

Section 3280.604 Materials

Paragraph (a) is amended to incorporate the updated reference standards. Refer to Preamble section on Reference Standards.

Paragraph (b) is amended to clarify that where two standards for a component are indicated, it is only necessary to conform to one of them except when an additional evaluation of toxicity is necessary.

Section 3280.604 Materials

Several new standards are being incorporated into the reference standard table. Refer to the Preamble section on Reference Standards.

Section 3280.606 Traps and Clean-outs

Paragraph (b)(1)(iii) is amended to permit the removal of a water closet to provide the clean out access to the drain lines.

Section 3280.607 Plumbing Fixtures

Paragraph (b) is amended to delete several references to the term, "toilet" and replace with the term, "water closet."

Paragraph (b)(4) is amended to permit the use of high loop in the drain system of a dishwasher. Additional clarification is also added on the use of a standpipe for a dishwasher.

Paragraph (c) is amended to incorporate interpretive bulletin G-2-77(a) to clarify that fixture diverter valves do not require direct access.

Section 3280.609(c) is amended by adding new paragraphs (c)(5) and (c)(6). Paragraph (c)(5) specifies that the hot water supply to a fixture faucet, fitting, or diverter shall always be on the left. Paragraph (c)(6) adds criteria for access and installation of Whirlpool bathtub drainage systems.

Section 3280.609 Water Distribution Systems

Paragraphs (b)(5) and (b)(6) are amended to change references from toilets to water closets.

Section 3280.609(b) is amended by adding a new paragraph (b)(7) to require exterior hose bibs and laundry sink faucets with a hose connection are to be protected by a listed non-removable backflow prevention device. In response to a commentator's concern, the requirement is rephrased so that automatic clothes washers are not covered by this requirement.

Section 3280.609(b) is amended by adding a new paragraph (b)(8) to require flushometer tanks to be installed with an air gap or vacuum breaker located above the fixture flood level.

Paragraph (d)(1)(i) is amended to delete the terminology "approved or listed" and replace it with "listed". The term approved is redundant as all plastic plumbing components must be listed.

Paragraph (e)(3) is amended to specify that any solder used in the water distribution system shall not contain more than 0.2 percent lead.

Section 3280.610 Drainage Systems

Paragraph (c)(5) is amended to clarify the manufacturers' responsibilities for drainage systems which require onsite assembly. The clarification assures that the manufacturer will provide all the materials and appropriate installation instructions.

Paragraphs (d) and (e) are amended to use the term "water closet" instead of "toilet."

Section 3280.612 Test and Inspection

Paragraph (b)(3) is amended to use the term "water closet" instead of "toilet."

Section 3280.702 Definitions

The definition of "Connector gas" in paragraph (a)(17) is amended to be more descriptive as to its function and delete the reference to a specific reference standard.

Section 3280.703 Minimum Standards

This section is amended to clarify that compliance with only one of the incorporated reference standards is sufficient to meet the requirement of the FMHCSS.

The table is amended to incorporate the latest edition of the standard reference. Refer to the Preamble section on reference standards.

Section 3280.705 Gas Piping System

Paragraph (c) the requirements for interconnecting gas lines between sections of manufactured homes are amended to permit permanent pipe and listed connectors. In addition, a shutoff valve is required when listed connectors are utilized.

Section 3280.705 is amended to delete the table for gas line systems that are sized for liquefied petroleum (LP) gas only. It is being proposed that all gas lines be sized to handle both LP and natural gas.

Paragraph (l)(2) is amended to clarify that appliance connectors may be installed through openings in cabinetry walls.

Paragraphs (l)(2)(ii) and (l)(3) are amended to clarify that shutoff valves

for appliances are to conform to ANSI Z21.15-1989 and are to be of the non-displaceable rotor type.

Section 3280.708 Exhaust Duct System and Provision for the Future Installation of a Clothes Dryer

Paragraphs (b)(3) and (c)(1) are amended to incorporate the requirements for a roughed in moisture lint exhaust system which were provided by interpretive bulletin H-1-77.

Section 3280.709 Installation of Appliances

Paragraph (e)(6) is amended to incorporate the requirements of interpretive bulletin H-2-76. This clarifies the manufactured home manufacturers' responsibilities in preparing the home to connect external heating or combination cooling/heating appliances at the set-up site.

Section 3280.710 Venting, Ventilation and Combustion Air

Paragraph (b)(1) is amended to incorporate the requirements of interpretive bulletin H-2-78 as amended on February 27, 1979. This permits that section of a fuel-fired heating appliance vent that is above the roof line to be shipped loose and installed at the set-up site.

Paragraph (g) is being deleted. The industry pointed out that paragraph (g) requires that optional ventilation provision be provided. This requirement would conflict with the whole house ventilation requirement being incorporated in § 3280.103.

Section 3280.713 Accessibility

This section is amended to clarify that the gas risers to an appliance may be removable to permit replacement of the appliance.

Section 3280.714 Appliance Cooling

New paragraphs (a)(4) and (a)(5) are added to clarify the testing and certification requirements for cooling and heat pump coils that are installed in a furnace or heating appliance. The certification shall insure that they are rated in combination with the heating appliance or furnace, and in combination with the outdoor section of the system. Additional language has been included to insure that safety is addressed and to implement the Department of Energy procedures.

Section 3280.715 Circulating Air System

Paragraph (b)(4) is amended to clarify the area calculation for return air when doors are undercut for this purpose.

Specifically, it clarifies that the measurement is made from the hard floor deck and not the carpet surface.

Subpart I Electrical Systems

Subpart I is amended to update all references to the National Electrical Code NFPA No. 70, to incorporate the 1993 Edition of that document.

Section 3280.801 Scope

Paragraph (c) is amended to editorially change references to 115/230 volts to 120/240 volts. This makes the FMHCSS consistent with the National Electrical Code.

Section 3280.804 Disconnecting Means and Branch Circuit Protection Equipment

Paragraph (g)(1)(ii) is amended to permit individual appliances on an individual circuit to be rated up to 13.3 amperes before the 150% limitation is placed on the circuit size. This makes the FMHCSS compatible with the NEC.

Paragraph (i) is revised to change 230 volts to read 240 volts.

Paragraph (j) is amended to correct the editorial error on the tag for the power supply entrance. The blank space for the correct ampere rating is being repositioned. Also, the voltage 115/230 is revised to read 120/240.

A new paragraph (k) is added to clarify that a common main disconnect when used with service and distribution equipment shall be rated and listed as suitable for service equipment.

A new paragraph (l) is added to provide a service entrance tag that is compatible with a 3 wire service connection.

Section 3280.805 Branch Circuit Required

Paragraph (a)(1) is amended to change 115 volts as the constant in the calculations of required lighting circuits to 120 volts. This makes the FMHCSS compatible with the NEC.

Paragraph (a)(2) is amended to no longer require the family room to be supplied with a small appliance branch circuit. This makes the FMHCSS compatible with article 220-4 of the NEC.

Paragraph (a)(3)(ii) is amended editorially to clarify the circuits with motor loads, or any continuous duty load may not have a load that exceeds 80 percent of the branch circuit rating.

Paragraph (a)(3)(v) is amended to clarify that a laundry area must be provided with a 20 ampere circuit dedicated for laundry room use only.

Section 3280.806 Receptacle Outlets

Paragraph (b) is amended to clarify that receptacles in compartments

accessible from the outdoors are required to be ground fault protected and that dedicated laundry receptacles provided in areas that are part of a bathroom are not required to have a ground fault protection. It is further amended in response to comment to incorporate the GFCI requirement for receptacles within 6 feet of the kitchen sink.

Paragraph (d)(2) is amended to permit a duplex receptacle to simultaneously serve as the dedicated outlet for a refrigerator and a counter top.

Paragraph (d)(7) is amended to clarify that the receptacle in a laundry area is to be within 6 feet of the intended location of the appliance(s).

Paragraph (d)(8) is amended to delete the language pertaining to receptacles located in compartments accessible from the outdoors. The language is being located in paragraph (b) to remove the confusion over whether or not such a receptacle can be considered the required outdoor receptacle.

Section 3280.807 Fixtures and Appliances

Paragraph (c) is amended to cross reference Article 410-4(d) of the National Electrical Code. This article clarifies that no hanging or pendant type fixture may be installed within 3 feet horizontally or 8 feet vertically of a bathtub rim.

Paragraph (a) is amended to permit the use of "limited combustible" material as a fixture flash ring as "limited combustible" is currently defined and permitted in subpart C.

Existing paragraph (g) is deleted. These provisions apply to the installation of hydro massage bathtubs. Previously, when the 1984 edition of the National Electrical Code was referenced, hydro massage bathtubs would have been treated as hot tubs or spas unless special consideration was provided. The 1993 edition of the National Electrical Code provides appropriate criteria for installing hydro massage bathtubs. Accordingly, those provisions in the FMHCSS are no longer necessary.

Section 3280.808 Wiring Methods and Materials

A new paragraph (g) is added to incorporate the provision of interpretive bulletin I-1-80 to provide the performance requirements for a substantial brace used to support electrical outlet boxes.

A new paragraph (r) is added to establish a limit of one-eighth of an inch as the permissible oversize limit for close fitting of electrical boxes in combustible walls and ceilings. One-eighth inch is the limit currently being

enforced. A new paragraph(s) is added to clarify that N. M. (non-metallic) sheathed cable can be repaired provided the conductors are not damaged.

Section 3280.809 Grounding

Paragraph (b)(1) is amended to clarify that when service equipment is installed on manufactured homes, it is permissible to have the ground and neutral buses in the distribution panel remain interconnected.

Paragraph (b)(2) is amended to change 115/230 volts to read 120/280 volts. This makes the FMHCSS compatible with the NEC.

Section 3280.810 Electrical Testing

Paragraph (a) is amended to incorporate interpretive bulletin I-1-78. This clarifies the acceptable range of voltages that can be used and exactly which conductors must be tested against each other during the dielectric test.

Paragraph (b) is amended to revise the operational check to exclude major listed appliances from the check and to revise the polarity test to permit visual inspection.

Section 3280.811 Calculations

Numerous references to voltage are changed to read 120/240 volts from 115/230 volts.

In paragraph (a)(1) (ii) and (iv), (a)(5), (a)(6) and (b), the term watts is also being replaced with the term volt-amperes. This makes the FMHCSS compatible with the NEC.

Section 3280.813 Outdoor Outlets, Fixtures and Air Conditioning Equipments

Paragraph (a) is amended to specify a listing for outdoor fixtures and equipment of "suitable for use in wet locations."

Section 3280.815 Polarization

Paragraph (b) is amended to change 230 volts to read 240 volts. This makes the FMHCSS compatible with the NEC.

Findings and Certification

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 120(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk at the above address.

This rule does constitute a "significant regulatory action" as that term is defined in section 3(f) of Executive Order 12866 issued on

October 4, 1993. An analysis of the rule indicates that it would cause an annual effect on the economy of \$100 million or more.

This rule does not create a serious inconsistency or interfere with an action taken or planned by another agency. The rule does not materially alter the budgetary impact of entitlements, grants, user fees or loan programs or the rights and obligations of the recipients of such grants or programs. Finally, the Department believes that this rule does not raise any novel legal or policy issues arising out of legal mandates, the President's priorities or the principles set forth in this Executive Order.

The Regulatory Impact Analysis is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk at the above address.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. As required by the Act, this rule must balance the increased cost with real savings in energy cost.

This rule is listed as sequence number 1484 under the Office of Housing in the Department's semiannual agenda of regulations published on April 16, 1993 (58 FR 24383, 24418) under Executive Order 12291 and the Regulatory Flexibility Act.

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, the rule is not subject to review under the Order. Specifically, the requirements of this rule are directed to manufacturers and do not impinge upon the relationship between the Federal government and State and local governments.

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this rule does not have potential for significant impact on the formation, maintenance, and general well-being of the family, and thus, is not subject to review under the Order. The rule involves standards for manufactured homes. Any effect on the family would likely be indirect and insignificant.

List of Subjects in 24 CFR Part 3280

Fire prevention, Housing standards, Incorporation by reference, Manufactured homes, Reporting and recordkeeping requirements.

Accordingly, 24 CFR part 3280 is amended as follows:

PART 3280—MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS

1. The authority citation for 24 CFR part 3280 is revised to read as follows and the authority citations following all of the sections in part 3280 are removed:

Authority: 42 U.S.C. 5403 and 42 U.S.C. 3535(d).

Subpart A—General

2. Section 3280.1 is revised to read as follows:

§ 3280.1 Scope.

This standard covers all equipment and installations in the design, construction, transportation, fire safety, plumbing, heat-producing and electrical systems of manufactured homes which are designed to be used as dwelling units. This standard seeks to the maximum extent possible to establish performance requirements. In certain instances, however, the use of specific requirements is necessary.

3. Section 3280.2 is amended by removing the paragraph designations from the section, by revising the introductory paragraph, by removing the definitions for "Center", "Combustible Material," "Defect," and "Imminent safety hazard", and by adding in alphabetical order the definition for "Bay Window," to read as follows:

§ 3280.2 Definitions.

Definitions in this subpart are those common to all subparts of the standard and are in addition to the definitions provided in individual parts. The definitions are as follows:

* * * * *

Bay Window—a window assembly whose maximum horizontal projection is not more than two feet from the plane of an exterior wall and is elevated above the floor level of the home.

* * * * *

4. Section 3280.3 is revised to read as follows:

§ 3280.3 Manufactured Home Procedural and enforcement regulations and manufactured home consumer manual requirements.

A manufacturer must comply with the requirements of this part and in addition must comply with the requirements of 24 CFR Parts 3282,

Manufactured Home Procedural and Enforcement Regulations, and 3283, Manufactured Home Consumer Manual Requirements.

5. Section 3280.4 is amended by revising paragraphs (a) and (b) to read as follows:

§ 3280.4 Incorporation by reference.

(a) The specifications, standards and codes of the following organizations are incorporated by reference in 24 CFR part 3280 (this Standard) pursuant to 5 U.S.C. 552(a) and 1 CFR part 51 as though set forth in full. The incorporation by reference of these standards has been approved by the Director of the Federal Register. Reference standards have the same force and effect as this Standard (24 CFR part 3280) except that whenever reference standards and this Standard are inconsistent, the requirements of this Standard prevail to the extent of the inconsistency.

(b) The abbreviations, and addresses of organizations issuing the referenced standards appear below. Reference standards which are not available from their producer organizations may be obtained from the Office of Manufactured Housing and Regulatory Functions, Manufactured Housing and Construction Standards Division, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., room B-133, Washington, DC 20410.

AA—Aluminum Association, 900 19th Street NW., suite 300, Washington, D.C. 20006.

AAMA—American Architectural Manufacturers Association, 1540 East Dundee Road, Palatine, Illinois 60067

AFFPA [previously (N)FFPA]—American Forest and Paper Association, 1250 Connecticut Avenue, NW., Washington, DC 20036 [previously named (N)FFPA-National Forest Products Association].

AGA—American Gas Association, 8501 East Pleasant Valley Road, Cleveland, Ohio 44131

AISC—American Institute of Steel Construction, One East Wacker Drive, Chicago, IL 60601.

AISI—American Iron and Steel Institute, 1101 17th Street, NW., Washington, DC 20036

AITC—American Institute of Timber Construction, 11818 SE Mill Plain Blvd., suite 415, Vancouver, Washington 98684

ANSI—American National Standards Institute, 1430 Broadway, New York, New York 10018

APA—American Plywood Association, P.O. Box 11700, Tacoma, Washington 98411

ARI—Air Conditioning and Refrigeration Institute, 1501 Wilson Blvd., 6th Floor, Arlington, Va 22209-2403

ASCE—American Society of Civil Engineers, 345 East 47th Street, New York, New York 10017-2398

ASHRAE—American Society of Heating, Refrigeration and Air Conditioning

- Engineers, 1791 Tulle Circle, NE., Atlanta, Georgia 30329
- ASME—American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017
- ASSE—American Society of Sanitary Engineering, P.O. Box 40362, Bay Village, Ohio 44140
- ASTM—American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103
- CISPI—Cast Iron Soil Pipe Institute, 5959 Shallowford Road, suite 419, Chattanooga, TN 37421
- DOC—U.S. Department of Commerce, National Institute of Standards and Technology, Office of Engineering Standards, room A-166, Technical Building, Washington, DC 20234
- FS—Federal Specifications, General Services Administration, Specifications Branch, room 6039, GSA Building, 7th and D Streets, SW., Washington, DC 20407
- HPVA (previously HPMA)—Hardwood Plywood and Veneer Association, P.O. Box 2789, Reston, VA 22090 (previously named HPMA Hardwood Plywood Manufacturers Association)
- HUD—FHA—Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410
- HUD—USER Department of Housing and Urban Development, HUD User, P.O. Box 280, Germantown, MD 20874
- IAPMO—International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA 91784-2825
- IITRI—IIT Research Institute, 10 West 35th Street, Chicago, IL 60616
- MIL—Military Specifications and Standards, Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120
- NFPA—National Fire Protection Association, Batterymarch Park, Quincy, MA 02269
- NPA—National Particleboard Association, 18928 Premiere Court, Gaithersburg, MD 20879
- NSF—National Sanitation Foundation, P.O. Box 1468, Ann Arbor, MI 48105
- NWWDA—National Wood Window and Door Association, 1400 E. Toughy Avenue, suite G-54, Des Plaines, IL 60018
- SAE—Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096
- SJI—Steel Joist Institute, suite A, 48 Ave. N., Myrtle Beach, SC 29577
- TPI—Truss Plate Institute, 583 D'Onofrio Drive, suite 200, Madison, Wisconsin 53719
- UL—Underwriters' Laboratories, Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.

* * * * *

6. Section 3280.5 is revised to read as follows:

§ 3280.5 Data plate.
 Each manufactured home shall bear a data plate affixed in a permanent manner near the main electrical panel or other readily accessible and visible location. Data plates shall be made of material which will receive typed

information as well as preprinted information and which can be cleaned of ordinary smudges or household dirt without removing information contained thereon; or, they shall be covered in a permanent manner with materials which will make it possible to clean them of ordinary dirt and smudges without obscuring the information. Data plates shall contain not less than the following information:

- (a) The name and address of the manufacturing plant in which the manufactured home was manufactured.
- (b) The serial number and model designation of the unit and the date the unit was manufactured.
- (c) The statement, "This manufactured home is designed to comply with the Federal manufactured home construction and safety standards in force at the time of manufacture."
- (d) A list of the certification label(s) number(s) which are affixed to each transportable manufactured section under § 3280.8.
- (e) A list of major factory-installed equipment including the manufacturer's name and the model designation of each appliance.
- (f) Reference to the structural zone and wind zone for which the home is designed and duplicates of the maps as set forth in § 3280.305(c)(4). This information may be combined with the heat loss/comfort cooling certificate and the Uo value zone map required by § 3280.510 and § 3280.511.
- (g) The phrase: "Design Approval by" followed by the name of the agency which approved the design.

7. Section 3280.8 is redesignated as § 3280.11 and paragraph (c) of the newly redesignated § 3280.11 is revised to read as follows:

§ 3280.11 Certification label.
 * * * * *
 (c) The label shall read as follows:
 As evidenced by this label No. ABC 000001, the manufacturer certifies to the best of the manufacturer's knowledge and belief that this manufactured home has been inspected in accordance with the requirements of the Department of Housing and Urban Development and is constructed in conformance with the Federal manufactured home construction and safety standards in effect on the date of manufacture. See date plate.
 * * * * *

8. Part 3280, subpart A, is amended by adding new §§ 3280.8, 3280.9, and 3280.10 to read as follows:

§ 3280.8 Waivers.
 (a) Where any material piece of equipment, or system which does not meet precise requirements or specifications set out in the standard is

shown, to the satisfaction of the Secretary, to meet an equivalent level of performance, the Secretary may waive the specifications set out in the Standard for that material, piece of equipment, or system.

(b) Where the Secretary is considering issuing a waiver to a Standard, the proposed waiver shall be published in the Federal Register for public comment, unless the Secretary, for good cause, finds that notice is impractical, unnecessary or contrary to the public interest, and incorporates into the waiver that finding and a brief statement of the reasons therefor.

(c) Each proposed and final waiver shall include:
 (1) A statement of the nature of the waiver; and
 (2) Identification of the particular standard affected.

(d) All waivers shall be published in the Federal Register and shall state their effective date. Where a waiver has been issued, the requirements of the Federal Standard to which the waiver relates may be met either by meeting the specifications set out in the Standard or by meeting the requirements of the waiver published in the Federal Register.

§ 3280.9 Interpretative bulletins.
 Interpretative bulletins may be issued for the following purposes:
 (a) To clarify the meaning of the Standard; and
 (b) To assist in the enforcement of the Standard.

§ 3280.10 Use of alternative construction.
 Requests for alternative construction can be made pursuant to 24 CFR 3282.14 of this chapter.

Subpart B—Planning Considerations

9. Section 3280.103 is revised to read as follows:

§ 3280.103 Light and ventilation.
 (a) *Lighting.* Each habitable room shall be provided with exterior windows and/or doors having a total glazed area of not less than 8 percent of the gross floor area.

(1) Kitchens, bathrooms, toilet compartments, laundry areas, and utility rooms may be provided with artificial light in place of windows.

(2) Rooms and areas may be combined for the purpose of providing the required natural lighting provided that at least one half of the common wall area is open and unobstructed, and the open area is at least equal to 10 percent of the combined floor area or 25 square feet whichever is greater.

(b) *Whole house ventilation.* Each manufactured home shall be capable of

providing a minimum of 0.35 air changes per hour continuously or at an equivalent hourly average rate. The following criteria shall be adhered to.

(1) Natural infiltration and exfiltration shall be considered as providing 0.25 air changes per hour.

(2) The remaining ventilation capacity of 0.10 air change per hour or its hourly average equivalent shall be calculated using 0.035 cubic feet per minute per square foot of interior floor space. This ventilation capacity shall be in addition to any openable window area.

(3) The remaining ventilation capacity may be provided by: a mechanical system, or a passive system, or a combination passive and mechanical system. The ventilation system or provisions shall not create a positive pressure in Uo value Zones 2 and 3 or a negative pressure condition in Uo value Zone 1. Mechanical systems shall be balanced. Combination passive and mechanical systems shall have adequately sized inlets or exhaust to release any unbalanced pressure. Passive systems shall have inlets and exhaust of sufficient size to alleviate unbalance pressure conditions under normal conditions. Temporary imbalances due to gusting or high winds are permitted.

(4) The ventilation system or provision shall exchange air directly with the exterior of the home, except it shall not draw or expel air with the space underneath the home. The ventilation system or provision shall not draw or expel air into the floor, wall, or ceiling/roof systems even if those systems are vented.

(5) The ventilation system or a portion thereof may be integral with the homes heating or cooling system. The system shall be capable of operating independently of the heating or cooling modes. A ventilation system that is integral with the heating or cooling system shall be listed as part of the heating and cooling system or listed as suitable for use therewith.

(6) A mechanical ventilation system, or mechanical portion thereof, shall be provided with a manual control and may be provided with automatic timers or humidistats.

(7) Substantiation of the ventilation capacity to provide 0.10 ACH shall be provided for a mechanical system, or a passive system, or a combination passive and mechanical system.

(c) *Additional ventilation.* (1) At least half of the minimum required glazed area in paragraph (a) of this section shall be openable directly to the outside of the manufactured home for unobstructed ventilation. These same ventilation requirements apply to rooms

combined in accordance with § 3280.103(a)(2).

(2) Kitchens shall be provided with a mechanical ventilation system that is capable of exhausting 100 cfm to the outside of the home. The exhaust fan shall be located as close as possible to the range or cook top, but in no case farther than 10 feet horizontally from the range or cook top.

(3) Each bathroom and separate toilet compartment shall be provided with a mechanical ventilation system capable of exhausting 50 cfm to the outside of the home. A separate toilet compartment may be provided with 1.5 square feet of openable glazed area in place of mechanical ventilation, except in Uo value Zone 3.

§ 3280.109 [Removed]

10. Section 3280.109 is removed.

§ 3280.110 [Redesignated as § 3280.109]

11. Section 3280.110 is redesignated as § 3280.109.

§ 3280.111 [Redesignated as § 3280.110]

12. Section 3280.111 is redesignated as § 3280.110.

§ 3280.112 [Redesignated as § 3280.111]

13. Section 3280.112 is redesignated as § 3280.111.

§ 3280.113 [Redesignated as § 3280.112]

14. Section 3280.113 is redesignated as § 3280.112.

§ 3280.114 [Redesignated as § 3280.113]

15. Section 3280.114 is redesignated as § 3280.113.

Subpart C—Fire Safety

16. Section 3280.202 is revised as follows:

§ 3280.202 Definitions.

The following definitions are applicable to subparts C, H, and I of the Standards:

Combustible material: Any material not meeting the definition of limited-combustible or non-combustible material.

Flame-spread rating: The measurement of the propagation of flame on the surface of materials or their assemblies as determined by recognized standard tests conducted as required by this subpart.

Interior finish: The surface material of walls, fixed or movable partitions, ceilings, columns, and other exposed interior surfaces affixed to the home's structure including any materials such as paint or wallpaper and the substrate to which they are applied. Interior finish does not include:

(1) Trim and sealant 2 inches or less in width adjacent to the cooking range and in furnace and water heater spaces provided it is installed in accordance with the requirements of § 3280.203(b)(3) or (4), and trim 6 inches or less in width in all other areas;

(2) Windows and frames;

(3) Single doors and frames and a series of doors and frames not exceeding 5 feet in width;

(4) Skylights and frames;

(5) Casings around doors, windows, and skylights not exceeding 4 inches in width;

(6) Furnishings which are not permanently affixed to the home's structure;

(7) Baseboards not exceeding 6 inches in height;

(8) Light fixtures, cover plates of electrical receptacle outlets, switches, and other devices;

(9) Decorative items attached to walls and partitions (i.e., pictures, decorative objects, etc.) constituting no more than 10% of the aggregate wall surface area in any room or space not more than 32 square feet in surface area, whichever is less;

(10) Plastic light diffusers when suspended from a material which meets the interior finish provisions of § 3280.203(b);

(11) Coverings and surfaces of exposed wood beams; and

(12) Decorative items including the following:

(i) Non-structural beams not exceeding 6 inches in depth and 6 inches in width and spaced not closer than 4 feet on center;

(ii) Non-structural lattice work;

(iii) Mating and closure molding; and

(iv) Other items not affixed to the home's structure.

Limited combustible: A material meeting:

(1) The definition of Article 2-3 or NFPA 220-1992; or

(2) 1/8-inch or thicker gypsum board.

Noncombustible material: A material meeting the definition of contained in NFPA 220-1992.

Single-station alarm device: An assembly incorporating the smoke detector sensor, the electrical control equipment, and the alarm-sounding device in one unit.

Smoke detector: A wall-mounted detector of the ionization chamber or photoelectric type which detects visible or invisible particles of combustion and operates from a 120V AC source of current.

17. Section 3280.203 is amended by revising paragraphs (a) and (b)(4) to read as follows:

§ 3280.203 Flame spread limitations and fire protection requirements.

(a) *Establishment of flame spread rating.* The surface flame spread rating of interior-finish material shall not exceed the value shown in § 3280.203(b) when tested by "Standard Test Method for Surface Burning Characteristics of Building Materials, ASTM E 84-91a" except that the surface flame spread rating of interior-finish materials required by § 3280.203(b) (5) and (6) may be determined by using the "Standard Test Method for Surface Flammability of Materials Using a Radiant Heat Energy Source, ASTM E 162-90". However, the following materials need not be tested to establish their flame spread rating unless a lower rating is required by these standards.

- (1) Flame-spread rating—76 to 200.
 - (i) .035-inch or thicker high pressure laminated plastic panel countertop;
 - (ii) ¼-inch or thicker unfinished plywood with phenolic or urea glue;
 - (iii) Unfinished dimension lumber (1-inch or thicker nominal boards);
 - (iv) ¾-inch or thicker unfinished particleboard with phenolic or urea binder;
 - (v) Natural gum-varnished or latex- or alkyd-painted:
 - (A) ¼-inch or thicker plywood, or
 - (B) ¾-inch or thicker particleboard, or
 - (C) 1-inch or thicker nominal board;
 - (vi) ¾-inch gypsum board with decorative wallpaper; and
 - (vii) ¼-inch or thicker unfinished hardboard.
 - (2) Flame-spread rating—25 to 200,
 - (i) Painted metal;
 - (ii) Mineral-base acoustic tile;
 - (iii) ¾-inch or thicker unfinished gypsum wallboard (both latex- or alkyd-painted); and
 - (iv) Ceramic tile.
- (The above-listed material applications do not waive the requirements of § 3280.203(c) or § 3280.204 of this subpart.)

(b) * * *

(4) Exposed interior finishes adjacent to the cooking range shall have a flame spread rating not exceeding 50, except that backspashes not exceeding 6 inches in height are exempted. Adjacent surfaces are the exposed vertical surfaces between the range top height and the overhead cabinets and/or ceiling and within 6 horizontal inches of the cooking range. (Refer also to § 3280.204(a), Kitchen Cabinet Protection.) Sealants and other trim materials 2 inches or less in width used to finish adjacent surfaces are exempt from this provision provided that all joints are completely supported by a framing member.

* * * * *

18. Section 3280.208 is amended by revising paragraphs (c) and (d) to read as follows:

§ 3280.208 Fire detection equipment.

* * * * *

(c) *Labeling.* Smoke detectors shall be labeled as conforming with the requirements of Underwriters' Laboratories Standard No. 217—Fourth Edition 1993 for Single and Multiple Station Smoke Detectors.

(d) *Installation.* Each smoke detector shall be installed in accordance with its listing. The top of the detector shall be located on a wall 4 inches to 12 inches, or at a distance permitted by the listing, below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located 4 inches to 12 inches below the intersection of the connecting exterior wall and the sloping ceiling (cathedral ceiling). The required detector(s) shall be attached to an electrical outlet box and the detector connected by a permanent wiring method into a general electrical circuit. There shall be no switches in the circuit to the detector between the over-current protection device protecting the branch circuit and the detector. Smoke detector(s) shall not be placed on the same branch circuit or any circuit protected by a ground fault circuit interrupter.

Subpart D—Body and Frame Construction Requirements

19. Section 3280.302 is revised as follows:

§ 3280.302 Definitions.

The following definitions are applicable to Subpart D only:

Anchoring equipment: means straps, cables, turnbuckles, and chains, including tensioning devices, which are used with ties to secure a manufactured home to ground anchors.

Anchoring system: means a combination of ties, anchoring equipment, and ground anchors that will, when properly designed and installed, resist overturning and lateral movement of the manufactured home from wind forces.

Diagonal tie: means a tie intended to primarily resist horizontal forces, but which may also be used to resist vertical forces.

Footing: means that portion of the support system that transmits loads directly to the soil.

Ground anchor: means any device at the manufactured home stand designed to transfer manufactured home anchoring loads to the ground.

Hurricane resistive manufactured home: means a manufactured home

which meets the wind design load requirements for Zone II in § 3280.305(c)(2).

Loads: (1) *Dead load:* means the weight of all permanent construction including walls, floors, roof, partition, and fixed service equipment.

(2) *Live load:* means the weight superimposed by the use and occupancy of the manufactured home, including wind load and snow load, but not including dead load.

(3) *Wind load:* means the lateral or vertical pressure or uplift on the manufactured home due to wind blowing in any direction.

Main frame: means the structural component on which is mounted the body of the manufactured home.

Pier: means that portion of the support system between the footing and manufactured home exclusive of caps and shims.

Sheathing: means material which is applied on the exterior side of a building frame under the exterior weather resistant covering.

Stabilizing devices: means all components of the anchoring and support system such as piers, footings, ties, anchoring equipment, ground anchors, and any other equipment which supports the manufactured home and secures it to the ground.

Support system: means a combination of footings, piers, caps, and shims that will, when properly installed, support the manufactured home.

Tie: means straps, cable, or securing devices used to connect the manufactured home to ground anchors.

Vertical tie: means a tie intended to resist the uplifting or overturning forces.

20. Section 3280.303 is amended by revising paragraph (g) to read as follows:

§ 3280.303 General requirements.

* * * * *

(g) *Alternative test procedures.* In the absence of recognized testing procedures either in these standards or the applicable provisions of those standards incorporated by reference, the manufacturer electing this option shall develop or cause to be developed testing procedures to demonstrate the structural properties and significant characteristics of the material, assembly, subassembly component or member. Such testing procedures shall become part of the manufacturer's approved design. (Refer to § 3280.3.)

(1) Testing procedures so developed shall be submitted to the Department for approval.

(2) Upon notification of approval, the alternative test procedure is considered acceptable.

(3) Such tests shall be witnessed by an independent licensed professional

engineer or architect or by a recognized testing organization. Copies of the test results shall be kept on file by the manufactured home manufacturer.

21. Section 3280.304 is amended by revising paragraph (b)(1) and the table to read as follows:

§ 3280.304 Materials.

* * * * *

(b)(1) Standards for some of the generally used materials and methods of construction are listed in the following table.

Steel

Specification for Aluminum Structures Construction Manual Series—Section 1, Fifth Edition—1986, The Aluminum Association.

Specification for Structural Steel Buildings—Allowable Stress Design and Plastic Design—AISC—June 1, 1989.

The following parts of this reference standard are not applicable: 1.3.3, 1.3.4, 1.3.5, 1.3.6, 1.4.6, 1.5.1.5, 1.5.5, 1.6, 1.7, 1.8, 1.9, 1.10.4 through 1.10.7, 1.10.9, 1.11, 1.13, 1.14.5, 1.17.7 through 1.17.9, 1.19.1, 1.19.3, 1.20, 1.21, 1.23.7, 1.24, 1.25.1 through 1.25.5, 1.26.4, 2.3, 2.4, 2.8 through 2.10.

Specification for the Design of Cold-Formed Steel Structural Members—AISI—1986 Edition With 1989 Addendum.

The following parts of this reference standard are not applicable: 3.1.2, 4.2.1, 4.2.4.

Stainless Steel Cold-Formed Structural Design Manual—AISI—1974.

The following part of this reference standard is not applicable: 3.1.2.

Standard Specifications Load Tables and Weight Tables for Steel Joists and Joist Girders, only Sections 1-6 and the table for "H series only" are applicable—Steel Joist Institute 1992.

Manual for Structural Applications of Steel Cables for Buildings—AISI—1973.

Standard Specification for Strapping, Flat Steel and Seals—ASTM D3953-91.

Wood and Wood Products

Basic Hardboard—ANSI/AHA A135.4-1982.

Prefinished Hardboard Paneling—ANSI/AHA A135.5-1988.

Hardboard Siding—ANSI/AHA A135.6-1990.

Interim Voluntary Standard for Hardwood and Decorative Plywood—HPVA Interim Standard HP-1-1993.

Structural Design Guide for Hardwood Plywood Wall Panels—HPMA Design Guide HP-SG-86.

For wood products—Structural Glued Laminated Timber—ANSI/AITC A190.1-1992.

Voluntary Product Standard, Construction and Industrial Plywood—PS-1-82.

APA Design/Construction Guide, Residential and Commercial—APA E30M-1993.

Design and Fabrication of All-Plywood Beams, Suppl. 5—APA-H 815D-1989.

Plywood Design Specification—APA-Y 510Q-1993.

Design and Fabrication of Glued Plywood-Lumber Beams, Suppl. 2—APA-S 812P-1992.

Design and Fabrication of Plywood Curved Panels, Suppl. 1—APA-S 811M-1990.

Design and Fabrication of Plywood Sandwich Panels, Suppl. 4—APA-U 814G-1990.

Design and Fabrication of Plywood Stressed-Skin Panels, Suppl. 3—APA-U 313K-1990.

National Design Specifications for Wood Construction, 1991 Edition, With Supplement, Design Values for Wood Construction, AFPA.

Wood Structural Design Data, 1986 Edition With 1992 Revisions, AFPA.

Span Tables for Joists and Rafters—PS-20-70, 1993, AFPA.

Design Values for Joists and Rafters, American Softwood Lumber Standard Sizes, 1992, AFPA.

Design Specifications for Metal Plate Connected Wood Trusses—TPI-85.

Wood Particleboard—ANSI A208.1-1989,

Wood Flush Doors—ANSI/NWWDA I.S.1-87.

Wood Windows—ANSI/NWWDA I.S.2-87.

Wood Sliding Patio Doors—NWWDA-I.S.3-88.

Water Repellent Preservative Non Pressure Treatment for Millwork—NWWDA-I.S.4-81.

Standard Test Methods for Puncture and Stiffness of Paperboard, and Corrugated and Solid Fiberboard—ASTM D781-68 (73).

Standard Test Methods for Direct Moisture Content Measurement of Wood and Wood-Base Materials—ASTM D4442.

Standard Test Methods for Use and Calibration of Hand-Held Moisture Meters—ASTM D4444-92.

Other

Standard Specification for Gypsum Wallboard—ASTM C36-93.

Fasteners

Application and Fastening Schedule: Power-Driven, Mechanically Driven and Manually Driven Fasteners—HUD-FHA Use of Materials Bulletin—UM-25d-73.

Unclassified

American Society of Civil Engineering Minimum Design Loads for Buildings and Other Structures—ANSI/ASCE 7-88.

Performance Standard for Wood-Based Structural Use Panels—PS-2-92, APA.

Safety Performance Specifications and Methods of Test for Safety Glazing Materials Used in Building—ANSI Z97.1-1984.

* * * * *

22. Section 3280.305 is amended by redesignating paragraphs (g)(3) and (4) as (g)(4) and (5), respectively; by adding new paragraphs (b)(4) and (g)(3); and by revising paragraphs (d), (f)(2), (g)(2), and (i)(1)(i) to read as follows:

§ 3280.305 Structural design requirements.

* * * * *

(b) * * *

(4) Whenever the roof slope does not exceed 20 degrees, the design horizontal wind load required by § 3280.305(c)(1) and (2) may be determined without including the vertical roof projection of the manufactured home. However, regardless of the roof slope of the manufactured home, the vertical roof projection shall be included when determining the wind loading for split level or clerestory type roof systems.

* * * * *

(d) *Design load deflection.* (1) When a structural assembly is subjected to total design live loads, the deflection for structural framing members shall not exceed the following:

| | |
|---|-------|
| Floor | L/240 |
| Roof and ceiling | L/180 |
| Headers, beams, and girders (vertical load) | L/180 |
| Walls and partitions | L/180 |

Where L equals the clear span between supports or two times the length of a cantilever.

(2) The allowable eave or cornice deflection for uplift is to be measured at the design uplift load. [9 psf or 15 psf x by 2.5]. The allowable deflection shall be (2 x Lc)/180 when Lc is the measured horizontal eave projection from the wall.

* * * * *

(f) * * *

(2) Interior walls and partitions shall be constructed with structural capacity adequate for the intended purpose and shall be capable of resisting a horizontal load of not less than five pounds per square foot. An allowable stress increase of 1.33 times the permitted published design values may be used in the design

of wood framed interior partitions. Finish of walls and partitions shall be securely fastened to wall framing.

(g) * * *

(2) Wood, wood fiber or plywood floors or subfloors in kitchens, bathrooms (including toilet compartments), laundry areas, water heater compartments, and any other areas subject to excessive moisture shall be moisture resistant or shall be made moisture resistant by sealing or by an overlay of nonabsorbent material applied with water-resistant adhesive. Use of one of the following methods would meet this requirement:

(i) Sealing the floor with a water-resistant sealer; or
 (ii) Installing an overlay of a non-absorbent floor covering material applied with water-resistant adhesive; or

(iii) Direct application of a water-resistant sealer to the exposed wood floor area when covered with a non-absorbent overlay; or

(iv) The use of a non-absorbent floor covering which may be installed without a continuous application of a water-resistant adhesive or sealant when the floor covering meets the following criteria:

(A) The covering is a continuous membrane with any seams or patches seam bonded or welded to preserve the continuity of the floor covering; and

(B) The floor is protected at all penetrations in these areas by sealing with a compatible water-resistant adhesive or sealant to prevent moisture from migrating under the nonabsorbent floor covering; and

(C) The covering is fastened around the perimeter of the subfloor in accordance with the floor covering manufacturer's instructions; and,

(D) The covering is designed to be installed to prevent moisture penetration without the use of a water-resistant adhesive or sealer except as required in this paragraph (g). The vertical edges of penetrations for plumbing shall be covered with a moisture-resistant adhesive or sealant. The vertical penetrations located under the bottom plates of perimeter walls of rooms, areas, or compartments are not required to be sealed; this does not include walls or partitions within the rooms or areas.

(3) Carpet or carpet pads shall not be installed under concealed spaces subject to excessive moisture, such as plumbing fixture spaces, floor areas under installed laundry equipment. Carpet may be installed in laundry space provided:

- (i) The appliances are not provided;
- (ii) The conditions of paragraph (g)(2) of this section are followed; and
- (iii) Instructions are provided to remove carpet when appliances are installed.

* * * * *

(i) * * *

(1) *Welded connections.* (i) All welds shall be made in accordance with the applicable provisions of the Specification for Structural Steel Buildings, Allowable Stress Design and Plastic Design, AISC, June 1, 1989. The Specification for the Design of Cold-Formed Steel Structural Members, AISI-1986 with 1989 addendum, and the Stainless Steel Cold-Formed Structural Design Manual, AISI-1974.

* * * * *

23. Section 3280.306 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 3280.306 Windstorm protection.

(a) *Provisions for support and anchoring systems.* Each manufactured home shall have provisions for support and anchoring systems, which, when properly designed and installed, will resist overturning and lateral movement (sliding) of the manufactured home as imposed by the respective design loads. The design wind loads to be utilized for calculating resistance to overturning and lateral movement shall be the wind loads indicated in § 3280.305(c) (1) and (2) increased by a factor of safety of 1.5. The basic allowable stresses of materials required to resist overturning and lateral movement shall not be increased in the design and proportioning of these members. The 1.5 factor of safety to be applied to the design wind load is only to be utilized in the design of the tie-down system to resist overturning and lateral movement, and is not to be applied to the design of the home structure. Wind loading effects for purposes of this section shall be 1.5 x horizontal wind load (15 PSF, 25 PSF) and roof uplift (9 PSF, 15 PSF). When determining the effects of wind overturning and sliding to evaluate the tie-down system, the 1.5 factor of safety is to be applied simultaneously to both the vertical building projection as horizontal wind load and across the surface of the full roof structure as uplift loading. No additional shape or location factors need be applied in the design of the tie-down system. The dead load of the structure may be used to resist the above wind loading effects.

* * * * *

24. Section 3280.309 is amended by revising paragraph (b) to read as follows:

§ 3280.309 Health Notice on formaldehyde emissions.

* * * * *

(b) The Notice shall be legible and typed using letters at least 1/4 inch in size. The title shall be typed using letters at least 3/4 inch in size.

* * * * *

Subpart E—Testing

25. Section 3280.401 is amended by revising paragraph (b) to read as follows:

§ 3280.401 Structural load tests.

* * * * *

(b) *Ultimate load tests.* Ultimate load tests shall be performed on a minimum of three assemblies or components to generally evaluate the structural design. Every structural assembly or component tested shall be capable of sustaining its total dead load plus the design live load increased by a factor of safety of at least 2.5. A factor of safety greater than 2.5 shall be used when required by an applicable reference standard in § 3280.304(b)(1). Tests shall be conducted with loads applied and deflections recorded in 1/4 design live load increments at 10-minute intervals until 1.25 times design live load plus dead load has been reached. Additional loading shall then be applied continuously until failure occurs or the total of the factor of safety times the design live load plus the dead load is reached. Assembly failure shall be considered as design live load deflection greater than the limits set in § 3280.305(d), rupture, fracture, or excessive yielding. Assemblies to be tested shall be representative of average quality or materials and workmanship of the production. Each test assembly, component, or sub-assembly shall be identified as to type and quality or grade of material. All assemblies, components, or sub-assemblies qualifying under this section shall be subject to a periodic qualification testing program acceptable to the Department.

26. In § 3280.402, in paragraph (c)(1)(i), Figure A-1 is revised as follows:

§ 3280.402 Test procedure for roof trusses.

* * * * *

(c) * * *

(1) * * *

(i) * * *

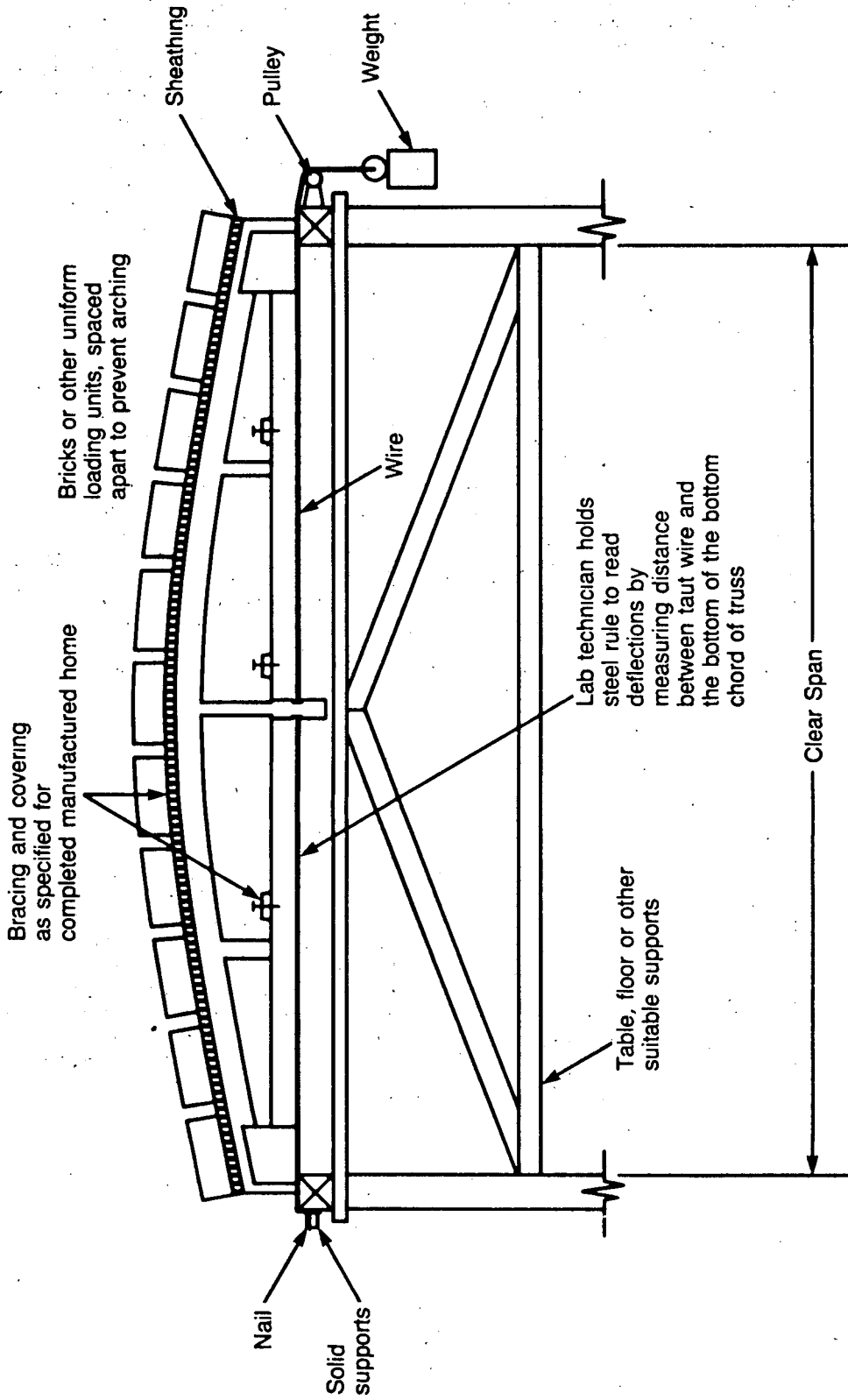


Figure A-1. Test Procedures for Roof Trusses

BILLING CODE 4310-27-C

27. Section 3280.403 is amended by revising paragraphs (d)(2) and (e)(1) to read as follows:

§ 3280.403 Standard for windows and sliding glass doors used in manufactured homes.

(d) (2) Sealed insulating glass, where used, shall meet all performance requirements for Class C in accordance with ASTM E-774-92, Standard Specification for Sealed Insulating Glass Units. The sealing system shall be qualified in accordance with ASTM E-773-88 Standard Test Methods for Seal Durability of Sealed Insulating Glass Units. Each glass unit shall be permanently identified with the name of the insulating glass manufacturer.

(e) (1) All such windows and doors shall show evidence of certification by affixing a quality certification label to the product in accordance with ANSI Z34.1-1987, "For Certification-Third-Party Certification Program."

28. Section 3280.405 is amended by revising paragraphs (c) (1) and (2) to read as follows:

§ 3280.405 Standard for swinging exterior passage doors for use in manufactured homes.

(c) (1) *Wood.* Doors shall conform to the type 1 requirements of ANSI/NWWDA I.S.1-87, Wood Flush Doors.

(2) *Plywood.* Plywood shall be exterior type and preservative treated in accordance with NWWDA I.S.4-81, Water Repellent Preservative Non-Pressure Treatment for Millwork.

29. Section 3280.406 is amended by revising the introductory text of paragraph (b) to read as follows:

§ 3280.406 Air chamber test method for certification and qualification of formaldehyde emission levels.

(b) *Testing.* Testing shall be conducted in accordance with the Standard Test Method for Determining Formaldehyde Levels from Wood Products Under Defined Test Conditions Using a Large Chamber, ASTM E-1333-90, with the following exceptions:

Subpart F—Thermal Protection

30. Section 3280.504 is amended by revising the section heading; by revising paragraph (a); and by adding a new paragraph (c) to read as follows:

§ 3280.504 Condensation control and installation of vapor retarders.

(a) *Ceiling vapor retarders.* (1) In Uo Value Zones 2 and 3, ceilings shall have a vapor retarder with a permanence of not greater than 1 perm (as measured by ASTM E-96-93 Standard Test Methods for Water Vapor Transmission of Materials) installed on the living space side of the roof cavity.

(2) For manufactured homes designed for U. Value Zone 1, the vapor retarder may be omitted.

(c) *Attic or roof ventilation.* (1) Attic and roof cavities shall be vented in accordance with one of the following:

(i) A minimum free ventilation area of not less than 1/300 of the attic or roof cavity floor area. At least 50 percent of the required free ventilation area shall be provided by ventilators located in the upper portion of the space to be ventilated. At least 40 percent shall be provided by eave, soffit or low gable vents. The location and spacing of the vent openings and ventilators shall provide cross-ventilation to the entire attic or roof cavity space. A clear air passage space having a minimum height of 1 inch shall be provided between the

top of the insulation and the roof sheathing or roof covering. Baffles or other means shall be provided where needed to insure the 1 inch height of the clear air passage space is maintained.

(ii) A mechanical attic or roof ventilation system may be installed instead of providing the free ventilation area when the mechanical system provides a minimum air change rate of 0.02 cubic feet per minute (cfm) per sq. ft. of attic floor area. Intake and exhaust vents shall be located so as to provide air movement throughout space.

(2) Single section manufactured homes constructed with metal roofs and having no sheathing or underlayment installed, are not required to be provided with attic or roof cavity ventilation provided that the air leakage paths from the living space to the roof cavity created by electrical outlets, electrical junctions, electrical cable penetrations, plumbing penetrations, flue pipe penetrations and exhaust vent penetrations are sealed.

(3) Parallel membrane roof section of a closed cell type construction are not required to be ventilated.

(4) The vents provided for ventilating attics and roof cavities shall be designed to resist entry of rain and insects.

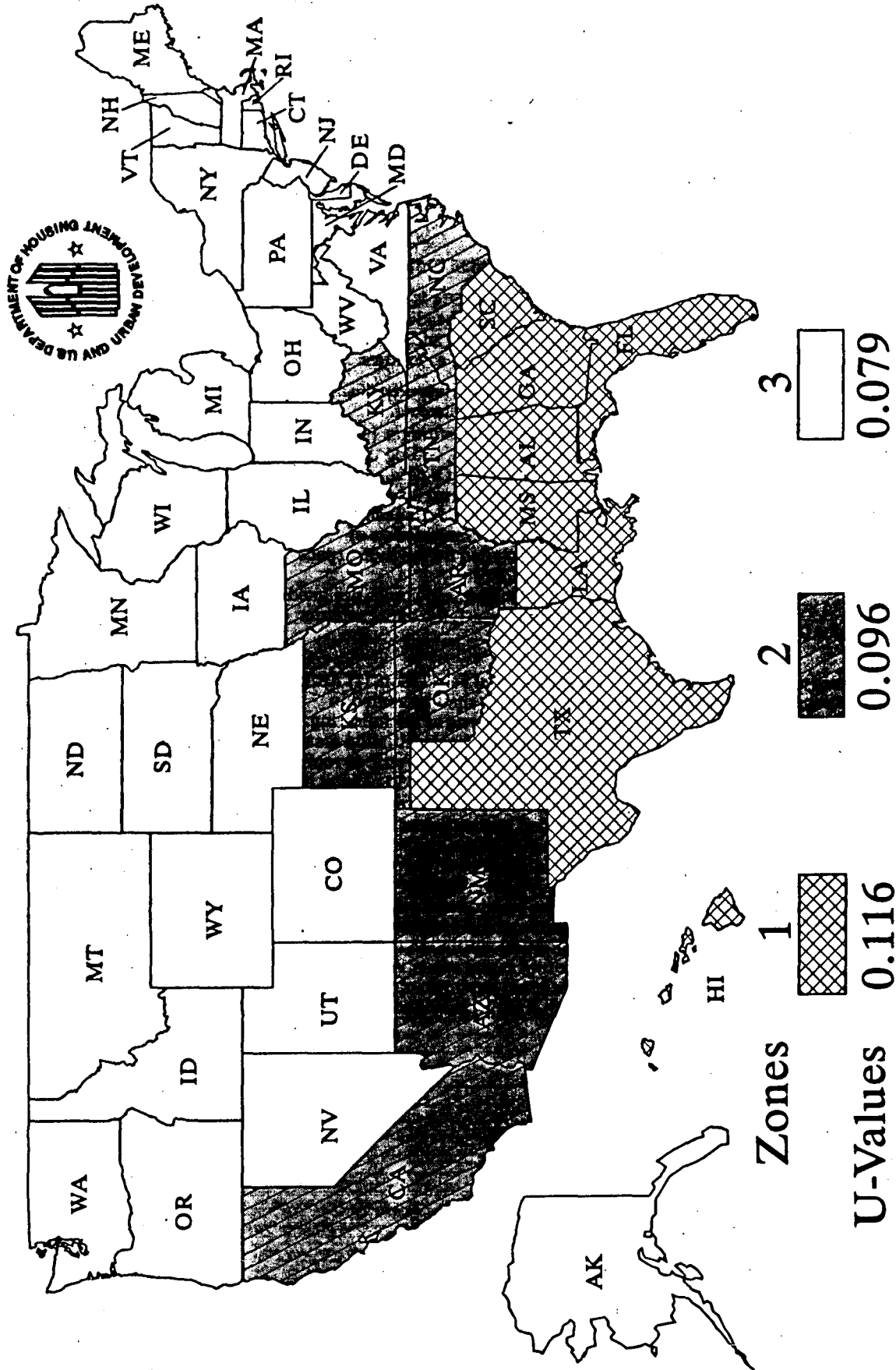
31. Section 3280.506 is revised to read as follows:

§ 3280.506 Heat loss/Heat gain.

The manufactured home heat loss/heat gain shall be determined by methods outlined in §§ 3280.508 and 3280.509. The Uo (Coefficient of heat transmission) value zone for which the manufactured home is acceptable and the lowest outdoor temperature to which the installed heating equipment will maintain a temperature of 70 F shall be certified as specified in § 3280.510 of this subpart. The Uo value zone shall be determined from the map in Figure 506.

BILLING CODE 4210-27-U

U/O Value Zone Map for Manufactured Housing



BILLING CODE 4210-37-C

(a) *Coefficient of heat transmission.* The overall coefficient of heat transmission (U_o) of the manufactured home for the respective zones and an indoor design temperature of 70 F, including internal and external ducts, and excluding infiltration ventilation and condensation control, shall not exceed the Btu/(hr.) (sq. ft.) (F) of the manufactured home envelope are as tabulated below:

| Uo value zone | Maximum coefficient of heat transmission |
|---------------|--|
| 1 | 0.116 Btu/(hr.) (sq. ft.) (F). |
| 2 | 0.096 Btu/(hr.) (sq. ft.) (F). |
| 3 | 0.079 Btu/(hr.) (sq. ft.) (F). |

(b) To assure uniform heat transmission in manufactured homes, cavities in exterior walls, floors, and ceilings shall be provided with thermal insulation.

(c) Manufactured homes designed for Uo Value Zone 3 shall be factory equipped with storm windows or insulating glass.

32. Section 3280.508 is revised to read as follows:

§ 3280.508 Heat loss, heat gain and cooling load calculations.

(a) Information, values and data necessary for heat loss and heat gain determinations shall be taken from the 1989 ASHRAE Handbook of Fundamentals, Chapters 20 through 27. The following portions of those chapters are not applicable:

- 21.1 Steel Frame Construction
- 21.2 Masonry Construction
- 21.3 Floor Systems
- 21.14 Pipes
- 21.16 Tanks, Vessels and Equipment
- 21.17 Refrigerated Rooms and Buildings
- 22.15 Mechanical and Industrial Systems
- 23.13 Commercial Building Envelope Leakage
- 25.4 Calculation of Heat Loss from Crawl Spaces

(b) The calculation of the manufactured home's transmission heat loss coefficient (U_o) shall be in accordance with the fundamental principals of the 1989 ASHRAE Handbook of Fundamentals and, at a minimum, shall address all the heat loss or heat gain considerations in a manner consistent with the calculation procedures provided in the document Overall U-values and Heating/Cooling Loads—Manufactured Homes—February 1992—PNL 8006, HUD User No. 0005945.

(c) Areas where the insulation does not fully cover a surface or is compressed shall be accounted for in the U-calculation (see § 3280.506). The

effect of framing on the U-value must be included in the U_o calculation. Other low-R-value heat-flow paths ("thermal shorts") shall be explicitly accounted for in the calculation of the transmission heat loss coefficient if in the aggregate all types of low-R-value paths amount to more than 1% of the total exterior surface area. Areas are considered low-R-value heat-flow paths if:

- (1) They separate conditioned and unconditioned space; and
- (2) They are not insulated to a level that is at least one-half the nominal insulation level of the surrounding building component.

(d) *High efficiency heating and cooling equipment credit.* The calculated transmission heat loss coefficient (U_o) used for meeting the requirement in § 3280.506(a) may be adjusted for heating and cooling equipment above that required by the National Appliance Energy Conservation Act of 1987 (NAECA) by applying the following formula:

$U_o \text{ adjusted} = U_o \text{ standard} \times [1 + (0.6) (\text{heating efficiency increase factor}) + (\text{cooling multiplier}) (\text{cooling efficiency increase factor})]$ where:

$U_o \text{ standard} =$ Maximum U_o for Uo Zone required by § 3280.506(a)

$U_o \text{ adjusted} =$ Maximum U_o standard adjusted for high efficiency HVAC equipment

Heating efficiency increase factor = The increase factor in heating equipment efficiency measured by the Annual Fuel Utilization Efficiency (AFUE), or the Heating Seasonal Performance Factor (HSPF) for heat pumps, above that required by NAECA (indicated as "NAECA" in formula). The formula is heating efficiency increase factor = AFUE (HSPF) home - AFUE (or HSPF) NAECA divided by AFUE (HSPF) NAECA.

Cooling efficiency increase factor = the increase factor in the cooling equipment efficiency measured by the Seasonal Energy Efficiency Ratio (SEER) above that required by NAECA.

The formula being cooling equipment = SEER home - SEER NAECA divided by SEER NAECA.

The cooling multiplier for the Uo Zone is from the following table:

| Uo zone | Cooling multiplier (Cm) |
|---------|-----------------------------|
| 1 | 0.60 (Florida only). |
| 1 | 0.20 (All other locations). |
| 2 | 0.07. |
| 3 | 0.03. |

(e) U-values for any glazing (windows, skylights, and the glazed portions of any door) shall be based on tests using American Architectural Manufacturers Association (AAMA) 1503.1-1988, Voluntary Test Method for Thermal

Transmittance and Condensation Resistance of Windows, Doors and Glazed Wall Sections. In the absence of tests, manufacturers shall use the residential window U values contained in Table 13 in Chapter 27, the 1989 ASHRAE Handbook of Fundamentals. In the event that the classification of the window type is indeterminate, the manufacturer shall use the classification which gives the higher U value. For the purpose of calculating U_o values, storm windows shall be treated as an additional pane.

(f) *Annual energy used based compliance.* As an alternative, homes may demonstrate compliance with the annual energy used implicit in the coefficient of heat transmission (U_o) requirement. The annual energy use determination must be based on generally accepted engineering practices. The general requirement is to demonstrate that the home seeking compliance approval has a projected annual energy use, including both heating and cooling, less than or equal to a similar "base case" home that meets the standard. The energy use for both homes must be calculated based on the same assumptions; including assuming the same dimensions for all boundaries between conditioned and unconditioned spaces, site characteristics, usage patterns and climate.

33. Section 3280.510 is amended by revising paragraph (b), and adding a new paragraph (c) to read as follows:

§ 3280.510 Heat loss certificate.

* * * * *

(b) *Outdoor certification temperature.* The lowest outdoor temperature at which the installed heating equipment will maintain a 70°F temperature inside the home without storm sash or insulating glass for Zones 1 and 2, and with storm sash or insulating glass for Zone 3 and complying with § 3280.508 and § 3280.509.

(c) *Operating economy certification temperature.* The temperature to be specified for operating economy and energy conservation shall be 20°F or 30% of the design temperature difference, whichever is greater, added to the temperature specified as the heating system capacity certification temperature without storm windows or insulating glass in Zones 1 and 2 and with storm windows or insulating glass in Zone 3. Design temperature difference is 70° minus the heating system capacity certification temperature in degrees Fahrenheit.

HEATING CERTIFICATE

Home Manufacturer _____

Plant Location _____
 Home Model _____
 (Include Uo Value Zone Map)

This manufactured home has been thermally insulated to conform with the requirements of the Federal Manufactured Home Construction and Safety Standards for all locations within Uo Value Zone _____ Heating Equipment Manufacturer _____ Heating Equipment Model _____

The above heating equipment has the capacity to maintain an average 70F temperature in this home at outdoor temperatures of [see paragraph (b) of this section] F. To maximize furnace operating economy and to conserve energy, it is recommended that this home be installed where the outdoor winter design temperature (97 1/2%) is not higher than [see paragraph (c) of this section] F degrees Fahrenheit.

The above information has been calculated assuming a maximum wind velocity of 15 MPH at standard atmospheric pressure.

34. Section 3280.511 is amended by revising paragraphs (a)(1), (b), and (c) to read as follows:

§ 3280.511 Comfort cooling certificate and information.

(a) * * *

(1) *Alternative I.* If a central air conditioning system is provided by the home manufacturer, the heat gain calculation necessary to properly size the air conditioning equipment shall be in accordance with procedures outlined in Chapter 22 of the 1989 ASHRAE Handbook of Fundamentals, with an assumed location and orientation. The following shall be supplied in the Comfort Cooling Certificate:

Air Conditioner Manufacturer _____
 Air Conditioner Model _____
 Certified Capacity _____ BTU/Hr. in accordance with the appropriate Air Conditioning and Refrigeration Institute Standards

The central air conditioning system provided with this home has been sized, assuming an orientation of the front (hitch) end of the home facing _____ and is designed on the basis of a 75°F indoor temperature and an outdoor temperature of _____°F dry bulb and _____°F wet bulb.

Example Alternate I

COMFORT COOLING CERTIFICATE

Manufactured Home Mfg _____
 Plant Location _____
 Manufactured Home Model _____
 Air Conditioner Manufacturer _____
 Certified Capacity _____ BTU/Hr. in accordance with the appropriate Air Conditioning and Refrigeration Institute Standards.

The central air conditioning system provided with this home has been sized assuming an orientation of the front (hitch end) of the home facing _____. On this basis, the system is designed to maintain an indoor temperature of 75°F when outdoor temperatures are _____°F dry bulb and _____°F wet bulb.

The temperature to which this home can be cooled will change depending upon the amount of exposure of the windows to the sun's radiant heat. Therefore, the home's heat gains will vary dependent upon its orientation to the sun and any permanent shading provided. Information concerning the calculation of cooling loads at various locations, window exposures and shadings are provided in chapter 22 of the 1989 edition of the ASHRAE Handbook of Fundamentals.

* * * * *

(b) For each home designated as suitable for central air conditioning the manufacturer shall provide the maximum central manufactured home air conditioning capacity certified in accordance with the ARI Standard 210/240-89 Unitary Air-Conditioning and Air-Source Heat Pump Equipment and in accordance with § 3280.715(a)(3). If the capacity information provided is based on entrances to the air supply duct at other than the furnace plenum, the manufacturer shall indicate the correct supply air entrance and return air exit locations.

(c) *Comfort cooling information.* For each manufactured home designated, either "suitable for" or "provided with" a central air conditioning system, the manufacturer shall provide comfort cooling information specific to the manufactured home necessary to complete the cooling load calculations. The comfort cooling information shall include a statement to read as follows:

To determine the required capacity of equipment to cool a home efficiently and economically, a cooling load (heat gain) calculation is required. The cooling load is dependent on the orientation, location and the structure of the home. Central air conditioners operate most efficiently and provide the greatest comfort when their capacity closely approximates the calculated cooling load. Each home's air conditioner should be sized in accordance with Chapter 22 of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Handbook of Fundamentals, 1989 Edition, once the location and orientation are known.

Information Provided by the Manufacturer Necessary to Calculate Sensible Heat Gain

| | |
|---|---|
| Walls (without windows and doors) | U |
| Ceilings and roofs of light color | U |
| Ceilings and roofs of dark color | U |
| Floors | U |
| Air ducts in floor | U |
| Air ducts in ceiling | U |
| Air ducts installed outside the home | U |

Information necessary to calculate duct areas.

Subpart G—Plumbing Systems

35. Section 3280.602 is amended by removing the paragraph designations from the section and by adding in alphabetical order the definitions for

"Flushometer tank", "Plumbing appliance", "Plumbing appurtenance", and "Whirlpool bathtub", to read as follows:

§ 3280.602 Definitions.

* * * * *

Flushometer tank: means a device integrated within an air accumulator vessel which is designed to discharge a predetermined quantity of water to fixtures for flushing purposes.

* * * * *

Plumbing appliance: means any one of a special class of plumbing fixture which is intended to perform a special plumbing function. Its operation and/or control may be dependent upon one or more energized components, such as motors, control, heating elements, or pressure or temperature-sensing elements. Such fixture may operate automatically through one or more of the following actions: A time cycle, a temperature range, a pressure range, a measured volume or weight, or the fixture may be manually adjusted or controlled by the user or operator.

Plumbing appurtenance: means a manufactured device, or a prefabricated assembly, or an on-the-job assembly of component parts, and which is an adjunct to the basic piping system and plumbing system and plumbing fixtures. An appurtenance demands no additional water supply, nor does it add any discharge load to a fixture or the drainage system.

* * * * *

Whirlpool bathtub: means a plumbing appliance consisting of a bathtub fixture which is equipped and fitted with a circulation piping system, pump, and other appurtenances and is so designed to accept, circulate, and discharge bathtub water upon each use.

36. Section 3280.603 is amended by revising paragraph (a)(5) to read as follows:

§ 3280.603 General requirements.

(a) * * *

(5) *Components.* Plumbing materials, devices, fixtures, fittings, equipment, appliances, appurtenance, and accessories intended for use in or attached to a manufactured home shall conform to one of the applicable standards referenced in § 3280.604. Where an applicable standard is not referenced, or an alternative recognized standard is utilized, the plumbing component shall be listed by a nationally recognized testing laboratory, inspection agency or other qualified organization as suitable for the intended use.

* * * * *

37. Section 3280.604 is revised to read as follows:

§3280.604 Materials.

(a) *Minimum standards.* Materials, devices, fixtures, fittings, equipment, appliances, appurtenances and accessories shall conform to one of the standards in the following table and be free from defects. Where an appropriate standard is not indicated in the table or a standard not indicated in the table is preferred, the item may be used if it is listed. A listing is also required when so specified in other sections of this subpart.

(b) Where more than one standard is referenced for a particular material or component, compliance with only one of those standards is acceptable.

Exceptions:

(1) When one of the reference standards requires evaluation of chemical, toxicity or odor properties which are not included in the other standard, then conformance to the applicable requirements of each standard shall be demonstrated;

(2) When a plastic material or component is not covered by the Standards in the following table, it shall be certified as non-toxic in accordance with NSF14-1990, "Plastic Piping Components and Related Materials."

Ferrous Pipe and Fittings

Gray Iron Threaded Fittings—ANSI/ASME B16.4-1992.

Malleable Iron Threaded Fittings—ANSI/ASME B16.3-1992.

Material and Property Standard for Special Cast Iron Fittings—IAPMO PS 5-84.

Welding and Seamless Wrought Steel Pipe—ANSI/ASME B36.10-1979.

Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless—*ASTM A53-93.

Pipe Threads, General Purpose (Inch)—ANSI/ASME B1.20.1-1983.

Standard Specification for Cast Iron Soil Pipe and Fittings—ASTM A74-92.

Standard Specification for Hubless Cast Iron Soil Pipe and Fittings for Sanitary and Storm Drain, Waste, and Vent Piping Applications—CISPI-301-90.

Nonferrous Pipe and Fittings

Standard Specification for Seamless Copper Pipe, Standard Sizes—ASTM B42-93.

Standard Specification for General Requirements for Wrought Seamless Copper and Copper-Alloy Tube—ASTM B251-93.

Standard Specification for Seamless Copper Water Tube—ASTM B 88-93.

Standard Specification for Copper Drainage Tube (DWV)—ASTM B306-92.

Wrought Copper and Copper Alloy Solder-Joint Pressure Fitting—ASME/ANSI B16.22-1989.

Wrought Copper and Wrought Copper Alloy Solder-Joint Drainage Fittings—DWV—ASME/ANSI B16.29-1986.

Cast Copper Alloy Solder-Joint Pressure Fittings—ANSI B16.18-1984.

Cast Copper Alloy Solder-Joint Drainage Fittings—DWV—ASME B16.23-1992.

Cast Copper Alloy Fittings for Flared Copper Tubes—ASME/ANSI B16.26-1988.

Standard Specification for Seamless Red Brass Pipe, Standard Sizes—ASTM B43-91.

Cast Bronze Threaded Fittings, Classes 125 and 250—ANSI/ASME B16.15-1985.

Plastic Pipe and Fittings

Standard Specification Acrylonitrile-Butadiene-Styrene (ABS) Schedule 40 Plastic Drain, Waste, and Vent Pipe and Fittings—ASTM D2661-91.

Standard Specification for Poly (Vinyl Chloride) (PVC) Plastic Drain, Waste, and Vent Pipe and Fittings—ASTM D2665-91b.

Standard Specification for Drain, Waste, and Vent (DWV) Plastic Fittings Patterns—ASTM D3311-92.

Standard Specification for Acrylonitrile-Butadiene-Styrene (ABS) Schedule 40, Plastic Drain, Waste, and Vent Pipe With a Cellular Core—ASTM F628-91.

Standard Specification for Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Hot- and Cold-Water Distribution Systems—ASTM D2846-92.

Standard Specification for Polybutylene (PB) Plastic Hot- and Cold-Water Distribution Systems—ASTM D3309-92a.

Plastic Piping Components and Related Materials—ANSI/NSF 14-1990.

Miscellaneous

Standard Specification for Rubber Gaskets for Cast Iron Soil Pipe and Fittings—ASTM C564-88.

Backflow Valves—ANSI A112.14.1-1975.

Plumbing Fixture Setting Compound—TTP 1536A-1975.

Material and Property Standard for Cast Brass and Tubing P-Traps—IAPMO PS 2-89.

Relief Valves and Automatic Gas Shutoff Devices for Hot Water Supply Systems—*ANSI Z21.22-1986, With Addendum Z21.22a-1990.

Standard Specification for Solvent Cement for Acrylonitrile-Butadiene-

Styrene (ABS) Plastic Pipe and Fittings—ASTM D2235-88.

Standard Specification for Solvent Cements for Poly (Vinyl Chloride) (PVC) Plastic Piping Systems—ASTM D2564-91a.

Specification for Neoprene Rubber Gaskets for HUB and Spigot Cast Iron Soil Pipe and Fittings—CISPI-HSN-85.

Plumbing System Components for Manufactured Homes and Recreational Vehicles—ANSI/NSF 24-1988.

Material and Property Standard for Diversion Tees and Twin Waste Elbow—IAPMO PS 9-84.

Material and Property Standard for Flexible Metallic Water Connectors—IAPMO PS 14-89.

Material and Property Standard for Dishwasher Drain Airgaps—IAPMO PS 23-89.

Material and Property Standards for Backflow Prevention Assemblies—IAPMO PS 31-91.

Plumbing Fixtures

Plumbing Fixtures (General Specifications)—FS WW-P-541E/GEN-1980.

Vitreous China Plumbing Fixtures—ANSI/ASME A112.19.2(M)-1990.

Enameled Cast Iron Plumbing Fixtures—ANSI/ASME A112.19.1M-1987.

Porcelain Enameled Formed Steel Plumbing Fixtures—ANSI/ASME A112.19.4(M)-1984.

Plastic Bathtub Units With Addenda Z124.1a-1990 and Z124.16-1991—ANSI Z124.1-1987.

Standard for Porcelain Enameled Formed Steel Plumbing Fixtures—IAPMO TSC 22-85.

Plastic Shower Receptors and Shower Stalls With Addendum Z124.2a-1990—ANSI Z124.2-1987.

Stainless Steel Plumbing Fixtures (Designed for Residential Use)—ANSI/ASME A112.19.3M-1987.

Material and Property Standard for Drains for Prefabricated and Precast Showers—IAPMO PS 4-90.

Plastic Lavatories with addendum Z124.3a-1990—ANSI Z124.3-1986.

Safety Performance Specifications and Methods of Test for Safety Glazing Materials Used in Building—ANSI Z97.1-1984.

Plumbing Fixture Fittings—ANSI/ASME A112.18.1M-1989.

Trim for Water Closet, Bowls, Tanks, and Urinals—ANSI A112.19.5-1979.

Plastic Water Closets, Bowls and Tanks with Addenda Z124.4a-1990—ANSI Z124.4-1986.

Whirlpool Bathtub Appliances—ASME/ANSI A112.19.7M-1987.

Performance Requirements for Individual Thermostatic Pressure

Balancing and Combination Control for Bathing Facilities—ASSE 1016—1988, (ANSI 1990).

Performance Requirements for Pressurized Flushing Devices (Flushometers) For Plumbing Fixtures—ASSE 1037—1990 (ANSI—1990).

Performance Requirements for Water Closet Flush Tank Fill Valves (Ballcocks)—ASSE 1002 Revision 5—1986, (ANSI/ASSE—1979).

Performance Requirements for Hand-held Showers—ASSE 1014—1989 (ANSI—1990).

Hydrants for Utility and Maintenance Use—ANSI/ASME A112.21.3M—1985.

Performance Requirements for Home Laundry Equipment—ASSE 1007—1986.

Performance Requirements for Hot Water Dispensers, Household Storage Type Electrical—ASSE 1023—ANSI/ASSE—1979.

Plumbing Requirements for Residential Use (Household) Dishwashers—ASSE 1006, ASSE/ANSI—1986.

Performance Requirements for Household Food Waste Disposer Units—ASSE 1008—1986.

Performance Requirements for Temperature Activated Mixing Valves for Primary Domestic Use—ASSE 1017—1986.

Water Hammer Arresters—ANSI A112.26.1—1969 (R 1975).

Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs and Whirlpool Bathtub Appliances—ASME/ANSI A112.19.8M—1989.

Air Gaps in Plumbing Systems—ASME A112.1.2—1991.

Performance Requirements for Diverters for Plumbing Faucets with Hose Spray, Anti-Siphon Type, Residential Applications—ASSE 1025—ANSI/ASSE—1978.

Performance Requirements for Pipe Applied Atmospheric Type Vacuum Breakers—ASSE 1001 ASSE/ANSI—1990.

Performance Requirements for Hose Connection Vacuum Breakers—ASSE 1011—1981 (ANSI—1982).

Performance Requirements for Wall Hydrants, Frost Proof Automatic Draining, Anti-Backflow Types—ANSI/ASSE 1019—1978.

38. Section 3280.606 is amended by revising paragraph (b)(1)(iii) to read as follows:

§ 3280.606 Traps and cleanouts.

* * * * *

(b) * * *

(1) * * *

(iii) A cleaning tool shall not be required to pass through more than 360 degrees of fittings, excluding removable "P" traps, to reach any part of the

drainage system. Water closets may be removed for drainage system access.

* * * * *

39. Section 3280.607 is amended by revising paragraphs (b)(2), (b)(2)(i), (ii), (iv) and (v), (b)(4)(i), and (c)(1) and by adding new paragraphs (c) (5) and (6) to read as follows:

§ 3280.607 Plumbing fixtures.

* * * * *

(b) * * *

(2) *Water closets.* (i) Water closets shall be designed and manufactured according to approved or listed standards and shall be equipped with a water flushing device capable of adequately flushing and cleaning the bowl at each operation of the flushing mechanism.

(ii) Water closet flushing devices shall be designed to replace the water seal in the bowl after each operation. Flush valves, flushometer valves, flushometer tanks and ballcocks shall operate automatically to shut off at the end of each flush or when the tank is filled to operating capacity.

* * * * *

(iv) Water closets that have fouling surfaces that are not thoroughly washed at each discharge shall be prohibited. Any water closet that might permit the contents of the bowl to be siphoned back into the water system shall be prohibited.

(v) *Floor connection.* Water closets shall be securely bolted to an approved flange or other approved fitting which is secured to the floor by means of corrosion-resistant screws. The bolts shall be of solid brass or other corrosion-resistant material and shall be not less than one-fourth inch in diameter. A watertight seal shall be made between the water closet and flange or other approved fitting by use of a gasket or sealing compound.

* * * * *

(4) *Dishwashing machines.* (i) A dishwashing machine shall not be directly connected to any waste piping, but shall discharge its waste through a fixed air gap installed above the machine, or through a high loop as specified by the dishwashing machine manufacturer, or into an open standpipe-receptor with a height greater than the washing compartment of the machine. When a standpipe is used, it shall be at least 18 inches but not more than 30 inches above the trap weir. The drain connections from the air gap or high loop may connect to an individual trap, to a directional fitting installed in the sink tailpiece or to an opening

provided on the inlet side of a food waste disposal unit.

* * * * *

(c) *Installation—(1) Access.* Each plumbing fixture and standpipe receptor shall be located and installed in a manner to be accessible for usage, cleaning, repair and replacement. Access to diverter valves and other connections from the fixture hardware is not required.

* * * * *

(5) *Fixture fittings.* Faucets and diverters shall be installed so that the flow of hot water from the fittings corresponds to the left-hand side of the fitting.

(6) *Whirlpool bathtub appliances—(i) Access panel.* A door or panel of sufficient size shall be installed to provide access to the pump for repair and/or replacement.

(ii) *Piping drainage.* The circulation pump shall be accessibly located above the crown weir of the trap. The pump drain line shall be properly sloped to drain the volute after fixture use.

(iii) *Piping.* Whirlpool bathtub circulation piping shall be installed to be self-draining.

(iv) *Electrical.* Refer to the National Electrical Code, NFPA 70—1993, Article 685G.

40. Section 3280.609 is amended by revising paragraphs (b) (5) and (6), (d)(1)(i) and (e)(3), and by adding paragraphs (b) (7) and (8), to read as follows:

§ 3280.609 Water distribution system.

* * * * *

(b) * * *

(5) *Flushometer valves or manually operated flush valves.* An approved or listed vacuum breaker shall be installed and maintained in the water supply line on the discharge side of a water closet flushometer valve or manually operated flush valve. Vacuum breakers shall have a minimum clearance of 6 inches above the flood level of the fixture to the critical level mark unless otherwise permitted in their approval.

(6) *Flush tanks.* Water closet flush tanks shall be equipped with an approved or listed anti-siphon ball cock which shall be installed and maintained with its outlet or critical level mark not less than 1 inch above the full opening of the overflow pipe.

(7) *Hose bibbs.* When provided, all exterior hose bibbs and laundry sink hose connections shall be protected by a listed non-removable backflow prevention device. This is not applicable to hose connections provided for automatic washing machines with built-in backflow prevention.

(8) *Flushometer tanks.* Flushometer tanks shall be equipped with an approved air gap on the vacuum breaker assembly located above the flood level rim above the fixture.

(d) * * *
(1) * * *

(i) *Plastic piping.* All plastic water piping and fittings in manufactured homes must be listed for use with hot water.

(e) * * *

(3) *Solder fittings.* Joints in copper water tubes shall be made by the appropriate use of approved cast brass or wrought copper fittings, properly soldered together. The surface to be soldered shall be thoroughly cleaned bright mechanically. The joints shall be properly fluxed and made with a solder that contains no more than 0.2 percent lead.

41. Section 3280.610 is amended by revising paragraphs (c)(5), (d)(1), and (e)(1)(iii) to read as follows:

§ 3280.610 Drainage systems.

(c) * * *

(5) *Preassembly of drain lines.* Section(s) of the drain system, designed to be located underneath the home, are not required to be factory installed when the manufacturer designs the system for site assembly and also provides all materials and components, including piping, fittings, cement, supports, and instructions necessary for proper site installation.

(d) * * *

(1) *Water closet connection.* The drain connection for each water closet shall be 3 inches minimum inside diameter and shall be fitted with an iron, brass, or listed plastic floor flange adaptor ring securely screwed, soldered or otherwise permanently attached to the drain piping, in an approved manner and securely fastened to the floor.

(e) * * *
(1) * * *

(iii) A 3-inch minimum diameter piping shall be required for water closets.

42. Section 3280.611 is amended by revising paragraph (d)(5) to read as follows:

§ 3280.611 Vents and venting.

(d) * * *

(5) Materials for the anti-siphon trap vent shall be as follows:

(i) Cap and housing shall be listed acrylonitrile-butadiene-styrene, DWV grade;

(ii) stem shall be DWV grade nylon or acetal;

(iii) spring shall be stainless steel wire, type 302;

(iv) sealing disc shall be neoprene, conforming to CISPI-HSN-85, the Specification for Neoprene Rubber Gaskets for HUB and Spigot Cast Iron Soil Pipe and Fittings, and ASTM C 564-88, Standard Specification for Rubber Gaskets for Case Iron Soil Pipe and Fittings, or, Silicone Rubber, Low and High Temperature and Tear Resistant, Conforming to Rubber, Silicone, FS ZZ-R-765B-1970, With 1971 Amendment 1; and Liners, Case, and Sheet, Overwrap; Water-Vapor Proof or Waterproof, Flexible, MIL-L-10547E-1975.

43. Section 3280.612 is amended by revising paragraph (b)(3) to read as follows:

§ 3280.612 Test and inspection.

(b) * * *

(3) *Flood level test.* The manufactured home shall be in a level position, all fixtures shall be connected, and the entire system shall be filled with water to the rim of the water closet bowl. (Tub and shower drains shall be plugged). After all trapped air has been released, the test shall be sustained for not less than 15 minutes without evidence of leaks. Then the system shall be unplugged and emptied. The waste piping above the level of the water closet bowl shall then be tested and show no indication of leakage when the high fixtures are filled with water and emptied simultaneously to obtain the maximum possible flow in the drain piping.

Subpart H—Heating, Cooling and Fuel Burning Systems

44. Section 3280.702 is amended by removing the paragraph designations from the section and by revising the definition for "Connector-Gas appliance" to read as follows:

§ 3280.702 Definitions.

Connector-Gas appliance: means a flexible or semi-rigid connector used to convey fuel gas between a gas outlet and a gas appliance.

45. Section 3280.703 is revised to read as follows:

§ 3280.703 Minimum standards.

Heating, cooling and fuel burning appliances and systems in manufactured homes shall be free of defects, and shall conform to applicable standards in the following table unless otherwise specified in this standard. (See § 3280.4) When more than one standard is referenced, compliance with any one such standard shall meet the requirements of this standard.

Appliances

Central Cooling Air Conditioners—UL 465—Seventh Edition-1987 With Revisions through December 24, 1987.

Liquid Fuel-Burning Heating Appliances for Manufactured Homes and Recreational Vehicle—UL 307A—Sixth Edition-1990, With Revisions through August 21, 1990.

Electrical Air Heaters—UL 1025—Second Edition-1987 With Revisions July 13, 1989, February 6, 1990 and December 3, 1991.

Electric Baseboard Heating Equipment—UL 1042—Third Edition-1987 With Revision July 15, 1993.

Electric Central Air Heating Equipment—UL 1096—Fourth Edition-1986 With Revisions July 16, 1986 and January 30, 1988.

Gas Burning Heating Appliances for Mobile Homes and Recreational Vehicles—UL 307B—First Edition-1982 With Revision May 18, 1987.

Gas Clothes Dryers Vol. 1, Type 1 Clothes Dryers—ANSI Z21.5.1-1992.

Gas Fired Absorption Air Conditioning Appliances—ANSI Z21.40.1-1981, With Addenda Z21.40.1a-1982.

Gas-Fired Central Furnaces [Except Direct Vent System Central Furnaces]—ANSI Z21.47-1990, With Addendum Z21.47a-1990 and Z21.47b-1992.

Household Cooking Gas Appliances ANSI Z21.1-1990 With Addenda Z21.1a-1991 and Z21.1b-1993.

Refrigerators Using Gas Fuel—ANSI Z21.19-1990, With Addenda Z21.19a-1992.

Gas Water Heaters Vol. 1, Storage Water Heaters With Input Ratings of 75,000 BTU per hour or Less—ANSI Z21.10.1-1990, With Addendum Z21.10.1a-1991 and Z21.10.1b-1992.

Household Electric Storage Tank Water Heaters—UL 174—Seventh Edition-1989 With Revisions May 8, 1990 and January 22, 1991.

Ferrous Pipe and Fittings

Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless—ASTM A53-93.

Standard Specification for Electric-Resistance-Welded Coiled Steel Tubing for Gas and Fuel Oil Lines—*ASTM A539-90a.

Pipe Threads, General Purpose
(Inch)—ANSI/ASME B1.20.1-1983.
Welding and Seamless Wrought Steel
Pipe—ANSI/ASME B36.10-1979.

Nonferrous Pipe, Tubing and Fittings

Standard Specification for Seamless
Copper Water Tube—ASTM B88-93.
Standard Specification for Seamless
Copper Tube for Air Conditioning and
Refrigeration Field Service—ASTM
B280-93.

Metal Connectors for Gas
Appliances—ANSI Z21.24-1987, With
Addenda Z21.24a 1990 and Z21.24b-
1992.

Manually Operated Gas Valves for
Appliances, Appliance Connector
Valves and Hose End Valves—ANSI
Z21.15-1992.

Standard for Gas Supply Connectors
for Manufactured Homes—IAPMO TSC
9-92.

Standard Specification for General
Requirements for Wrought Seamless
Copper and Copper-Alloy Tubes—
ASTM B251-93.

Standard Specification for Seamless
Copper Pipe, Standard Sizes—ASTM
B42-93.

Direct Vent Central Furnaces—ANSI
Z21.64-1990, With Addenda Z21.64a-
1992.

Miscellaneous

Factory-Made Air Ducts and
Connectors—UL 181—Seventh Edition-
1990, With Revision November 20,
1990.

Tube Fittings for Flammable and
Combustible Fluids, Refrigeration
Service, and Marine Use—UL 109—Fifth
Edition-1993.

Pigtails and Flexible Hose Connectors
for LP-Gas—UL 569—Sixth Edition-1990.

Roof Jacks for Manufactured Homes
and Recreational Vehicles—UL 311-
Seventh Edition-1990.

Relief Valves and Automatic Gas
Shutoff Devices for Hot Water Supply
Systems—ANSI Z21.22-1986, With
Addenda Z21.22a-1990.

Automatic Gas Ignition Systems and
Components—ANSI Z21.20-1989, With
Addendum Z21.20a-1991 and Z21.20b-
1992.

Automatic Valves for Gas
Appliances—ANSI Z21.21-1987, With
Addendum Z21.21a-1989 and Z21.21b-
1992.

Gas Appliance Thermostats—ANSI
Z21.23-1989, With Addenda Z21.23a-
1991.

Gas Vents—UL 441—Seventh Edition-
1991.

Installation of Oil-Burning
Equipment, NFPA 31-1992 Edition.

The following sections are applicable:

1-1

1-2
1-3
1-4 except 1-4.1
1-5.1
1-5.2
1-5.4.2
1-5.4.3
1-5.5
1-5.6
1-6
1-7.2 except 1-7.2.4
1-8
1-9
1-10.1
3-1.1
3-1.3
3-1.4
3-1.5
3-1.6
3-10
4-1.3
4-1.4
4-1.5
4-2
4-3 except 4-3.2
4-4 except 4-4.2, 4-4.5.4, 4-4.6
4-4.7, 4-4.9 and 4-4.10 Appendices
B, C, and E

National Fuel Gas Code—NFPA 54-
1992 ANSI 223.1.

Warm Air Heating and Air
Conditioning Systems, 1993 Edition,
NFPA-90B.

The following sections are applicable:

2-2.4
2-3.6
Table 3-1.3, Section B
4-1.6

Standard for the Storage and Handling
of Liquefied Petroleum Gases, 1992
Edition—NFPA-58.

Flares for Tubing (1972)—SAE-J533b.
Chimneys, Factory-Built Residential
Type and Building Heating Appliance—
UL 103—Seventh Edition—1989 With
Revision February 23, 1989.

Factory-Built Fireplaces—UL 127-
Sixth Edition With Revisions January 4,
1989, June 10, 1991, June 29, 1992.

Room Heaters Solid-Fuel Type—UL
1482—Third Edition—1988 With
Revision September 13, 1988.

Fireplace Stoves—UL 737—Sixth
Edition—1988 With Revisions
September 19, 1988, July 10, 1990 and
June 10, 1991.

Unitary Air-Conditioning and Air-
Source Heat Pump Equipment—ANSI/
ARI 210/240-89.

AGA Requirements for Gas
Connectors for Connection of Fixed
Appliances for Outdoor Installation,
Park Trailers and Manufactured
(Mobile) Homes to the Gas Supply—No.
3-87.

46. Section 3280.704 is amended by
revising the introductory text of
paragraph (b)(2) and paragraph (b)(5)(i)
to read as follows:

§3280.704 Fuel supply systems.

* * * * *

(b) * * *

(2) *Construction of containers.*

Containers shall be constructed and
marked in accordance with the
specifications for LP-Gas Containers of
the U.S. Department of Transportation
(DOT) or the Rules for Construction of
Pressure Vessels 1986, ASME Boiler and
Pressure Vessel Code section VIII,
Division 1 ASME Containers shall have
a design pressure of at least 312.5 psig.

* * * * *

(5) *LP-gas safety devices.* (i) DOT
containers shall be provided with safety
relief devices as required by the
regulations of the U.S. Department of
Transportation. ASME containers shall
be provided with relief valves in
accordance with subsection 221 of the
Standard for the Storage and Handling
Liquefied Petroleum Gases, NFPA No.
58-1992, Safety relief valves shall have
direct communication with the vapor
space of the vessel.

* * * * *

47. Section 3280.705 is amended by
revising paragraphs (b)(1) and (3), (c),
and (d); the table following paragraph
(h) is amended by removing and
reserving Part II; in paragraph (k), the
introductory text is revised and the label
diagram entitled "LP Gas System" is
removed; and paragraph (l)(1) and the
introductory text of paragraph (l)(2), and
paragraphs (l)(2)(ii) and (l)(3) are revised
to read as follows:

§3280.705 Gas piping systems.

* * * * *

(b) * * *

(1) Steel or wrought-iron pipe shall
comply with ANSI Standard B36.10-
1979, Welded and Seamless Wrought
Steel Pipe. Threaded brass pipe in iron
pipe sizes may be used. Threaded brass
pipe shall comply with ASTM B43-91,
Standard Specification for Seamless Red
Brass Pipe, Standard Sizes.

* * * * *

(3) Copper tubing shall be annealed
type, Grade K or L, conforming to the
Standard Specification for Seamless
Copper Water Tube (ASTM B88-93) or
shall comply with the Standard
Specification for Seamless Copper Tube
for Air Conditioning and Refrigeration
Field Service, ASTM B 280-93. Copper
tubing shall be internally tinned.

* * * * *

(c) *Piping design.* Each manufactured
home requiring fuel gas for any purpose
shall be equipped with a natural gas
piping system acceptable for LP-Gas.
Where fuel gas piping is to be installed
in more than one section of an
expandable or multiple unit home, the

design and construction of the crossover(s) shall be as follows:

(1) All points of crossover shall be readily accessible from the exterior of the home.

(2) The connection(s) between units shall be made with a connector(s) listed for exterior use or direct plumbing sized in accordance with § 3280.705(d). A shutoff valve of the nondisplaceable rotor type conforming to ANSI Z21.15-1992 Manually Operated Gas Valves for Appliances, Appliances Connector Valves and Hose End Valves, suitable for outdoor use shall be installed at each crossover point upstream of the connection when listed connectors are used.

(3) The connection(s) may be made by a listed quick disconnect device which shall be designed to provide a positive seal of the supply side of the gas system when such device is separated.

(4) The flexible connector, direct plumbing pipe, or "quick disconnect" device shall be provided with protection from mechanical and impact damage and located to minimize the possibility of tampering.

(5) For gas line cross over connections made with either hard pipe or flexible connectors, the crossover point(s) shall be capped on the supply side to provide a positive seal and covered on the other side with a suitable protective covering.

(6) Suitable protective coverings for the connection device(s) when separated, shall be permanently attached to the device or flexible connector.

(7) When a quick disconnect device is installed, a 3 inch by 1¼ inch minimum size tag made of etched, metal-stamped or embossed brass, stainless steel, anodized or alcalde aluminum not less than 0.020 inch thick or other approved material (e.g., 0.005 inch plastic laminates) shall be permanently attached on the exterior wall adjacent to the access to the "quick disconnect" device. Each tag shall be legibly inscribed with the following information using letters no smaller than ¼ inch high:

Do Not Use Tools To Separate the "Quick-Disconnect" Device

(d) *Gas pipe sizing.* Gas piping systems shall be sized so that the pressure drop to any appliance inlet connection from any gas supply connection, when all appliances are in operation at maximum capacity, is not more than 0.5 inch water column as determined on the basis of test, or in accordance with Table 3280.705(d). When determining gas pipe sizing in the table, gas shall be assumed to have a specific gravity of 0.65 and rated at 1000

B.T.U. per cubic foot. The natural gas supply connection(s) shall be not less than the size of the gas piping but shall be not smaller than ¾ inch nominal pipe size.

(k) *Identification of gas supply connections.* Each manufactured home shall have permanently affixed to the exterior skin at or near each gas supply connection or the end of the pipe, a tag of 3 inches by 1¼ inches minimum size, made of etched, metal-stamped or embossed brass, stainless steel, anodized or alcalde aluminum not less than 0.020 inch thick, or other approved material (e.g., 0.005 inch plastic laminates), which reads as follows. The connector capacity indicated on this tag shall be equal to or greater than the total Btuh rating of all intended gas appliances.

(1) *LP-Gas supply connectors* (1) A listed LP-Gas flexible connection conforming to the UL Standard for Pigtails, and Flexible Hose Connectors for LP-Gas, UL 569—Sixth Edition—1990, or equal shall be supplied when LP-Gas cylinder(s) and regulator(s) are supplied.

(2) *Appliance connections.* All gas burning appliances shall be connected to the fuel piping. Materials as provided in § 3280.705(b) or listed appliance connectors shall be used. Listed appliance connectors when used shall not run through walls, floors, ceilings or partitions, except for cabinetry, and shall be 3 feet or less in length or 6 feet or less for cooking appliances. Connectors of aluminum shall not be used outdoors. A manufactured home containing a combination LP-natural-gas-system may be provided with a gas outlet to supply exterior appliances when installed in accordance with the following:

(ii) The outlet shall be provided with an approved quick-disconnect device, which shall be designed to provide a positive seal on the supply side of the gas system when the appliance is disconnected. A shutoff valve of the nondisplaceable rotor type conforming to ANSI Z21.15-1992, Manually Operated Gas Valves, shall be installed immediately upstream of the quick-disconnect device. The complete device shall be provided as part of the original installation.

(3) *Valves.* A shutoff valve shall be installed in the fuel piping at each appliance inside the manufactured home structure, upstream of the union or connector in addition to any valve on

the appliance and so arranged to be accessible to permit serving of the appliance and removal of its components. The shutoff valve shall be located within 6 feet of a cooking appliance and within 3 feet of any other appliance. A shutoff valve may serve more than one appliance if located as required above. Shut off valves shall be of the nondisplaceable rotor type and conform ANSI Z21.15-1992, Manually Operated Gas Valves.

49. Section 3280.706 is amended by revising paragraphs (b)(1), (b)(3), and (b)(4) to read as follows:

§ 3280.706 Oil piping systems.

(1) Steel or wrought-iron pipe shall comply with ANSI B 36.10-1979, Welded and Seamless Wrought Steel Pipe. Threaded copper or brass pipe in iron pipe sizes may be used.

(3) Copper tubing shall be annealed type, Grade K or L conforming to the Standard Specification for Seamless Copper Water Tube, ASTM B88-93, or shall comply with the Standard Specification for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service, ASTM B280-93.

(4) Steel tubing shall have a minimum wall thickness of 0.032 inch for diameters up to ½ inch and 0.049 inch for diameters ½ inch and larger. Steel tubing shall be constructed in accordance with the Specification for Electric-Resistance-Welded Coiled Steel Tubing for Gas and Field Oil Lines, ASTM, A539-90a, and shall be externally corrosion protected.

50. Section 3280.707 is amended by revising paragraph (d)(2) introductory text to read as follows:

§ 3280.707 Heat producing appliances.

(2) All gas and oil-fired automatic storage water heaters shall have a recovery efficiency, E, and a standby loss, S, as described below. The method of test of E and S shall be as described in Section 2.7 of Gas Water Heaters, Vol. I, Storage Water Heaters with Input/Ratings of 75,000 BTU per hour or less, ANSI Z21.10.1-1990, with addendums Z21.10.1a-1991 and Z21.10.1b-1992 except that for oil-fired units. CF=1.0, Q=total gallons of oil consumed and H=total heating value of oil in BTU/gallon.

51. Section 3280.708 is amended by revising paragraphs (b)(3) and (c)(1) to read as follows:

§ 3280.708 Exhaust duct system and provisions for the future installation of a clothes dryer.

(b) (3) A moisture lint duct system consisting of a complete access space (hole) through the wall or floor cavity with a cap or cover on the interior and exterior of the cavity secured in such a manner that they can be removed by a common household tool shall be provided. The cap or cover in place shall limit air infiltration and be designed to resist the entry of water or rodents. The manufacturer is not required to provide the moisture-lint exhaust duct or the termination fitting. The manufacturer shall provide written instructions to the owner on how to complete the exhaust duct installation in accordance with provisions of § 3280.708(a)(1) through (5).

(c) (1) Provide a roughed in moisture-lint exhaust duct system consisting of a complete access space (hole) through the wall or floor cavity with a cap or cover on the interior and exterior of the cavity which are secured in such a manner that they can be removed by the use of common household tools. The cap or cover in place shall limit air filtration and be designed to resist the entry of water or rodents into the home. The manufacturer is not required to provide the moisture-lint exhaust duct or the termination fitting;

52. Section 3280.709 is amended by revising paragraph (e)(6) to read as follows:

§ 3280.709 Installation of appliances.

(e) (6) When an external heating appliance or combination cooling/heating appliance is to be field installed, the home manufacturer shall make provision for proper location of the connections to the supply and return air systems. The manufacturer is not required to provide said appliance(s). The preparation by the manufacturer for connection to the home's supply and return air system shall include all fittings and connection ducts to the main duct and return air system such that the installer is only required to provide:

- (i) The appliance;
- (ii) Any appliance connections to the home; and
- (iii) The connecting duct between the external appliance and the fitting

installed on the home by the manufacturer. The above connection preparations by the manufacturer do not apply to supply or return air systems designed only to accept external cooling (i.e., self contained air conditioning systems, etc.)

53. Section 3280.710 is amended by revising paragraph (b)(1) and by removing paragraph (g) to read as follows:

§ 3280.710 Venting, ventilation and combustion air.

(b) (1) Components shall be securely assembled and properly aligned at the factory in accordance with the appliance manufacturer's instructions except vertical or horizontal sections of a fuel fired heating appliance venting system that extend beyond the roof line or outside the wall line may be installed at the site. Sectional venting systems shall be listed for such applications and installed in accordance with the terms of their listings and manufacturers' instructions. In cases where sections of the venting system are removed for transportation, a label shall be permanently attached to the appliance indicating the following:

Sections of the venting system have not been installed. Warning-do not operate the appliance until all sections have been assembled and installed in accordance with the manufacturer's instructions.

54. Section 3280.713 is revised to read as follows:

§ 3280.713 Accessibility.

Every appliance shall be accessible for inspection, service, repair, and replacement without removing permanent construction. For those purposes, inlet piping supplying the appliance shall not be considered permanent construction. Sufficient room shall be available to enable the operator to observe the burner, control, and ignition means while starting the appliance.

55. Section 3280.714 is amended by revising paragraph (a) to read as follows:

§ 3280.714 Appliances, cooling.

(a) Every air conditioning unit or a combination air conditioning and heating unit shall be listed or certified by a nationally recognized testing agency for the application for which the unit is intended and installed in accordance with the terms of its listing.

(1) Mechanical air conditioners shall be rated in accordance with the ARI Standard 210/240-89 Unitary Air

Conditioning and Air Source Unitary Heat Pump Equipment and certified by ARI or other nationally recognized testing agency capable of providing follow-up service.

(i) Electric motor-driven unitary cooling systems with rated capacity less than 65,000 BTU/Hr when rated at ARI Standard rating conditions in ARI Standard 210/240-89 Unitary Air-Conditioning and Air-Source Heat Pump Equipment, shall show energy efficiency (EER) values not less than 7.2.

(ii) Heat pumps shall be certified to comply with all the requirements of the ARI Standard 210/240-89 Unitary Air Conditioning and Air Source Unitary Heat Pump Equipment. Electric motor-driven vapor compression heat pumps with supplemental electrical resistance heat shall be sized to provide by compression at least 60 percent of the calculated annual heating requirements for the manufactured home being served. A control shall be provided and set to prevent operation of supplemental electrical resistance heat at outdoor temperatures above 40 F, except for defrost operation.

(iii) Electric motor-driven vapor compression heat pumps with supplemental electric resistance heat conforming to ARI Standard 210/240-89 Unitary Air-Conditioning and Air-Source Heat Pump Equipment shall show coefficient of performance ratios not less than shown below:

COP

| Temperature degrees fahrenheit | Coefficient of performance |
|--------------------------------|----------------------------|
| 47 | 2.5 |
| 17 | 1.7 |
| 0 | 1.0 |

(2) Gas-fired absorption air conditioners shall be listed or certified in accordance with ANSI Standard Z21.40.1-1981 "Gas-fired Absorption Summer Air Conditioning Appliances" with addenda 1a-1982, and certified by a nationally recognized testing agency capable of providing follow-up service.

(3) Direct refrigerating systems serving any air conditioning or comfort-cooling system installed in a manufactured home shall employ a type of refrigerant that ranks no lower than Group 5 in the Underwriters' Laboratories, Inc. "Classification of Comparative Life Hazard of Various Chemicals."

(4) When a cooling or heat pump coil and air conditioner blower are installed with a furnace or heating appliance, they shall be tested and listed in combination for heating and safety

performance by a nationally recognized testing agency.

(5) Cooling or heat pump indoor coils and outdoor sections shall be certified, listed and rated in combination for capacity and efficiency by a nationally recognized testing agency(ies). Rating procedures shall be based on U.S. Department of Energy test procedures.

56. Section 3280.715 is amended by revising paragraph (b)(4) and paragraph (e)(1) to read as follows:

§ 3280.715 Circulating air system.

(b) * * *

(4) *Permanent uncloseable openings.*

Living areas not served by return air ducts or closed off from the return opening of the furnace by doors, sliding partitions, or other means shall be provided with permanent uncloseable openings in the doors or separating partitions to allow circulated air to return to the furnace. Such openings may be grilled or louvered. The net free area of each opening shall be not less than 1 square inch for every 5 square feet of total living area closed off from the furnace by the door or partition serviced by that opening. Undercutting doors connecting the closed-off space may be used as a means of providing return air area. However, in the event that doors are undercut, they shall be undercut a minimum of 2 inches and not more than 2½ inches, as measured from the top surface of the floor decking to the bottom of the door and no more than one half of the free air area so provided shall be counted as return air area.

(e) * * *

(1) Be made of a material classified 94V-0 or 94V-1 when tested as described in Underwriters' Laboratories, Inc., Tests for Flammability of Plastic Materials for Parts in Devices and Appliances, UL 94-Fourth Edition-1991.

Subpart I—Electrical Systems

57. Section 3280.801 is amended by revising paragraphs (a), (b), (c), and (e) to read as follows:

§ 3280.801 Scope.

(a) Subpart I of this standard and part A of Article 550 of the National Electrical Code (NFPA No. 70-1993) cover the electrical conductors and equipment installed within or on manufactured homes and the conductors that connect manufactured homes to a supply of electricity.

(b) In addition to the requirements of this standard and Article 550 of the National Electrical Code (NFPA No. 70-1993) the applicable portions of other Articles of the National Electrical Code shall be followed covering electrical installations in manufactured homes. Wherever the requirements of this standard differ from the National Electrical Code, this standard shall apply.

(c) The provisions of this standard apply to manufactured homes intended for connection to a wiring system nominally rated 120/240 volts, 3-wire AC, with grounded neutral.

(e) Aluminum conductors, aluminum alloy conductors, and aluminum core conductors such as copper clad aluminum; are not acceptable for use in branch circuit wiring in manufactured homes.

58. Section 3280.803 is amended by revising paragraphs (k)(1), the introductory text of paragraph (k)(3), paragraphs (k)(3)(ii) and (k)(3)(iii), and by removing paragraph (l) to read as follows:

§ 3280.803 Power supply.

(k) * * *

(1) One mast weatherhead installation installed in accordance with Article 230 of the National Electrical Code NFPA No. 70-1993 containing four continuous insulated, color-coded, feeder conductors, one of which shall be an equipment grounding conductor; or

(3) Service equipment installed on the manufactured home in accordance with Article 230 of the National Electrical Code NFPA No. 70-1993; and

(ii) Exterior equipment, or the enclosure in which it is installed shall be weatherproof and installed in accordance with Article 373-2 of the National Electrical Code NFPA No. 70-1993. Conductors shall be suitable for use in wet locations;

(iii) The neutral conductor shall be connected to the system grounding conductor on the supply side of the main disconnect in accordance with Articles 250-23, 25, and 53 of NFPA No. 70-1993.

59. Section 3280.804 is amended by revising paragraphs (a), (g)(1)(ii), (i) and (j) and by adding new paragraphs (k) and (l) at the end of the section to read as follows:

§ 3280.804 Disconnecting means and branch-circuit protective equipment.

(a) The branch-circuit equipment shall be permitted to be combined with the disconnecting means as a single assembly. Such a combination shall be permitted to be designated as a distribution panelboard. If a fused distribution panelboard is used, the maximum fuse size of the mains shall be plainly marked with lettering at least ¼-inch high and visible when fuses are changed. See section 110-22 of the National Electrical Code (NFPA No. 70-1993) concerning identification of each disconnecting means and each service, feeder, or branch circuit at the point where it originated and the type marking needed.

(g) * * *
(1) * * *

(ii) Not more than 150 percent of the rating of a single appliance rated 13.3 amperes or more which is supplied by an individual branch circuit; but

(i) When circuit breakers are provided for branch-circuit protection 240 circuits shall be protected by 2-pole common or companion trip, or handle-tied paired circuit breakers.

(j) A 3 inch by 1-3/4 inch minimum size tag made of etched, metal-stamped or embossed brass, stainless steel, anodized or alclad aluminum not less than 0.020 inch thick, or other approval material (e.g., 0.005 inch plastic laminates) shall be permanently affixed on the outside adjacent to the feeder assembly entrance and shall read: This connection for 120/240 Volt, 3-Pole, 4-Wire, 60 Hertz, _____ Ampere Supply. The correct ampere rating shall be marked on the blank space.

(k) When a home is provided with installed service equipment, a single disconnecting means for disconnecting the branch circuit conductors from the service entrance conductors shall be provided in accordance with Part F of Article 230 of the National Electrical Code, NFPA No. 70-1993. The disconnecting means shall be listed for use as service equipment. The disconnecting means may be combined with the disconnect required by § 3280.804(c). The disconnecting means shall be rated not more than the ampere supply or service capacity indicated on the tag required by paragraph (l) of this section.

(l) When a home is provided with installed service equipment, the electrical nameplate required by § 3280.804(j) shall read: "This connection for 120/240 volt, 3 pole, 3 wire, 60 Hertz, _____ Ampere

Supply." The correct ampere rating shall be marked in the blank space.

60. Section 3280.805 is amended by revising paragraphs (a)(1), (a)(2), and (a)(3)(ii), through (v) to read as follows:

§ 3280.805 Branch circuits required.

(a) * * *

(1) Lighting, based on 3 volt-amperes per square foot times outside dimensions of the manufactured home (coupler excluded) divided by 120 volts times amperes to determine number of 15 or 20 ampere lighting area circuits. e.g. [3 × length × width—[120 × (15 or 20)] = number of 15 or 20 ampere circuits.

(2) *Small appliances.* For the small appliance load in kitchen, pantry dining room and breakfast rooms of manufactured homes, two or more 20-ampere appliance branch circuits, in addition to the branch circuit specified in § 3280.805(a)(1), shall be provided for all receptacle outlets in these rooms, and such circuits shall have no other outlets. Receptacle outlets supplied by at least two appliance receptacle branch circuits shall be installed in the kitchen.

(3) * * *

(ii) For fixed appliances on a circuit without lighting outlets, the sum of rated amperes shall not exceed the branch-circuit rating. Motor loads or other continuous duty loads shall not exceed 80 percent of the branch circuit rating.

(iii) The rating of a single cord and plug connected appliances on a circuit having no other outlets, shall not exceed 80 percent of the circuit rating.

(iv) The rating of range branch circuit shall be based on the range demand as specified or ranges in § 3280.811, Item B(5) of Method 1. For central air conditioning, see Article 440 of the National Electrical Code (NFPA No. 70-1993).

(v) Where a laundry area is provided, a 20 ampere branch circuit shall be provided to supply laundry receptacle outlets. This circuit shall have no other outlets. See § 3280.806(a)(7).

61. Section 3280.806 is amended by revising paragraphs (a)(2), (b), (d)(2), (d)(7), and (d)(8) to read as follows:

§ 3280.806 Receptacle outlets.

(a) * * *

(2) Installed according to section 210-7 of the National Electrical Code (NFPA No. 70-1993).

(3) * * *

(b) All 120 volt single phase, 15 and 20 ampere receptacle outlets, including receptacles in light fixtures, installed outdoors, in compartments accessible from the outdoors, in bathrooms, and

within 6 feet of a kitchen sink to serve counter top surfaces shall have ground-fault circuit protection for personnel. Feeders supplying branch circuits may be protected by a ground-fault circuit-interrupter in lieu of the provision for such interrupters specified above. Receptacles dedicated for washer and dryers, also located in a bathroom, are exempt from this requirement.

* * * * *

(d) * * *

(2) Adjacent to the refrigerator and free-standing gas-range space. A duplex receptacle may serve as the outlet for a countertop and a refrigerator.

* * * * *

(7) In laundry areas within 6 feet of the intended location of the appliance(s).

(8) At least one receptacle outlet shall be installed outdoors.

* * * * *

62. Section 3280.807 is amended by revising paragraphs (c) and (e) and by removing paragraph (g) to read as follows:

§ 3280.807 Fixtures and appliances.

* * * * *

(c) If a lighting fixture is provided over a bathtub or in a shower stall, it shall be of the enclosed and gasketed type, listed for wet locations. See also Article 410-4(d) of the National Electrical Code NFPA No. 70-1993.

* * * * *

(e) Any combustible wall or ceiling finish exposed between the edge of a fixture canopy, or pan and an outlet box shall be covered with non-combustible or limited combustible material.

* * * * *

63. Section 3280.808 is amended by revising paragraphs (a) and (m) and by adding new paragraphs (q), (r), and (s) to read as follows:

§ 3280.808 Wiring methods and materials.

(a) Except as specifically limited in this part, the wiring methods and materials specified in the National Electrical Code (NFPA No. 70-1993) shall be used in manufactured homes.

* * * * *

(m) Outlet boxes of dimensions less than those required in Table 370-6(a) of the National Electrical Code (NFPA No. 70-1993) shall be permitted provided the box has been tested and approved for the purpose.

* * * * *

(q) A substantial brace for securing a box, fitting or cabinet shall be as described in the National Electrical Code, NFPA 70-1993 Article 370-13(d), or the brace, including the fastening mechanism to attach the brace to the

home structure, shall withstand a force of 50 lbs. applied to the brace at the intended point(s) of attachment for the box in a direction perpendicular to the surface in which the box is installed.

(r) Outlet boxes shall fit closely to the openings in combustible wall and ceilings with a maximum of a 1/8 inch gap. They shall be flush with the finish surface or project therefrom.

(s) Where the sheathing of NM cable has been cut or damaged and visual inspection reveals that the conductor and its insulation has not been damaged, it shall be permitted to repair the cable sheath with electrical tape which provides equivalent protection to the sheath.

64. Section 3280.809 is amended by revising paragraphs (b)(1) and (b)(2) to read as follows:

§ 3280.809 Grounding.

* * * * *

(b) * * *

(1) The grounded circuit conductor (neutral) shall be insulated from the grounding conductors and from equipment enclosures and other grounded parts. The grounded (neutral) circuit terminals in the distribution panelboard and in ranges, clothes dryers, counter-mounted cooking units, and wall-mounted ovens shall be insulated from the equipment enclosure. Bonding screws, straps, or buses in the distribution panelboard or in appliances shall be removed and discarded. However, when service equipment is installed on the manufactured home, the neutral and the ground bus may be connected in the distribution panel.

(2) Connection of ranges and clothes dryers with 120/240 volt, 3-wire ratings shall be made with 4 conductor cord and 3 pole, 4-wire grounding type plugs, or by type AC metal clad conductors enclosed in flexible metal conduit. For 120 volt rated devices a 3-conductor cord and a 2-pole, 3-wire grounding type plug shall be permitted.

* * * * *

65. Section 3280.810 is revised to read as follows:

§ 3280.810 Electrical testing.

(a) *Dielectric strength test.* The wiring of each manufactured home shall be subjected to a 1-minute, 900 to 1079 volt dielectric strength test (with all switches closed) between live parts and the manufactured home ground, and neutral and the manufactured home ground. Alternatively, the test may be performed at 1080 to 1250 volts for 1 second. This test shall be performed after branch circuits are complete and after fixtures or appliances are installed. Fixtures or appliances which are listed shall not be

required to withstand the dielectric strength test.

(b) Each manufactured home shall be subject to:

- (1) A continuity test to assure that metallic parts are properly bonded;
- (2) Operational test to demonstrate that all equipment, except water heaters, electric furnaces, dishwashers, clothes washers/dryers, and portable appliances, is connected and in working order; and
- (3) Polarity checks to determine that connections have been properly made. Visual verification shall be an acceptable check.

66. Section 3280.811 is amended by revising the introductory text of paragraph (a), paragraph (a)(1), the introductory text of paragraph (a)(5), paragraph (a)(6), the introductory text of paragraph (b), and paragraphs (b)(1) through (b)(5)(iv) to read as follows:

§ 3280.811 Calculations.

(a) The following method shall be employed in computing the supply cord and distribution-panelboard load for each feeder assembly for each manufactured home and shall be based on a 3-wire, 120/240 volt supply with 120 volt loads balanced between the two legs of the 3-wire system. The total load for determining power supply by this method is the summation of:

(1) Lighting and small appliance load as calculated below:

(i) Lighting volt-amperes: Length time width of manufactured home (outside dimensions exclusive of coupler) times 3 volt-amperes per square foot; e.g. Length x width x 3=lighting volt-amperes.

(ii) Small appliance volt-amperes: Number of circuits time 1,500 volt-amperes for each 20-ampere appliance receptacle circuit (see definition of "Appliance Portable" with Note); e.g. Number of circuits x 1,500=small appliance volt-amperes.

(iii) Total volts-amperes: Lighting volts-amperes plus small appliance=total volt-amperes.

(iv) First 3,000 total volts-amperes at 100 percent plus remainder at 35 percent=watts to be divided by 240 volts to obtain current (amperes) per leg.

(5) Derive amperes for free-standing range (as distinguished from separate ovens and cooking units) by dividing values below by 240 volts.

(6) If outlets or circuits are provided for other than factory-installed appliances, include the anticipated load. The following example is given to illustrate the application of this Method of Calculation:

Example. A manufactured home is 70x10 feet and has two portable appliance circuits, a 1000 volt-ampere 240 volt heater, a 200 volt-ampere 120 volt exhaust fan, a 400 volts-ampere 120 volt dishwasher and a 7000 volt-ampere electric range.

| Lighting and small appliance load | Volt-amperes |
|--|--------------|
| Lighting 70x10x3 | 2,100 |
| Small Appliance | 3,000 |
| Total | 5,100 |
| 1st. 3,000 Volt-Amperes at 100% | 3,000 |
| Remainder (5,100 - 3,000) =2,100, at 35% | 735 |
| Total | 3,735 |

| | Amperes per leg A | Amperes per leg B |
|------------------------------------|-------------------|-------------------|
| Lighting and small Appliance | 15.5 | 15.5 |
| Heater 240 volt | 4.1 | 4.1 |
| Fan 120 volt | 1.7 | |
| Dishwasher 120 volt | | 3.3 |
| Range | 23.3 | 23.3 |
| Total | 44.6 | 46.2 |

Note: Based on the higher current calculated for either leg, use one 50-A supply cord.

(b) The following is an optional method of calculation for lighting and appliance loads for manufactured homes served by single 3-wire 120/240 volt set of feeder conductors with an ampacity of 100 or greater. The total load for determining the feeder ampacity may be computed in accordance with the following table instead of the method previously specified. Feeder conductors whose demand load is determined by this optional calculation shall be permitted to have the neutral load determined by section 220-22 of the National Electrical Code (NFPA No. 70-1993). The loads identified in the table as "other load" and as "Remainder of other load" shall include the following:

- (1) 1500 volt-amperes for each 2-wire, 20-ampere small appliance branch circuit and each laundry branch circuit specified.
- (2) 3 volt-amperes per square foot for general lighting and general-use receptacles.
- (3) The nameplate rating of all fixed appliances, ranges, wall-mounted ovens, counter-mounted cooking units, and including 4 or more separately controlled space heating loads.
- (4) The nameplate ampere or kVA rating of all motors and of all low-power-factor loads.
- (5) The largest of the following:
 - (i) Air conditioning load;

(ii) The 65 percent diversified demand of the central electric space heating load;

(iii) The 65 percent diversified demand of the load of less than four separately-controlled electric space heating units.

(iv) The connected load of four or more separately-controlled electric space heating units.

* * * * *
67. Section 3280.813 is amended by revising paragraph (a) to read as follows:

§ 3280.813 Outdoor outlets, fixtures, air-conditioning equipment.

(a) Outdoor fixtures and equipment shall be listed for use in wet locations, except that if located on the underside of the home or located under roof extensions or similarly protected locations, they may be listed for use in damp locations.

* * * * *
68. Section 3280.815 is amended by revising paragraph (b) to read as follows:

§ 3280.815 Polarization.

* * * * *
(b) If the identified (white) conductor of a cable is used for other than grounded conductors or for other than switch loops as explained above (for a 240 volt circuit for example), the conductor shall be finished in a color other than white at each outlet where the conductors are visible and accessible.

* * * * *
Dated: October 18, 1993.
Nicolas P. Ketsinas,
Assistant Secretary for Housing-Federal Housing Commissioner.
[FR Doc. 93-26019 Filed 10-21-93; 8:45 am]
BILLING CODE 4210-27-U

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 206

RIN 3067-AB97

Disaster Assistance; Public Elementary and Secondary School Facilities

AGENCY: Federal Emergency Management Agency, FEMA.
ACTION: Final rule.

SUMMARY: This final rule will provide an exception to FEMA's general practice of deferring to the authority of another Federal agency when both FEMA and the other agency have authority to grant assistance in response to a declared major disaster. This exception is being provided for public elementary and

secondary school facilities that are eligible for assistance from FEMA and from the Department of Education (ED). It will allow FEMA to grant assistance to public schools in major disasters without having to make a special exception for each case. This transfer of responsibility to FEMA from ED will eliminate the overlap of the two programs and the confusion resulting from that overlap.

EFFECTIVE DATE: This final rule is effective on November 24, 1993.

FOR FURTHER INFORMATION CONTACT: Charles B. Stuart, Disaster Assistance Programs, room 714, 500 C Street SW., Washington, DC 20472, (202) 646-3691.

SUPPLEMENTARY INFORMATION: An evaluation of the response to Hurricane Hugo and the Loma Prieta earthquake by FEMA identified difficulties, due to overlapping authorities between FEMA and the Department of Education (ED), for disaster assistance to local school districts. When public school facilities are damaged by a major disaster, ED is authorized to grant assistance for the repair of the academic facilities. Other facilities at the same school are eligible only for FEMA assistance. This overlap of responsibilities caused confusion among local officials as to how much assistance could be expected and from which agency.

Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (Stafford Act), which authorizes the President to grant disaster assistance, FEMA may grant assistance to local governmental agencies, including school districts, for repair of all facilities owned by an agency. To avoid the possible ambiguity of situations like that mentioned above, the two agencies determined that to the extent possible all disaster assistance for public elementary and secondary schools would be consolidated under one agency.

Although FEMA has broad authority under the Stafford Act to grant assistance for the repair and restoration of facilities damaged or destroyed by a major disaster, FEMA regulations provide that it will generally defer to another Federal agency's authority as follows:

§ 206.226(a) Assistance under other Federal agency (OFA) programs. Generally, disaster assistance will not be made available under the Stafford Act when another Federal agency has specific authority to restore facilities damaged or destroyed by an event which is declared a major disaster.

The wording of this subsection allows FEMA to make exceptions to this practice. On the basis of an understanding reached between FEMA

and ED, FEMA has been providing assistance for repair of public elementary and secondary school facilities by making an exception to the deferral to the authority of another Federal Agency in each case since October 1, 1991.

On July 7, 1992, FEMA published in the *Federal Register* at 57 FR 29854 a proposed rule, and invited comments for 60 days ending September 8, 1992. No comments were received and therefore this final rule is unchanged from the proposed rule.

One specific type of assistance would remain the responsibility of ED. The payment of increased current operating expenses and replacement of lost revenues is authorized by 20 U.S.C. 241-1(a), and is implemented by 34 CFR 219.14. The Stafford Act contains no authority to replace lost revenues directly, and thus that form of assistance is not available from FEMA. This type of assistance, however, has seldom been granted by ED in the past.

No change in the amount of assistance granted will occur because all of the assistance formerly granted by ED is eligible under FEMA's program, with the exception noted above. Each applicant will receive the same total amount of assistance from one agency instead of two. The change also will cause no problems to FEMA personnel or local officials in the field. School district officials have been instructed to submit their applications for all assistance to the State emergency management agency, an office they already work with for FEMA assistance.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

I certify that this rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the rule consolidates assistance from two Federal programs, allowing local school district officials to apply for all Federal disaster assistance for which they are eligible through one Federal agency rather than two. The rule is not expected (1) to adversely affect the availability of disaster assistance funding to small entities, (2) to have significant secondary or incidental effects on a substantial number of small entities, nor (3) to create any additional burden on small entities.

Paperwork Reduction Act

This rule does not involve any collection of information for the purposes of the Paperwork Reduction Act.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 206

Administrative practice and procedure, Community facilities, Disaster assistance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 206 is amended as follows:

PART 206—[AMENDED]

1. The authority citation for part 206 continues to read as follows:

Authority: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.*; Reorganization Plan No. 3 of 1978, 5 U.S.C. App. 1; E.O. 12148, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 3 CFR, 1989 Comp., p. 214.

§ 206.226 [Amended]

2. Section 206.226 is amended by revising paragraph (a) to read as follows:

§ 206.226 Restoration of damaged facilities.

* * * * *

(a) *Assistance under other Federal agency (OFA) programs.* (1) Generally, disaster assistance will not be made available under the Stafford Act when another Federal agency has specific authority to restore facilities damaged or destroyed by an event which is declared a major disaster.

(2) An exception to the policy described in paragraph (a)(1) of this section exists for public elementary and secondary school facilities which are otherwise eligible for assistance from the Department of Education (ED) under 20 U.S.C. 241-1 and 20 U.S.C. 646. Such facilities are also eligible for assistance from FEMA under the Stafford Act, and grantees shall accept applications from local educational agencies for assistance under the Stafford Act.

(3) The exception does not cover payment of increased current operating expenses or replacement of lost revenues as provided in 20 U.S.C. 241-1(a) and implemented by 34 CFR

219.14. Such assistance shall continue to be granted and administered by the Department of Education.

Dated: October 15, 1993.
 James L. Witt,
 Director.
 [FR Doc. 93-26114 Filed 10-22-93; 8:45 am]
 BILLING CODE 6710-02-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[DA93-1179]

List of Office of Management and Budget Approved Information Collection Requirements

AGENCY: Federal Communications Commission.
 ACTION: Final rule.

SUMMARY: This action amends the Commission's list of Office of Management and Budget approved information collection requirements contained in the Commission's Rules.

This action will provide the public with a current list of information collection requirements in the Commission's Rules which have OMB approval and a current list of OMB-approved information collection requirements which do not have an FCC form number or rule section associated with it.

EFFECTIVE DATE: October 25, 1993.

FOR FURTHER INFORMATION CONTACT: Judy Boley, Office of Managing Director, (202) 632-7513.

SUPPLEMENTARY INFORMATION:

Order

In the Matter of Editorial amendment of list of Office of Management and Budget approved information collection requirements contained in part 0 of the Commission's Rules.

By the Managing Director:

Adopted: October 14, 1993
 Released: October 15, 1993

1. Section 3507(f) of the Paperwork Reduction Act of 1980, as amended, 44 U.S.C. 3507(f), requires agencies to display a current control number assigned by the Director of the Office of Management and Budget ("OMB") for each agency information collection requirement.

2. Section 0.408 of the Commission's Rules displays the OMB control numbers assigned to the Commission's non-form information collection requirements. OMB control numbers assigned to Commission forms are not

listed in this section since those numbers appear on the forms.

3. This Order amends § 0.408 to remove listings of information collections which the Commission has eliminated and to add listings of new information collections which OMB has approved.

4. Authority for this action is contained in section 4(i) of the Communications Act of 1934 (47 U.S.C. 154(i)), as amended, and § 0.231(d) of the Commission's Rules. Since this amendment is a matter of agency organization procedure or practice, the notice and comment and effective date provisions of the Administrative Procedure Act do not apply. See 5 U.S.C. 553(b)(A)(d).

5. Accordingly, it is ordered, That § 0.408 of the Rules is amended as set forth in the Amendatory text, effective on the date of publication in the Federal Register.

List of Subjects in 47 CFR Part 0

Reporting and recordkeeping requirements.

Federal Communications Commission.

Andrew S. Fishel,
 Managing Director.

Amendatory Text

Part 0 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read:

Authority: Secs. 4, 303, 48 Stat. 1068, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted.

2. Section 0.408, paragraph (b) is amended by removing the following rule sections and their corresponding control numbers.

§ 0.408 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(b) * * *

| 47 CFR part or section where identified and described | Current OMB Control No. |
|---|-------------------------|
| 1.720-1.734 | 3060-0411 |
| 1.1107 | 3060-0440 |
| 1.1404 | 3060-0392 |
| 1.1408 | 3060-0392 |
| 15.31(a) | 3060-0428 |

| 47 CFR part or section where identified and described | Current OMB Control No. |
|---|-------------------------|
| 15.214(d)(3) | 3060-0438 |
| 15.233 | 3060-0324 |
| 15.644 | 3060-0372 |
| 21.290 | 3060-0388 |
| 25.391 | 3060-0343 |
| 63.07 | 3060-0408 |
| 64.904 | 3060-0470 |
| 74.903 | 3060-0464 |
| 74.985(a) | 3060-0464 |
| 74.985(b), (c), & (g) | 3060-0464 |
| 80.59 | 3060-0288 |
| 80.605 | 3060-0325 |
| 90.14(b) | 3060-0218 |
| 90.16 | -3060-0401 |

3. Section 0.408, paragraph (b) is amended by adding the following rule sections and their corresponding OMB control to read as follows.

(b) * * *

| 47 CFR part or section where identified and described | Current OMB Control No. |
|---|-------------------------|
| 1.720-1.735 | 3060-0411 |
| 1.1401-1.1415 | 3060-0392 |
| 2.975(a)(8) | 3060-0532 |
| 2.1033(b)(12) | 3060-0532 |
| 13.217 | 3060-0537 |
| 15.31 | 3060-0428 |
| 15.214(c) | 3060-0438 |
| Part 21 | 3060-0208 |

| 47 CFR part or section where identified and described | Current OMB Control No. | 47 CFR part or section where identified and described | Current OMB Control No. | 47 CFR part or section where identified and described | Current OMB Control No. |
|---|-------------------------|---|-------------------------|---|-------------------------|
| 21.15(a) | 3060-0543 | 64.904 | 3060-0384 | 80.59 | 3060-0228 |
| 21.33(d) | 3060-0543 | | | | |
| 21.902(c)(i)-(ii) | 3060-0543 | 64.1200 | 3060-0519 | 80.1053(c) | 3060-0398 |
| 21.915 | 3060-0543 | 68.318 | 3060-0519 | 88.309(c) | 3060-0523 |
| Part 22 | 3060-0150 | 74.985 | 3060-0465 | 88.1011 | 3060-0524 |
| 43.21(c) | 3060-0514 | 76.59 | 3060-0546 | 88.1019(a) | 3060-0525 |
| 43.21(d) | 3060-0515 | 76.61 | 3060-0547 | 88.1019(b) | 3060-0522 |
| 43.82 | 3060-0575 | 76.302 | 3060-0548 | 90.41(b) | 3060-0218 |
| 61.20 | 3060-0540 | 76.701 | 3060-0544 | 90.127(e) | 3060-0520 |
| 61.21 | 3060-0540 | 76.911 | 3060-0560 | 90.607 | 3060-0517 |
| 61.22 | 3060-0540 | 76.913 | 3060-0561 | | |
| 61.23 | 3060-0540 | 76.915 | 3060-0563 | 90.631 | 3060-0518 |
| 63.01(k)(6) | 3060-0495 | 76.916 | 3060-0562 | | |
| 63.01(r) | 3060-0495 | 76.924 | 3060-0564 | | |
| 63.07 | 3060-0448 | 76.944 | 3060-0565 | | |
| 63.11 | 3060-0495 | 76.952 | 3060-0566 | | |
| 63.13 | 3060-0495 | 76.962 | 3060-0567 | | |
| 64.604(c)(4)(iii) (A)-(K) | 3060-0536 | 76.970 | 3060-0568 | | |
| | | 76.975 | 3060-0569 | | |
| | | 76.982 | 3060-0570 | | |
| | | 78.1002 | 3060-0551 | | |
| | | 76.1003 | 3060-0552 | | |

4. Section 0.408, paragraph (c) is amended by adding the following miscellaneous information and their corresponding OMB control numbers to read as follows:
 * * * * *
 (c) * * *

| Description of miscellaneous information collections | Current OMB Control No. |
|---|-------------------------|
| Monitoring Program for Impact of Federal-State Joint Board Decisions | 3060-0391 |
| Regional Plans for Public Safety Services (General Docket No. 87-112) | 3060-0401 |
| Filing Procedures for Mobile Services Division Applications, Amendment of Part 22 of FCC Rules | 3060-0420 |
| Price Cap Rules (CC Docket No. 87-313) | 3060-0421 |
| Amendment of Part 22 of the Commission's Rules to Establish Standards for Conducting Comparative Cellular Renewal Proceedings (CC Docket No. 90-358) | 3060-0457 |
| Telecommunications Services for Individuals with Hearing and Speech Disabilities and the Americans with Disabilities Act of 1990 (ADA) (CC Docket No. 90-571) | 3060-0463 |
| Amendment of Parts 21, 43, 74, 78 & 94 of the Commission's Rules Governing Use of the Frequencies in the 2.1 and 2.5 GHz Bands Affecting: Private Operational-Fixed Microwave | 3060-0464 |
| Policies and Rules Concerning Operator Service Providers (CC Docket No. 90-313-Phase II) | 3060-0468 |
| Computer III Remand Proceedings: Bell Operating Company Safeguards, and Tier 1 Local Exchange Company Safeguards (CC Docket No. 90-623) | 3060-0470 |
| Evaluation of the Syndication and Financial Interest Rules (MM Docket No. 90-162) | 3060-0479 |
| Amendment of Part 22 of the Commission's Rules to Provide for Filing and Processing of Applications for Unserved Areas in the Cellular Service | 3060-0485 |
| Regulation of International Common Carrier Services (CC Docket No. 91-360) | 3060-0495 |
| ARMIS Access Report (FCC Report 43-04) | 3060-0511 |
| ARMIS Quarterly Report (FCC Report 43-01) | 3060-0512 |
| ARMIS Joint Cost Report (FCC Report 43-03) | 3060-0513 |
| Revision of Radio Rules and Policies, Time Brokerage Ruling | 3060-0516 |
| Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 (CC Docket No. 92-90) | 3060-0519 |
| Density Pricing Zone Plans, Expanded Interconnection with Local Telephone Company Facilities (CC Docket No. 91-141) | 3060-0526 |
| Expanded Interconnection with Local Exchange Companies Facilities, Memorandum of Opinion and Order, (CC Docket No. 91-141) | 3060-0530 |
| Rules and Requirements for Telecommunications Relay Services, (TRS) Interstate Cost Recovery | 3060-0536 |
| Tariff Filing Requirements for Nondominant Common Carriers | 3060-0540 |
| Amendment of Parts 1, 2, and 21 of the Commission's Rules Governing Use of the Frequencies in the 2.1 and 2.5 GHz Bands | 3060-0543 |
| Amendment of the Part 69 Allocation of General Support Facility Costs | 3060-0553 |

| Description of miscellaneous information collections | Current OMB Control No. |
|---|-------------------------|
| International PSN Quarterly Reports | 3060-0559 |
| Commission Requirements for Cost Support Material to be Filed with Local Transport Access Tariffs | 3060-0575 |

[FR Doc. 93-26098 Filed 10-22-93; 8:45 am]

BILLING CODE 0712-01-M

Proposed Rules

Federal Register

Vol. 58, No. 204

Monday, October 25, 1993

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 98

[Docket No. 93-032-1]

Importation of Certain Animal Semen

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to prohibit the importation of animal semen from any country other than the country in which it was collected. We believe this action will help prevent the introduction of exotic animal diseases into the United States.

DATES: Consideration will be given only to comments received on or before December 27, 1993.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 93-032-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are encouraged to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Roger Perkins, Staff Veterinarian, Import-Export Products Staff, VS, APHIS, USDA, room 765B, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-4325.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 98 (referred to below as the regulations) govern the importation of animal germ plasm so as to prevent the introduction

of contagious diseases of livestock or poultry into the United States. Subparts A and B of part 98 apply to certain animal embryos and subpart C applies to certain animal semen.

Subparts A and B require that embryos be imported only from the country in which they were conceived and collected. This requirement enhances our ability to ensure that embryos destined for the United States are produced by animals free of disease and are collected and shipped under conditions adequate to prevent their contamination by disease organisms. Because subpart C currently has no comparable requirement for animal semen imports, we are proposing to require that animal semen be imported into the United States only from the country in which it was collected. This would allow us to achieve the control over semen collection and transport necessary to ensure that imports would not present a significant risk of introducing livestock or poultry diseases into this country.

Primarily, this proposed rule would help us to avoid risks stemming from the currently permissible importation of animal semen from a country other than the country of collection, when neither country is affected with rinderpest or foot-and-mouth disease. In a recent importation of this type, we found we needed additional information about the origin of the semen and its collection before we could allow it to be imported. As a result, the animal health officials of the exporting country had to contact the national veterinary service of the country of collection to require further testing and obtain further data. We believe this sort of convoluted process exposes the United States to the risk of animal disease being introduced inadvertently through the import of contaminated semen.

Because we are particularly concerned about preventing the introduction of rinderpest and foot-and-mouth disease, the importation of animal semen from countries affected with either, or both, of these diseases is prohibited, unless the strict procedures specified in § 98.34 of the regulations are followed. Nevertheless, we frequently receive requests to import from countries free of rinderpest and foot-and-mouth disease animal semen that was previously collected in countries affected by these diseases. We

must deny these requests since, under § 98.34 of the regulations, animal semen originating in affected countries may be imported into the United States only if it is collected under the supervision of a United States Department of Agriculture veterinarian and only if the semen is transferred directly from the collection site to the port of New York. Furthermore, we believe that some countries free of these diseases do not enforce animal semen import regulations adequate to prevent the importation of contaminated animal semen from affected countries. This rule would not affect the regulations governing the importation of animal semen collected in countries affected by rinderpest and foot-and-mouth disease. It would, however, clarify that the prohibition on such imports into the United States applies to all animal semen imported from an affected country into a country free of rinderpest and foot-and-mouth disease.

The regulations require that importers wishing to import animal semen into the United States apply for a permit from the Animal and Plant Health Inspection Service (APHIS). Previously, the permit application required importers to present information attesting to the health and origin of the donor animal, but not concerning the location of semen collection. In a document published in the *Federal Register* on July 13, 1993, and effective on August 12, 1993, (58 FR 37642-37644, Docket No. 92-128-2), we amended the regulations by requiring that all imported animal semen be accompanied by a health certificate. The health certificate does not require any additional tests or examinations, but does provide the location, date, and other details regarding the collection of animal semen for import into the United States. This certificate will help us to enforce the rule proposed in this document and further ensure the safety of imported animal semen.

We are also proposing to revise the language in one section of the regulations regarding animal semen import permits. The first sentence under § 98.34(a)(3) states that APHIS may deny permit applications for the import of animal semen into the United States because of "[c]ommunicable disease conditions in the area or country of origin, or in a country where the shipment has been or will be held or

through which the shipment has been or will be transported." Because our proposal would prohibit the import of animal semen from any country other than the country in which it was collected, neither could it allow imported animal semen to be held in any country, other than the country of its collection, while in transit to the United States. Therefore, we propose to remove from § 98.34(a)(3) references to countries where animal semen import shipments have been or will be held.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this proposed rule would have an effect on the economy of less than \$100 million; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

We anticipate that the provisions of this proposed rule, if adopted, would have little or no economic effect. The proposed prohibition against importing animal semen from a country other than the country in which it was collected would not affect significantly the cost of doing business for importers. This proposal would only require them to import animal semen directly from the country in which it was collected; no countries currently allowed to export animal semen under the various regulations would be excluded as a source of animal semen as a result of this proposal.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings

will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This document contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 98

Animal diseases, Imports.
Accordingly, 9 CFR part 98, subpart C, would be amended as follows:

PART 98—IMPORTATION OF CERTAIN ANIMAL EMBRYOS AND ANIMAL SEMEN

1. The authority citation for part 98 would be revised to read as follows:

Authority: 7 U.S.C. 1622; 21 U.S.C. 103, 104, 105, 111, 134a, 134b, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

2. The undesignated paragraph in § 98.31 would be designated as paragraph (a) and a new paragraph (b) would be added to read as follows:

§ 98.31 General prohibitions; exceptions.

(a) * * *

(b) Animal semen may not be imported into the United States from any country other than the country in which it was collected.

§ 98.34 [Amended]

3. In § 98.34, paragraph (a)(3), the first sentence would be amended by removing the phrase "where the shipment has been or will be held or".

Done in Washington, DC, this 18 day of October 1993.

Patricia Jensen,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93-26119 Filed 10-22-93; 8:45 am]

BILLING CODE 3410-34-P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 360

RIN 3064-AB24

Receivership Rules

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Board of Directors (Board) of the Federal Deposit Insurance Corporation (FDIC) is issuing a proposed regulation required by section 141 of the FDIC Improvement Act of 1991 (FDICIA) on the least-cost

resolution of failed and failing depository institutions insured by the FDIC. The intended effect of the proposed rule is to comply with the statutory requirement of prescribing regulations on the prohibition against increasing losses to the insurance funds by protecting uninsured depositors and non-depositor creditors of insured depository institutions.

DATES: Written comments must be received by the FDIC on or before November 24, 1993.

ADDRESSES: Written comments shall be addressed to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550-17th Street, NW., Washington, DC, 20429. Comments may be hand-delivered to room F-400, 1776 F Street, NW., Washington, DC 20429, on business days between 8:30 a.m. and 5 p.m. (FAX number: (202) 898-3838). Comments will be available for inspection in room 7118, 550-17th Street, NW., Washington, DC between 9 a.m. and 4:30 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Gail Patelunas, Assistant Director, Division of Resolutions (202/898-6779), Sean Forbush, Resolution Specialist, Division of Resolutions (202/898-8506), David Gearin, Senior Counsel, Legal Division (202/898-3621), Ruth R. Amberg, Senior Counsel, Legal Division (202/898-3736) or Joseph A. DiNuzzo, Senior Attorney, Legal Division (202/898-7349), Federal Deposit Insurance Corporation, Washington, DC, 20429.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

No collections of information pursuant to section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) are contained in this notice. Consequently, no information has been submitted to the Office of Management and Budget for review.

Regulatory Flexibility Act

The Board hereby certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). It will not impose burdens on depository institutions of any size and will not have the type of economic impact addressed by the Act. Accordingly, the Act's requirements regarding an initial and final regulatory flexibility analysis (*Id.* at 603 & 604) are not applicable here.

Background

Section 141 of FDICIA (Pub. L. 102-242, 105 Stat. 2236 (1991)) amended

section 13(c) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)) to, among other things, require that the assistance provided by the FDIC under section 13(c) of the FDI Act be "necessary" to meet the FDIC's obligation to provide insurance coverage for insured deposits in a failed or failing institution and that the resolution be the "least costly" to the deposit insurance fund of "all possible methods" of meeting that obligation. This least-cost resolution requirement, set forth in section 13(c)(4)(A) of the FDI Act, became effective immediately upon the enactment of FDICIA on December 19, 1991.

Section 141 also amended section 13(c) of the FDI Act to prohibit the FDIC from taking any direct or indirect action after December 31, 1994 (or such earlier time as the FDIC determines to be appropriate), with regard to any insured depository institution, that would have the effect of increasing losses to either the Bank Insurance Fund or the Savings Association Insurance Fund by protecting depositors for more than the insured portion of their deposits or creditors other than depositors. 12 U.S.C. 1823(c)(4)(E) (Section 13(c)(4)(E)).

Section 13(c)(4)(E) requires that the FDIC prescribe regulations to implement the requirement no later than January 1, 1994, and that the regulations become effective no later than January 1, 1995.

The FDICIA amendments to the FDI Act created a "systemic risk" exception to sections 13(c)(4)(A) and (E) of the FDI Act which may be invoked only if the Secretary of the Treasury, acting in consultation with the President and on the recommendation of two-thirds of the members of the Board and the Board of Governors of the Federal Reserve System, determines that the transaction is necessary to avoid "serious adverse effects on economic conditions or financial stability". Costs of such a transaction are to be recovered through special assessments on insured institutions on a broad deposit base which includes foreign deposits. 12 U.S.C. 1823(c)(4)(G). This provision has not been invoked to date.

FDICIA's least-cost resolution requirements arose from a Congressional effort to stem insurance fund losses and to instill depositor discipline in the banking industry. Prior to the passage of FDICIA, the FDIC could pursue any resolution alternative as long as it was less costly than liquidating the institution. Thus, when faced with several proposals that satisfied the cost test, the FDIC could have selected, for policy reasons (such as minimizing community disruption), a more

expensive proposal than the least cost resolution. In many cases effected prior to the enactment of FDICIA, the resolutions involved an acquiring institution's assumption of both insured and uninsured deposits and resulted in no losses for uninsured depositors. Of the 124 banks closed in 1991, approximately 16 percent of the failures involved a loss for uninsured depositors.

Since the enactment of FDICIA, the FDIC has adhered to the least-cost requirements of FDICIA. In resolving institutions, the FDIC typically solicits bids for both total deposits and insured deposits only, evaluating all bids received and selecting the least costly. Therefore, in cases where the uninsured deposits are passed to the assuming institution, it is because that resolution transaction represented the least costly of all possible resolution alternatives.

During 1992, the FDIC resolved 120 bank failures and provided open bank assistance to two institutions in danger of failing.

Uninsured depositors were made whole in 50 percent of the 1992 failures. For the first eight months of 1993, 30 of the 34 bank failures have been resolved in transactions covering only insured deposits.¹

The Proposed Rule

The proposed rule adds a new section to Part 360 of the FDIC's regulations stating the prohibition in section 13(c)(4)(E) of the FDI Act on taking any action under section 13(c) of the FDI Act that would have the effect of increasing losses to any insurance fund by protecting uninsured depositors or non-depositor creditors of a failed or failing depository institution. In addition, the proposed rule references the systemic risk exception to the prohibition.

The proposed rule also includes the provision of section 13(c)(4)(E) of the FDI Act which makes clear that the prohibition shall not be construed as prohibiting the FDIC from engaging in purchase and assumption transactions under which uninsured deposits may be acquired so long as the loss to the insurance fund on those uninsured

deposits is less than if the institution had been liquidated and the insured deposits were paid. Since section 13(c)(4)(A) and its least-cost rule of comparison will continue in effect after the implementation of section 13(c)(4)(E), the question may arise how these two provisions will interrelate. The FDIC believes that by complying with the more general least cost requirements of section 13(c)(4)(A) of the FDI Act, it also has complied fully with the prohibition of Section 13(c)(4)(E). Under the latter provision, the FDIC is prohibited from protecting uninsured deposits and creditors other than depositors only if doing so "would have the effect of increasing losses to any insurance fund." In the FDIC's view, the more general least cost requirements of section 13(c)(4)(A) already prohibit the FDIC from protecting creditors other than insured depositors if it would have the effect of increasing, rather than decreasing, losses to the applicable deposits insurance fund. Consequently, it is the FDIC's view that Section 13(c)(4)(E) is subsumed in the more general least cost provisions of Section 13(c)(4)(A) and has no independent operative effect.

Because the FDIC currently complies with the least cost requirements of section 13(c) (as imposed by section 141 of FDICIA), the Board proposes to make the final rule effective thirty days after the final rule is issued.² As noted above, section 13(c)(4)(E) requires that the final rule be issued no later than January 1, 1994. The proposed effective date would satisfy the requirement in section 13(c)(4)(E) that the FDIC regulations on that provision take effect no later than January 1, 1995.

Request for Public Comment

The FDIC is hereby requesting comment during a 30-day comment period on all aspects of the proposed rule.

List of Subjects in 12 CFR Part 360

Savings and loan associations.

The Board of Directors of the Federal Deposit Insurance Corporation hereby proposes to amend part 360 of chapter III of title 12 of the Code of Federal Regulations as set forth above.

PART 360—RESOLUTION AND RECEIVERSHIP RULES

1. The title of Part 360 is revised to read as follows:
2. The authority citation for Part 360 is revised to read as follows:

² A thirty-day delayed effective date complies with the general rulemaking requirements of the Administrative Procedure Act. 5 U.S.C. 553(d).

¹ Recently a national depositor preference statute was enacted amending the FDI Act to provide for a depositor preference for amounts realized from the liquidation or other resolution of FDIC-insured institutions. Public Law 103-66, 107 Stat. 312 (August 10, 1993). This new law will not directly affect the proposed rule (which applies to corporate actions affecting only the deposit insurance funds); however, the national depositor preference statute will elevate all depositors' claims over those of other unsecured creditors. Thus, uninsured depositors receiving receivership certificates may recover a greater percentage of their claims than they would have prior to the enactment of the national depositor preference statute.

Authority: Sec. 401(h), Pub. L. 101-73, 103 Stat. 357; 12 U.S.C. 1821(d)(11), 1823(c)(4).

§§ 360.1-360.3 [Redesignated as §§ 360.2-360.4]

3. Sections 360.1, 360.2 and 360.3 are redesignated as §§ 360.2, 360.3 and 360.4, respectively, and a new § 360.1 is added to read as follows:

§ 360.1 Least-cost resolution.

(a) *General rule.* Except as provided in section 13(c)(4)(G) of the FDI Act (12 U.S.C. 1823(c)(4)(G)), the FDIC shall not take any action, directly or indirectly, with respect to any insured depository institution that would have the effect of increasing losses to any insurance fund by protecting:

(1) Depositors for more than the insured portion of their deposits (determined without regard to whether such institution is liquidated); or

(2) Creditors other than depositors.

(b) *Purchase and assumption transactions.* Subject to the requirement of section 13(c)(4)(A) of the FDI Act (12 U.S.C. (c)(4)(A)), paragraph (a) of this section shall not be construed as prohibiting the FDIC from allowing any person who acquires any assets or assumes any liabilities of any insured depository institution, for which the FDIC has been appointed conservator or receiver, to acquire uninsured deposit liabilities of such institution as long as the applicable insurance fund does not incur any loss with respect to such uninsured deposit liabilities in an amount greater than the loss which would have been incurred with respect to such liabilities if the institution had been liquidated.

By order of the Board of Directors.

Dated at Washington, DC., this 19th day of October, 1993.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 93-26178 Filed 10-22-93; 8:45 am]
BILLING CODE 6714-01-P

**FEDERAL FINANCIAL INSTITUTIONS
EXAMINATION COUNCIL**

12 CFR Part 1102

[Docket No. AS93-2]

**Appraisal Subcommittee; Appraiser
Regulation; Freedom of Information
Act Implementation**

AGENCY: Appraisal Subcommittee,
Federal Financial Institutions
Examination Council.

ACTION: Proposed rules.

SUMMARY: The Appraisal Subcommittee ("ASC") of the Federal Financial Institutions Examination Council is proposing amendments to the portions of its regulations regarding the Freedom of Information Act (FOIA), to enable interested persons: To obtain copies of ASC final opinions and orders in adjudications, statements of general policy not published in the Federal Register, interpretive, no-action requests and responses and certain other correspondence related to ASC field reviews; to request confidential treatment of information subject to a FOIA request; and to petition for the issuance, amendment or repeal of an ASC rule.

DATES: Comments must be received on or before December 9, 1993.

ADDRESSES: Persons wishing to submit written comments should file them with Edwin W. Baker, Executive Director, or Marc L. Weinberg, General Counsel, at (202) 634-6520, Appraisal Subcommittee, 2100 Pennsylvania Avenue, NW., suite 200, Washington, DC 20037. All comment letters should refer to Docket No. AS93-2. All comments received will be available for public inspection and copying at the above location.

FOR FURTHER INFORMATION CONTACT: Edwin W. Baker, Executive Director, or Marc L. Weinberg, General Counsel, at (202) 634-6520, Appraisal Subcommittee, 2100 Pennsylvania Avenue, NW., suite 200, Washington, DC 20037.

SUPPLEMENTARY INFORMATION:

I. Background and Authority

FOIA, 5 U.S.C. 552, generally requires each Federal agency to make available to the public information regarding its organization, operation, rules of procedure, substantive rules and interpretations of general applicability and statements of general policy. 5 U.S.C. 552(a)(1). In addition, each agency, in accordance with published rules, must "make available for public inspection and copying—(A) final opinions, * * * as well as orders, made in the adjudication of cases; (B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and (C) administrative staff manuals and instructions to staff that affect a member of the public * * *." 5 U.S.C. 552(a)(2). Certain documents and portions thereof, however, can be withheld from disclosure under one or more statutory exemptions set out in

FOIA, 5 U.S.C. 552(b), or the Privacy Act of 1974, 5 U.S.C. 553a.¹

Executive Order No. ("EO") 12600, 52 FR 23781 (June 23, 1987), generally requires each agency subject to FOIA to establish procedures to notify submitters of records containing confidential commercial information when those records are requested under FOIA and the agency determines that the information may be required to disclose that information.

Paragraph (e) of 5 U.S.C. 553 requires each agency to give an interested person the right to petition for the issuance, amendment or repeal of a rule.

II. Description of the Proposed Amendments

The ASC is proposing technical amendments to subpart D—new §§ 1102.305, .306 and .307—to implement the provisions summarized above. In that regard, proposed § 1102.305 would clarify that certain written communications, such as the ASC's annual report to Congress; all final opinions and orders made in the adjudication of cases; all statements of general policy not published in the Federal Register; and incoming and outgoing correspondence concerning interpretive, no-action and State review matters, shall be made publicly available on a routine basis no sooner than 20 business days after the ASC or its staff sends or gives the item of correspondence to be affected person or persons.

Next, the ASC is proposing § 1102.306, consistent with EO 12600, to provide predisclosure notification procedures for confidential commercial information. Under paragraph (a) of the new section, a submitter of written information to the ASC who wants some or all of that information to be treated as confidential information under 5 U.S.C. 552(b)(4) may file a request for confidential treatment with the ASC at the time the information is submitted to the ASC or soon thereafter. Confidential information means "trade secrets and commercial or financial information obtained from a person and privileged or confidential," as stated § 552(b)(4).

New paragraphs (b) and (c) of § 1102.306 would deal with the form of the request. They would require the submitter to include in reasonable detail the facts and arguments supporting the request and its legal justification, to

¹ On December 14, 1992, the ASC adopted 12 CFR part 1102, subpart D, implementing the ASC's basic program for complying with FOIA. See 57 FR 60722 (December 22, 1992). And, on August 7, 1992, the ASC adopted 12 CFR part 1102, subpart C, implementing the Privacy Act. See 57 FR 36356 (August 13, 1992).

designate clearly all information considered confidential and to separate clearly such information from other non-confidential information.

Paragraph (d) of the proposed section notes that a request for confidential treatment will be considered by the ASC only in connection with a FOIA request for access to the claimed confidential information under FOIA. That is, the ASC would not determine whether the request for confidential treatment should be granted or denied, in whole or in part, when the request is received by the ASC. The ASC, however, would process the request upon receipt to ensure that it is complete and would place it with the related information submission. If a FOIA request were made respecting that information, the ASC then would be required to send written notices to the submitter and the FOIA requester. The submitter would have no longer than ten business days to file written objections to the ASC's disclosure of the information. (The ASC could provide a submitter with a notice even if the submitter did not request confidential treatment of the requested information. The ASC, however, would have to have substantial reason to believe that disclosure of the requested information would result in substantial competitive harm to the submitter.) These notice requirements would not have to be followed under certain stated circumstances, such as if the ASC determines under this subpart that the information should not be disclosed. The ASC must carefully consider the issues involved, and if disclosure of the requested information is warranted, a written notice, containing a brief description of why the submitter's objections were not sustained, must be forwarded to the submitter within ten business days. The time for response may be extended up to ten additional business days, as provided in 5 U.S.C. 552(a)(6)(B), or for other periods by agreement between the submitter and the ASC. This notice shall be provided to the submitter at least five business days prior to release of the requested information. Last, the ASC would be required to notify a submitter promptly of any filing of any suit against the ASC pursuant to 5 U.S.C. 552 to compel disclosure of documents or information covered by the submitter's request for confidential treatment, and conversely, would be required to notify the requester of the documents or information of any suit filed by the submitter against the ASC to enjoin disclosure.

Finally, proposed § 307 would provide an interested person with the right to petition the ASC for the

issuance, amendment or repeal of a rule, thus implementing 5 U.S.C. 553(e).

III. Conclusion

The ASC is proposing the amendments to subpart D of part 1102 to implement 5 U.S.C. 552 and 553(e) and EO 12600 and welcomes public comment on the proposals.

IV. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. 35, forms, reporting and recordkeeping requirements included in proposed 12 CFR part 1102, subpart D, §§ 1102.305, 1102.306 and 1102.307 were submitted for review and approval to the Office of Management of Budget. No person may be subjected to a penalty for failure to comply with these information collection requirements until they have been approved and assigned an OMB control number. The OMB control number, when assigned, will be announced in the *Federal Register*. The public reporting burden for the collection of information requirements contained in this proposed rule is estimated to include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. The proposals would enhance the ASC's FOIA program, would conform the ASC's rules and regulations to EO 12600, and would specifically provide for the public's petition rights under 5 U.S.C. 553(e). The estimated number of respondents each year is 100 for proposed § 1102.305, two for proposed § 1102.306 and one for proposed § 1102.307, with an estimated average reporting burden of .5 hours per response and an estimated annual total reporting burden of 51.5 hours. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the ASC at the address provided above, and to Gary Waxman, Clearance Officer, Office of Management and Budget New Executive Office Building, room 3228, Washington, DC 20503.

V. Regulatory Flexibility Act Statement

Pursuant to section 605(b) of the Regulatory Flexibility Act, the ASC certifies that proposed §§ 1102.305, 1102.306 and 1102.307 are not expected to have a significant economic impact on a substantial number of small entities. The proposals would fully implement FOIA, EO 12600 and 5 U.S.C. 553(e). None of these authorities addresses business or corporate entities.

Accordingly, a regulatory flexibility analysis is not required.

VI. EO 12291 Statement

The ASC has determined that the proposed amendments to subpart D would not constitute a "major rule" within the meaning of EO 12291. Accordingly, a Regulatory Impact Analysis is not required on the grounds that the amendments: (1) Would not have an annual effect on the economy of \$100 million or more; (2) would not result in a major increase in the cost of financial institution operations or governmental supervision; and (3) would not have a significant adverse effect on competition (foreign or domestic), employment, investment, productivity or innovation, within the meaning of the Executive Order.

List of Subjects in 12 CFR Part 1102

Administrative practice and procedure, Appraisers, Banks, banking, Freedom of information, Mortgages, Reporting and recordkeeping requirements

Text of the Proposed Rule

Chapter XI, title 12, part 1102, subpart D of the Code of Federal Regulations is amended as set forth below:

PART 1102—APPRAISER REGULATION

Subpart D—Description of Office, Procedures, Public Information

1. The authority citation for subpart D is revised to read as follows:

Authority: 5 U.S.C. 552, 553(e); Executive Order 12600, 52 FR 27381 (3 CFR, 1987 Comp; p. 235).

2. New sections 1102.305, 1102.306 and 1102.307 are added to read as follows:

§ 1102.305 Availability of interpretive, no-action and other written communications.

(a) *In general.* Subject to the provisions of § 1102.304 and subpart C. of this part certain types of ASC written communications shall be made publicly available upon request.

(b) *Types of written communications.* The following types of written communications shall be subject to paragraph (a) of this section.

(1) The ASC's annual report to Congress;

(2) All final opinions and orders made in the adjudication of cases;

(3) All statements of general policy not published in the *Federal Register*;

(4) Requests for the ASC or its staff to provide interpretive advice with respect to the meaning or application of any

statute administered by the ASC or any rule or regulation adopted thereunder and any ASC responses thereto;

(5) Requests for a statement that, on the basis of the facts presented in such a request, the ASC would not take any enforcement action pertaining to the facts as represented and any ASC responses thereto; and

(6) Correspondence between the ASC and a State appraiser regulatory program.

(c) *Embargo period.* Unless the ASC determines otherwise, the written communication in paragraph (b) of this section shall be made publicly available no sooner than 20 business days after a written response has been sent or given to the affected person or persons.

§ 1102.306 Confidential treatment procedures.

(a) *In general.* Any submitter of written information to the ASC who desires that some or all of his or her submission be afforded confidential treatment under 5 U.S.C. 552(b)(4) (i.e., trade secrets and commercial or financial information obtained from a person and privileged or confidential) shall file a request for confidential treatment with the Executive Director of the ASC at the time the written information is submitted to the ASC or within ten business days thereafter. Nothing in this section limits the authority of the ASC and its staff to make determinations regarding access to documents under this subpart.

(b) *Form of request.* A request for confidential treatment shall be submitted in a separate letter or memorandum conspicuously entitled, "Request for Confidential Treatment." Each request shall state in reasonable detail the facts and arguments supporting the request and its legal justification. Conclusory statements that particular information would be useful to competitors or would impair sales or similar statements, generally will not be considered sufficient to justify confidential treatment.

(c) *Designation and separation of confidential material.* Submitters shall clearly designate all information considered confidential and shall clearly separate such information from other non-confidential information.

(d) *ASC action on request.* A request for confidential treatment of information will be considered only in connection with a request to the information under FOIA as implemented by this subpart. Upon the receipt of a request for access, the Executive Director or his or her designee ("ASC Officer") as soon as possible shall provide the submitter with a written notice describing the

request and shall provide the submitter with a reasonable opportunity, no longer than ten business days to submit written objections to disclosure of the information. Notice may be given orally, and such notice shall be promptly confirmed in writing. The ASC Officer may provide a submitter with a notice if the submitter did not request confidential treatment of the requested information when the ASC Officer has substantial reason to believe that disclosure of the requested information would result in substantial competitive harm to the submitter. The ASC officer similarly shall notify the person seeking disclosure of the information under FOIA of the existence of a request for confidential treatment. These notice requirements need not be followed if the ASC Officer determines under this subpart that the information should not be disclosed; the information has been published or has been officially made available to the public; disclosure of the information is required by law (other than FOIA); or the submitter's request for confidential treatment appears obviously frivolous, in such instance the submitter shall be given written notice of the determination to disclose the information at least five days prior to release. The ASC Officer shall carefully consider the issues involved, and if disclosure of the requested information is warranted, a written notice, containing a brief description of why the submitter's objections were not sustained, must be forwarded to the submitter within ten business days. The time for response may be extended up to ten additional days, as provided in 5 U.S.C. 552(a)(6)(B), or for other periods by agreement between the submitter and the ASC Officer. This notice shall be provided to the submitter at least five days prior to release of the requested information.

(e) *Notice of lawsuit.* The ASC Officer shall notify a submitter of any filing of any suit against the ASC pursuant to 5 U.S.C. 552 to compel disclosure of documents or information covered by the submitter's request for confidential treatment within ten business days of service of the suit. The ASC Officer also shall notify the requester of the documents or information of any suit filed by the submitter against the ASC to enjoin their disclosure within ten business days of service of the suit.

§ 1102.307 Right to petition for issuance, amendment and repeal of rules of general application.

Any person desiring the issuance, amendment or repeal of a rule of general application may file a petition for those purposes with the Executive Director of

the ASC. The petition shall include a statement setting forth the text or substance of any proposed rule or amendment desired or shall specify the rule for which repeal is desired. The petitioner also shall state the nature of his or her interest and the reasons for seeking ASC action. The Executive Director shall acknowledge receipt of the petition within ten business days of receipt. The ASC shall consider the petition and related staff recommendations and shall take such action as it deems appropriate. The Executive Director shall notify the petitioner in writing of the ASC action within ten business days of the action.

By the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

Dated: October 13, 1993.

Fred D. Finkle,

Chairperson.

[FR Doc. 93-26104 Filed 10-22-93; 8:45 am]

BILLING CODE 4710-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

(Docket No. 93-NM-149-AD)

Airworthiness Directives; de Havilland, Inc., Model DHC-8-100 and DHC-8-300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain de Havilland, Inc., Model DHC-8-100 and DHC-8-300 series airplanes. This proposal would require inspections to detect breakage in the engine rear mount strut assemblies, and replacement of broken struts. This proposal would also require eventual replacement of all currently installed struts with new and/or reworked struts, as terminating action for the inspections. This proposal is prompted by several reports of failure of the engine rear mount struts, due to fracture at one of the rosette welds on the shank of the strut where full weld depth was not achieved during manufacture. The actions specified by the proposed AD are intended to prevent fracture of the engine rear mount struts, which could reduce the structural integrity of the nacelle and engine support structure. **DATES:** Comments must be received by December 20, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 93-NM-149-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from De Havilland, Inc., Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Jon Hjelm, Aerospace Engineer, Airframe Branch, ANE-172, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 181 South Franklin Avenue, room 202, Valley Stream, New York 11581; telephone (516) 791-6220; fax (516) 791-9024.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93-NM-149-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 93-NM-149-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

Transport Canada Aviation, which is the airworthiness authority for Canada, recently notified the FAA that an unsafe condition may exist on certain de Havilland Model DHC-8-100 and DHC-8-300 series airplanes. Transport Canada Aviation advises that several reports have been received of failure of the engine rear mount struts in the vicinity of the "rosette" weld. Subsequent investigation revealed that the fracture initiated at one of the rosette welds on the shank of the strut, just above the bearing, where full weld depth was not achieved during manufacture. Defective welds in the engine rear mount strut can fracture, leaving the engine only partially supported. When the strut fails, the design level of redundancy in the engine mounting system is reduced. Subsequent failure of another system component could result in a severe degradation of the integrity of the nacelle/engine support structure. This condition, if not corrected, could result in the fracture and total failure of the engine rear mount struts, and subsequent reduced controllability of the airplane.

De Havilland, Inc., has issued Service Bulletin S.B. 8-71-17, dated April 3, 1992, that describes procedures for repetitive visual inspections to detect breakage in the engine strut assemblies and replacement of broken struts. The service bulletin also describes procedures for eventual replacement of the existing struts with new and/or reworked struts (referred to as "Post-Modification 8/1763"), on which the welding has been improved. Transport Canada Aviation classified this service bulletin as mandatory and issued Canadian Airworthiness Directive CF-92-14, dated May 13, 1992, in order to assure the continued airworthiness of these airplanes in Canada.

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, Transport Canada Aviation has kept the FAA informed of the situation described above. The FAA has examined the

findings of Transport Canada Aviation, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require repetitive detailed visual inspections to detect breakage in the engine strut assemblies, and replacement of broken struts with new and/or reworked struts. This proposal would also require eventual replacement of the currently installed struts with new and/or reworked struts; when accomplished, this replacement would terminate the need for the proposed repetitive inspections. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 125 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 16 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$55 per work hour. Required parts would be provided by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$110,000, or \$880 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12886; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the

location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

De Havilland, Inc.: Docket 93-NM-149-AD.

Applicability: Model DHC-8-102 and -103 series airplanes, serial numbers 003 through 310 inclusive; and Model DHC-8-301, -311, and -314 series airplanes, serial numbers 100 through 311 inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent fracture of the engine rear mount struts, and subsequent reduced structural integrity of the nacelle and engine support structure, accomplish the following:

(a) Within 50 hours time-in-service after the effective date of this AD, perform a detailed visual inspection to detect breakage in the engine strut assemblies, part number 8711016-001, -003, -005, or -007, in accordance with De Havilland, Inc., Service Bulletin S.B. 8-71-17, dated April 3, 1992.

(1) If any broken strut is detected, prior to further flight, replace the broken strut with a new strut, part number 87110016-009, or a reworked strut, part number 8DK1763-001; Post-Modification 8/1763; in accordance with the service bulletin.

Note 1: The Post-Modification 8/1763 struts are either new struts, part number 87110016-009, or reworked struts, part number 8DK1763-001.

(2) If no broken strut is detected, repeat the inspection thereafter at intervals not to exceed 50 flight hours.

(b) Within 24 months after the effective date of this AD, replace all of the currently installed engine rear mount struts with new struts, part number 87110016-009, and/or reworked struts, part number 8DK1763-001; Post-Modification 8/1763; in accordance with de Havilland, Inc., Service Bulletin S.B. 8-71-17, dated April 3, 1992. This replacement constitutes terminating action for the repetitive inspection requirements of this AD.

(c) As of the effective date of this AD, no person shall install an engine rear mount

strut, part number 8711016-001, -003, -005, or -007, on any airplane.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on October 19, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-26124 Filed 10-22-93; 8:45 am]

BILLING CODE 4910-13-P

Federal Highway Administration

23 CFR Part 660

[FHWA Docket No. 93-16]

RIN 2125-AD13

Forest Highway Portion of Public Lands Highway Program; Correction

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains a correction to a notice of proposed rulemaking which was published Tuesday, October 5, 1993, (58 FR 51794). The notice proposed to revise the Forest Highway Program regulations to conform to the requirements of the Intermodal Surface Transportation Efficiency Act of 1991.

DATES: Comments must be received on or before December 6, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. Allen W. Burden, Chief, Program Planning, Development, and Administration Division, Federal Lands Highway Office, (202) 366-9488, or Mr. Wilbert Baccus, Office of the Chief Counsel, (202) 366-1396, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal Federal Holidays.

SUPPLEMENTARY INFORMATION:

Background

On October 5, 1993, the Federal Highway Administration published a notice of proposed rulemaking pertaining to revising the Forest Highway Program regulations to conform to the requirements of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). The document contained an omission of several lines of text in the proposed regulatory language for section 660.109, Program development.

Correction of Publication

Accordingly, in FR Doc. 93-24367, published October 5, 1993 (58 FR 51794), make the following correction:

1. On page 51797, column 2, paragraph (a) introductory text, under § 660.109, Program development, should read as follows:

(a) The FHWA will arrange and conduct a conference with the FS and the SHA to jointly select the projects which will be included in the programs for the current fiscal year and at least the next four years. Projects included in each year's program will be selected considering the following criteria:

* * * * *

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Issued on: October 19, 1993.

Theodore A. McConnell,

Chief Counsel.

[FR Doc. 93-26157 Filed 10-22-93; 8:45 am]

BILLING CODE 4910-22-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL-4793-7]

Establishment and Open Meeting of the Negotiated Rulemaking Advisory Committee for Small Nonroad Engine Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Establishment of FACA committee and meeting announcement.

SUMMARY: As required by section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), EPA is giving notice of the establishment of an Advisory Committee to negotiate a rule to reduce air emissions from small nonroad engines. EPA has determined that this is in the public interest and will assist the Agency in performing its duties prescribed under section 213 of the Clean Air Act (CAA). Copies of the Committee Charter have been filed with

the appropriate committees of Congress and the Library of Congress.

The committee will meet on December 14 and 15, 1993. The purpose of the meeting is to consider information pertaining to the scope and purpose of rule, to generate issues for the committee to discuss and to begin discussion of these issues. The committee meeting is open to the public without need for advance registration.

DATES: The committee will meet on December 14, 1993 from 9 a.m. to 6 p.m., and on December 15, 1993 from 8:30 a.m. to 4:30 p.m.

ADDRESSES: The location of the meeting will be the Holiday Inn North Campus, 3600 Plymouth Rd., Ann Arbor, MI 48105, (313) 769-9800.

FOR FURTHER INFORMATION CONTACT:

Persons needing further information on the substantive matters of the rule should contact Betsy McCabe, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Rd., Ann Arbor, Michigan 48105, (313) 668-4344.

Persons needing further information on procedural matters should call Deborah Dalton, Consensus and Dispute Resolution Program, Environmental Protection Agency, 401 M Street, SW., Washington DC 20460, (202) 260-5495, or the Committee's facilitators, Lucy Moore or John Folk-Williams, Western Network, 616 Don Gaspar, Santa Fe, New Mexico, 87501, (505) 982-9805

SUPPLEMENTARY INFORMATION:

I. Background: Need for Rule

Section 213 of the CAA, as amended, requires EPA to conduct a study of emissions from nonroad engines and vehicles, and to determine whether such emissions contribute significantly to air pollution problems. Section 213 further requires EPA to promulgate regulations that will result in reductions in emissions from nonroad sources, if the Agency makes the positive determination of significance.

EPA completed the Nonroad Engine and Vehicle Emission Study in November 1991 (the Nonroad Study is available for public review in EPA Docket #A-91-24). On May 17, 1993, EPA issued a notice of proposed rulemaking determining that nonroad sources are significant contributors to total ozone precursor and carbon monoxide (CO) emissions in areas that have failed to attain the National Ambient Air Quality Standards (NAAQS) for ozone and CO. In this action, EPA also proposed emission control regulations for the first category of nonroad engines to be regulated (compression-ignition engines 50

horsepower and above) (see 58 FR 28809).

During the summer of 1992, a convening effort was conducted to investigate the possibility of developing regulations for small nonroad engines using regulatory negotiation or another consensus-based process. Pursuant to this convening effort, EPA held public meetings November 16-17, 1992 (57 FR 49054), and January 28-29, 1993 (58 FR 4392), to explore further with potential participants the use of consensus-based regulatory approaches.

As an outcome of discussions at the January public meeting, EPA has decided to pursue a two-phased strategy to regulate emissions from small nonroad engines. Phase one regulations, to be effective in the near term, will be similar to those developed by the California Air Resources Board for lawn and garden and utility engines. Representatives from industry, states, and environmental and public health associations expressed interest in working with EPA to develop longer-term phase two regulations through a regulatory negotiation process.

On February 1, 1993 the Sierra Club filed a citizen suit against EPA because EPA missed a November 1992 deadline for promulgating regulations for control of emissions from nonroad sources. EPA has agreed to the following schedule for small nonroad engine regulation development in the settlement of the lawsuit: Phase one proposal April 1994, final May 1995; phase two proposal April 1996, final April 1997. The regulatory negotiations will address phase two regulations for small nonroad engines.

EPA held an organizational meeting June 30 and July 1, 1993, to discuss how the negotiations will proceed, operating protocols, and membership issues. Three organizations addressed the group with requests for membership. The group held an additional meeting September 29 and 30, 1993 to finalize operating protocols, overview state issues, discuss data collection efforts and data needs, and to begin to identify and prioritize negotiation issues. The group identified the need for a Test Procedures Task Group and a Technology Task Group. These two task groups will begin work and will report back to the full committee at the December 14 and 15, 1993 meeting. The full committee meeting planned for October 27 and 28, 1993 has been moved to December 14 and 15, 1993.

II. Public Response to EPA's Notice of Intent To Negotiate

On June 25, 1993, EPA published a notice of intent to form an advisory

committee to negotiate small nonroad engine regulations (see 58 FR 34389). The Agency specifically requested public comment on whether: (1) it should establish a Federal Advisory Committee; (2) it properly identified interests affected by key issues; (3) regulatory negotiation is appropriate for this rulemaking; and (4) the extent to which the issues and procedures are adequate and appropriate. The period for public comment on this notice closed July 30, 1993.

EPA received five petitions for membership on the small nonroad engines negotiated rulemaking committee by the close of the public comment period. The Agency decided to add two organizations to the committee because they represent important interests that differ from those already represented on the committee. The Handheld Ice and Earth Auger Manufacturers Association will represent small business interests, and the National Equipment Servicing and Dealers Association (NESDA) will represent interests of the servicing and dealer network of the lawn and garden outdoor power equipment industry. The Toro Company and Ryobi Outdoor Products, Inc., both of whom addressed the July 1, 1993 organizational meeting, are each members of at least one association already represented on the committee. It is not clear to EPA how the interests of these companies differ from those of the associations that represent them; these companies have not been included individually on the committee. Finally, the National Golf Car Manufacturers Association expressed initial interest in participating on the negotiating committee, but decided to forego the opportunity to petition for formal membership on the FACA committee. After the close of the public comment period, EPA received an additional request for membership from the Renewable Fuels Association. This request, and any future requests for membership on the committee, will be decided by the full committee.

In addition to membership requests, EPA also received comments from five organizations that expressed interest in the proposed regulatory negotiation process: The Academy of Model Aeronautics; the Associated Builders and Contractors, Inc.; the Gas Research Institute; and the National Propane Gas Association; and the Portable Power Equipment Manufacturers Association. No comments were received opposing the negotiation process. The National Propane Gas Association (NPGA) also requested that, if at some point in the future it is decided to include fuel

providers in this activity, NPGA would appreciate consideration for participation. The NPGA request will be considered by the full committee.

III. Scope of the Proposed Negotiation

The rule will control emissions from nonroad spark-ignition engines 25 horsepower and below, excluding engines used in marine propulsion or recreational propulsion applications ("small nonroad engines"). Phase two regulatory negotiations will address the full range of issues relating to small nonroad engines including, but not limited to, useful life, in-use emissions, evaporative and refueling emissions, test procedure issues, and market-based incentive programs.

Phase one regulations will be implemented in the near term and are anticipated to achieve significant public health and environmental benefits. By following the basic structure of California regulations for the same engines, EPA is claiming the early emission reduction benefits available while continuing to develop the data necessary for a more complete control program in the second phase of regulation.

EPA's goals in developing phase two regulations for implementation in the longer term include: (1) Developing a more stringent control program to be effective in the next century; (2) encouraging the development and use of advanced technology for control of emissions from small nonroad engines; and (3) maximizing public health and environmental benefits from control while providing maximum flexibility in achieving these results.

IV. Issues and Questions to be Resolved

The negotiation committee will address key issues during the negotiations including, but not limited to: an emission control program related to small nonroad engines; standards and effective date; test procedures; fuel effects; enforcement; in-use, evaporative, and refueling emissions; market-based incentive programs; and compliance flexibility programs.

V. Parties to the Negotiation

The following organizations are represented on the committee. The Environmental Protection Agency considers this a balanced committee.

Trade Associations and Regulated Industry

- Engine Manufacturers Association
- Hand Held Ice and Earth Auger Manufacturers Association
- Manufacturers of Emission Controls Association

- National Equipment Servicing and Dealers Association
- Outdoor Power Equipment Institute
- Portable Power Equipment Manufacturers Association

Public Interest Groups

- American Lung Association
- Natural Resources Defense Council

State Government

- State and Territorial Air Pollution Program Administrators/Association of Local Air Pollution Control Officials
- State of Wisconsin, Bureau of Air Management

Federal Government

- U.S. Environmental Protection Agency

VI. Schedule for the Negotiation

EPA has set a deadline of May 31, 1995 for the committee to complete work on the rule. The Agency intends to terminate the activities of the committee if it does not appear likely to reach consensus on a schedule that is consistent with Agency rulemaking needs.

VII. Negotiation Procedures

The following procedures and guidelines will apply to the committee unless they are modified by the committee during the negotiating process.

A. Facilitators

EPA will use a neutral facilitation team. The facilitators will not be involved with the substantive development or enforcement of the regulation. The facilitators' role is to:

- Chair negotiating sessions;
- Help the negotiation process run smoothly; and
- Help participants define and reach consensus.

B. Good Faith Negotiation

Since participants must be willing to negotiate in good faith and be authorized to do so, each organization must designate a senior official to represent its interests. This applies to EPA as well. Gay MacGregor, Assistant Director, Certification Division, Office of Mobile Sources, Office of Air and Radiation will be EPA's representative at the negotiation.

C. Administrative Support

EPA will supply logistical, administrative and management support. If it is deemed necessary and appropriate, EPA will provide technical support to the committee in gathering

and analyzing additional data or information. The Office of Policy, Planning and Evaluation, Consensus and Dispute Resolution Program will provide administrative support.

D. Meetings

Meetings will be held in Ann Arbor, Michigan at the convenience of the committee. EPA will announce committee meetings in the **Federal Register** in accordance with FACA. Such meetings will be open to the public.

E. Committee Procedures

Under the general guidance and direction of the facilitators, and subject to any applicable legal requirements, the members will establish the detailed procedures for committee meeting which they consider most appropriate.

F. Defining Consensus

The goal of the negotiating process is consensus. In the negotiations completed to date, consensus has meant that each interest concurs in the result. We expect the participants to fashion their own working definition of this term.

G. Failure of Advisory Committee To Reach Consensus

In the event the committee is unable to reach consensus, EPA may proceed to develop its own rule. Parties to the negotiation may withdraw at any time. If this happens, the remaining committee members and the Agency will evaluate whether the committee should continue.

H. Record of Meetings

In accordance with FACA's requirements, EPA will keep a record of all Advisory Committee meetings. This record will be placed in the public docket for this rulemaking.

Dated: October 19, 1993.

Deborah S. Dalton,

Deputy Director, Consensus and Dispute Resolution Program, Office of Policy, Planning and Evaluation.

[FR Doc. 93-26159 Filed 10-22-93; 8:45 am]

BILLING CODE 6540-50-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Reopening of Comment Period, Public Hearing, and Availability of Panel Report on Proposed Endangered Status and Designation of Critical Habitat for the Alabama Sturgeon**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period, notice of public hearing and availability of panel report.

SUMMARY: The Fish and Wildlife Service (Service) gives notice that a second public hearing will be held on the proposed rule to determine endangered status and designation of critical habitat for the Alabama sturgeon, *Scaphirhynchus suttkusi*. The comment period is reopened to accommodate the public hearing and to allow the Service to accept a report from a panel of experts on the taxonomy and likelihood of existence of this taxon. The panel report is expected to be available by October 29, 1993, for public review.

DATES: The public hearing will be held from 6 p.m. to 10 p.m. on November 15, 1993. The public comment period is reopened on October 25, 1993, and closes on December 8, 1993.

ADDRESSES: The public hearing will be held in South Hall #1 at the Montgomery Civic Center, 300 Bibb Street, Montgomery, Alabama. Requests for the panel report, and written comments and materials should be sent to Field Supervisor, U.S. Fish and

Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, MS 39213. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: James H. Stewart, at the above address (601/965-5900).

SUPPLEMENTARY INFORMATION:**Background**

The Service proposed to determine the Alabama sturgeon, *Scaphirhynchus suttkusi*, to be an endangered species and to designate its critical habitat on June 15, 1993 (58 FR 33148). The Alabama sturgeon, a small sturgeon with a maximum length of about 30 inches, is endemic to the Mobile River system, Alabama and Mississippi. Its current range is restricted to the lower Alabama River and the Cahaba River in Alabama. Both of these areas and the free flowing portion of the lower Tombigbee River are proposed as critical habitat. Factors in the sturgeon's decline include dams, and possible adverse effects from altered water flows, channel maintenance and gravel dredging.

A public hearing on the proposed rule was announced in the Federal Register of September 13, 1993 (58 FR 47851) and was held on October 4, 1993. The capacity of the facility selected for the public hearing was not sufficient for all the individuals that wished to attend. A second hearing is being conducted to allow additional verbal statements to be presented, although written comments will also be accepted and will be given equal consideration. Verbal statements may be limited in length if the number of parties present necessitates such a

limitation. There are, however, no limits to the length of written comments or materials presented at the hearing or mailed to the Service office in the ADDRESSES section.

The Service intends that any final action resulting from the proposed rule will be as accurate and as effective as possible. Questions have been raised both as the species' continued existence and as to its taxonomic classification. A panel of ichthyologists is being convened to examine the taxonomic issue, to provide an opinion on the likely existence of the taxon based on available data, and to make suggestions on what information would be necessary to conclude the taxon is likely extinct. This panel will provide the Service with an opinion on these three issues in the form of a report, which is available for public review and comment during this comment period. A copy may be obtained by contacting the Field Supervisor (see ADDRESSES section).

Author

The primary author of this notice is James H. Stewart (see ADDRESSES section).

Authority: The authority for this action is the Endangered Species Act (16 U.S.C. 1531-1544).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine Mammals, Plants (agriculture).

Dated: October 13, 1993.

James W. Pulliam, Jr.,
Regional Director.

[FR Doc. 93-25764 Filed 10-22-93; 8:45 am]
BILLING CODE 4310-66-M

Notices

Federal Register

Vol. 58, No. 204

Monday, October 25, 1993

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Availability for Licensing and Intent to Grant Exclusive License; Neogen Corp.

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of availability and intent.

SUMMARY: Notice is hereby given that the U.S. Patent Application Serial No. 08/081,591, "Hybridoma Producing Antibodies to Salinomycin," filed June 23, 1993, is available for licensing and that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant an exclusive license to Neogen Corporation of Lansing, Michigan.

DATES: Comments must be received on or before January 24, 1993.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, room 401, Building 005, BARC-West, Baltimore Boulevard, Beltsville, Maryland 20705-2350.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301-504-5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights to this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention for Neogen Corporation has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within ninety days from the date of this published Notice, ARS receives written evidence and argument which establishes that the grant of the license would not be consistent with the

requirements of 35 U.S.C. 209 and 37 CFR 404.7.

W.H. Tallent,

Assistant Administrator.

[FR Doc. 93-26115 Filed 10-22-93; 8:45 am]

BILLING CODE 3510-03-M

Agricultural Stabilization and Conservation Service

National Conservation Review Group; Meeting

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The National Conservation Review Group will meet to consider recommendations from State and County Conservation Review Groups with respect to the operational features of the Agricultural Conservation Program (ACP), the Emergency Conservation Program (ECP), the Forestry Incentives Program (FIP), and the Water Bank Program (WBP). Comments and suggestions will be received from the public concerning these conservation and environmental programs administered by the Agricultural Stabilization and Conservation Service (ASCS).

DATES: Meeting date: December 2, 1993.

ADDRESSES: Meeting location: The meeting is scheduled to be held in the Conference Room of the Forest Service Chief, second floor of the Auditors Building, 14th and Independence Ave., SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Grady Bilberry, Chief, Conservation and Environmental Activities Branch, Conservation and Environmental Protection Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, room 4768-S, Washington, DC 20013-2415, 202-720-7333.

SUPPLEMENTARY INFORMATION: The National Conservation Review Group meeting is scheduled to be held from 9 a.m. to 4 p.m. on December 2, 1993, in the Conference Room of the Forest Service Chief, second floor of the Auditors Building, 14th and Independence Ave., SW. Washington, DC. Meeting session will be open to the public.

The agenda will include consideration of State and County Conservation Review Group

recommendations for changes in administrative procedures and policy guidelines of the ACP, ECP, FIP, and WBP. An opportunity will be provided for the public to present comments at the meeting on these conservation and environmental programs administered by ASCS.

Because of time constraints and anticipated participation from interested individuals and groups, comments will be limited to not more than 5 minutes. Individuals or groups interested in making recommendations shall make them in writing and submit them to the Chief, Conservation and Environmental Activities Branch, Conservation and Environmental Protection Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, room 4768-S, Washington, DC 20013-2415, for inclusion in the minutes.

The meeting may also include discussion of current procedures, criteria, and guidelines relevant to the implementation of these programs.

Because of limited space, persons desiring to attend the meeting should call Mr. Grady Bilberry at 202-720-7333 to make reservations.

Signed at Washington, DC, on October 18, 1993.

Floy E. Payton,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 93-26120 Filed 10-22-93; 8:45 am]

BILLING CODE 3410-05-P

Forest Service

Mining Activities on Piru Creek, Los Padres National Forest, Ventura County, CA; Intent to Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service will prepare an environmental impact statement for approval of proposed Plans of Operation for mining activities along Piru Creek from Lockwood Flat to Pyramid Lake on the Mount Pinos Ranger District. Management emphases in the Los Padres National Forest Land Resource Management Plan (1988) are to improve water quality, vegetative diversity, wildlife habitat capability, and to protect property and cultural resources. Management emphases for the project management area are general forest recreation and watershed management.

Potential resource issues which may affect alternative development include the presence of riparian-dependent sensitive amphibians and reptiles; the presence of an amphibian species which is proposed for listing as endangered; sensitive heritage resources; water quality; California condor foraging habitat; conflicts in recreational uses of Piru Creek; the study of Piru Creek as a potential Wild and Scenic river; maintaining biodiversity, and protecting the sensitive riparian ecosystem.

The California Department of Fish and Game and the U.S. Fish and Wildlife Service will be invited to participate as cooperating agencies to evaluate potential impacts on threatened and endangered species habitat. Representatives from the Army Corps of Engineers and the Regional Water Quality Control Board will be invited to participate in resolving issues that deal with water quality. Federal, State, and local agencies, as well as industry, and other individuals or organizations who may be interested in or affected by the decision, will be invited to participate in the scoping process. This process will include:

1. Identification of potential issues and/or concerns.
2. Identification of issues to be analyzed in depth.
3. Identification of issues which may be eliminated from further analysis.

Scoping will be initiated during the fall of 1993 and will continue into the spring of 1994.

The analysis is expected to take approximately 14 months to complete. The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and available for public review and comment by August, 1994. EPA will publish a notice of availability for the draft EIS in the *Federal Register*. The comment period will be 45 days from the date of the EPA's published notice of availability. All persons interested in the proposed projects are urged to participate at that time. Comments on the draft EIS should be as specific as possible and may address the adequacy of the EIS or the merits of the alternatives considered. In addition, Federal court decisions have established that reviewers of a draft EIS must structure their participation in the environmental review so that it is meaningful and alerts an agency to the reviewer's positions and contentions. Environmental objections that could have been raised at the draft EIS review stage may be waived if not raised until after completion of the final EIS. The reason for this is to ensure that substantive comments and objections are made available to the Forest Service

in a timely manner so that the agency can respond to them in the final EIS.

The final EIS is scheduled to be completed by November, 1994. In the final EIS, the Forest Service is required to respond to comments received from the public and consulted agencies. The responsible official will consider the comments, responses, laws, regulations, and policies in making a decision regarding these project proposals. The responsible official will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to appeal.

David W. Dahl, Forest Supervisor, Los Padres National Forest, Goleta, CA, is the responsible official. Written comments, questions, and suggestions concerning the analysis should be sent to Mark Bethke, District Ranger, Mount Pinos Ranger District, Star Route, Box 400, Frazier Park, California 93225 (phone 805-245-3731).

Dated: October 8, 1993.

David W. Dahl,

Forest Supervisor.

[FR Doc. 93-26102 Filed 10-22-93; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

[Docket No. 931071-3271]

General Order Prohibiting Exports of Unprocessed Timber From Certain Public Lands

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Notice of general order on log exports.

SUMMARY: On August 23, 1993, pursuant to the Forest Resources Conservation and Shortage Relief Act of 1990, as amended ("Act"), the Secretary of Commerce issued a General Order prohibiting the export of unprocessed timber originating from public lands located west of the 100th meridian in the contiguous United States. In addition, the Order prohibits certain unprocessed timber substitutions between public and private lands, provides certain exemptions from this prohibition, and includes definitions and contract sanctity provisions for certain prior contracts.

As a result, exports of unprocessed timber originating from public lands located west of the 100th meridian in the contiguous United States are prohibited, effective June 1, 1993.

DATES: June 1, 1993.

FOR FURTHER INFORMATION CONTACT:

Bernard Kritzer, Senior Industry Analyst, Office of Foreign Availability, Bureau of Export Administration, 202-482-0074.

SUPPLEMENTARY INFORMATION:

I. Background

On July 1, 1993, the President signed into law Pub. L. 103-45, the Forest Resources Conservation and Shortage Relief Amendments Act of 1993 ("Amendments"). This law amended the Act. The Act requires the Secretary of Commerce to issue an Order prohibiting the export of unprocessed timber originating from public lands west of the 100th meridian in the contiguous U.S. Before the Amendments were enacted, the Act required affected states to issue and implement their own timber export regulations in accordance with the Act and previous Orders of the Secretary of Commerce. On May 4, 1993, following a legal challenge, the U.S. Court of Appeals for the Ninth Circuit ("Court of Appeals") held provisions of the Act requiring states to implement the Federal prohibition in this manner unconstitutional. *Board of Natural Resources v. Brown*, 992 F.2d 937 (9th Cir. 1993).

In passing the Amendments, Congress intended to remedy the provisions the Court of Appeals ruled unconstitutional by assigning certain regulatory responsibilities to the Federal government, specifically, the Secretary of Commerce.

The Act, however, allows a state to elect to implement a timber export program under its own state regulatory procedures if the Secretary of Commerce reviews and approves it. Finally, as an interim measure, the Act allows states with timber export programs implemented under the Act, which existed before the Amendments became law, to continue to administer that program pending implementation of Federal regulations. In the 30-day period allowed under the Amendments for notification to Commerce of pre-existing state programs, the State of Washington was the only state to do so.

The states affected by this Order are: Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

The Secretary's General Order prohibits unprocessed timber exports from public lands as follows: (1) Effective June 1, 1993, for affected states with annual sales of 400 million board feet ("MMBF") or less; and (2) effective June 1, 1993, and ending on December

31, 1995, for affected states with annual sales greater than 400 MMBF.

At present, only the State of Washington's annual sales are greater than 400 MMBF; all other states' are 400 MMBF or less. Therefore, the Secretary's prohibition is permanent for all affected states except the State of Washington. In 1995, the Secretary of Commerce will establish the level of exports for unprocessed timber from public lands in the states with annual sales greater than 400 MMBF, to be effective January 1, 1996.

The Secretary's Order prohibits substitution. No person may purchase, directly or indirectly, unprocessed timber originating from public lands in an affected state: (1) If such purchaser would use the unprocessed timber as a substitute for exported unprocessed timber originating from private lands in that state; or (2) if the purchaser, during the preceding 24-month period, exported unprocessed timber originating from private lands in that state. These substitution prohibitions, however, will not apply in a state on or after the date on which: (1) The Governor of that state provides the Secretary of Commerce with notification of a prior state program under section 491(d)(2)(C) (16 U.S.C. 620c(d)(2)(C)) of the Act (that is, one that existed before the Amendments became law); (2) the Secretary of Commerce approves a state program under section 491(d)(2)(A) (16 U.S.C. 620c (d)(2)(A)) of the Act (that is, when a state submits a program for Commerce approval), or (3) the Secretary of Commerce issues implementing regulations under the Act, whichever occurs first.

The unprocessed timber export prohibition is comprehensive. At this time, the Act provides no exceptions based on species, grades, or location within public lands. The Act, however, does provide contract sanctity for any contract for the purchase of unprocessed timber from public lands entered into before: (1) September 10, 1990, for all affected states other than the State of Washington; (2) January 1, 1991, for the State of Washington; or (3) October 23, 1992, for states in which exports were permitted pursuant to prior orders of the Secretary of Commerce.

Consistent with section 491(f) (16 U.S.C. 620c(f)) of the Act, this order shall not be construed to supersede the controls on the export of Western Red Cedar required by section 7(i) of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2406(i)), and as set out in § 777.7 of the Export Administration Regulations (15 CFR 777.7).

The Act also requires the Department of Commerce to: (1) Promulgate and administer regulations to implement the Act; (2) ensure that species, grades, and geographic origin of unprocessed timber prohibited from export within each state is representative of the timber comprising the total timber sales program of the state; (3) to monitor sales and purchases of unprocessed public timber between persons; (4) review and approve or disapprove state programs submitted by states that elect to implement their own timber export program; (5) publish in the **Federal Register** any notices of a finding that a state program submitted for Department of Commerce approval is disapproved; (6) investigate violations of, enforce, and conduct civil penalty hearings under the Act; and (7) report to Congress on the effect of the ban by June 1, 1995. The Department of Commerce will publish proposed regulations and solicit public comments in the **Federal Register** to implement these provisions.

Accordingly, the Secretary of Commerce issued the following General Order on August 23, 1993:

General Order Prohibiting Exports of Unprocessed Timber From Certain Public Lands

The Forest Resources Conservation and Shortage Relief Amendments Act of 1993, Public Law 103-45, July 1, 1993, amended the Forest Resources Conservation and Shortage Relief Act of 1990, Public Law 103-382, 104 Stat. 714, August 20, 1990 (16 U.S.C. 620 *et seq.*) ("Act"). The Act, as amended, requires the Secretary of Commerce to issue an Order prohibiting, notwithstanding any other provision of the law, the export of unprocessed timber originating from public lands west of the 100th meridian in the contiguous United States as follows: (1) Effective June 1, 1993, for states with annual sales of 400 million board feet ("MMBF") or less; and (2) effective June 1, 1993, and ending December 31, 1995, for states with annual sales greater than 400 MMBF. The Act also requires me to prohibit substitutions, provide exemptions therefrom, and provide for contract sanctity. This order is being issued pursuant to provisions of the Act.

(a) Timber originating from public lands in states with annual timber sales volumes of 400,000,000 board feet ("MMBF") or less. Pursuant to section 491 (a) and (b)(1) (16 U.S.C. 620c (a) and (b)(1)) of the Forest Resources Conservation and Shortage Relief Act of 1990, as amended, and, notwithstanding any other provision of the law, effective June 1, 1993, the export from the United States to any destination, including Canada, of any unprocessed timber originating from public lands in states located west of the 100th meridian in the contiguous United States with annual timber sales volumes of 400 MMBF or less is prohibited.

(b) Timber originating from public lands in states with annual timber sales volumes greater than 400 MMBF. Pursuant to section 491 (a) and (b)(2) (16 U.S.C. 620c(a) and (b)(2)) of the Forest Resources Conservation and Shortage Relief Act of 1990, as amended, effective June 1, 1993, and ending on December 31, 1995, the export from the United States to any destination, including Canada, of any unprocessed timber originating from public lands in states located west of the 100th meridian in the contiguous United States with annual timber sales volumes greater than 400 MMBF is prohibited.

(c) Prohibition on substitution. Pursuant to section 491(b)(3)(A) (16 U.S.C. 620c(b)(3)(A)) of the Forest Resources Conservation and Shortage Relief Act of 1990, as amended, and notwithstanding any other provision of law, all persons are prohibited from purchasing, directly or indirectly, unprocessed timber originating from public lands in a state if: (1) Such unprocessed timber would be used in substitution for exported unprocessed timber originating from private lands in that State; or (2) such person has, during the preceding 24-month period, exported unprocessed timber originating from private lands in that State.

(d) Exemption. Pursuant to section 491(b)(3)(B) (16 U.S.C. 620c(b)(3)(B)) of the Forest Resources Conservation and Shortage Relief Act of 1990, as amended, the prohibitions in section (c) of this Order do not apply in a state on or after the date on which: (1) The Governor of that state provides the Secretary of Commerce with notification of a prior state program under section 491(d)(2)(C) (16 U.S.C. 620c(d)(2)(C)) of the Act; (2) the Secretary of Commerce approves a state program under section 491(d)(2)(A) (16 U.S.C. 620c(d)(2)(A)) of the Act, or (3) the Secretary of Commerce issues implementing regulations under the Act, whichever occurs first.

(e) Prior contracts. Pursuant to section 491(e) (16 U.S.C. 620c(e)) of the Forest Resources Conservation and Shortage Relief Act of 1990, as amended, this Order does not apply to any contract for the purchase of unprocessed timber from public lands entered into before September 10, 1990, with respect to states with annual sales volumes of 400 MMBF or less, or January 1, 1991, with respect to states with annual sales volumes greater than 400 MMBF, or any contract under which exports were permitted pursuant to an Order of the Secretary of Commerce in effect under the Act before October 23, 1992.

(f) Western Red Cedar. Consistent with section 491(f) (16 U.S.C. 620c(f)) of the Act, this Order shall not be construed to supersede the controls on the export of Western Red Cedar required by section 7(i) of the Export Administration Act of 1979 (50 U.S.C. app. 2406(i)), and as set out in section 777.7 of the Export Administration Regulations (15 CFR 777.7).

(g) Definitions. (1) Public lands. As defined in section 493(5) (16 U.S.C. 620e(5)) of the

¹ On July 6, 1993, the Governor of the State of Washington provided the Secretary of Commerce with written notification of a prior state program under the provisions of this section.

Act, "public lands" means lands west of the 100th meridian in the contiguous 48 states that are held or owned by a State or political subdivision thereof, or any other public agency. Such term does not include any lands the title to which is:

- (i) held by the United States;
- (ii) held in trust by the United States for the benefit of any Indian tribe or individual;
- (iii) held by any Indian tribe or individual subject to a restriction by the United States against alienation; or
- (iv) held by any Native Corporation as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(2) Unprocessed Timber. As defined in section 493(7) (16 U.S.C. 620e(7)) of the Act, the term "unprocessed timber" means trees or portions of trees or other roundwood not processed to standards and specifications suitable for end product use. The term "unprocessed timber" does not include timber processed into any one of the following:

- (i) Lumber or construction timbers, except Western Red Cedar, meeting current American Lumber Standard Grades or Pacific Lumber Inspection Bureau Export "R" or "N" list grades, sawn on 4 sides not intended for remanufacture.
- (ii) Lumber, construction timbers, or cants for remanufacture, except Western Red Cedar, meeting current American Lumber Standards Grades or Pacific Lumber Inspection Bureau Export "R" or "N" list clear grades, sawn on four sides, not to exceed twelve inches in thickness.
- (iii) Lumber, construction timbers, or cants for remanufacture, except Western Red Cedar, that do not meet the grades referred to in clause (ii) and are sawn on four sides, with wane less than one-quarter of any face, not exceeding eight and three-quarters inches in thickness.
- (iv) Chips, pulp, or pulp products.
- (v) Veneer or plywood.
- (vi) Poles, posts, or piling cut or treated with preservatives for use as such.
- (vii) Shakes or shingles.
- (viii) Aspen or other pulpwood bolts, not exceeding 100 inches in length, exported for processing into pulp.
- (ix) Pulp logs or cull logs processed at domestic operations for the purpose of conversion of the logs into chips.

(3) Substitution. Consistent with the language contained in section 493(8) (16 U.S.C. 620e(8)) of the Act, the acquisition of unprocessed timber from public lands west of the 100th meridian in the contiguous 48 states to be used in "substitution" for exported unprocessed timber originating from private lands means acquiring unprocessed timber from such public lands and engaging in exporting, or selling for export, unprocessed timber originating from private lands within the same geographic and economic area.

(4) Acquisition. As defined in section 493(1) (16 U.S.C. 620e(1)) of the Act, the term "acquire" means to come into possession of, whether directly or indirectly, through a sale, trade, exchange, or other transaction, and the term "acquisition" means the act of acquiring.

(5) Person. As defined in section 493(3) (16 U.S.C. 620e(3)) of the Act, the term "person"

means any individual, partnership, corporation, association, or other legal entity and includes any subsidiary, subcontractor, or parent company, and business affiliates where one affiliate controls or has the power to control the other or when both are controlled directly or indirectly by a third person.

Dated: August 23, 1993.

Ronald H. Brown,
Secretary of Commerce.

Dated: October 19, 1993.

Iain S. Baird,

Acting Assistant Secretary for Export Administration.

[FR Doc. 93-26181 Filed 10-20-93; 3:32 pm]

BILLING CODE 3510-DT-P

Foreign-Trade Zones Board

[Docket No. 52-93]

Foreign-Trade Zone 70—Detroit, MI; Application for Subzone, BASF Corporation, Chemical Manufacturing Facilities, Wyandotte, MI

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Detroit Foreign Trade Zone, Inc., grantee of FTZ 70, requesting special-purpose subzone status for the chemical manufacturing facilities of BASF Corporation located in the Wyandotte, Michigan, area. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on October 12, 1993.

The BASF facilities consist of two sites in the Detroit area: Site 1 (233 acres)—"North Works" manufacturing facility, 1609 Biddle Avenue, Wyandotte, Michigan, some nine miles south of downtown Detroit on the Detroit River; and, Site 2 (2.5 acres)—"Refractory Handling, Inc.," raw materials/finished goods warehousing, distribution facility, 17423 West Jefferson Avenue, Riverview, Michigan, about one mile south of the Wyandotte facility.

The facilities (845 employees) are used to produce certain chemical products, such as bulk vitamins, thermoplastic polyurethanes, expanded polyolefins, polyols, plastic materials, and elastocell products (duty rates—3.1% to 12.5%). Currently, some 40 percent of material inputs are sourced from abroad, including isophytol, trimethylhydroquinone, naphthalene diisocyanate, castor oil, styrene, alcohols, phenols, nitrogen-function compounds, vitamins/provitamins/hormones, glycosides/vegetable alkaloids, beta carotene, mixed

alkylbenzenes and alkylnaphthalenes, polyacetals, polyethers, and polycarbonates (duty rates—free to 20%, 3.7¢/kg+13.6%).

Zone procedures would exempt BASF from Customs duty payments on the foreign items used in export production. On domestic sales, the company would be able to choose the duty rates that apply to the finished products made at the plant for the foreign materials noted above (For example, the duty rate on naphthalene diisocyanate is 13.5%, whereas, the duty rate for the finished product, motor vehicle bounce bumpers, is 3.1% (2.5% if transferred in-bond to auto assembly subzones)). The application indicates that the savings from zone procedures would help improve the facilities' international competitiveness.

In accordance with the Board's regulations (as revised, 56 FR 50790-50808, 10-8-91), a member of the FTZ Staff has been appointed examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is on December 27, 1993. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to January 10, 1994.

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce District Office,
1140 Patrick V. McNamara Building, 477
Michigan Avenue, Detroit, MI 48226.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th Street & Constitution Avenue, NW., Washington, DC 20230.

Dated: October 15, 1993.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 93-26183 Filed 10-22-93; 8:45 am]

BILLING CODE 3510-DS-P

International Trade Administration

Sanctions for Violation of Administrative Protective Order

AGENCY: Import Administration,
International Trade Administration,
Commerce.

ACTION: Notice.

SUMMARY: This is a notice of the status of an investigation into a charge of

violation of an administrative protective order in antidumping and countervailing duty proceedings.

EFFECTIVE DATE: October 25, 1993.

FOR FURTHER INFORMATION CONTACT:

Stephen J. Powell, Chief Counsel for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-8916.

SUPPLEMENTARY INFORMATION: The International Trade Administration United States Department of Commerce (ITA), wishes to remind those members of the bar who appear before it in antidumping and countervailing duty proceedings of the extreme importance of protecting the confidentiality of business proprietary information obtained pursuant to administrative protective order (APO) during the course of those proceedings. In order that the gravity with which the ITA views violations of its APO's might be better appreciated, ITA is publishing the following report on recent allegations that the provisions of an ITA APO have been violated.

An individual employed by a firm included proprietary information in the public version of a submission, which was served upon interested parties to the proceeding and placed upon the public file at the Department of Commerce for a period of five days. The named individual at the same firm reviewed this material and failed to delete the proprietary information before the document was filed. Following an investigation by the ITA, the named individual was held responsible for this violation of APO.

In this case, the individual involved was (1) required to send a letter of apology to counsel for the company whose information was improperly disclosed; and (2) required to attend a training session conducted by the ITA on procedures for protecting proprietary data. The individual also was issued a private reprimand which warned that future violations could be treated more severely.

We consider these sanctions to be appropriate for the following reasons: First, the violation appears to have been inadvertent; second, after having the violation brought to the named individual's attention, that individual took prompt action to prevent harm to the submitter; third, the named individual cooperated fully with the ITA's investigation; and, fourth, no apparent harm resulted from the violation.

Serious harm can result from the failure to properly safeguard proprietary information obtained under APO. The

ITA will continue to investigate vigorously allegations that the provisions of APOs have not been faithfully observed, and is prepared to impose sanctions commensurate with the nature of the violations, including letters of reprimand, denial of access to proprietary information, or disbarment from practice before the ITA.

This notice is published pursuant to 19 CFR 354.15(e) of the Department's regulations.

Dated: October 19, 1993.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

[FR Doc. 93-26184 Filed 10-22-93; 8:45 am]

BILLING CODE 3510-DS-M

Ames Laboratory-U.S. Department of Energy, Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Comments: None received. **Decision:** Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Docket Number: 93-063. **Applicant:** Ames Laboratory-U.S. Department of Energy, Ames, IA 50011-3020. **Instrument:** Sequential Stopped-Flow Spectrofluorimeter, Model DX.17MV. **Manufacturer:** Applied Photophysics, United Kingdom. **Intended Use:** See notice at 58 FR 44653, August 24, 1993. **Reasons:** The foreign instrument provides: (1) sequential multi-mixing, (2) wave-length scanning, (3) both stopped-flow fluorescence and circular dichroism measurements and (4) time resolved spectra.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 93-26186 Filed 10-22-93; 8:45 am]

BILLING CODE 3510-DS-F

Brandeis University, et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Comments: None received. **Decision:** Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 93-081. **Applicant:** Brandeis University, Waltham, MA 02254-9110. **Instrument:** Microvolume Stopped-Flow Spectrometer, Model SX.17MV. **Manufacturer:** Applied Photophysics, United Kingdom. **Intended Use:** See notice at 58 FR 42941, August 12, 1993. **Reasons:** The foreign instrument provides both stopped-flow fluorescence and stopped-flow circular dichroism measurements and time resolved spectra.

Docket Number: 93-088. **Applicant:** University of Minnesota Medical School, Minneapolis, MN 55455. **Instrument:** pO₂ Histogram, Model 6650. **Manufacturer:** Eppendorf-Netheler-Hinz GmbH, Germany. **Intended Use:** See notice at 58 FR 42941, August 12, 1993. **Reasons:** The foreign instrument provides partial O₂ pressure histograms and has a steel needle polarographic sensor probe under computer control.

The National Institutes of Health advises in its memoranda dated September 17, 1993, that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to either of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 93-26190 Filed 10-22-93; 8:45 am]

BILLING CODE 3510-DS-F

East Carolina University, et al.; Notice of Consolidated Decision on Application for Duty-Free Entry of Scientific Instrument

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 am and 5 pm in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 93-082. *Applicant:* East Carolina University, Greenville, NC 27834. *Instrument:* Spectrometer Workstation, Model A5000. *Manufacturer:* Applied Photophysics, Ltd., United Kingdom. *Intended Use:* See notice at 58 FR 42941, August 12, 1993.

Docket Number: 93-085. *Applicant:* North Carolina State University, Raleigh, NC 27695-7212. *Instrument:* Kiel Carbonate Prep Device. *Manufacturer:* Finnigan, MAT, Germany. *Intended Use:* See notice at 58 FR 44654, August 24, 1993.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments, for the purposes for which the instruments are intended to be used, is being manufactured in the United States. *Reasons:* These are compatible accessories for instruments previously imported for the use of the applicants. In each case, the instrument and accessory were made by the same manufacturer. The National Institutes of Health advises in its memoranda dated September 17, 1993, that the accessories are pertinent to the intended uses and it knows of no comparable domestic accessories.

We know of no domestic accessories which can be readily adapted to the previously imported instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.
[FR Doc. 93-26189 Filed 10-22-93; 8:45 am]
BILLING CODE 3510-DS-F

Illinois Institute of Technology, et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce,

14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 93-089. *Applicant:* Illinois Institute of Technology, Chicago, IL 60616. *Instrument:* Electron Microscope, Model CM 200. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 58 FR 42941, August 12, 1993. *Order Date:* April 30, 1993.

Docket Number: 93-093. *Applicant:* University of New Mexico, Albuquerque, NM 87131. *Instrument:* Electron Microscope, Model JEM-2010/SEG/SIP/DP. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 58 FR 47887, September 13, 1993. *Order Date:* March 29, 1993.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. *Reasons:* Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.
[FR Doc. 93-26192 Filed 10-22-93; 8:45 am]
BILLING CODE 3510-DS-F

LSU-Pennington Biomedical Research Center, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 93-064. *Applicant:* LSU-Pennington Biomedical Research Center, Baton Rouge, LA 70808.

Instrument: Mass Spectrometer, Model MAT 252. *Manufacturer:* Finnigan MAT, Germany. *Intended Use:* See notice at 58 FR 36397, July 7, 1993. *Reasons:* The foreign instrument provides an internal precision of 0.005 per mil for 3 bar μ l samples of CO₂ and a multicollector system for simultaneous collection of two or more ion beams.

Docket Number: 93-079. *Applicant:* Florida State University, Tallahassee, FL 32306. *Instrument:* Mass Spectrometer with GC Combustion System and Interface, Model Delta S. *Manufacturer:* Finnigan MAT, Germany. *Intended Use:* See notice at 58 FR 42940, August 12, 1993. *Reasons:* The foreign instrument provides: (1) an internal precision of 0.006 per mil for 20 bar μ l samples of CO₂, (2) an 8-Faraday cup multicollector system, (3) a combustion system for direct sample injection and (4) an all metal, dual gas inlet system.

The capability of each of the foreign instruments described above is pertinent to each applicant's intended purposes. We know of no instrument or apparatus being manufactured in the United States which is of equivalent scientific value to either of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.
[FR Doc. 93-26187 Filed 10-22-93; 8:45 am]
BILLING CODE 3510-DS-F

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with Subsections 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC.

Docket Number: 93-003R. *Applicant:* University of California, Berkeley, Department of Astronomy, 601 Campbell Hall, Berkeley, CA 94720. *Instrument:* Blackbody Furnace with Internationally Accredited Absolute

Reference. *Manufacturer:* National Physical Laboratory, United Kingdom. *Original notice of this resubmitted application was published in the Federal Register of March 18, 1993.*

Docket Number: 93-026R. *Applicant:* University of Minnesota, Department of Pharmacology, 3-249 Millard Hall, Minneapolis, MN 55455. *Instrument:* (2) Microelectrode Pullers, Models PN-3 and PP-83 and (3) 3-D Micromanipulators, Model M-2. *Manufacturer:* Narishige Scientific Instrument Co., Japan. *Original notice of this resubmitted application was published in the Federal Register of April 26, 1993.*

Docket Number: 93-121. *Applicant:* National Institute of Standards and Technology, Rt. 270 & Quince Orchard Road, Gaithersburg, MD 20899. *Instrument:* Scanning Transmission Electron Microscope, Model JEM-3010. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* The instrument will be used to study the microstructure of metals, metal alloys, ceramics, high-temperature superconductors, nanocomposites, and polymers during multidisciplinary investigations. *Application Received by Commissioner of Customs:* September 16, 1993.

Docket Number: 93-122. *Applicant:* Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439-4874. *Instrument:* ICP Mass Spectrometer, Model PlasmaQuad PQ2. *Manufacturer:* VG Elemental, United Kingdom. *Intended Use:* The instrument will be used in support of developing improved procedures to determine radionuclides and hazardous metals in environmental samples. Soil and water samples will be withdrawn from contaminated sites in the course of remedial activity. *Application Received by Commissioner of Customs:* September 17, 1993.

Frank W. Creel,

Director, Statutory Import Programs Staff.
[FR Doc. 93-26185 Filed 10-22-93; 8:45 am]
BILLING CODE 3510-DS-F

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 part CFR 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with subsections 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC.

Docket Number: 93-123. *Applicant:* University of Alaska, Geophysical Institute, Fairbanks, AK 99775-0800. *Instrument:* Low Light Level Color Television Camera, Model Pavicam-S. *Manufacturer:* Pavic Inc., Japan. *Intended Use:* The instrument will be used for the study of the Northern Lights and other ionospheric phenomena. It will be used especially during the launches of sounding rockets intended to measure the electric and magnetic fields and other energetic electrons above auroras. *Application Received by Commissioner of Customs:* September 28, 1993.

Docket Number: 93-124. *Applicant:* Brandeis University, Department of Biochemistry, 415 South Street, Waltham, MA 02254. *Instrument:* Microvolume Stopped-Flow Spectrophotometer, Model SX.17 MV. *Manufacturer:* Applied Photophysics, United Kingdom. *Intended Use:* The instrument will be used for the following studies: (1) The mechanism of protein conformational change, (2) the kinetic mechanism of medically important enzymes such as inosine monophosphate dehydrogenase, (3) the mechanisms of inhibitor interactions with these enzymes, (4) the mechanisms of chemical and enzymatic reactions and (5) the mechanisms of coupled vectorial processes. In addition, the instrument will be used for educational purposes in several biochemistry courses. *Application Received by Commissioner of Customs:* September 29, 1993.

Docket Number: 93-125. *Applicant:* University of Texas Health Science Center, Anesthesiology Department, 6431 Fannin, 5020 MSMB, Houston, TX 77030. *Instrument:* Hyperbaric Ventilator. *Manufacturer:* Pneu Pac, United Kingdom. *Intended Use:* The instrument will be used for animal studies to evaluate the effects of decompression on the pulmonary circulation. *Application Received by Commissioner of Customs:* September 29, 1993.

Docket Number: 93-126. *Applicant:* Research Foundation, State University of New York, Stony Brook, NY 11794. *Instrument:* Microstructure Profiler. *Manufacturer:* Seimac Ltd., Canada.

Intended Use: The instrument will be used in studies of turbulent mixing in stratified tidal estuaries and other flow regimes. In addition, the instrument will be used for educational purposes in an advance graduate level course on "Turbulent Mixing in Estuaries and Oceans." *Application Received by Commissioner of Customs:* October 1, 1993.

Docket Number: 93-127. *Applicant:* Argonne National Laboratory, 9700 S. Cass Avenue, Argonne, IL 60439. *Instrument:* UV Excimer Laser Amplifier, Model LPX 110i. *Manufacturer:* Lambda Physik, Germany. *Intended Use:* The instrument will be used to study the chemistry induced by energetic radiation, the transient intermediates such as radicals, radical ions, electrons, and excited states, and the interaction of the photo ionizing radiation with condensed-phase matter. *Application Received by Commissioner of Customs:* October 1, 1993.

Docket Number: 93-128. *Applicant:* University of Wisconsin - Madison, Department of Geology and Geophysics, 1215 West Dayton Street, Madison, WI 53706. *Instrument:* Electron Microprobe, Model SX 50. *Manufacturer:* Cameca, France. *Intended Use:* The instrument will be used to examine materials such as: naturally occurring minerals and volcanic glasses; meteorites; experimentally produced minerals and glasses; experimentally produced metals, ceramics and semiconductors; microfossils; experimental and natural aerosols. The instrument will also be used for educational purposes in courses in Geology. *Application Received by Commissioner of Customs:* October 6, 1993.

Frank W. Creel,

Director, Statutory Import Programs Staff.
[FR Doc. 93-26194 Filed 10-22-93; 8:45 am]
BILLING CODE 3510-DS-F

University of California, San Francisco; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 93-083. *Applicant:* University of California, San Francisco, San Francisco, CA 94143-0730. *Instrument:* Electrode

Micromanipulators (2), Model SM-11-S and SM-15-S. *Manufacturer:* Narishige Scientific Instrument Laboratory, Japan. *Intended Use:* See notice at 58 FR 42941, August 12, 1993.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument\$ for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: This is a compatible accessory for an instrument previously imported for the use of the applicant. The National Institutes of Health advises in its memorandum dated September 17, 1993 that the accessory is pertinent to the intended uses and that it knows of no comparable domestic accessory.

We know of no domestic accessory which can be readily adapted to the previously imported instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 93-26191 Filed 10-22-93; 8:45 am]

BILLING CODE 3510-DS-F

University of Kansas; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 93-090. *Applicant:* University of Kansas, Lawrence, KS 66045. *Instrument:* Cryostopped-Flow Spectrophotometer/Fluorimeter System, Model SF-41 Canterbury. *Manufacturer:* Hi-Tech Scientific Ltd., United Kingdom. *Intended Use:* See notice at 58 FR 44654, August 24, 1993.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides: (1) Millisecond dead time, (2) a temperature range of -100° to +60°C with stability to ± 0.1°C and (3) an anaerobic O₂ ingress rate of <0.5 micromoles per hour. The National Institutes of Health advises in its memorandum dated September 17, 1993, that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific

value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 93-26193 Filed 10-22-93; 8:45 am]

BILLING CODE 3510-DS-F

Yale University School of Medicine, Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 am and 5 pm in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 93-078. *Applicant:* Yale University School of Medicine, New Haven, CT 06511. *Instrument:* NMR Spectrometer/Imager, Model BIOSPEC 760/2.3. *Manufacturer:* Oxford Research Systems, United Kingdom. *Intended Use:* See notice at 58 FR 42940, August 12, 1993. *Advice Received From:* National Institutes of Health, September 10, 1993.

Comments: No comments have been received with respect to this application. *Decision:* Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered April 2, 1984. *Reasons:* The foreign instrument provides a maximum field of 2.3 tesla and a room temperature bore diameter of 760 mm. The National Institutes of Health advises in its memorandum that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument, which was being manufactured in the United States

at the time the foreign instrument was ordered.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 93-26188 Filed 10-22-93; 8:45 am]

BILLING CODE 3510-DS-F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber and Silk Blend Textile Products Produced or Manufactured in China

October 19, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: October 19, 1993.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-6703. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for swing and carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 57 FR 54976, published on November 23, 1992). Also see 57 FR 62304, published on December 30, 1992.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist

only in the implementation of certain of its provisions.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 19, 1993.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 23, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in China and exported during the twelve-month period which began on January 1, 1993 and extends through December 31, 1993.

Effective on October 19, 1993, you are directed to amend further the directive dated December 23, 1992 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and the People's Republic of China:

| Category | Adjusted twelve-month limit ¹ |
|--------------------------|--|
| Levels not in a group | |
| 219 | 1,646,517 square meters. |
| 333 | 65,511 dozen. |
| 338/339 | 2,396,187 dozen of which not more than 1,870,607 dozen shall be in Categories 338-S/339-S ² . |
| 341 | 720,591 dozen of which not more than 385,749 dozen shall be in Category 341-Y ³ . |
| 360 | 6,764,306 numbers of which not more than 4,710,220 numbers shall be in Category 360-P ⁴ . |
| 442 | 43,860 dozen. |
| 448 | 23,019 dozen. |
| 614 | 10,884,870 square meters. |
| 641 | 1,144,944 dozen. |
| 647 | 1,261,437 dozen. |
| 648 | 992,830 dozen. |
| 652 | 1,996,529 dozen. |
| 670-L ⁵ | 15,352,870 kilograms. |
| 846 | 116,956 dozen. |

| Category | Adjusted twelve-month limit ¹ |
|---|--|
| Group II 330, 332, 349, 353, 354, 359-O ⁶ , 431, 432, 439, 459, 630, 632, 643, 644, 653, 654 and 659-O ⁷ , as a group. | 131,401,493 square meters equivalent. |

¹ The limits have not been adjusted to account for any imports exported after December 31, 1992.

² Category 338-S: all HTS numbers except 6109.10.0012, 6109.10.0014, 6109.10.0018 and 6109.10.0023; Category 339-S: all HTS numbers except 6109.10.0040, 6109.10.0045, 6109.10.0060 and 6109.10.0065.

³ Category 341-Y: only HTS numbers 6204.22.3060, 6206.30.3010 and 6206.30.3030.

⁴ Category 360-P: only HTS numbers 6302.21.1010, 6302.21.1020, 6302.21.2010, 6302.21.2020, 6302.31.1010, 6302.31.1020, 6302.31.2010 and 6302.31.2020.

⁵ Category 670-L: only HTS numbers 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3030 and 4202.92.9025.

⁶ Category 359-O: all HTS numbers except 6103.42.2025, 6103.49.3034, 6104.62.1020, 6104.69.3010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025, 6211.42.0010 (Category 359-C); 6103.19.2030, 6103.19.4030, 6104.12.0040, 6104.19.2040, 6110.20.1022, 6110.20.1024, 6110.20.2030, 6110.20.2035, 6110.90.0044, 6110.90.0046, 6201.92.2010, 6202.92.2020, 6203.19.1030, 6203.19.4030, 6204.12.0040, 6204.19.3040, 6211.32.0070 and 6211.42.0070 (Category 359-V).

⁷ Category 659-O: all HTS numbers except 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.3038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.3014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.4015, 6211.33.0010, 6211.33.0017, 6211.43.0010 (Category 659-C); 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090, 6505.90.8090 (Category 659-H); 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020 (Category 659-S).

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93-26137 Filed 10-22-93; 8:45 am]

BILLING CODE 3510-DR-F

Announcement of Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Egypt

October 19, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits for the new agreement year.

EFFECTIVE DATE: January 1, 1994.

FOR FURTHER INFORMATION CONTACT:

Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

In a Memorandum of Understanding (MOU) dated September 12, 1993, the Governments of the United States and the Arab Republic of Egypt agreed to extend their Bilateral Textile Agreement, effected by exchange of notes dated March 15, 1992 and June 9, 1992, for two consecutive one-year periods beginning on January 1, 1994 and extending through December 31, 1995.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish limits for the period beginning on January 1, 1994 and extending through December 31, 1994.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 57 FR 54976, published on November 23, 1992). Information regarding the 1994 CORRELATION will be published in the Federal Register at a later date.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist

only in the implementation of certain of its provisions.

Rita D. Hayes,
Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 19, 1993.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on December 9, 1992; pursuant to the Memorandum of Understanding (MOU) dated September 12, 1993 between the Governments of the United States and the Arab Republic of Egypt; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1994, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Egypt and exported during the twelve-month period beginning on January 1, 1994 and extending through December 31, 1994, in excess of the following levels of restraint:

| Category | Twelve-month restraint limit |
|--|------------------------------|
| Fabric Group 218-220, 224-227, 313-317 and 326, as a group. | 78,261,419 square meters. |
| Sublevels in Fabric Group | |
| 218 | 2,508,000 square meters. |
| 219 | 18,413,165 square meters. |
| 220 | 18,413,165 square meters. |
| 224 | 18,413,165 square meters. |
| 225 | 18,413,165 square meters. |
| 226 | 18,413,165 square meters. |
| 227 | 18,413,165 square meters. |
| 313 | 33,811,849 square meters. |
| 314 | 18,413,165 square meters. |
| 315 | 21,622,746 square meters. |
| 317 | 18,413,165 square meters. |
| 326 | 2,508,000 square meters. |

| Category | Twelve-month restraint limit |
|--|--|
| Levels not in a group 300/301 | 7,219,188 kilograms of which not more than 2,264,192 kilograms shall be in Category 301. |
| 339 | 873,370 dozen. |
| 369-S ¹ | 1,101,690 kilograms. |
| 448 | 18,160 dozen. |

¹Category 369-S: only HTS number 6307.10.2005.

Imports charged to these category limits for the period January 1, 1993 through December 31, 1993 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93-26140 Filed 10-22-93; 8:45 am]

BILLING CODE 3510-DR-F

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products and Silk Blend and Other Vegetable Fiber Apparel Produced or Manufactured in Sri Lanka

October 19, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs reducing limits.

EFFECTIVE DATE: October 26, 1993.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce. (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-6708. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the

Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being reduced for carryforward used.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 57 FR 54976, published on November 23, 1992). Also see 58 FR 34570, published on June 28, 1993.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Rita D. Hayes,
Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 19, 1993.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on June 22, 1993, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products and silk blend and other vegetable fiber apparel, produced or manufactured in Sri Lanka and exported during the twelve-month period beginning on July 1, 1993 and extending through June 30, 1994.

Effective on October 26, 1993, you are directed to amend the directive dated June 22, 1993 to reduce the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and the Democratic Socialist Republic of Sri Lanka:

| Category | Adjusted twelve-month limit ¹ |
|---------------|--|
| 335/835 | 208,309 dozen. |
| 340/640 | 789,196 dozen of which not more than 308,020 dozen shall be in Categories 340-Y/640-Y ² . |
| 635 | 249,846 dozen. |

¹The limits have not been adjusted to account for any imports exported after June 30, 1993.

²Category 340-Y: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050 and 6205.20.2060; Category 640-Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93-26138 Filed 10-22-93; 8:45 am]

BILLING CODE 3510-DR-F

be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, VA 22202-4302.

Dated: October 19, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93-26096 Filed 10-22-93; 8:45 am]

BILLING CODE 5000-04-M

Office of the Secretary

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); DRG Revised Rates.

AGENCY: Office of the Secretary, DoD.

ACTION: Notice of DRG revised rates.

SUMMARY: This notice provides the updated adjusted standardized amounts, DRG relative weights, outlier thresholds, and beneficiary cost-share per diem rates to be used for FY 1994 under the CHAMPUS DRG-based payment system. It also describes the non-regulatory changes made to the CHAMPUS DRG-based payment system in order to conform to changes made to the Medicare Prospective Payment System (PPS).

EFFECTIVE DATE: The rates and weights contained in this notice are effective for admissions occurring on or after October 1, 1993.

ADDRESSES: Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Program Development Branch, Aurora, CO 80045-6900.

For copies of the Federal Register containing this notice, contact the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238. The charge for the Federal Register is \$1.50 for each issue payable by check or money order to the Superintendent of Documents.

FOR FURTHER INFORMATION CONTACT: Rose M. Sabo, M.P.A., Program Development Branch, OCHAMPUS, telephone (303) 361-1178

To obtain copies of this document, see the "ADDRESSES" section above. Questions regarding payment of specific claims under the CHAMPUS DRG-based payment system should be addressed to the appropriate CHAMPUS contractor.

SUPPLEMENTARY INFORMATION: The final rule published on September 1, 1987, (52 FR 32992) set forth the basic procedures used under the CHAMPUS DRG-based payment system. This was subsequently amended by final rules published on August 31, 1988 (53 FR 33461), October 21, 1988 (53 FR 41331),

December 16, 1988 (53 FR 50515), May 30, 1990 (55 FR 21863), and October 22, 1990 (55 FR 42560).

An explicit tenet of these final rules, and one based on the statute authorizing use of DRGs by CHAMPUS, is that the CHAMPUS DRG-based payment system is modeled on the Medicare prospective payment system (PPS), and that, whenever practicable, the CHAMPUS system will follow the same rules that apply to the Medicare PPS.

We are not initiating any changes to the CHAMPUS DRG-based payment system, but this notice describes certain changes which are necessary in order to conform to changes to the Medicare PPS. HCFA publishes these changes annually in the Federal Register and discusses in detail the impact of the changes.

In addition, this notice updates the rates and weights in accordance with our previous final rules. The actual changes we are making, along with a description of their relationship to the Medicare PPS, are detailed below.

I. Medicare PPS Changes Which Affect the CHAMPUS DRG-Based Payment System

Following is a discussion of the changes the Health Care Financing Administration (HCFA) has made to the Medicare PPS which affect the CHAMPUS DRG-based payment system.

A. DRG Classification

Under both the Medicare PPS and the CHAMPUS DRG-based payment system, cases are classified into the appropriate DRG by a Grouper program. The Grouper classifies each case into a DRG on the basis of the diagnosis and procedure codes and demographic information (that is, sex, age, and discharge status). The Grouper used for the CHAMPUS DRG-based payment system is the same as the current Medicare Grouper with two modifications. The CHAMPUS system has replaced Medicare DRG 435 with two age-based DRGs (900 and 901), and we have implemented thirty-four (34) neonatal DRGs in place of Medicare DRGs 385 through 390. Grouping for all other DRGs under the CHAMPUS system is identical to the Medicare PPS.

For FY 1994 HCFA will implement a number of changes in DRGs to reflect changes in treatment patterns, technology and other factors affecting use of hospital resources. These changes include adding two new DRGs, renaming tracheostomy DRGs, and recalibrating changes in the grouper. The CHAMPUS Grouper will duplicate all changes made to the Medicare Grouper.

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C., chapter 35).

Title and OMB control number: DoD FAR Supplement, Part 217, Special Contracting Methods, and Related Clauses in Part 252.217; OMB Control Number 0704-0214.

Type of request: Reinstatement.

Number of respondents: 43,600.

Responses per respondent: 1.5.

Annual responses: 66,600.

Average burden per response: 10 hours.

Annual burden hours: 666,700.

Needs and uses: The DoD FAR Supplement, part 217, prescribes policies and procedures for the acquisition of supplies and services through the use of special contracting methods. The information collected hereby is used by contracting officers to (1) Determine the extent of work to be performed under Master Agreements, and, (2) that the contractor is adequately insured, and (3) to identify contractors' sources of supply in order to enhance competition.

Affected public: Businesses or other for-profit; Non-profit institutions; and Small businesses or organizations.

Frequency: On Occasion.

Respondent's obligation: Required to obtain or retain a benefit.

OMB desk officer: Mr. Peter N. Weiss. Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD clearance officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should

B. Wage Index and Metropolitan Services Areas (MSAs)

The CHAMPUS DRG-based payment system will continue to use the same wage index amounts used for the Medicare PPS. In addition, we will continue to duplicate all changes with regard to the wage index of specific hospitals which are redesignated by the Medicare Geographic Classification Review Board.

C. Hospital Market Basket

We will update the adjusted standardized amounts according to the final updated hospital market basket used for the Medicare PPS. According to HCFA's September 1 final rule, the projected market basket for FY94 is 4.3 percent, to be reduced by 2.5 percentage points for urban areas and 1.0 percentage points for rural areas.

D. Payment for Blood Clotting Factor

The Health Care Financing Administration is reinstating payments for the cost of administering blood clotting factor to beneficiaries who have hemophilia through discharges occurring before October 1, 1994. CHAMPUS will also reinstate payments through discharges occurring before October 1, 1994. After that date, CHAMPUS will no longer make additional payments for these factors.

E. Outlier Payments for Transfer Cases

CHAMPUS is adopting the HCFA outlier thresholds for FY94.

F. Hospitals Excluded From the Prospective Payment System

CHAMPUS will continue to follow the limitations of exclusions for freestanding hospitals and distinct hospital units as set forth by HCFA. In order for a hospital to be exempt from the DRG-based payment system, it must

be exempt from the Medicare prospective payment system. Accordingly, CHAMPUS will not approve exclusion of all units of a hospital and will allow a psychiatric or rehabilitation unit to be excluded only if the unit is a component of a hospital that is under the PPS and the hospital has a sufficient number of beds subject to the PPS to permit the provision of adequate cost information as specified by HCFA.

II. Medicare Changes Which Are Not Being Adopted By CHAMPUS

The Health Care Financing Administration is implementing a number of changes related to capital costs. CHAMPUS is not implementing those changes at this time. Capital costs will continue to be handled as a pass-through cost under CHAMPUS.

III. Other Related Information

For FY 1994 the cost-to-charge ratio used for the CHAMPUS DRG-based payment system will be 0.617 which is increased to 0.627 to account for bad debts. This shall be used to calculate the adjusted standardized amounts and to calculate cost outlier payments, except for children's hospitals. For children's hospital cost outliers, the cost-to-charge ratio used is 0.684.

IV. Updated Rates and Weights

Tables 1 and 2 provide the rates and weights to be used under CHAMPUS DRG-based payment system during FY 1994 and which are a result of the changes described above. The implementing regulations for the CHAMPUS DRG-based payment system are in 32 CFR part 199.

Dated: October 19, 1993.

L.M. Bynum,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.

The following summary provides the adjusted standardized amounts and the cost-share per diem for beneficiaries other than dependents of active-duty members.

The adjusted standardized amount are effective for admissions occurring on or after October 1, 1993.

TABLE 1.—NATIONAL URBAN AND RURAL ADJUSTED STANDARDIZED AMOUNTS, LABOR/NONLABOR, AND COST-SHARE PER DIEM

| | |
|---|------------|
| National Large Urban Adjusted: Standardized Amount | \$3,240.36 |
| Labor portion | 2,294.82 |
| Nonlabor portion | 945.54 |
| National Other Urban Adjusted: Standardized Amount | 3,187.67 |
| Labor portion | 2,257.51 |
| Nonlabor portion | 930.16 |
| National Rural Adjusted: Standardized Amount | 3,213.45 |
| Labor portion | 2,430.33 |
| Nonlabor portion | 783.12 |

The cost-share per diem is effective for inpatient days of care occurring on or after October 1, 1993.

| | |
|--|--------|
| Cost-share per diem for beneficiaries other than dependents of active-duty members | 271.00 |
|--|--------|

The following summary shows the final CHAMPUS DRG weights, arithmetic and geometric mean lengths of stay, and outlier thresholds for all CHAMPUS DRGs. Long stay threshold (A) is applicable to all hospitals except children's hospitals, and long stay threshold (B) is applicable to children's hospitals.

TABLE 2.—CHAMPUS WEIGHT AND THRESHOLD SUMMARY

[Effective for admissions occurring on or after October 1, 1993]

| DRG No. | Description | CHAMPUS weight | Arithmetic mean los | Geometric mean los | Short stay threshold | Long stay threshold | |
|---------|---|----------------|---------------------|--------------------|----------------------|---------------------|-----|
| | | | | | | (A) | (B) |
| 1 | Craniotomy age >17 except for trauma. | 3.9670 | 10.8 | 8.0 | 1 | 30 | 24 |
| 2 | Craniotomy for trauma age >17 | 4.0772 | 11.2 | 7.1 | 1 | 30 | 24 |
| 3 | Craniotomy age 0-17 | 2.3399 | 7.5 | 5.4 | 1 | 28 | 22 |
| 4 | Spinal procedures | 1.9465 | 7.3 | 5.4 | 1 | 28 | 22 |
| 5 | Extracranial vascular procedures | 1.7296 | 4.7 | 3.9 | 1 | 23 | 12 |
| 6 | Carpal tunnel release | 0.6211 | 1.5 | 1.4 | 1 | 5 | 3 |
| 7 | Periph & cranial nerve & other nerv syst proc W CC. | 2.1395 | 8.5 | 5.8 | 1 | 28 | 22 |
| 8 | Periph & cranial nerve & other nerv syst proc W/O CC. | 0.9787 | 2.9 | 2.1 | 1 | 21 | 9 |
| 9 | Spinal disorders & injuries | 3.8131 | 18.2 | 10.0 | 1 | 32 | 26 |
| 10 | Nervous system neoplasms W CC | 1.4136 | 8.8 | 5.6 | 1 | 28 | 22 |
| 11 | Nervous system neoplasms W/O CC | 0.9259 | 6.0 | 3.9 | 1 | 26 | 20 |

TABLE 2.—CHAMPUS WEIGHT AND THRESHOLD SUMMARY—Continued

[Effective for admissions occurring on or after October 1, 1993]

| DRG No. | Description | CHAMPUS weight | Arithmetic mean los | Geometric mean los | Short stay threshold | Long stay threshold | |
|---------|---|----------------|---------------------|--------------------|----------------------|---------------------|-----|
| | | | | | | (A) | (B) |
| 12 | Degenerative nervous system disorders. | 1.3882 | 9.3 | 6.4 | 1 | 29 | 23 |
| 13 | Multiple sclerosis & cerebellar ataxia . | 0.9132 | 7.6 | 5.9 | 1 | 28 | 22 |
| 14 | Specific cerebrovascular disorders except TIA. | 1.4257 | 7.7 | 5.5 | 1 | 28 | 22 |
| 15 | Transient ischemic attack & precerebral occlusions. | 0.7493 | 3.6 | 2.9 | 1 | 21 | 10 |
| 16 | Nonspecific cerebrovascular disorders W CC. | 1.7404 | 8.3 | 5.0 | 1 | 28 | 22 |
| 17 | Nonspecific cerebrovascular disorders W/O CC. | 0.9874 | 8.3 | 4.4 | 1 | 27 | 21 |
| 18 | Cranial & peripheral nerve disorders W CC. | 1.0774 | 6.8 | 5.3 | 1 | 28 | 21 |
| 19 | Cranial & peripheral nerve disorders W/O CC. | 0.6972 | 4.2 | 3.1 | 1 | 26 | 13 |
| 20 | Nervous system infection except viral meningitis. | 2.1229 | 9.3 | 6.8 | 1 | 29 | 23 |
| 21 | Viral meningitis | 0.6347 | 3.9 | 3.3 | 1 | 18 | 10 |
| 22 | Hypertensive encephalopathy | 0.6420 | 4.0 | 3.2 | 1 | 23 | 11 |
| 23 | Nontraumatic stupor & coma | 0.7899 | 4.3 | 2.7 | 1 | 25 | 15 |
| 24 | Seizure & headache age >17 W CC .. | 0.9938 | 4.9 | 3.6 | 1 | 26 | 15 |
| 25 | Seizure & headache age >17 W/O CC. | 0.5411 | 3.3 | 2.5 | 1 | 20 | 9 |
| 26 | Seizure & headache age 0-17 | 0.5104 | 2.8 | 2.3 | 1 | 15 | 7 |
| 27 | Traumatic stupor & coma, coma >1 hr | 1.7891 | 6.7 | 3.8 | 1 | 26 | 20 |
| 28 | Traumatic stupor & coma, coma <1 hr age >17 W CC. | 1.6425 | 9.1 | 4.8 | 1 | 27 | 21 |
| 29 | Traumatic stupor & coma, coma <1 hr age >17 W/O CC. | 1.0984 | 7.2 | 3.3 | 1 | 26 | 20 |
| 30 | Traumatic stupor & coma, coma <1 hr age 0-17. | 0.6074 | 3.1 | 2.1 | 1 | 23 | 9 |
| 31 | Concussion age >17 W CC | 1.1276 | 4.8 | 2.5 | 1 | 25 | 19 |
| 32 | Concussion age >17 W/O CC | 0.6279 | 1.8 | 1.5 | 1 | 7 | 4 |
| 33 | Concussion age 0-17 | 0.3474 | 1.5 | 1.3 | 1 | 5 | 3 |
| 34 | Other disorders of nervous system W CC. | 1.4846 | 9.8 | 5.5 | 1 | 28 | 22 |
| 35 | Other disorders of nervous system W/O CC. | 0.8611 | 6.9 | 3.6 | 1 | 26 | 20 |
| 36 | Retinal procedures | 0.7404 | 1.8 | 1.5 | 1 | 7 | 4 |
| 37 | Orbital procedures | 1.0093 | 2.7 | 2.2 | 1 | 15 | 7 |
| 38 | Primary iris procedures | 0.3716* | 2.6 | 2.1 | 1 | 15 | 15 |
| 39 | Lens procedures with or without vitrectomy. | 0.6747 | 1.6 | 1.3 | 1 | 7 | 3 |
| 40 | Extraocular procedures except orbit age >17. | 0.8653 | 2.3 | 1.8 | 1 | 13 | 6 |
| 41 | Extraocular procedures except orbit age 0-17. | 0.4566 | 1.9 | 1.5 | 1 | 9 | 4 |
| 42 | Intraocular procedures except petina, iris & lens. | 0.8509 | 2.7 | 2.0 | 1 | 17 | 8 |
| 43 | Hyphema | 0.2041 | 3.0 | 2.5 | 1 | 19 | 9 |
| 44 | Acute major eye infections | 0.4618 | 3.7 | 3.2 | 1 | 17 | 9 |
| 45 | Neurological eye disorders | 0.5928 | 3.3 | 2.7 | 1 | 18 | 9 |
| 46 | Other disorders of the eye age >17 W CC. | 0.8924 | 4.5 | 4.2 | 1 | 15 | 9 |
| 47 | Other disorders of the eye age >17 W/O CC. | 0.5251 | 3.0 | 2.3 | 1 | 21 | 9 |
| 48 | Other disorders of the eye age 0-17 . | 0.4965 | 3.3 | 2.4 | 1 | 25 | 11 |
| 49 | Major head & neck procedures | 2.1269 | 3.2 | 2.4 | 1 | 21 | 9 |
| 50 | Sialoadenectomy | 0.7404 | 1.6 | 1.5 | 1 | 5 | 3 |
| 51 | Salivary gland procedures except sialoadenectomy. | 0.6515* | 2.8 | 2.0 | 1 | 18 | 18 |
| 52 | Cleft lip & palate repair | 0.6589 | 2.0 | 1.7 | 1 | 8 | 4 |
| 53 | Sinus & mastoid procedures age >17. | 1.0092 | 3.1 | 2.0 | 1 | 25 | 10 |
| 54 | Sinus & mastoid procedures age 0-17. | 0.7733 | 2.3 | 1.6 | 1 | 14 | 6 |
| 55 | Miscellaneous ear, nose, mouth & throat procedures. | 0.7854 | 2.4 | 1.6 | 1 | 14 | 6 |
| 56 | Rhinoplasty | 0.8386 | 2.3 | 1.6 | 1 | 13 | 6 |

TABLE 2.—CHAMPUS WEIGHT AND THRESHOLD SUMMARY—Continued

[Effective for admissions occurring on or after October 1, 1993]

| DRG No. | Description | CHAMPUS weight | Arithmetic mean los | Geometric mean los | Short stay threshold | Long stay threshold | |
|---------|---|----------------|---------------------|--------------------|----------------------|---------------------|-----|
| | | | | | | (A) | (B) |
| 57 | T&A proc, except tonsillectomy &/or adenoidectomy only, age >17. | 0.6597 | 2.3 | 1.8 | 1 | 12 | 6 |
| 58 | T&A proc, except tonsillectomy &/or adenoidectomy only, age 0-17. | 0.6563 | 2.9 | 2.1 | 1 | 19 | 8 |
| 59 | Tonsillectomy &/or adenoidectomy only, age >17. | 0.4286 | 1.2 | 1.2 | 1 | 3 | 2 |
| 60 | Tonsillectomy &/or adenoidectomy only, age 0-17. | 0.3818 | 1.3 | 1.2 | 1 | 4 | 2 |
| 61 | Myringotomy w tube insertion age >17. | 1.0307* | 5.3 | 2.8 | 1 | 26 | 26 |
| 62 | Myringotomy w tube insertion age 0-17. | 0.5930 | 2.2 | 1.6 | 1 | 13 | 6 |
| 63 | Other ear, nose, mouth & throat O.R. procedures. | 1.1080 | 2.6 | 2.1 | 1 | 13 | 6 |
| 64 | Ear, nose, mouth & throat malignancy | 1.0746 | 5.1 | 3.5 | 1 | 26 | 18 |
| 64 | Dysequilibrium | 0.4971 | 2.8 | 2.3 | 1 | 15 | 7 |
| 66 | Epistaxis | 0.4602 | 3.2 | 2.5 | 1 | 19 | 9 |
| 67 | Epiglottitis | 0.6428 | 3.1 | 2.6 | 1 | 17 | 8 |
| 68 | Otitis media & uri age >17 W CC | 0.6215 | 3.7 | 3.1 | 1 | 19 | 10 |
| 69 | Otitis media & uri age >17 W/O CC | 0.4461 | 3.0 | 2.6 | 1 | 13 | 7 |
| 70 | Otitis media & uri age 0-17 | 0.3896 | 2.9 | 2.4 | 1 | 13 | 7 |
| 71 | Laryngotracheitis | 0.3179 | 2.0 | 1.7 | 1 | 8 | 4 |
| 72 | Nasal trauma & deformity | 0.6079* | 4.9 | 3.4 | 1 | 26 | 26 |
| 73 | Other ear, nose, mouth & throat diagnoses age >17. | 9.6877 | 3.9 | 3.0 | 1 | 26 | 12 |
| 74 | Other ear, nose, mouth & throat diagnoses age 0-17. | 0.3859 | 2.8 | 2.2 | 1 | 18 | 8 |
| 75 | Major chest procedures | 2.9616 | 9.5 | 7.7 | 1 | 30 | 24 |
| 76 | Other resp system O.R. procedures W CC. | 2.5971 | 10.0 | 7.4 | 1 | 30 | 24 |
| 77 | Other resp system O.R. procedures W/O CC. | 1.3295 | 4.3 | 3.0 | 1 | 26 | 16 |
| 78 | Pulmonary embolism | 1.5930 | 7.9 | 7.0 | 1 | 29 | 18 |
| 79 | Respiratory infections & inflammations age >17 W CC. | 1.9668 | 9.5 | 7.3 | 1 | 30 | 24 |
| 80 | Respiratory infections & inflammations age >17 W/O CC. | 1.0439 | 6.1 | 4.7 | 1 | 27 | 20 |
| 81 | Respiratory infections & inflammations age 0-17. | 1.1538 | 6.1 | 4.8 | 1 | 27 | 20 |
| 82 | Respiratory neoplasms | 1.5523 | 7.5 | 5.1 | 1 | 28 | 22 |
| 83 | Major chest trauma W CC | 1.1294 | 6.3 | 4.8 | 1 | 27 | 21 |
| 84 | Major chest trauma W/O CC | 0.5229 | 3.0 | 2.5 | 1 | 18 | 9 |
| 85 | Pleural effusion W CC | 1.2584 | 6.3 | 4.8 | 1 | 27 | 21 |
| 86 | Pleural effusion W/O CC | 0.6455 | 3.2 | 2.6 | 1 | 18 | 9 |
| 87 | Pulmonary edema & respiratory failure. | 1.8741 | 7.9 | 5.8 | 1 | 28 | 22 |
| 88 | Chronic obstructive pulmonary disease. | 1.1326 | 6.1 | 4.9 | 1 | 27 | 17 |
| 89 | Simple pneumonia & pleurisy age >17 W CC. | 1.2275 | 6.4 | 5.4 | 1 | 28 | 17 |
| 90 | Simple pneumonia & pleurisy age >17 W/O CC. | 0.7637 | 4.4 | 3.8 | 1 | 20 | 11 |
| 91 | Simple pneumonia & pleurisy age 0-17. | 0.5713 | 3.6 | 3.1 | 1 | 16 | 9 |
| 92 | Interstitial lung disease W CC | 1.3955 | 6.8 | 5.4 | 1 | 28 | 22 |
| 93 | Interstitial lung disease W/O CC | 0.6154 | 4.0 | 3.3 | 1 | 25 | 12 |
| 94 | Pneumothorax W CC | 1.1268 | 5.9 | 4.9 | 1 | 27 | 15 |
| 95 | Pneumothorax W/O CC | 0.5533 | 4.0 | 3.3 | 1 | 20 | 10 |
| 96 | Bronchitis & asthma age >17 W CC | 0.9077 | 4.9 | 4.0 | 1 | 27 | 13 |
| 97 | Bronchitis & asthma age >17 W/O CC. | 0.6192 | 3.6 | 3.0 | 1 | 18 | 9 |
| 98 | Bronchitis & asthma age 0-17 | 0.4999 | 3.0 | 2.5 | 1 | 14 | 7 |
| 99 | Respiratory signs & symptoms W CC | 0.8036 | 3.3 | 2.6 | 1 | 20 | 9 |
| 100 | Respiratory signs & symptoms W/O CC. | 0.5543 | 2.3 | 1.8 | 1 | 11 | 5 |
| 101 | Other respiratory system diagnoses W CC. | 1.2109 | 7.2 | 4.7 | 1 | 27 | 21 |
| 102 | Other Respiratory System Diagnoses W/O CC. | 0.6800 | 3.3 | 2.4 | 1 | 22 | 10 |

TABLE 2.—CHAMPUS WEIGHT AND THRESHOLD SUMMARY—Continued

[Effective for admissions occurring on or after October 1, 1993]

| DRG No. | Description | CHAMPUS weight | Arithmetic mean los | Geometric mean los | Short stay threshold | Long stay threshold | |
|---------|---|----------------|---------------------|--------------------|----------------------|---------------------|-----|
| | | | | | | (A) | (B) |
| 103 | Heart Transplant | | | | | | |
| 104 | Cardiac valve procedures W cardiac cath. | 8.1338 | 14.6 | 13.0 | 2 | 35 | 29 |
| 105 | Cardiac valve procedures W/O cardiac cath. | 6.2599 | 10.8 | 9.3 | 2 | 32 | 24 |
| 106 | Coronary bypass W cardiac cath | 6.2532 | 11.4 | 10.4 | 3 | 33 | 23 |
| 107 | Coronary bypass W/O cardiac cath | 4.7484 | 8.7 | 8.1 | 2 | 24 | 16 |
| 108 | Other cardi thoracic procedures | 4.9726 | 10.0 | 7.8 | 1 | 30 | 24 |
| 109 | No longer valid | | | | | | |
| 110 | Major cardiovascular procedures W CC. | 4.5049 | 10.3 | 8.0 | 1 | 31 | 25 |
| 111 | Major cardiovascular procedures W/O CC. | 2.4190 | 6.7 | 5.8 | 1 | 28 | 18 |
| 112 | Percutaneous cardiovascular procedures. | 2.2415 | 4.3 | 3.4 | 1 | 26 | 13 |
| 113 | Amputation for circ system disorders except upper limb & toe. | 3.4672 | 15.2 | 12.5 | 1 | 35 | 29 |
| 114 | Upper limb & toe amputation for circ system disorders. | 2.0889 | 10.6 | 7.9 | 1 | 30 | 24 |
| 115 | Perm cardiac pacemaker implant W AMI, heart failure or shock. | 4.9942 | 11.6 | 9.1 | 1 | 32 | 28 |
| 116 | Oth perm cardiac pacemaker implant or AICD lead or generator pro. | 2.9968 | 5.6 | 4.1 | 1 | 27 | 18 |
| 117 | Cardiac pacemaker revision except device replacement. | 1.5674 | 4.4 | 2.9 | 1 | 25 | 17 |
| 118 | Cardiac pacemaker device replacement. | 1.6202 | 2.8 | 2.0 | 1 | 23 | 9 |
| 119 | Vein ligation & stripping | 0.7587 | 2.6 | 1.9 | 1 | 15 | 7 |
| 120 | Other circulatory system O.R. procedures. | 3.0221 | 13.1 | 8.1 | 1 | 31 | 25 |
| 121 | Circulatory disorders W AMI & C.V. comp disch alive. | 2.0784 | 7.5 | 6.4 | 1 | 29 | 20 |
| 122 | Circulatory disorders W AMI W/O C.V. comp disch alive. | 1.5662 | 5.6 | 4.8 | 1 | 27 | 15 |
| 123 | Circulatory disorders W AMI, expired | 1.9689 | 3.9 | 2.3 | 1 | 25 | 14 |
| 124 | Circulatory disorders except AMI, W card cath & complex diag. | 1.3830 | 4.4 | 3.4 | 1 | 26 | 13 |
| 125 | Circulatory disorders except AMI, W card cath W/O complex diag. | 0.9487 | 2.6 | 2.1 | 1 | 15 | 7 |
| 126 | Acute & subacute endocarditis | 2.8181 | 12.9 | 9.7 | 1 | 32 | 26 |
| 127 | Heart failure & shock | 1.2216 | 6.0 | 4.7 | 1 | 27 | 18 |
| 128 | Deep vein thrombophlebitis | 0.8427 | 6.9 | 6.3 | 1 | 24 | 15 |
| 129 | Cardiac arrest, unexplained | 1.7301 | 3.9 | 2.3 | 1 | 25 | 15 |
| 130 | Peripheral vascular disorders W CC | 1.1538 | 7.3 | 5.9 | 1 | 28 | 22 |
| 131 | Peripheral vascular disorders W/O CC. | 0.7284 | 5.2 | 4.1 | 1 | 27 | 17 |
| 132 | Atherosclerosis W CC | 1.1388 | 3.7 | 2.6 | 1 | 25 | 11 |
| 133 | Atherosclerosis W/O CC | 0.9716 | 2.8 | 2.1 | 1 | 16 | 7 |
| 134 | Hypertension | 0.6590 | 3.4 | 2.7 | 1 | 19 | 9 |
| 135 | Cardiac congenital & valvular disorders age >17 W CC. | 1.1751 | 6.1 | 3.7 | 1 | 26 | 20 |
| 136 | Cardiac congenital & valvular disorders age >17 W/O CC. | 0.6999 | 3.6 | 2.4 | 1 | 25 | 11 |
| 137 | Cardiac congenital & valvular disorders age 0-17. | 0.7451 | 3.3 | 2.2 | 1 | 25 | 11 |
| 138 | Cardiac arrhythmia & conduction disorders W CC. | 0.7344 | 3.5 | 2.7 | 1 | 22 | 10 |
| 139 | Cardiac arrhythmia & conduction disorders W/O CC. | 0.5234 | 2.5 | 2.0 | 1 | 13 | 7 |
| 140 | Angina pectoris | 0.6800 | 3.0 | 2.5 | 1 | 15 | 7 |
| 141 | Syncope & collapse W CC | 0.7149 | 3.6 | 2.7 | 1 | 23 | 10 |
| 142 | Syncope & collapse W/O CC | 0.5147 | 2.4 | 2.0 | 1 | 11 | 6 |
| 143 | Chest pain | 0.5255 | 2.3 | 1.9 | 1 | 10 | 5 |
| 144 | Other circulatory system diagnoses W CC. | 1.3809 | 5.9 | 4.3 | 1 | 27 | 21 |
| 145 | Other circulatory system diagnoses W/O CC. | 0.8105 | 3.5 | 2.5 | 1 | 24 | 10 |
| 146 | Rectal Resection W CC | 2.5379 | 10.2 | 9.7 | 3 | 24 | 17 |
| 147 | Rectal resection W/O CC | 1.7012 | 7.5 | 7.4 | 4 | 12 | 10 |

TABLE 2.—CHAMPUS WEIGHT AND THRESHOLD SUMMARY—Continued

[Effective for admissions occurring on or after October 1, 1993]

| DRG No. | Description | CHAMPUS weight | Arithmetic mean los | Geometric mean los | Short stay threshold | Long stay threshold | |
|---------|--|----------------|---------------------|--------------------|----------------------|---------------------|-----|
| | | | | | | (A) | (B) |
| 148 | Major small & large bowel procedures W CC. | 3.4373 | 12.1 | 10.3 | 1 | 33 | 27 |
| 149 | Major small & large bowel procedures W/O CC. | 1.6207 | 7.0 | 6.2 | 1 | 29 | 17 |
| 150 | Peritoneal adhesiolysis W CC | 2.3825 | 9.9 | 8.1 | 1 | 31 | 25 |
| 151 | Peritoneal adhesiolysis W/O CC | 1.1335 | 4.8 | 3.8 | 1 | 26 | 14 |
| 152 | Minor small & large bowel procedures W CC. | 1.5161 | 7.2 | 5.9 | 1 | 28 | 22 |
| 153 | Minor small & large bowel procedures W/O CC. | 1.0109 | 5.4 | 4.8 | 1 | 22 | 12 |
| 154 | Stomach, esophageal & duodenal procedures age >17 W CC. | 4.0184 | 12.2 | 9.6 | 1 | 32 | 26 |
| 155 | Stomach, esophageal & duodenal procedures age >17 W/O CC. | 1.5943 | 6.2 | 5.4 | 1 | 27 | 15 |
| 156 | Stomach, esophageal & duodenal procedures age 0-17. | 1.0207 | 4.9 | 4.1 | 1 | 24 | 13 |
| 157 | Anal & stomal procedures W CC | 1.0116 | 4.8 | 3.8 | 1 | 26 | 14 |
| 158 | Anal & stomal procedures W/O CC | 0.6346 | 2.5 | 2.0 | 1 | 13 | 7 |
| 159 | Hernia procedures except inguinal & femoral age >17 W CC. | 1.2716 | 5.2 | 3.9 | 1 | 26 | 16 |
| 160 | Hernia procedures except inguinal & femoral age >17 W/O CC. | 0.8021 | 3.0 | 2.4 | 1 | 16 | 8 |
| 161 | Inguinal & femoral hernia procedures age >17 W CC. | 0.8062 | 3.0 | 2.4 | 1 | 17 | 8 |
| 162 | Inguinal & femoral hernia procedures age >17 W/O CC. | 0.6340 | 1.9 | 1.6 | 1 | 8 | 4 |
| 163 | Hernia procedures age 0-17 | 0.6023 | 2.1 | 1.6 | 1 | 10 | 5 |
| 164 | Appendectomy W complicated principal diag W CC. | 2.2058 | 8.7 | 7.5 | 1 | 30 | 23 |
| 165 | Appendectomy W complicated principal diag W/O CC. | 1.1224 | 4.9 | 4.2 | 1 | 24 | 13 |
| 166 | Appendectomy W/O complicated principal diag W CC. | 1.1607 | 4.4 | 3.6 | 1 | 21 | 11 |
| 167 | Appendectomy W/O complicated principal diag W/O CC. | 0.7233 | 2.5 | 2.3 | 1 | 9 | 5 |
| 168 | Mouth procedures W CC | 1.1122 | 4.6 | 3.5 | 1 | 26 | 14 |
| 169 | Mouth procedures W/O CC | 0.8618 | 2.7 | 2.2 | 1 | 14 | 7 |
| 170 | Other digestive system O.R. procedures W CC. | 2.5409 | 11.1 | 7.4 | 1 | 30 | 24 |
| 171 | Other digestive system O.R. procedures W/O CC. | 1.0335 | 4.3 | 3.4 | 1 | 26 | 14 |
| 172 | Digestive malignancy W CC | 1.5552 | 7.8 | 5.3 | 1 | 28 | 22 |
| 173 | Digestive malignancy W/O CC | 1.0581 | 6.7 | 3.3 | 1 | 26 | 20 |
| 174 | G.I. hemorrhage W CC | 0.9649 | 4.6 | 3.8 | 1 | 22 | 12 |
| 175 | G.I. hemorrhage W/O CC | 0.5666 | 3.2 | 2.7 | 1 | 15 | 8 |
| 176 | Complicated peptic ulcer | 1.0633 | 5.4 | 3.9 | 1 | 26 | 17 |
| 177 | Uncomplicated peptic ulcer W CC | 0.8734 | 4.3 | 3.6 | 1 | 22 | 11 |
| 178 | Uncomplicated peptic ulcer W/O CC | 0.6956 | 3.4 | 2.9 | 1 | 17 | 9 |
| 179 | Inflammatory bowel disease | 1.0285 | 6.5 | 5.1 | 1 | 28 | 18 |
| 180 | G.I. obstruction W CC | 0.9334 | 5.6 | 4.5 | 1 | 27 | 16 |
| 181 | G.I. obstruction W/O CC | 0.4845 | 3.4 | 2.8 | 1 | 18 | 9 |
| 182 | Esophagitis, gastroent & misc digest disorders age >17 W CC. | 0.7141 | 4.0 | 3.1 | 1 | 25 | 12 |
| 183 | Esophagitis, gastroent & misc digest disorders age >17 W/O CC. | 0.5408 | 2.9 | 2.3 | 1 | 15 | 8 |
| 184 | Esophagitis, gastroent & misc digest disorders age 0-17. | 0.3097 | 2.5 | 2.1 | 1 | 11 | 6 |
| 185 | Dental & oral dis except extractions & restorations, age >17. | 0.8833 | 4.2 | 3.2 | 1 | 26 | 14 |
| 186 | Dental & oral dis except extractions & restorations, age 0-17. | 0.4834 | 2.9 | 2.3 | 1 | 16 | 8 |
| 187 | Dental extractions & restorations | 0.9692 | 3.8 | 3.5 | 1 | 12 | 7 |
| 188 | Other digestive system diagnoses age >17 W CC. | 0.9469 | 5.6 | 4.0 | 1 | 27 | 19 |
| 189 | Other digestive system diagnoses age >17 W/O CC. | 0.6076 | 3.2 | 2.4 | 1 | 22 | 10 |
| 190 | Other digestive system diagnoses age 0-17. | 0.4050 | 2.4 | 1.6 | 1 | 13 | 6 |

TABLE 2.—CHAMPUS WEIGHT AND THRESHOLD SUMMARY—Continued
 [Effective for admissions occurring on or after October 1, 1993]

| DRG No. | Description | CHAMPUS weight | Arithmetic mean los | Geometric mean los | Short stay threshold | Long stay threshold | |
|---------|--|----------------|---------------------|--------------------|----------------------|---------------------|-----|
| | | | | | | (A) | (B) |
| 191 | Pancreas, liver & shunt procedures W CC. | 4.1766 | 13.3 | 10.4 | 1 | 33 | 27 |
| 192 | Pancreas, liver & shunt procedures W/O CC. | 1.7909 | 7.5 | 5.7 | 1 | 28 | 22 |
| 193 | Biliary tract proc except only cholecyst W or W/O C.D.E. W CC. | 3.6192 | 12.9 | 10.7 | 1 | 33 | 27 |
| 194 | Biliary tract proc except only cholecyst W or W/O C.D.E. W/O CC. | 2.2028 | 6.3 | 4.9 | 1 | 27 | 21 |
| 195 | Cholecystectomy W C.D.E. W CC | 2.4097 | 8.6 | 7.5 | 1 | 30 | 22 |
| 196 | Cholecystectomy W C.D.E. W/O CC | 1.8559 | 5.7 | 4.9 | 1 | 27 | 14 |
| 197 | Cholecystectomy except by laparoscope W/O C.D.E. W CC. | 1.9573 | 6.8 | 5.8 | 1 | 28 | 17 |
| 198 | Cholecystectomy except by laparoscope W/O C.D.E. W/O CC. | 1.1277 | 3.9 | 3.3 | 1 | 21 | 11 |
| 199 | Hepatobiliary diagnostic procedure for malignancy. | 2.1870 | 10.6 | 7.2 | 1 | 30 | 24 |
| 200 | Hepatobiliary diagnostic procedure for non-malignancy. | 3.0932 | 8.7 | 5.0 | 1 | 28 | 22 |
| 201 | Other hepatobiliary or pancreas O.R. procedures. | 3.8914 | 16.5 | 8.8 | 1 | 31 | 25 |
| 202 | Cirrhosis & alcoholic hepatitis | 1.7972 | 8.2 | 5.9 | 1 | 28 | 22 |
| 203 | Malignancy of hepatobiliary system or pancreas. | 1.3628 | 7.2 | 5.1 | 1 | 28 | 22 |
| 204 | Disorders of pancreas except malignancy. | 1.3407 | 7.0 | 5.2 | 1 | 28 | 22 |
| 205 | Disorders of liver except malig, cirr, alc hepa W CC. | 1.6807 | 7.4 | 5.2 | 1 | 28 | 22 |
| 206 | Disorders of liver except malig, cirr, alc hepa W/O CC. | 0.6642 | 4.0 | 2.8 | 1 | 25 | 14 |
| 207 | Disorders of the biliary tract W CC | 1.0200 | 5.0 | 3.5 | 1 | 26 | 17 |
| 208 | Disorders of the biliary tract W/O CC | 0.5635 | 2.7 | 2.2 | 1 | 15 | 7 |
| 209 | Major joint & limb reattachment procedures of lower extremity. | 2.8251 | 7.5 | 6.9 | 2 | 22 | 14 |
| 210 | Hip & femur procedures except major joint age >17 W CC. | 2.5129 | 10.7 | 9.1 | 1 | 32 | 26 |
| 211 | Hip & femur procedures except major joint age >17 W/O CC. | 1.7754 | 6.3 | 5.2 | 1 | 28 | 17 |
| 212 | Hip & femur procedures except major joint age 0-17. | 1.4151 | 6.5 | 4.1 | 1 | 27 | 21 |
| 213 | Amputation for musculoskeletal system & conn tissue disorders. | 3.9778 | 15.0 | 9.3 | 1 | 32 | 26 |
| 214 | Back & neck procedures W CC | 2.2122 | 6.5 | 5.2 | 1 | 28 | 18 |
| 215 | Back & neck procedures W/O CC | 1.2295 | 3.6 | 3.1 | 1 | 17 | 9 |
| 216 | Biopsies of musculoskeletal system & connective tissue. | 2.0575 | 8.1 | 5.1 | 1 | 28 | 22 |
| 217 | Wnd debrid & skn grft except hand, for muscskelet & conn tiss dis. | 2.6441 | 10.8 | 6.6 | 1 | 29 | 23 |
| 218 | Lower extrem & humer proc except hip, foot, femur age >17 W CC. | 1.6396 | 6.0 | 4.9 | 1 | 27 | 16 |
| 219 | Lower extrem & humer proc except hip, foot, femur age >17 W/O CC. | 1.0531 | 3.4 | 2.9 | 1 | 15 | 8 |
| 220 | Lower extrem & humer proc except hip, foot, femur age 0-17. | 0.8169 | 2.5 | 2.0 | 1 | 13 | 6 |
| 221 | Knee procedures W CC | 1.6760 | 5.3 | 3.7 | 1 | 26 | 17 |
| 222 | Knee procedures W/O CC | 1.0667 | 2.4 | 2.1 | 1 | 10 | 6 |
| 223 | Major shoulder/elbow proc, or other upper extremity proc W CC. | 0.8293 | 2.3 | 1.9 | 1 | 10 | 5 |
| 224 | Shoulder, elbow or forearm proc, exc major joint proc, W/O CC. | 0.8050 | 2.0 | 1.7 | 1 | 8 | 4 |
| 225 | Foot procedures | 0.8887 | 2.9 | 2.2 | 1 | 18 | 8 |
| 226 | Soft tissue procedures W CC | 1.4060 | 5.9 | 3.7 | 1 | 26 | 20 |
| 227 | Soft tissue procedures W/O CC | 0.7981 | 2.3 | 1.9 | 1 | 10 | 5 |
| 228 | Major thumb or joint proc, or oth hand or wrist proc W CC. | 0.9768 | 3.2 | 2.2 | 1 | 22 | 9 |
| 229 | Hand or wrist proc, except major joint proc, W/O CC. | 0.7041 | 1.9 | 1.5 | 1 | 9 | 4 |
| 230 | Local excision & removal of int fix devices of hip & femur. | 0.8925 | 3.9 | 2.4 | 1 | 25 | 13 |

TABLE 2.—CHAMPUS WEIGHT AND THRESHOLD SUMMARY—Continued

[Effective for admissions occurring on or after October 1, 1993]

| DRG No. | Description | CHAMPUS weight | Arithmetic mean los | Geometric mean los | Short stay threshold | Long stay threshold | |
|---------|--|----------------|---------------------|--------------------|----------------------|---------------------|-----|
| | | | | | | (A) | (B) |
| 231 | Local excision & removal of int fix devices except hip & femur. | 1.0533 | 3.3 | 2.3 | 1 | 22 | 10 |
| 232 | Arthroscopy | 0.9887 | 1.7 | 1.5 | 1 | 5 | 3 |
| 233 | Other musculoskelet sys & conn tiss O.R. proc W CC. | 2.5854 | 8.8 | 5.9 | 1 | 28 | 22 |
| 234 | Other musculoskelet sys & conn tiss O.R. proc W/O CC. | 1.1316 | 3.1 | 2.5 | 1 | 18 | 8 |
| 235 | Fractures of femur | 1.0858 | 11.0 | 6.1 | 1 | 29 | 23 |
| 236 | Fractures of hip & pelvis | 0.8041 | 7.3 | 4.9 | 1 | 27 | 21 |
| 237 | Sprains, strains, & dislocations of hip, pelvis & thigh. | 0.5432 | 2.3 | 2.0 | 1 | 10 | 5 |
| 238 | Osteomyelitis | 1.1945 | 7.7 | 6.1 | 1 | 29 | 23 |
| 239 | Pathological fractures & musculoskeletal & conn tiss malignancy. | 1.4598 | 8.3 | 5.8 | 1 | 28 | 22 |
| 240 | Connective tissue disorders W CC | 1.5534 | 7.2 | 5.2 | 1 | 28 | 22 |
| 241 | Connective tissue disorders W/O CC | 0.5896 | 3.8 | 2.9 | 1 | 25 | 12 |
| 242 | Septic arthritis | 1.2835 | 8.0 | 5.7 | 1 | 28 | 22 |
| 243 | Medical back problems | 0.6514 | 4.3 | 3.2 | 1 | 26 | 14 |
| 244 | Bone diseases & specific arthropathies W CC. | 1.0847 | 5.5 | 4.3 | 1 | 27 | 17 |
| 245 | Bone diseases & specific arthropathies W/O CC. | 1.1011 | 4.8 | 3.7 | 1 | 26 | 15 |
| 246 | Non-specific arthropathies | 0.4428 | 2.8 | 2.6 | 1 | 8 | 5 |
| 247 | Signs & symptoms of musculoskeletal system & conn tissue. | 0.6575 | 3.9 | 2.6 | 1 | 25 | 13 |
| 248 | Tendonitis, myositis & bursitis | 0.6009 | 3.6 | 2.7 | 1 | 22 | 10 |
| 249 | Aftercare, musculoskeletal system & connective tissue. | 1.1131 | 9.0 | 5.0 | 1 | 28 | 22 |
| 250 | Fx, sprn, strn & disl of forearm, hand, foot age >17 W CC. | 1.0566 | 3.5 | 2.7 | 1 | 25 | 11 |
| 251 | Fx, sprn, strn & disl of forearm, hand, foot age >17 W/O CC. | 0.4901 | 2.0 | 1.6 | 1 | 10 | 5 |
| 252 | Fx, sprn, strn & disl of forearm, hand, foot age 0-17. | 0.3951 | 1.6 | 1.3 | 1 | 6 | 3 |
| 253 | Fx, sprn, strn & disl of uparm, lowleg ex foot age >17 W CC. | 0.7604 | 5.5 | 3.8 | 1 | 26 | 19 |
| 254 | Fx, sprn, strn & disl of uparm, lowleg ex foot age >17 W/O CC. | 0.4862 | 3.1 | 2.4 | 1 | 20 | 9 |
| 255 | Fx, sprn, strn & disl of uparm, lowleg ex foot age 0-17. | 0.4135 | 2.2 | 1.7 | 1 | 11 | 5 |
| 256 | Other musculoskeletal system & connective tissue diagnoses. | 0.6646 | 3.1 | 2.3 | 1 | 20 | 9 |
| 257 | Total mastectomy for malignancy W CC. | 0.9847 | 3.4 | 3.0 | 1 | 14 | 8 |
| 258 | Total mastectomy for malignancy W/O CC. | 0.8348 | 2.6 | 2.4 | 1 | 9 | 5 |
| 259 | Subtotal mastectomy for malignancy W CC. | 0.8175 | 2.4 | 2.1 | 1 | 11 | 6 |
| 260 | Subtotal mastectomy for malignancy W/O CC. | 0.7086 | 1.9 | 1.7 | 1 | 6 | 4 |
| 261 | Breast proc for non-malignancy except biopsy & local excision. | 0.9893 | 1.9 | 1.6 | 1 | 7 | 4 |
| 262 | Breast biopsy & local excision for non-malignancy. | 0.8238 | 2.8 | 2.3 | 1 | 16 | 8 |
| 263 | Skin graft &/or debrid for skn ulcer or cellulitis W CC. | 2.6786 | 14.6 | 10.7 | 1 | 33 | 27 |
| 264 | Skin graft &/or debrid for skn ulcer or cellulitis W/O CC. | 1.1912 | 6.9 | 5.3 | 1 | 28 | 22 |
| 265 | Skin graft &/or debrid except for skin ulcer or cellulitis W CC. | 2.1513 | 6.8 | 5.5 | 1 | 28 | 20 |
| 266 | Skin graft &/or debrid except for skin ulcer or cellulitis W/O CC. | 1.1142 | 3.9 | 2.7 | 1 | 25 | 13 |
| 267 | Perianal & pilonidal procedures | 0.5676 | 2.3 | 1.8 | 1 | 12 | 6 |
| 268 | Skin, subcutaneous tissue & breast plastic procedures. | 1.0036 | 3.1 | 2.1 | 1 | 23 | 9 |
| 269 | Other skin, subcut tiss & breast proc W CC. | 1.6959 | 8.6 | 5.3 | 1 | 28 | 22 |
| 270 | Other skin, subcut tiss & breast proc W/O CC. | 0.8192 | 3.3 | 2.4 | 1 | 24 | 10 |

TABLE 2.—CHAMPUS WEIGHT AND THRESHOLD SUMMARY—Continued

[Effective for admissions occurring on or after October 1, 1993]

| DRG No. | Description | CHAMPUS weight | Arithmetic mean los | Geometric mean los | Short stay threshold | Long stay threshold | |
|---------|---|----------------|---------------------|--------------------|----------------------|---------------------|-----|
| | | | | | | (A) | (B) |
| 271 | Skin ulcers | 1.3173 | 10.9 | 7.8 | 1 | 30 | 24 |
| 272 | Major skin disorders W CC | 1.0167 | 6.4 | 5.1 | 1 | 28 | 19 |
| 273 | Major skin disorders W/O CC | 0.7375 | 6.4 | 4.5 | 1 | 27 | 21 |
| 274 | Malignant breast disorders W CC | 1.8321 | 8.4 | 5.0 | 1 | 27 | 21 |
| 275 | Malignant breast disorders W/O CC | 0.7605 | 4.0 | 3.0 | 1 | 26 | 12 |
| 276 | Non-malignant breast disorders | 0.4835 | 3.1 | 2.4 | 1 | 21 | 9 |
| 277 | Cellulitis age >17 W CC | 0.9051 | 5.9 | 4.9 | 1 | 27 | 15 |
| 278 | Cellulitis age >17 W/O CC | 0.5980 | 4.5 | 3.8 | 1 | 22 | 11 |
| 279 | Cellulitis age 0-17 | 0.4824 | 3.8 | 3.2 | 1 | 18 | 9 |
| 280 | Trauma to the skin, subcut tiss & breast age >17 W CC. | 0.8905 | 3.1 | 2.4 | 1 | 22 | 10 |
| 281 | Trauma to the skin, subcut tiss & breast age >17 W/O CC. | 0.5100 | 2.3 | 1.8 | 1 | 12 | 6 |
| 282 | Trauma to the skin, subcut tiss & breast age 0-17. | 0.4097 | 1.9 | 1.6 | 1 | 8 | 4 |
| 283 | Minor skin disorders W CC | 0.6721 | 4.6 | 3.5 | 1 | 26 | 13 |
| 284 | Minor skin disorders W/O CC | 0.4124 | 3.0 | 2.3 | 1 | 18 | 8 |
| 285 | Amputat of lower limb for endocrine, nutrit, & metab disorders. | 2.7823 | 15.9 | 11.6 | 1 | 34 | 28 |
| 286 | Adrenal & pituitary procedures | 1.9684 | 6.5 | 5.3 | 1 | 28 | 17 |
| 287 | Skin grafts & wound debrid for endoc, nutrit & metab disorders. | 1.9353 | 10.1 | 7.7 | 1 | 30 | 24 |
| 288 | O.R. procedures for obesity | 1.4621 | 4.3 | 3.9 | 1 | 12 | 8 |
| 289 | Parathyroid procedures | 0.9328 | 3.0 | 2.5 | 1 | 13 | 7 |
| 290 | Thyroid procedures | 0.7739 | 2.2 | 1.9 | 1 | 8 | 5 |
| 291 | Thyroglossal procedures | *0.5074 | 2.0 | 1.7 | 1 | 9 | 9 |
| 292 | Other endocrine, nutrit & metab O.R. proc W CC. | 2.5584 | 11.8 | 7.5 | 1 | 30 | 24 |
| 293 | Other endocrine, nutrit & metab O.R. proc W/O CC. | 1.4329 | 6.4 | 4.9 | 1 | 27 | 21 |
| 294 | Diabetes age >35 | 0.7230 | 4.9 | 4.1 | 1 | 25 | 13 |
| 295 | Diabetes age 0-35 | 0.6057 | 3.9 | 3.2 | 1 | 21 | 11 |
| 296 | Nutritional & misc metabolic disorders age >17 W CC. | 1.0090 | 5.6 | 4.0 | 1 | 27 | 18 |
| 297 | Nutritional & misc metabolic disorders age >17 W/O CC. | 0.4927 | 3.0 | 2.4 | 1 | 18 | 8 |
| 298 | Nutritional & misc metabolic disorders age 0-17. | 0.3401 | 2.8 | 2.3 | 1 | 14 | 7 |
| 299 | Inborn errors of metabolism | 1.0750 | 6.1 | 3.5 | 1 | 26 | 20 |
| 300 | Endocrine disorders W CC | 0.9054 | 5.0 | 3.6 | 1 | 26 | 16 |
| 301 | Endocrine disorders W/O CC | 0.5268 | 3.5 | 2.5 | 1 | 22 | 10 |
| 302 | Kidney transplant | 6.1745 | 13.4 | 11.9 | 2 | 34 | 28 |
| 303 | Kidney, ureter & major bladder procedures for neoplasm. | 2.6687 | 9.4 | 8.1 | 1 | 31 | 22 |
| 304 | Kidney, ureter & major bladder proc for non-neopl W CC. | 1.9829 | 8.0 | 6.5 | 1 | 29 | 23 |
| 305 | Kidney, ureter & major bladder proc for non-neopl W/O CC. | 1.1994 | 4.7 | 3.9 | 1 | 23 | 12 |
| 306 | Prostatectomy W CC | 1.1934 | 5.1 | 3.6 | 1 | 26 | 18 |
| 307 | Prostatectomy W/O CC | 0.6620* | 4.0 | 3.3 | 1 | 18 | 18 |
| 308 | Minor bladder procedures W CC | 1.6509 | 6.8 | 5.3 | 1 | 28 | 22 |
| 309 | Minor bladder procedures W/O CC | 0.8371 | 3.1 | 2.6 | 1 | 17 | 8 |
| 310 | Transurethral procedures W CC | 1.0243 | 3.7 | 2.8 | 1 | 24 | 11 |
| 311 | Transurethral procedures W/O CC | 0.7670 | 2.3 | 1.9 | 1 | 11 | 6 |
| 312 | Urethral procedures, age >17 W CC | 0.7527 | 3.5 | 2.5 | 1 | 25 | 12 |
| 313 | Urethral procedures, age >17 W/O CC. | 0.4992 | 2.3 | 1.9 | 1 | 12 | 6 |
| 314 | Urethral procedures, age 0-17 | 0.6280 | 2.7 | 2.0 | 1 | 20 | 9 |
| 315 | Other kidney & urinary tract O.R. procedures. | 2.0581 | 7.8 | 4.5 | 1 | 27 | 21 |
| 316 | Renal failure | 1.4874 | 7.2 | 5.1 | 1 | 28 | 22 |
| 317 | Admit for renal dialysis | 0.5194* | 4.0 | 2.8 | 1 | 26 | 26 |
| 318 | Kidney & urinary tract neoplasms W CC. | 1.3300 | 7.5 | 5.1 | 1 | 28 | 22 |
| 319 | Kidney & Urinary tract neoplasms W/O CC. | 0.5298* | 3.4 | 2.5 | 1 | 25 | 25 |
| 320 | Kidney & Urinary tract infections age >17 W CC. | 0.8596 | 5.1 | 4.2 | 1 | 27 | 14 |

TABLE 2.—CHAMPUS WEIGHT AND THRESHOLD SUMMARY—Continued
 [Effective for admissions occurring on or after October 1, 1993]

| DRG No. | Description | CHAMPUS weight | Arithmetic mean los | Geometric mean los | Short stay threshold | Long stay threshold | |
|---------|---|----------------|---------------------|--------------------|----------------------|---------------------|-----|
| | | | | | | (A) | (B) |
| 321 | Kidney & Urinary tract infections age >17 W/O CC. | 0.5724 | 3.8 | 3.3 | 1 | 16 | 9 |
| 322 | Kidney & Urinary tract infections age 0-17. | 0.4956 | 3.8 | 3.3 | 1 | 15 | 8 |
| 323 | Urinary stones W CC, &/or ESW lithotripsy. | 0.7039 | 2.7 | 2.1 | 1 | 16 | 7 |
| 324 | Urinary stones W/O CC | 0.3448 | 1.8 | 1.5 | 1 | 7 | 4 |
| 325 | Kidney & urinary tract signs & symptoms age >17 W CC. | 0.6934 | 3.6 | 3.0 | 1 | 20 | 10 |
| 326 | Kidney & urinary tract signs & symptoms age >17 W/O CC. | 0.5163 | 2.4 | 2.0 | 1 | 11 | 6 |
| 327 | Kidney & urinary tract signs & symptoms age 0-17. | 0.7169* | 3.1 | 3.1 | 1 | 26 | 26 |
| 328 | Urethral stricture age >17 W CC | 0.6597* | 5.0 | 3.6 | 1 | 27 | 27 |
| 329 | Urethral stricture age >17 W/O CC | 0.3881* | 2.4 | 1.9 | 1 | 14 | 14 |
| 330 | Urethral stricture age 0-17 | 0.2882* | 1.6 | 1.6 | 1 | 9 | 9 |
| 331 | Other kidney & urinary tract diagnoses age >17 W CC. | 1.0612 | 5.4 | 3.8 | 1 | 26 | 18 |
| 332 | Other kidney & urinary tract diagnoses age > 17 W/O CC. | 0.6636 | 3.3 | 2.4 | 1 | 22 | 10 |
| 333 | Other kidney & urinary tract diagnoses age 0-17. | 0.5456 | 3.7 | 2.8 | 1 | 25 | 12 |
| 334 | Major male pelvic procedures W CC | 1.9890 | 6.8 | 6.4 | 2 | 17 | 12 |
| 335 | Major male pelvic procedures W/O CC. | 1.6916 | 5.9 | 5.6 | 2 | 15 | 10 |
| 336 | Transurethral prostatectomy W CC | 0.9046 | 3.6 | 3.2 | 1 | 13 | 7 |
| 337 | Transurethral prostatectomy W/O CC | 0.7174 | 2.9 | 2.7 | 1 | 9 | 5 |
| 338 | Testes procedures, for malignancy | 1.2830 | 6.6 | 4.6 | 1 | 27 | 21 |
| 339 | Testes procedures, non-malignancy age >17. | 0.8522 | 3.3 | 2.3 | 1 | 25 | 11 |
| 340 | Testes procedures, non-malignancy age 0-17. | 0.4242 | 1.3 | 1.2 | 1 | 3 | 2 |
| 341 | Penis procedures | 1.3426 | 2.6 | 2.0 | 1 | 14 | 7 |
| 342 | Circumcision age >17 | 0.5848* | 3.8 | 2.6 | 1 | 26 | 26 |
| 343 | Circumcision age 0-17 | 0.3916* | 1.7 | 1.7 | 1 | 6 | 6 |
| 344 | Other male reproductive system O.R. procedures for malignancy. | 1.2096 | 3.0 | 2.4 | 1 | 19 | 9 |
| 345 | Other male reproductive system O.R. proc except for malignancy. | 0.7344* | 4.6 | 3.2 | 1 | 26 | 26 |
| 346 | Malignancy, male reproductive system, W CC. | 1.5608 | 6.9 | 2.9 | 1 | 25 | 19 |
| 347 | Malignancy, male reproductive system, W/O CC. | 0.4928* | 3.8 | 2.5 | 1 | 26 | 26 |
| 348 | Benign prostatic hypertrophy W CC | 0.6856* | 5.5 | 3.9 | 1 | 27 | 27 |
| 349 | Benign prostatic hypertrophy W/O CC | 0.3818 | 2.3 | 1.9 | 1 | 11 | 6 |
| 350 | Inflammation of the male reproductive system. | 0.5661 | 3.8 | 3.2 | 1 | 19 | 10 |
| 351 | Sterilization, male | 0.3447* | 1.3 | 1.3 | 1 | 5 | 5 |
| 352 | Other male reproductive system diagnoses. | 0.5711 | 3.9 | 2.6 | 1 | 25 | 16 |
| 353 | Pelvic evisceration, radical hysterectomy & radical vulvectomy. | 2.1246 | 7.9 | 6.8 | 1 | 29 | 18 |
| 354 | Uterine, adnexa proc for non-ovarian/adnexal malign W CC. | 1.3356 | 5.2 | 4.7 | 1 | 18 | 11 |
| 355 | Uterine adnexa proc for non-ovarian/adnexal malign W/O CC. | 0.9583 | 3.5 | 3.3 | 1 | 10 | 6 |
| 356 | Female reproductive system reconstructive procedures. | 0.8480 | 3.3 | 3.0 | 1 | 11 | 7 |
| 357 | Uterine & adnexa proc for ovarian or adnexal malignancy. | 1.8086 | 7.0 | 6.1 | 1 | 29 | 17 |
| 358 | Uterine & adnexa proc for non-malignancy W CC. | 1.1780 | 4.1 | 3.7 | 1 | 13 | 8 |
| 359 | Uterine & adnexa proc for non-malignancy W/O CC. | 0.9422 | 3.1 | 2.9 | 1 | 9 | 6 |
| 360 | Vagina, cervix & vulva procedures | 0.8551 | 3.2 | 2.7 | 1 | 15 | 8 |
| 361 | Laparoscopy & incisional tubal interruption. | 0.8665 | 2.7 | 2.2 | 1 | 14 | 7 |
| 362 | Endoscopic tubal interruption | 0.5151* | 1.4 | 1.4 | 1 | 5 | 5 |

TABLE 2.—CHAMPUS WEIGHT AND THRESHOLD SUMMARY—Continued

[Effective for admissions occurring on or after October 1, 1993]

| DRG No. | Description | CHAMPUS weight | Arithmetic mean los | Geometric mean los | Short stay threshold | Long stay threshold | |
|---------|--|----------------|---------------------|--------------------|----------------------|---------------------|-----|
| | | | | | | (A) | (B) |
| 363 | D&C, conization & radio-implant, for malignancy. | 0.6650 | 2.9 | 2.4 | 1 | 12 | 6 |
| 364 | D&C, conization except for malignancy. | 0.5592 | 2.3 | 1.8 | 1 | 13 | 6 |
| 365 | Other female reproductive system O.R. procedures. | 1.3155 | 4.8 | 3.9 | 1 | 24 | 12 |
| 366 | Malignancy, female reproductive system W CC. | 1.3510 | 7.1 | 4.7 | 1 | 27 | 21 |
| 367 | Malignancy, female reproductive system W/O CC. | 0.4149 | 2.0 | 1.7 | 1 | 9 | 5 |
| 368 | Infections, female reproductive system. | 0.5620 | 3.6 | 3.1 | 1 | 16 | 8 |
| 369 | Menstrual & other female reproductive system disorders. | 0.3592 | 2.3 | 1.9 | 1 | 10 | 5 |
| 370 | Cesarean section W CC | 0.9864 | 4.4 | 4.0 | 1 | 13 | 8 |
| 371 | Cesarean section W/O CC | 0.7742 | 3.5 | 3.4 | 1 | 7 | 5 |
| 372 | Vaginal delivery W complicating diagnoses. | 0.5376 | 2.7 | 2.4 | 1 | 11 | 6 |
| 373 | Vaginal delivery W/O complicating diagnoses. | 0.3839 | 1.9 | 1.8 | 1 | 5 | 3 |
| 374 | Vaginal delivery W sterilization &/OR D&C. | 0.6621 | 2.2 | 2.1 | 1 | 5 | 4 |
| 375 | Vaginal Delivery W O.R. proc except steril &/OR D&C. | 0.6663 | 2.5 | 2.1 | 1 | 11 | 6 |
| 376 | Postpartum & post abortion diagnoses W/O O.R. procedure. | 0.4624 | 3.0 | 2.5 | 1 | 16 | 8 |
| 377 | Postpartum & post abortion diagnoses W O.R. procedure. | 0.7969 | 2.7 | 2.0 | 1 | 15 | 7 |
| 378 | Ectopic pregnancy | 0.8486 | 2.6 | 2.2 | 1 | 11 | 6 |
| 379 | Threatened abortion | 0.4450 | 3.2 | 2.2 | 1 | 22 | 10 |
| 380 | Abortion W/O D&C | 0.3733 | 1.7 | 1.4 | 1 | 7 | 4 |
| 381 | Abortion W D&C, aspiration curettage or hysterotomy. | 0.4638 | 1.5 | 1.3 | 1 | 4 | 3 |
| 382 | False labor | 0.1957 | 1.4 | 1.2 | 1 | 4 | 2 |
| 383 | Other antepartum diagnoses W medical complications. | 0.3769 | 3.0 | 2.4 | 1 | 16 | 8 |
| 384 | Other antepartum diagnoses W/O medical complications. | 0.3722 | 2.8 | 1.9 | 1 | 18 | 8 |
| 385 | No longer valid | | | | | | |
| 386 | No longer valid | | | | | | |
| 387 | No longer valid | | | | | | |
| 388 | No longer valid | | | | | | |
| 389 | No longer valid | | | | | | |
| 390 | No longer valid | | | | | | |
| 391 | Normal newborn | 0.1115 | 2.0 | 1.8 | 1 | 6 | 4 |
| 392 | Splenectomy age >17 | 2.8840 | 9.6 | 7.7 | 1 | 30 | 24 |
| 393 | Splenectomy age 0-17 | 1.6594 | 8.1 | 6.4 | 1 | 29 | 23 |
| 394 | Other O.R. procedures of the blood and blood forming organs. | 1.2019 | 5.1 | 3.5 | 1 | 26 | 19 |
| 395 | Red blood cell disorders age >17 | 1.0333 | 5.9 | 4.2 | 1 | 27 | 21 |
| 396 | Red blood cell disorders age 0-17 | 0.6164 | 3.9 | 3.0 | 1 | 26 | 12 |
| 397 | Coagulation disorders | 1.0209 | 4.6 | 3.3 | 1 | 26 | 16 |
| 398 | Reticuloendothelial & immunity disorders W CC. | 1.2317 | 6.0 | 5.0 | 1 | 27 | 16 |
| 399 | Reticuloendothelial & immunity disorders W/O CC. | 0.6720 | 4.0 | 3.3 | 1 | 22 | 11 |
| 400 | Lymphoma & leukemia w major O.R. procedure. | 2.7020 | 9.2 | 5.8 | 1 | 28 | 22 |
| 401 | Lymphoma & non-acute leukemia W other O.R. Proc W CC. | 2.7014 | 12.1 | 7.8 | 1 | 30 | 24 |
| 402 | Lymphoma & non-acute leukemia W Other O.R. Proc W/O CC. | 1.1230 | 3.7 | 2.7 | 1 | 25 | 12 |
| 403 | Lymphoma & non-acute leukemia W CC. | 2.8948 | 11.1 | 7.5 | 1 | 30 | 24 |
| 404 | Lymphoma & non-acute leukemia W/O CC. | 1.5129 | 5.4 | 3.8 | 1 | 26 | 17 |
| 405 | Acute leukemia W/O major O.R. procedure age 0-17. | 1.9144 | 9.1 | 5.6 | 1 | 28 | 22 |

TABLE 2.—CHAMPUS WEIGHT AND THRESHOLD SUMMARY—Continued
 [Effective for admissions occurring on or after October 1, 1993]

| DRG No. | Description | CHAMPUS weight | Arithmetic mean los | Geometric mean los | Short stay threshold | Long stay threshold | |
|---------|---|----------------|---------------------|--------------------|----------------------|---------------------|-----|
| | | | | | | (A) | (B) |
| 406 | Myeloprolif disord or poorly diff neopl W maj O.R. proc W CC. | 2.8858 | 10.8 | 8.5 | 1 | 31 | 25 |
| 407 | Myeloprolif disord or poorly diff neopl W maj O.R. proc W/O CC. | 1.8040 | 6.4 | 4.7 | 1 | 27 | 21 |
| 408 | Myeloprolif discord or poorly diff neopl W other O.R. proc. | 1.7877 | 6.8 | 4.6 | 1 | 27 | 21 |
| 409 | Radiotherapy | 0.8412 | 4.3 | 3.2 | 1 | 26 | 13 |
| 410 | Chemotherapy W/O acute leukemia as secondary diagnosis. | 0.8938 | 3.3 | 2.6 | 1 | 19 | 9 |
| 411 | History of malignancy W/O endoscopy. | 0.4152* | 2.9 | 2.2 | 1 | 20 | 20 |
| 412 | History of malignancy W endoscopy .. | 0.4758* | 3.2 | 2.1 | 1 | 25 | 25 |
| 413 | Other myeloprolif dis or poorly diff neopl diag W CC. | 1.8415 | 8.7 | 5.7 | 1 | 28 | 22 |
| 414 | Other myeloprolif dis or poorly diff neopl diag W/O CC. | 1.1619 | 10.8 | 4.2 | 1 | 27 | 21 |
| 415 | O.R. procedure for infectious & parasitic diseases. | 3.6184 | 14.0 | 9.5 | 1 | 32 | 26 |
| 416 | Septicemia age >17 | 2.0366 | 8.5 | 6.6 | 1 | 29 | 23 |
| 417 | Septicemia age 0-17 | 0.7145 | 5.2 | 4.1 | 1 | 27 | 15 |
| 418 | Postoperative & post-traumatic infections. | 1.1264 | 6.9 | 4.9 | 1 | 27 | 21 |
| 419 | Fever of unknow origin age >17 W CC. | 0.9263 | 5.3 | 4.3 | 1 | 27 | 14 |
| 420 | Fevor of unknown origin age >17 W/O CC. | 0.6167 | 3.7 | 2.8 | 1 | 25 | 12 |
| 421 | Viral illness age >17 | 0.6110 | 3.5 | 2.8 | 1 | 19 | 9 |
| 422 | Viral illness & fever of unknown origin age 0-17. | 0.4142 | 2.9 | 2.5 | 1 | 12 | 7 |
| 423 | Other infectious & parasitic diseases diagnoses. | 1.6938 | 7.0 | 5.2 | 1 | 28 | 22 |
| 424 | O.R. procedure W principal diagnoses of mental illness. | 2.4103 | 17.5 | 12.2 | 1 | 35 | 29 |
| 425 | Acute adjust react & disturbances of psychosocial dysfunction. | 0.8058 | 6.7 | 4.2 | 1 | 27 | 21 |
| 426 | Depressive neuroses | 0.9672 | 8.7 | 6.4 | 1 | 29 | 23 |
| 427 | Neuroses except depressive | 0.9652 | 8.7 | 5.6 | 1 | 28 | 22 |
| 428 | Disorders of personality & impulse control. | 1.3141 | 12.4 | 9.6 | 1 | 32 | 26 |
| 429 | Organic distrubances & mental retardation. | 1.0190 | 23.4 | 14.9 | 1 | 37 | 31 |
| 430 | Psychoses | 1.1414 | 9.9 | 7.3 | 1 | 30 | 24 |
| 431 | Childhood mental disorders | 1.2524 | 12.5 | 8.1 | 1 | 31 | 25 |
| 432 | Other mental disorder diagnoses | 1.1739 | 10.6 | 8.4 | 1 | 31 | 25 |
| 433 | Alcohol/drug abuse or dependence, left AMA. | 0.2639 | 2.6 | 1.9 | 1 | 16 | 7 |
| 434 | Alc/drug abuse or depend, detox or oth sympt treat W CC. | 0.8724 | 6.4 | 4.6 | 1 | 27 | 21 |
| 435 | No longer valid | | | | | | |
| 436 | Alc/drug dependence W rehabilitation therapy. | 1.0845 | 19.5 | 13.0 | 1 | 36 | 30 |
| 437 | Alc/drug dependence, combined rehab & detox therapy. | 1.2648 | 16.5 | 12.8 | 1 | 35 | 29 |
| 438 | No longer valid | | | | | | |
| 439 | Skin grafts for injuries | 0.9444 | 3.9 | 2.7 | 1 | 25 | 13 |
| 440 | Wound debridements for injuries | 1.6931 | 6.5 | 4.2 | 1 | 27 | 21 |
| 441 | Hand procedures for injuries | 1.3020 | 3.4 | 2.5 | 1 | 25 | 11 |
| 442 | Other O.R. procedures for injuries W CC. | 2.1931 | 6.8 | 4.1 | 1 | 27 | 21 |
| 443 | Other O.R. procedures for injuries W/O CC. | 1.0160 | 3.4 | 2.3 | 1 | 25 | 11 |
| 444 | Traumatic injury age >17 W CC | 0.6847 | 5.3 | 3.7 | 1 | 26 | 18 |
| 445 | Traumatic injury age >17 W/O CC | 0.6661 | 3.1 | 2.2 | 1 | 19 | 9 |
| 446 | Traumatic injury age 0-17 | 0.4806 | 2.6 | 1.8 | 1 | 15 | 7 |
| 447 | Allergic reactions age >17 | 0.4896 | 2.4 | 1.9 | 1 | 12 | 6 |
| 448 | Allergic reactions age 0-17 | 0.3734 | 2.2 | 1.6 | 1 | 13 | 6 |
| 449 | Poisoning & toxic effects of drugs age >17 W CC. | 0.8625 | 3.5 | 2.5 | 1 | 25 | 11 |

TABLE 2.—CHAMPUS WEIGHT AND THRESHOLD SUMMARY—Continued

[Effective for admissions occurring on or after October 1, 1993]

| DRG No. | Description | CHAMPUS weight | Arithmetic mean los | Geometric mean los | Short stay threshold | Long stay threshold | |
|---------|---|----------------|---------------------|--------------------|----------------------|---------------------|-----|
| | | | | | | (A) | (B) |
| 450 | Poisoning & toxic effects of drugs age >17 W/O CC. | 0.4599 | 2.0 | 1.6 | 1 | 9 | 5 |
| 451 | Poisoning & toxic effects of drugs Age 0-17. | 0.3545 | 2.0 | 1.5 | 1 | 9 | 4 |
| 452 | Complications of treatment W CC | 0.6985 | 3.8 | 2.9 | 1 | 25 | 11 |
| 453 | Complications of treatment W/O CC | 0.4494 | 2.5 | 2.0 | 1 | 14 | 7 |
| 454 | Other injury, poisoning & toxic effect diag W CC. | 0.9704 | 3.6 | 2.4 | 1 | 25 | 11 |
| 455 | Other injury, poisoning & toxic effect diag W/O CC. | 0.3912 | 1.6 | 1.3 | 1 | 6 | 3 |
| 456 | Burns, transferred to another acute care facility. | 2.1688* | 10.4 | 5.1 | 1 | 28 | 28 |
| 457 | Extensive burns W/O O.R. procedure | 1.6312* | 5.3 | 2.6 | 1 | 26 | 26 |
| 458 | Non-extensive burns W skin graft | 3.7757 | 15.8 | 11.1 | 1 | 34 | 28 |
| 459 | Non-extensive burns W wound debridement or other O.R. proc. | 4.1255 | 17.9 | 8.0 | 1 | 31 | 25 |
| 460 | Non-extensive burns W/O O.R. procedure. | 1.0148 | 6.4 | 4.0 | 1 | 27 | 21 |
| 461 | O.R. Proc W diagnoses of other contact W health services. | 1.4277 | 6.5 | 3.1 | 1 | 26 | 20 |
| 462 | Rehabilitation | 2.0768 | 17.1 | 10.9 | 1 | 33 | 27 |
| 463 | Signs & symptoms W CC | 1.4051 | 8.5 | 5.5 | 1 | 28 | 22 |
| 464 | Signs & symptoms W/O CC | 0.5006 | 2.9 | 2.0 | 1 | 20 | 9 |
| 465 | Aftercare W history of malignancy as secondary diagnosis. | 0.6372 | 2.0 | 1.9 | 1 | 7 | 4 |
| 466 | Aftercare W/O history of malignancy as secondary diagnosis. | 1.1252 | 5.0 | 2.9 | 1 | 25 | 18 |
| 467 | Other factors influencing health status | 0.5669 | 3.4 | 2.0 | 1 | 24 | 10 |
| 468 | Extensive O.R. procedure unrelated to principal diagnosis. | 2.5852 | 8.9 | 5.1 | 1 | 28 | 22 |
| 469 | Principal diagnosis invalid as discharge diagnosis. | | | | | | |
| 470 | Ungroupable | | | | | | |
| 471 | Bilateral or multiple major joint procs of lower extremity. | 4.8350 | 11.1 | 9.3 | 1 | 32 | 26 |
| 472 | Extensive burns W O.R. procedure | 24.1385 | 46.9 | 26.2 | 1 | 49 | 43 |
| 473 | Acute leukemia W/O major O.R. procedure age >17. | 5.9016 | 20.3 | 12.2 | 1 | 35 | 29 |
| 474 | No longer valid | | | | | | |
| 475 | Respiratory system diagnosis with ventilator support. | 4.8551 | 12.2 | 8.1 | 1 | 31 | 25 |
| 476 | Prostatic O.R. procedure unrelated to principal diagnosis. | 1.9821 | 12.1 | 6.5 | 1 | 29 | 23 |
| 477 | Non-extensive O.R. procedure unrelated to principal diagnosis. | 1.6613 | 6.8 | 3.8 | 1 | 26 | 20 |
| 478 | Other vascular procedures W CC | 2.7336 | 7.4 | 5.5 | 1 | 28 | 22 |
| 479 | Other vascular procedures W/O CC | 1.6819 | 4.1 | 3.3 | 1 | 24 | 12 |
| 480 | Liver transplant | | | | | | |
| 481 | Bone marrow transplant | 17.6331 | 37.3 | 36.4 | 19 | 59 | 53 |
| 482 | Tracheostomy for face, mouth & neck diagnoses. | 3.8540 | 13.2 | 10.8 | 1 | 33 | 27 |
| 483 | Tracheostomy except for face, mouth & neck diagnoses. | 21.1661 | 38.5 | 27.6 | 1 | 50 | 44 |
| 484 | Craniotomy for multiple significant trauma. | 5.6612* | 20.6 | 13.3 | 1 | 36 | 36 |
| 485 | Limb reattachment, hip and femur proc for multiple significant T. | 6.3328 | 17.2 | 12.5 | 1 | 35 | 29 |
| 486 | Other O.R. procedures for multiple significant trauma. | 5.7297 | 13.2 | 9.0 | 1 | 32 | 26 |
| 487 | Other multiple significant trauma | 2.1449 | 7.2 | 5.6 | 1 | 28 | 22 |
| 488 | Hiv W extensive O.R. procedure | 4.3859* | 22.1 | 15.8 | 1 | 39 | 39 |
| 489 | Hiv W major related condition | 2.0082 | 12.1 | 7.6 | 1 | 30 | 24 |
| 490 | Hiv W or W/O other related condition | 1.2807 | 5.5 | 4.5 | 1 | 27 | 17 |
| 491 | Major joint & limb reattachment procedures of upper extremity. | 1.7408 | 3.9 | 3.4 | 1 | 15 | 9 |
| 492 | Chemotherapy W acute leukemia as secondary diagnosis. | 2.3308 | 9.1 | 4.4 | 1 | 27 | 21 |
| 493 | Laparoscopic cholecystectomy W/O C.D.E. W CC. | 1.6186 | 4.4 | 3.3 | 1 | 26 | 14 |

TABLE 2.—CHAMPUS WEIGHT AND THRESHOLD SUMMARY—Continued

[Effective for admissions occurring on or after October 1, 1993]

| DRG No. | Description | CHAMPUS weight | Arithmetic mean los | Geometric mean los | Short stay threshold | Long stay threshold | |
|---------|---|----------------|---------------------|--------------------|----------------------|---------------------|-----|
| | | | | | | (A) | (B) |
| 494 | Laparoscopic cholecystectomy W/O C.D.E. W/O CC. | 1.0177 | 2.0 | 1.6 | 1 | 9 | 5 |
| 600 | Neonate, died W/in one day of birth .. | 0.3078 | 1.0 | 1.0 | 1 | 1 | 1 |
| 601 | Neonate, transferred <5 days old | 0.4555 | 1.4 | 1.3 | 1 | 2 | 2 |
| 602 | Neonate, birthwt <750G, discharged alive. | 14.2883 | 40.9 | 12.4 | 1 | 29 | 29 |
| 603 | Neonate, birthwt <750G, died | 6.7796 | 12.0 | 6.7 | 1 | 23 | 23 |
| 604 | Neonate, birthwt 750-999G, discharged alive. | 16.6108 | 55.5 | 41.6 | 2 | 58 | 58 |
| 605 | Neonate, birthwt 750-999G, died | 9.5158 | 22.3 | 8.8 | 1 | 25 | 25 |
| 606 | Neonate, birthwt 1000-1499G, W signif or proc, discharged alive. | 26.1817 | 98.4 | 94.8 | 37 | 111 | 111 |
| 607 | Neonate, birthwt 1000-1499G, W/O signif or proc, discharged aliv. | 6.9033 | 34.9 | 29.2 | 3 | 46 | 46 |
| 608 | Neonate, birthwt 1000-1499G, died ... | 3.9298 | 5.5 | 4.9 | 1 | 18 | 18 |
| 609 | Neonate, birthwt 1500-1999G, W signif or proc, W mult major prob. | 5.4402 | 19.5 | 11.8 | 1 | 28 | 28 |
| 610 | Neonate, birthwt 1500-1999G, W signif or proc, W/O mult major PR. | 8.1556 | 38.0 | 38.0 | 37 | 38 | 38 |
| 611 | Neonate, birthwt 1500-1999G, W/O signif or proc, W mult major PR. | 6.0376 | 26.1 | 22.8 | 3 | 39 | 39 |
| 612 | Neonate, birthwt 1500-1999G, W/O signif or proc, W major Prob. | 3.8980 | 20.8 | 17.5 | 2 | 34 | 34 |
| 613 | Neonate, birthwt 1500-1999G, W/O signif or proc, W minor prob. | 2.8666 | 17.6 | 14.7 | 1 | 31 | 31 |
| 614 | Neonate, birthwt 1500-1999G, W, W/O signif or proc, W other prob. | 1.32985 | 10.9 | 8.6 | 1 | 25 | 25 |
| 615 | Neonate, birthwt 2000-2499G, W signif or proc, W mult major prob. | 4.8363 | 12.7 | 8.1 | 1 | 25 | 25 |
| 616 | Neonate, birthwt 2000-2499G, W signif or proc, W/O mult major PR. | 7.1541 | 33.6 | 22.1 | 1 | 39 | 39 |
| 617 | Neonate, birthwt 2000-2499G, W/O signif or proc, W mult major PR. | 5.2742 | 19.7 | 16.2 | 2 | 33 | 33 |
| 618 | Neonate, birthwt 2000-2499G, W/O signif or proc, W major prob. | 2.2347 | 11.0 | 8.4 | 1 | 25 | 25 |
| 619 | Neonate, birthwt 2000-2499G, W/O signif or proc, W minor prob. | 1.4069 | 8.3 | 6.8 | 1 | 23 | 23 |
| 620 | No longer valid | | | | | | |
| 621 | Neonate, birthwt 2000-2499G, W/O signif or proc, W other prob. | 0.4332 | 3.8 | 3.0 | 1 | 10 | 10 |
| 622 | Neonate, birthwt >2499G, W/O signif or proc, W mult major prob. | 6.8910 | 17.3 | 12.7 | 1 | 29 | 29 |
| 623 | Neonate, birthwt >2499G, W/O signif or proc, W/O mult major prob. | 3.0280 | 10.7 | 5.1 | 1 | 22 | 22 |
| 624 | Neonate, birthwt >2499G, W minor abdom procedure. | 0.7159 | 3.6 | 3.4 | 1 | 6 | 6 |
| 625 | No longer valid | | | | | | |
| 626 | Neonate, birthwt >2499G, W/O signif or proc, W mult major prob. | 2.6389 | 8.8 | 6.4 | 1 | 23 | 23 |
| 627 | Neonate, birthwt >2499G, W/O signif or proc, W major prob. | 0.8288 | 4.5 | 3.4 | 1 | 13 | 13 |
| 628 | Neonate, birthwt >2499G, W/O signif or proc, W minor prob. | 0.5110 | 3.8 | 3.2 | 1 | 10 | 10 |
| 629 | No longer valid | | | | | | |
| 630 | Neonate, birthwt >2499G, W/O signif or proc, W other prob. | 0.1699 | 2.4 | 1 | 2.1 | 5 | 5 |
| 631 | BPD and cth chronic respiratory diseases arising in perinatal PE. | 3.9988 | 13.7 | 8.4 | 1 | 25 | 25 |
| 632 | Other respiratory problems after birth | 0.4373 | 3.2 | 2.8 | 1 | 8 | 8 |
| 633 | Multiple, other and unspecified congenital anomalies, W CC. | 0.4041 | 3.5 | 3.5 | 1 | 5 | 5 |
| 634 | Multiple, other and unspecified congenital anomalies, W/O CC. | 0.1139 | 3.0 | 3.0 | 3 | 3 | 3 |
| 635 | Neonatal aftercare for weight gain | 0.5868 | 11.5 | 7.3 | 1 | 24 | 24 |
| 636 | Neonatal diagnosis, age >28 days | 5.0916 | 14.5 | 8.5 | 1 | 25 | 25 |
| 900 | Alc/drug abuse or depend, detox or oth sympt treat age <21 W/O. | 1.0106 | 12.0 | 7.9 | 1 | 30 | 24 |

TABLE 2.—CHAMPUS WEIGHT AND THRESHOLD SUMMARY—Continued
[Effective for admissions occurring on or after October 1, 1993]

| DRG No. | Description | CHAMPUS weight | Arithmetic mean los | Geometric mean los | Short stay threshold | Long stay threshold | |
|-----------|---|----------------|---------------------|--------------------|----------------------|---------------------|-----|
| | | | | | | (A) | (B) |
| 901 | ALC/Drug abuse or depend, detox or oth sympt treat age >21 W/O. | 0.8049 | 8.9 | 6.3 | 1 | 29 | 23 |

*There were fewer than ten cases from which to calculate the CHAMPUS weight, so the Medicare weight was used for this DRG.

[FR Doc. 93-26097 Filed 10-22-93; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Teleconference Meeting

AGENCY: National Assessment Governing Board, Education.

ACTION: Amendment to published notice of Executive Committee meeting.

SUMMARY: Notice is hereby given of an amendment to the notice of a teleconference meeting of the Executive Committee of the National Assessment Governing Board scheduled for October 22, 1993 published on October 18, 1993, FR 58, page 53719. The meeting date is changed; the time and agenda are unchanged. The Committee will meet in open session, on October 25, 1993, beginning at 11 a.m.

Dated: October 20, 1993.

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 93-26143 Filed 10-22-93; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Financial Assistance for Transitional Economic Development Planning

AGENCY: Pinellas Area Office, Albuquerque Operations Office, DOE.

ACTION: Notice of intent.

SUMMARY: The Pinellas Area Office intends to award a financial assistance agreement to The Enterprise Corporation of Tampa Bay (TEC) to develop a strategy for economic development planning for the local communities surrounding the Pinellas Plant. This project is necessary to help transition the communities' economy to non-defense enterprises, based on the Department's decision to withdraw the weapons mission from the Pinellas Plant. TEC has been chosen to lead the communities of the Tampa Bay area in their efforts to lessen the impact of

defense downsizing. The proposed award will help strategize for business stability and growth, identification of alternative uses of facilities/assets, and workforce transition. Further the financial assistance agreement will provide for a community economic development plan and administrative support for stakeholder organizations. A \$500,000 award covering as long as a three-year project period is contemplated.

FOR FURTHER INFORMATION CONTACT: Address comments to the attention of Edward E. Patenaude, Department of Energy, Pinellas Area Office, P.O. Box 2900, Largo, FL 34649-2900, (813)541-8196.

SUPPLEMENTARY INFORMATION: The financial assistance is to be awarded under the Department of Energy's (DOE), Technical Integration Program (Catalogue of Federal Domestic Assistance No. 81.103). It is authorized under the DOE Organizational Act, Pub. L. 95-91, as amended. Restricted eligibility is necessary in that the recipient organization must be uniquely qualified (10 CFR part 11, § 600.7(b)(2)(i)(d)). TEC is so qualified in that it has been selected by the local community to be the lead organization in coordinating, organizing and implementing Tampa Bay Defense Transition Task Force initiatives and programs.

Issued in Albuquerque, New Mexico on October 18, 1993.

Richard A. Marquez,
Assistant Manager for Management and Administration.

[FR Doc. 93-26170 Filed 10-22-93; 8:45 am]

BILLING CODE 6450-01-M

Sources Sought Announcement for Upcoming Class III Near-Term Solicitation

AGENCY: Bartlesville Project Office and Pittsburgh Energy Technology Center, Department of Energy.

ACTION: Near-term program opportunity notice.

SUMMARY: The U.S. Department of Energy, Bartlesville Project Office

through the Pittsburgh Energy Technology Center, announces that it intends to issue a competitive Program Opportunity Notice (PON) in support of maximizing the economic producibility of oil from Slope and Basin clastic (Class III) reservoirs. A public meeting is being scheduled.

DATES: The scheduled release date for the solicitation is January 28, 1994. No details pertaining to the public meeting are available at this time.

ADDRESSES: A copy of all pertinent information, including the solicitation, may be obtained by writing to the Department of Energy, Pittsburgh Energy Technology Center, Attention Keith R. Miles, Contract Specialist, P.O. Box 10940, Mail Stop 921-118, Pittsburgh, PA 15234. Requests may be faxed to 412/892-6216.

SUPPLEMENTARY INFORMATION:

Program Opportunity Notice No. DE-PS22-94BC14972

Title of Solicitation

Class III Oil Program: Near-Term Activities

Objective

The specific objective of this Program Opportunity Notice is to solicit applications to conduct cost-shared projects in domestic Slope and Basin clastic reservoirs that lead to maximizing the economic producibility of the domestic oil resource. These projects should extend the economic life of Slope and Basin clastic reservoirs through the improved understanding of the reservoirs, recovery processes, and producibility constraints. This understanding should lead to technology transfer to domestic operators with analogous reservoirs or similar production problems; projects may include a field demonstration.

Sources Sought

Organization interested in being placed on the Department's source list for information, are encouraged to submit a written request to the address listed in this announcement. The request must include: The company

name, address, and point of contact, including telephone number.

Any organization who has previously responded to the DOE Bartlesville Project Office's "Open Letter" dated August 16, 1993 need not respond to this announcement.

Dated: October 19, 1993.

Dale A. Siciliano,

Contracting Officer.

[FR Doc. 93-26172 Filed 10-22-93; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER93-216-000, et al.]

Montana Power Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

October 19, 1993.

Take notice that the following filings have been made with the Commission:

1. Montana Power Company

[Docket No. ER93-216-000]

Take notice that on October 8, 1993, the Montana Power Company (Montana) tendered for filing with the Federal Energy Regulatory Commission an amendment to its original filing of Service Schedule F-3 to Rate Schedule FERC No. 3, an "Interconnection Agreement between the Montana Power Company, Idaho Power Company and Utah Power & Light Company. This amended filing provides additional information requested through a deficiency letter issued under this docket.

Comment date: November 1, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. Enron Power Marketing, Inc.

[Docket No. ER94-24-000]

Take notice that on October 12, 1993, Enron Power Marketing, Inc. (EPMI) tendered for filing a petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its F.E.R.C. Electric Rate Schedule No. 1 to be effective October 12, 1993.

Comment date: November 1, 1993, in accordance with Standard Paragraph E at the end of this notice.

3. Kentucky Utilities Company

[Docket No. ER94-29-000]

Take notice that on October 15, 1993, Kentucky Utilities Company (KU) tendered for filing a revised executed Contract for Electric Service with the City of Madisonville for its east substation delivery point.

Comment date: November 2, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Southwestern Electric Power Company

[Docket No. ER93-856-000]

Take notice that on October 14, 1993, Southwestern Electric Power Company (SWEPCO) filed additional information in response to a Commission Staff inquiry regarding Amendment No. 1 to the Restated and Amended Interconnection Agreement between SWEPCO and Gulf States Utilities Company (Amendment No. 1).

SWEPCO has served a copy of this filing on Gulf States, the Public Utility Commission of Texas, Entergy Corporation and counsel for the intervenors, Brazos Electric Power Cooperative, Inc., Cajun Electric Power Cooperative, Inc. and Entergy Services, Inc.

Comment date: November 2, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. Boston Edison Company

[Docket No. ER94-27-000]

Take notice that on October 14, 1993, Boston Edison Company (Edison) tendered for filing an agreement with Northeast Energy Associates (NEA) pursuant to which Boston Edison will provide coordination services for switching and tagging of transmission lines used by NEA for interconnection to the New England transmission grid.

Edison states that it has served the filing on NEA and the Massachusetts Department of Public Utilities.

Comment date: November 2, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. Boston Edison Company

[Docket No. ER94-28-000]

Take notice that on October 14, 1993, Boston Edison Company (Edison) tendered for filing two agreements with Northeast Energy Associates (NEA, developer of a qualifying facility, for the interconnection of NEA's facility to Boston Edison's transmission system. Edison requests that these agreements be allowed to become effective June 28, 1989 and September 24, 1993, respectively. As good cause for a waiver of the 60-day notice requirement of section 205 to permit retroactive effective dates, Edison states that these agreements are being filed pursuant to the amnesty granted by the Commission in Docket No. PL93-2-002.

Edison states that it has served the filing on NEA and the Massachusetts Department of Public Utilities.

Comment date: November 2, 1993, in accordance with Standard Paragraph E at the end of this notice.

7. Missouri Public Service, Division of UtiliCorp United Inc.

[Docket No. ER94-25-000]

Take notice that Missouri Public Service, Division of UtiliCorp United Inc. (MPS) on October 13, 1993, tendered for filing an Amendment to the Transmission and Interconnection Agreement between MPS and Associated Electric Cooperative, Inc. (AEC) dated August 24, 1988.

The filing states that the Amendment was entered into in order to add two new delivery points at Faucett and Orrick Missouri. No change in rates will occur as a result of the Amendment. MPS is requesting waiver of the Commission's notice requirements so that as to the Orrick interconnection, the Amendment can become effective on August 9, 1993, as the parties agreed. As to the Faucett interconnection, MPS requests an effective date 60 days from the date of this filing, i.e., December 13, 1993.

Copies of the filing were served upon AEC and the Missouri Public Service Commission.

Comment date: November 2, 1993, in accordance with Standard Paragraph E at the end of this notice.

8. Northeast Utilities Service Company

[Docket No. ER93-914-000]

Take notice that on October 13, 1993, Northeast Utilities Service Company (NUSCO), on behalf of The Connecticut Light and Power Company (CL&P), tendered for filing a revised amendment for additional capacity purchases by New England Power Company (NEP).

Comment date: November 2, 1993, in accordance with Standard Paragraph E at the end of this notice.

9. Central Illinois Public Service Company

[Docket No. ER93-418-001]

Take notice that on October 13, 1993, Central Illinois Public Service Company (CIPS) tendered for filing its compliance filing in this docket.

Comment date: November 2, 1993, in accordance with Standard Paragraph E at the end of this notice.

10. Southern California Edison Company

[Docket Nos. ER76-205-014 (Phase II) ER79-150-022 (Phase II), ER81-177-016, ER82-427-011, ER84-74-017, ER86-271-003, ER87-483-004, and FA85-67-005]

Take notice that on October 15, 1993, Southern California Edison Company

tendered for filing its compliance filing in the above referenced dockets.

Comment date: November 2, 1993, in accordance with Standard Paragraph E at the end of this notice.

11. Central Illinois Light Company

[Docket No. ER94-26-000]

Take notice that Central Illinois Light Company (CILCO), on October 14, 1993, tendered for filing with the Commission a contract amendment to the Service Schedules contained in CILCO's Interconnection Agreement with Illinois Power Company (CILCO Rate Schedule FERC No. 24). This amendment has been filed for the purpose of reflecting current costs in the rates and consolidating several service schedules.

CILCO proposes the rate schedule changes to be effective on December 15, 1993.

Copies of the filing were served on Illinois Power and the Illinois Commerce Commission.

Comment date: November 2, 1993, in accordance with Standard Paragraph E at the end of this notice.

12. Central and South West Services, Inc.

[Docket No. ER94-32-000]

Take notice that on October 15, 1993, Central and South West Services, Inc. (CSWS), as agent for the electric utility operating companies of the Central and South West Corporation, tendered for filing a Restated and Amended Operating Agreement dated October 1, 1993. The Operating Agreement forms the basis for the coordinated operations of the CSW Operating Companies: Central Power and Light Company Public Service Company of Oklahoma, Southwestern Electric Power Company and West Texas Utilities Company. The Restated and Amended Operating Agreement includes a number of minor changes to the currently effective Operating Agreement, most of which merely eliminate obsolete factual references, clarify terminology or address internal CSW management procedures. Because the Restated Agreement also includes proposed reductions in two fixed charge rates used in pricing internal CSW System transactions, CSWS believes that the filing constitutes a rate increase.

The filing also conforms the terms of the Operating Agreement to established practice in several respects. In connection with these changes, CSW requests, to the extent necessary, amnesty treatment in accordance with the Commission's Final Order in Docket No. PL93-2-002, 64 FERC ¶61,139 (1993).

CSWS proposes an effective date of January 1, 1994 for the Restate Agreement.

Copies of the filing were sent to the Arkansas Public Service Commission, the Louisiana Public Service Commission, the Oklahoma Corporation Commission and the Public Utility Commission of Texas.

Comment date: November 2, 1993, in accordance with Standard Paragraph E at the end of this notice.

13. PacifiCorp

[Docket No. ER93-908-000]

Take notice that on October 14, 1993, PacifiCorp tendered for filing, an amendment to its filing in the docket referenced above. PacifiCorp has provided additional justification for its request of waiver of prior notice for services under its General Transfer Agreement with Bonneville Power Administration (Bonneville).

Copies of this filing have been supplied to Bonneville and the Public Utility Commission of Oregon.

Comment date: November 2, 1993, in accordance with Standard Paragraph E end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93-26136 Filed 10-22-93; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Efficiency and Renewable Energy

State Energy Advisory Board; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: State Energy Advisory Board.

Date and Time: November 9, 1993—9 a.m. to 5 p.m. November 10, 1993—9 a.m. to 5 p.m.

Place: Courtyard Marriott, 2899 Jefferson Davis Hwy., Arlington, VA 22202, (703) 549-3434.

Contact: Sarah Kirchen, U.S. Department of Energy, Office of Technical and Financial Assistance, Officer of Energy Efficiency and Renewable Energy, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: 202-586-1893, FAX: 202-586-1605.

Purpose of the Board: To make recommendations to the Assistant Secretary for Energy Efficiency and Renewable Energy regarding the goals and objectives and programmatic and administrative policies related to the Department's energy efficiency and renewable energy programs, and to otherwise carry out the Board's responsibilities as designated in the State Energy Efficiency Programs Improvement Act of 1990 (Pub. L. 101-440).

Purpose of the Meeting: To provide the Department with a Board consensus statement on FY95 budget and strategic planning priorities; to review 1992 National Energy Policy Act (EPACT) provisions and develop a work plan focused on the funding and implementation of these provisions; to discuss relationships among energy efficiency and renewable energy stakeholders (including Federal and State governments, industry, and the National Laboratories).

Tentative Agenda

- Orientation of new Board members and other internal Board business.
- Discussion of DOE FY95 budget and strategic plans.
- Discussion of EPACT issues.
- Discussion of energy efficiency and renewable stakeholders.

Public Participation: The meeting is open to the public. The chairperson of the Board is empowered to conduct the meeting to facilitate the orderly conduct of business. Any member of the public who wishes to make an oral statement pertaining to agenda items should contact Sarah Kirchen at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. Each public comment is limited to 10 minutes.

Transcript: Available for public review and copying at the Public Reading Room, room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on October 20, 1993.

Howard H. Raiken,

Advisory Committee Management Officer.

[FR Doc. 93-26171 Filed 10-22-93; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals**Issuance of Decisions and Orders During the Week of July 12 Through July 16, 1993**

During the week of July 12 through July 16, 1993, the decisions and orders summarized below were issued with respect to appeals and applications for exception or relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals*Plumbers & Steamfitters Local 150, 7/16/93, LFA-0304*

Plumbers and Steamfitters Local 150 appealed from a partial denial by the Savannah River Field Office of a Freedom of Information Request. The firm sought certified payroll records of a DOE contractor for the purpose of monitoring whether the contractor was complying with the Davis-Bacon Act. The Field Office released the documents in part. The names, addresses, and social security numbers of the employees were withheld pursuant to FOIA Exemption 6, which exempts from disclosure information that would constitute an unwarranted invasion of personal privacy. The DOE noted that the material that was released would, for the most part, enable the union to monitor compliance with the Davis-Bacon Act. The DOE found that privacy interests of the employees were not outweighed by the marginal contribution that the information would make to the public's understanding of government's enforcement of the Act. Accordingly, the Appeal was denied. *Shapiro, Fussell, Wedge & Smotherman, 7/15/93, LFA-0306*

Shapiro, Fussell, Wedge & Smotherman (Shapiro) filed an Appeal from a determination issued to it by the Strategic Petroleum Reserve Project Management Office (SPRMO) of the DOE. The determination denied, in part, a Request for Information that Shapiro had submitted under the Freedom of Information Act (FOIA). Shapiro requested records pertaining to an award made to a subcontractor for increased costs resulting from various engineering change notices. SPRMO withheld a document entitled "Analysis and Recommendations for Final Settlement" (Recommendation Document) pursuant to Exemption 5 of the FOIA. In considering the Appeal, the DOE found that the SPRMO had correctly withheld some of the material in the Recommendation Document, but

had withheld some segregable and releasable factual material and material which had been expressly adopted in the final decision adjudicating the subcontractor's claims. In addition, material setting forth the subcontractor's cost data was found to be not withholdable under Exemption 5. Consequently, the DOE remanded the matter to the SPRMO to release the segregable factual material and the material which had been expressly adopted in the final decision. The decision also directed the SPRMO to issue a new determination regarding the subcontractor cost data.

Requests for Exception*Duncan Thompson Petroleum, Inc., 7/13/93 LEE-0048*

Duncan Thompson Petroleum, Inc., filed an Application for Exception from the Energy Information Administration (EIA) requirement that it file Form EIA-782B, the "Reseller/Retailer's Monthly Petroleum Product Sales Report." In considering the Duncan Thompson request, the DOE found that the firm was not experiencing either gross inequity or serious hardship as a result of the EIA-782B filing requirement. On June 4, 1993, the DOE issued a Proposed Decision and Order tentatively determining that the exception request should be denied. No Notice of Objection to the Proposed Decision and Order was filed with the DOE within the prescribed time period. Therefore, on July 13, 1993, the DOE issued the Proposed Decision and Order in final form, denying Duncan Thompson's Application for Exception.

Lozier Oil Co., Inc., 7/16/93 LEE-0049

Lozier Oil Co., Inc. (Lozier) filed an Application for Exception from the Energy Information Administration (EIA) requirement that it file Form EIA-782A, the "Reseller/Retailer's Monthly Petroleum Product Sales Report." In considering the request, the DOE found that the firm was not experiencing either a gross inequity or serious hardship. Accordingly, the DOE issued a Proposed Decision and Order tentatively determining that the exception request should be denied. The time period within which a Notice of Objection could have been filed expired and no such document was received from Lozier or from any other potentially aggrieved party. Consequently, the Proposed Decision and Order was issued in final form.

Refund Applications*Murphy's Oil Corporation/Savings Oil Company 7/15/93 RF315-1175*

The DOE issued a Decision and Order granting an Application for Refund filed in the Murphy Oil Corporation special refund proceeding on behalf of Savings Oil Company and its affiliates (Savings). Savings sought a refund equal to its full allocable share based on its purchases of Murphy gasoline. In support of its claim of injury, the firm submitted information showing its cumulative banked gasoline costs at the end of the banking period and a competitive disadvantage analysis for its purchases of Murphy regular, unleaded, and premium gasolines. For its competitive disadvantage analysis, however, Savings could not provide the purchase price per gallon for each grade of gasoline. Instead, for each calendar quarter of the refund period the firm submitted the "composite purchase price" of its gasoline purchases, that is, the weighted average price per gallon paid for all three grades combined (equalling the total cost paid divided by the total gallons purchased of all three grades). The firm compared these composite prices with quarterly composite average market prices based upon data from Platt's Oil Price Handbook and Oilmanac. The OHA noted that because Savings' records do not state the price per gallon paid for each grade of gasoline, the firm's competitive disadvantage analysis could have overstated the disadvantage experienced by the firm in its purchases of one or another grade of gasoline at any particular time. The DOE found that it could not determine, for example, if the composite purchase price for any particular quarter reflected purchases of unleaded gasoline made at a strong competitive disadvantage which in turn would mask purchases of regular and premium gasoline at a competitive advantage. The DOE determined, however, that there was nothing in the material submitted by the applicant to suggest that such masking was likely to have occurred. Accordingly, the firm received a total refund of \$41,798 consisting of \$27,767 in principal and \$14,031 in accrued interest.

Murphy Oil Corporation/ Stormy Oil Company, 7/15/93, RF309-871

This Decision and Order concerns an Application for Refund filed by Mr. & Mrs. David Storms on behalf of the Stormy Oil Company (Stormy). In considering the submission, reference prices from the Energy Information Administration's State Energy Price and Expenditure Data System for middle distillate and Platt's Oil Price Handbook and Oilmanac (Platt's) for motor gasoline, were used to convert the firm's annual gross income to a reasonable

estimate of the volume of its purchases of Murphy refined products. Using this methodology, the DOE concluded that it was reasonable to estimate that Stormy had purchased 2,486,924 gallons of Murphy refined products (comprised of 1,314,200 gallons of middle distillate and 1,172,724 gallons of gasoline). On the basis of this estimate, a refund of \$3,059 (comprised of \$2,032 in principal and \$1,027 in interest) was granted.

Texaco Inc./Bob Magari Texaco, 7/12/93, RF321-19788

The DOE issued a Decision and Order concerning an Application for Refund filed in the Texaco refund proceeding on behalf of Bob Magari Texaco by its

owner, Mr. Bob Magari. That Decision rescinded in part a February 9, 1993 refund that was granted to Mr. Magari on the basis of the refined product purchases of another Texaco retail outlet. Because Mr. Magari's actual Texaco purchases were less than those that formed the basis of the original refund, Mr. Magari was required to remit \$363 to the DOE.

Texaco Inc./Mooney Texaco, 7/14/93, RF321-16790

The DOE issued a Decision and Order denying an Application for Refund filed on behalf of Mooney Texaco the Texaco Inc. special refund proceeding. The DOE found that because Mooney Texaco did not purchase from Texaco, but sold

Texaco product on consignment for an independent distributor of Texaco products, Mooney Texaco could not have been injured by any Texaco overcharges and consequently was not entitled to a refund in the Texaco proceeding.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

| | | |
|--|-------------|----------|
| Arrow Freightways Inc | RF272-81504 | 07/16/93 |
| Atlantic Richfield Company/ Cousins Arco | RR304-64 | 07/16/93 |
| Atlantic Richfield Company/Douglas J. Mancini et al | RF304-13912 | 07/12/93 |
| Atlantic Richfield Company/Drake's Arco | RF304-14024 | 07/12/93 |
| D.E. Brooks/H.L. Fry Brooks Arco | RF304-14025 | |
| | RF304-14026 | |
| Atlantic Richfield Company/Kim's Arco | RF304-13758 | 07/15/93 |
| Atlantic Richfield Company/Lakeshore Richfield | RF304-13455 | 07/16/93 |
| Shasta Way Service | RF304-13518 | |
| Carl Subler Trucking, Inc | RF272-75911 | 07/13/93 |
| Chariton County, Missouri et al | RF272-85013 | 07/13/93 |
| Cheney School District et al | RF272-84398 | 07/12/93 |
| City of Carson, Calif. et al | RF272-88204 | 07/14/93 |
| City of Englewood, NJ et al | RF272-89322 | 07/13/93 |
| Eagle County School District Re 50J et al | RF272-81306 | 07/15/93 |
| General Motors Corporation | RF272-19929 | 07/16/93 |
| General Motors Corporation | RD272-19929 | |
| Gulf Oil Corporation/Robert Bierwiler | RF300-17052 | 07/12/93 |
| Gulf Oil Corporation/USA Petroleum Corporation | RF300-16539 | 07/14/93 |
| Metropolitan Petroleum & Fuel/Gasway Petroleum Co | RF349-2 | 07/14/93 |
| Mid Valley School District et al | RF272-81035 | 07/13/93 |
| R.A. Bowen, Inc. et al | RF272-77522 | 07/15/93 |
| Realty Supervision Corp | RF272-59856 | 07/14/93 |
| Reliance Universal, Inc. et al | RF272-65782 | 07/14/93 |
| CPM, Inc. | RD272-66548 | |
| Reichhold Chemicals, Inc | RD272-67161 | |
| National Forge Co | RD272-68991 | |
| Ridgefield Public Schools et al | RF272-81402 | 07/13/93 |
| Shell Oil Company/Mobil International Aviation & Marine Sales, Inc. | RF315-4883 | 07/15/93 |
| Mobil Oil Corporation | RF315-8813 | |
| Shell Oil Company/Montgomery Automotive Service et al | RF315-326 | 07/13/93 |
| Texaco Inc./Adolph's Texaco | RF321-19787 | 07/12/93 |
| Texaco Inc./Mickey Kmetz Service Station et al | RF321-2269 | 07/12/93 |
| Texaco Inc./Mid-America Transmission Co. et al | RF321-4150 | 07/12/93 |
| Texaco Inc./Vic's Texaco et al | RF321-7288 | 07/16/93 |
| Texaco Inc./Williams Texaco et al | RF321-14308 | 07/14/93 |
| W.S. Thompson Transfer Inc | RC272-209 | 07/16/93 |

Dismissals

The following submissions were dismissed:

| Name | Case No. |
|--|-------------|
| Acton School District | RF272-79594 |
| Agco, Inc | RF272-75388 |
| Arkansas Electric Cooperative | RF315-10205 |
| Boston Edison Company | RF315-10201 |
| Cheever's Texaco | RF321-16987 |
| Dauphin County | RF272-87451 |
| David Rodriguez Soler | LFA-0305 |
| Elmer's Texaco | RF321-12707 |
| Eroh's Texaco Service | RF321-18836 |
| Gibsonburg Ex. Vill. School District | RF272-87560 |
| Gibsonburg Ex. Vill. School District | RF272-87560 |

| Name | Case No. |
|---|-------------|
| Goldie's Texaco | RF321-17189 |
| Hazel Park City SD | RF272-87063 |
| Iren S. Light, Inc | RF300-18479 |
| Jefferson Davis Par. School Board | RF272-87385 |
| Jones Texaco Service | RF321-16997 |
| Lehigh Portland Cement Company | RF315-10203 |
| Mohawk Rubber Company | RF272-86061 |
| Petroleum Products, Inc | RF321-16945 |
| Siders Texaco Station | RF321-16992 |
| Spreckles Sugar Co | RF315-10202 |
| SRO Paving, Inc | RF272-76151 |
| Village of Oak Lawn | RF272-87463 |
| Wythe County Public School | RF272-87059 |

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC. 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: October 19, 1993.

George B. Breznay,
Director, Office of Hearings and Appeals.
[FR Doc. 93-26173 Filed 10-22-93; 8:45 am]
BILLING CODE 8450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4791-5]

Evaluation of the Potential for External Corrosion and Review of Cathodic Protection Monitoring Associated With sti-P3 Underground Storage Tanks Data Availability

AGENCY: Environmental Protection Agency.

ACTION: Notice of data availability.

SUMMARY: The Environmental Protection Agency (EPA) is today publishing a notice of data availability regarding a report completed by Tillinghast, a Towers Perrin Company, on behalf of the Steel Tank Institute (STI). The Tillinghast report examines the potential for external corrosion of sti-P3 underground storage tanks (USTs) as well as owners' and operators' corrosion monitoring practices for USTs. The Agency's current regulations for corrosion monitoring require periodic post-installation monitoring of cathodically protected steel underground storage tanks. The Steel Tank Institute approached EPA in 1992, requesting it alter the mandated monitoring frequency for cathodic

protection monitoring of steel USTs, and specifically, USTs manufactured by STI members under the "sti-P3" specification. EPA responded by agreeing to consider data supplied by an independent, third-party examination of STI's initial findings, as part of an overall data collection process. This notice summarizes the methodology, findings, and conclusions of the study. EPA encourages public review and comment on the Tillinghast report, as it may be used in arriving at a final determination regarding STI's request for EPA to modify the current requirements for cathodic protection monitoring for steel underground storage tanks.

DATES: Written comments on this notice must be submitted on or before December 27, 1993.

ADDRESSES: Written comments on today's supplemental notice should be addressed to the docket clerk at the following address: U.S. Environmental Protection Agency, RCRA Docket (OS-305), 401 M Street, SW., Washington, DC 20460. One original and two copies of comments should be sent and identified by regulatory docket reference number UST 2-9. The docket is open from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. Docket materials may be reviewed by appointment by calling (202) 260-9327. Copies of docket materials may be made at no cost, with a maximum of 100 pages of material from any one regulatory docket. Additional copies are \$0.15 per page. For a copy of the Tillinghast report, contact the EPA RCRA Docket.

FOR FURTHER INFORMATION CONTACT: For general information about this supplemental notice, contact the RCRA/ Superfund/OUST Hotline, Office of Solid Waste and Emergency Response, U.S. Environmental Protection Agency Washington, DC 20460, (800) 424-9346 (toll-free) or (703) 412-9810 (local). For the hearing impaired, the number is (800) 553-7672 (toll-free). For further

information, contact Amy Hazeltine in the Office of Underground Storage Tanks at (703) 308-8898.

SUPPLEMENTARY INFORMATION:

I. Background

A. Technical Requirements for Underground Storage Tanks

Final regulations for Underground Storage Tanks (USTs) containing regulated substances were promulgated by the Agency in September and October, 1988 and became effective in December, 1988 and January, 1989. The regulations include technical requirements for new and existing underground storage tanks and piping, financial responsibility requirements for UST owners and operators, and state program approval requirements. In order to prevent releases, EPA included in the technical requirements four important categories of preventative measures: (1) Tank design and installation, (2) release detection, (3) corrosion protection, and (4) spill and overflow control. All UST systems installed after December 22, 1988 must meet Federal requirements immediately. Owners of tank systems installed on or before that date have until December 22, 1998 to either upgrade their tanks with corrosion protection and spill and overflow devices, replace them with new tank systems, or close them in accordance with the regulatory requirements.

According to a study conducted for EPA in 1987, corrosion of tanks and piping was a major cause of UST system releases. At that time, most installed USTs and piping were constructed of "bare steel"—steel without corrosion protection. When buried in the ground, steel without corrosion protection can be destroyed by external corrosion, resulting in leaks. One type of corrosion protection is cathodic protection, which is a technique to prevent corrosion of a surface by making that surface the cathode of an electrochemical cell. For UST systems, this can be done by

applying either galvanic anodes or impressed electric current.

The UST regulations include requirements for the operation and maintenance of corrosion protection of steel UST systems. As part of these requirements, owners and operators of steel UST systems equipped with cathodic protection must ensure that all cathodic protection systems are tested within 6 months of installation and at least every 3 years thereafter, or according to another reasonable time frame established by the implementing agency. See 40 CFR 280.31(b)(1). The Preamble to the rule noted that, after consultation with groups of industry experts during the public comment period, EPA now agrees with the commenters who recommended that all cathodic protection systems should be tested at the same frequency and the Agency is now requiring in the final rule that all cathodic protection systems be tested within 6 months of installation and at least every 3 years thereafter. These intervals are sufficient to detect any damage or failure of the system and to take remedial action in time to prevent structural failures due to corrosion. EPA understands that this time interval is consistent with sound practice as is now recommended in the recently revised NACE (National Association of Corrosion Engineers) code and by major tank manufacturers. See 53 FR 37137.

B. Steel Tank Institute Request and Study Report

The Steel Tank Institute (STI) is a trade organization comprised of steel tank manufacturers. STI members manufacture pre-engineered underground storage tanks built to the "sti-P3" specification, for storage of liquids at atmospheric pressure. Tanks meeting the sti-P3 specification employ three types of corrosion protection: (1) Dielectric coating, (2) electrical isolation, and (3) cathodic protection through factory-installed anodes. More than 200,000 sti-P3 tanks have been fabricated and placed in use since 1969, the vast majority since 1985, and they are commonly installed today.

Single-wall sti-P3 tanks in service for storage of Federally regulated substances are covered by the cathodic protection monitoring requirements outlined above. Those tank owners who installed sti-P3 tanks in Federally regulated service between late 1988 and February of 1993 were eligible to enroll in STI's "Watchdog" cathodic protection monitoring service. The Watchdog service, performed through STI, provides cathodic protection monitoring in compliance with the EPA

requirements. Since February of 1993, a simplified, user-friendly cathodic protection monitoring test system with a buried reference cell is installed with new sti-P3 tanks subject to Federal UST regulations. Those sti-P3 systems installed prior to 1988 have been operated without cathodic protection monitoring in most cases.

In the spring of 1992, STI requested that EPA alter the frequency of cathodic protection monitoring from the current requirements, to monitoring within 6 months of installation and subsequently only after any disturbance of the excavation (e.g., retrofit of Stage II vapor recovery systems). Periodic monitoring would therefore not be required. STI provided data on the performance of sti-P3 tanks and on potential costs for cathodic protection monitoring of sti-P3 tanks in support of its request.

STI and its members believe that the mandated frequency for cathodic protection monitoring should be changed for the following reasons:

- * The sti-P3 tank has a very good performance record;
- * The much more frequent monthly leak detection checks required by the UST regulations supersede the need for cathodic protection monitoring;
- * There is inequity in that thousands of existing steel tanks without corrosion protection, which are much more likely to fail before phase-out in 1998, are not subject to the cathodic protection monitoring requirement;
- * Periodic tank deflection monitoring for fiberglass-reinforced plastic (FRP) tanks was not required in EPA's UST regulations due to the low incidence of failure in FRP tanks (less than 0.5 percent), and sti-P3 tanks have similarly low failure rates;
- * UST buyers consider cathodic protection monitoring and the associated recordkeeping required with steel tanks to be an inconvenience, and this affects buyers' choices among UST technologies;
- * There is a high cost of compliance to industry; and
- * Regulatory enforcement efforts are directed at clean-ups and leak detection, not cathodic protection—an indicator that monitoring cathodic protection is not an essential activity towards protecting human health and the environment.

The Agency took no regulatory action in response to STI's request and the supporting information. STI asked Tillinghast, an international risk management and actuarial consulting firm with experience in underground storage issues, to conduct an independent, third-party audit of STI's data. In May of 1993, STI provided the

Agency with a report prepared by Tillinghast titled "Evaluation Of The Potential For External Corrosion And Review Of Cathodic Protection Monitoring Associated With sti-P3 Underground Storage Tanks." An abstract of the report follows.

The pollution prevention components of the UST regulations (including corrosion protection) are very important to the UST program. Therefore, the Agency has decided to publish this Notice of Data Availability and solicit public comment on the report to ensure a more complete understanding of the issue at hand. This Notice includes several questions to help guide public discussion. The Agency is interested in responses to any of the questions listed below, and other issues the public may identify, such as the costs/benefits of the monitoring requirement itself.

II. Abstract

In May 1993, Tillinghast completed a study on behalf of the Steel Tank Institute (STI) which surveyed tank owners, tank installers, and regulators to identify any instances of failures of sti-P3 tanks attributed to external corrosion and to obtain experience information on cathodic protection monitoring practices. A summary of Tillinghast's methodology, findings, and conclusions follows.

Methodology

Tillinghast telephone-surveyed randomly selected sti-P3 underground storage tank (UST) owners and tank installers as well as Federal and State UST regulators about the condition and general maintenance of sti-P3 tanks. These individuals, along with data from the STI Watchdog program (a corrosion monitoring program initiated by STI in 1988 to assist tank owners in complying with EPA corrosion monitoring requirements) provided information on the frequency, conditions, and other aspects of the cathodic protection monitoring practices for sti-P3 tanks. In addition, the survey sought performance history on sti-P3 tanks which were not subject to cathodic protection testing. Tillinghast also examined environmental impairment, warranty, and product liability insurance claims from the Steel Tank Insurance Company (STICO, a captive insurance company formed by steel tank manufacturers).

Tillinghast selected a sample of owners and installers through STI's computer data base containing over 200,000 registered tanks. The sample covered the following nine states: Washington, Virginia, Vermont, South Dakota, Colorado, Florida, Texas, Missouri and Kentucky. The nine states

represented a variety of climates, tank environments, saturation periods, water tables, and soil conditions. Tillinghast's sample also included a variety of tank sizes (from 500 to 20,000 gallons) and contained petroleum marketers and non-marketers. Tillinghast examined the following registration periods: 1970-75, 1980-81, 1985, and 1990. The examined registration periods began in 1970 when sti-P3 tanks first became well known to owners/operators and continue to the present.

Tillinghast successfully contacted 110 owners with immediate supervision over 385 sti-P3 tanks and secondary responsibility for approximately 2500 sti-P3 tanks at other locations. In addition, researchers contacted 37 installers throughout the geographic sample who had experience in over 5000 sti-P3 tank installations. Finally, Tillinghast contacted the Environmental Protection Agency's ten Regional UST offices as well as each of the nine State UST regulatory offices included in the sample.

Tillinghast obtained summary information on 103 environmental impairment and product liability insurance closed claims for sti-P3 tanks from STICO to identify any instances where payment was made due to a product release. Tillinghast also randomly selected eight of the 103 claims to specifically review the "cause of incident" data.

Findings

Tillinghast identified findings related to the following areas: Testing of cathodic protection systems, cathodic protection monitoring practices, environmental and product liability claims, and understanding of and compliance with EPA's technical requirements.

Tillinghast's survey of tank owners and installers covered over 8,000 sti-P3 tanks. Within the surveyed population, respondents reported three instances of sti-P3 tank external corrosion—one of which involved a product release. Of the regulators Tillinghast surveyed, those who had witnessed the removal of sti-P3 tanks reported that the tanks and sacrificial anodes were in "excellent condition upon removal." Regulators did not provide information on the ages of the tanks that were considered to be in "excellent condition upon removal."

Tillinghast reported that corrosion monitoring requirements (and the technical basis for those requirements) are not well understood by most tank owners, installers, or regulators. Furthermore, Tillinghast reported that unless an sti-P3 owner/installer signed up for STI's Watchdog program,

cathodic protection monitoring for sti-P3 tanks installed since the promulgation of EPA's technical regulations was generally not being performed, although some large sti-P3 tanks users did perform independent testing.

Tillinghast's review of data from STI and from owners' research indicated that test variability can be high for corrosion monitoring tests conducted on any given site. Watchdog participants and major oil companies (many of whom conduct their own corrosion monitoring) reported few readings less than the 850 millivolt compliance point for corrosion monitoring. Tillinghast identified human error (in tank installation or testing) as one cause for obtaining disreputable corrosion monitoring results. Unusually dry soil conditions and other physical factors also influenced the accuracy of cathodic protection system testing.

Tillinghast obtained data from installers, tank owners, and major oil companies on the annual cost of corrosion monitoring. The data showed the annual cost of corrosion monitoring to range from \$130 to \$500 per location (each location having an average of 3.2 tanks). The impact of these costs was greatest on small, single location owners due to the necessity of hiring a contractor to travel to the site to perform the monitoring.

Tillinghast's investigation of STICO limited warranty and environmental and product liability insurance closed claims revealed that most of the sti-P3 claims that entailed both administrative and investigative costs involved improper installation techniques or errors in tank manufacturing workmanship. Fifty-six of the 103 claims incurred administrative expense but no claims costs or expenses, leaving 47 others which incurred some sort of investigative cost (e.g., tightness test). Only four of the 47 incidents in which investigative cost was incurred actually involved a claims payment. Tillinghast's review of eight randomly chosen closed claims for "cause of incident" data demonstrated that a pattern of faulty workmanship, bad installation, or a combination of both resulted in corroded sti-P3 tanks.

Conclusions

Tillinghast found no instances of external corrosion of sti-P3 tanks that had been properly fabricated, transported, and installed. Of the more than 8000 sti-P3 tank installations represented by owners and installers, only three instances of external corrosion were reported, a frequency of 0.04%, and only one involved a product

release. Tillinghast did not have enough corrosion monitoring data to statistically determine an optimum monitoring frequency for cathodic protection.

Tillinghast's survey concluded that less than 10% of the Watchdog participants or major oil companies who maintain their own corrosion monitoring programs and installed sti-P3 tanks in 1990, reported readings below the 850 millivolt compliance point for corrosion monitoring. Finally, Watchdog monitoring data from 1991, 1992, and the first quarter of 1993 indicate that based on cathodic protection monitoring readings, the number of sti-P3 tanks with cathodic protection readings of -850 millivolts or greater is increasing.

III. Public Comments

EPA is interested in any comments that the public may have on the content of this report, and is especially interested in any additional quantitative data commenters may provide. In particular, the Agency is interested in receiving answers to the questions listed below.

* What data are available that confirm or refute the report's findings on corrosion protection of sti-P3 USTs? In particular, have problems with corrosion protection (such as external corrosion) on sti-P3 tanks been observed? If so, what were the numbers, types, severity, and impacts of these problems? What were the ages of any sti-P3 tanks with problems with corrosion protection, and were these problems caused during, before, or after installation? What are the sti-P3 label numbers, if available, for verification purposes?

* For any sti-P3 tanks observed to have problems with corrosion protection, including tanks and piping, did cathodic protection monitoring indicate a lack of protection? If so, when was a lack of protection found—within 6 months of installation or during a later test? If monitoring was not performed, would it have indicated a lack of protection if it had been done?

* What data are available addressing the above issues for cathodically protected steel USTs that are not sti-P3 USTs? If problems were observed, were they observed with field installed or with factory installed cathodic protection systems?

* What information is available confirming or refuting the study's representation of the costs and benefits of cathodic protection monitoring of UST systems?

* How does the simplified, permanently installed cathodic protection monitoring system, now installed with new Federally regulated

sti-P3 tanks, change cathodic protection monitoring practices and its costs and benefits?

* If the study were performed 10 years later and again 20 years later, would the findings be expected to be the same? Why or why not?

* What experiences or studies in other applications of cathodic protection may provide insights into the long-term performance of cathodic protection on USTs and the costs and benefits of cathodic protection monitoring?

IV. Schedule for Final Determination

After review and evaluation of the public comments on this notice, EPA will conduct internal deliberations to arrive at a final determination of the Agency's position on the required frequency of cathodic protection monitoring. The Agency plans to reach a determination within 120 days after the conclusion of the comment period. This determination may take the form of no action, guidance, changes to the technical regulations, or some other regulatory action.

Dated: September 20, 1993.

Richard J. Guimond,

Acting Assistant Administrator.

[FR Doc. 93-26160 Filed 10-22-93; 8:45 am]

BILLING CODE 6560-50-P

[FRL-4793-8]

National Advisory Council for Environmental Policy and Technology of the Policy Integration Project, Lead Subcommittee; Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463) the Environmental Protection Agency (EPA) gives notice of a meeting of the Lead Subcommittee of the Policy Integration Project of the National Advisory Council for Environmental Policy and Technology (NACEPT). The Lead Subcommittee meeting will be held on November 9th and will discuss draft-working papers on selected topics, which will be used as background for the Subcommittee's Report. The Subcommittee will also receive a briefing from a representative of the Occupational Safety and Health Commission (OSHA) on recent policy activities related to occupational lead exposures. The Committee will also be scheduling its next meeting, which will be held early in December, 1993. The purpose of the December meeting will

be to discuss the draft report to be presented to the EPA Administrator.

DATES: The Subcommittee will meet on November 9, 1993. The meeting will start at 9 a.m. and end at 4:30 p.m.

ADDRESSES: Hall of States, 444 North Capitol Street, NW., Washington, DC 20001-1572.

The meeting is open to the public, with limited seating available on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Hardaker, Designated Federal Office, U.S. EPA, Office of Cooperative Environmental Management, telephone (202) 260-9741.

Dated: October 20, 1993.

Robert L. Hardaker,

Designated Federal Official, NACEPT-Lead Subcommittee.

[FR Doc. 93-26161 Filed 10-22-93; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96-511. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 632-6934.

Federal Communications Commission

OMB Control No.: 3060-0515

Title: Miscellaneous Common Carrier and Record Carrier Annual Letter

Filing Requirement—Section 43.21(d)

Expiration Date: 09/30/95

Estimated Annual Burden: 33 total hours; 1.43 hours per response.

Description: Pursuant to 47 CFR 43.21(d) each miscellaneous common carrier with operating revenues over \$100 million for a calendar year shall file with the Common Carrier Bureau Chief a letter showing its operating revenues for that year and the value of its total communications plant at the end of that year. Each record carrier with operating revenues over \$75 million for a calendar year shall file a letter showing selected income statement and balance sheet items for that year with the Common Carrier Bureau Chief. These letters must be filed by March 31 of the following year.

OMB Control No.: 3060-0470

Title: Computer III Remand Proceedings: Bell Operating Company Safeguards and Tier 1 Local Exchange Company Safeguards, (CC Docket No. 90-623) and Implementation of Further Cost Allocation Uniformity (MO&O).

Expiration Date: 07/31/95

Estimated Annual Burden: 27,000 total hours; 300 hours per response.

Description: Section 64.903 of the Commission's rules requires local exchange carriers with annual operating revenues of \$100 million or more to file cost allocation manuals. The manuals are used by Commission staff to detect improper cross-subsidization. In the Memorandum Opinion and Order (MO&O) in AAD 92-42, (released 7/1/93), the Acting Chief, Common Carrier Bureau under delegated authority implemented cost allocation uniformity requirements. The MO&O clarifies distinction among apportionment methods; establishes a minimum number of cost pools for ten accounts; standardizes allocation procedures for those accounts; disaggregates mandated cost pools into additional pools; and, sets implementation. Local exchange carriers are required to file a revised cost allocation manual by 11/1/93 pursuant to the requirements contained in the MO&O and in Responsible Accounting Officer Letter No. 19.

OMB Control No.: 3060-0400

Title: Tariff Review Plan

Expiration Date: 06/30/96

Estimated Annual Burden: 1,840 total hours; 40 hours per response.

Description: Certain local exchange carriers are required annually to submit a Tariff Review Plan in partial fulfillment of cost supported material required by 47 CFR part 61. The information is used by FCC and the public to determine the justness and reasonableness of rates, terms and conditions in tariffs as required by the Communications Act of 1934, as amended.

OMB Control No.: 3060-0484

Title: Amendment of Part 63 of the Commission's Rules to Provide for Notification by Common Carriers of Service Disruptions (Section 63.100)

Expiration Date: 06/30/96

Estimated Annual Burden: 129 total hours; 2.3 hours per response.

Description: Section 63.100 of the Commission's rules requires that local exchange and interexchange common carriers that operate either transmission or switching facilities file service disruption reports whenever telephone services provided by their networks are

disrupted to 50,000 or more potential customers for 30 or more minutes. The reporting requirement permits the Commission to detect more promptly and reliably the causes and frequency of major failures in telecommunication services and to take remedial action if necessary.

OMB Control No.: 3060-0392

Title: Pole Attachment Complaint Procedures, Sections 1.1401-1.1415.

Expiration Date: 06/30/96

Estimated Annual Burden: 42 total hours; 3 hours per response.

Description: Sections 1.1401-1.1415 of the Commission's rules contain information required by primarily cable television operators in regards to complaints concerning the rates, terms and conditions for pole attachments. The information will be used to either determine the merits of the complaint including calculating the maximum rate under the Commission's formula. The respondents affected are cable television operators and utility companies.

OMB Control No.: 3060-0510

Title: Regulatory Reform for Local Exchange Carriers Subject to Rate of Return Regulation (CC Docket No. 92-135).

Expiration Date: 08/31/95

Description: The Commission established rules affecting rate of return regulated local exchange carriers in CC Docket No. 92-135. The proceeding established optional regulatory reforms that compliment the price cap system applicable to the largest local exchange carriers, by providing incentives for smaller companies to become more efficient and by encouraging technological development. Because these smaller companies provide service primarily to rural areas, these options will help bring ratepayer benefits gained from incentive regulation to rural Americans as well as urban populations served by the largest carriers. These options also reduce administrative burdens, and increase flexibility, while continuing to assure high service quality and universal service at reasonable rates. The Commission therefore established a continuum of options to be made available to the over 1300 carriers not required to be regulated under price caps.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93-26144 Filed 10-22-93; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a request for OMB review of the information collection system described below.

Type of review: Extension of the expiration date of a currently approved collection without any change in the substance or method of collection.

Title: Foreign Branch Report of Condition.

Form number: FFIEC 030.

OMB number: 3064-0011.

Expiration date of OMB clearance: October 31, 1993.

Respondents: Insured state nonmember banks with foreign branches.

Frequency of response: Annually.

Number of respondents: 44.

Number of responses per respondent: 1.

Total annual responses: 44.

Average number of hours per response: 3.25.

Total annual burden hours: 143.

OMB reviewer: Gary Waxman, (202) 395-7340, Office of Management and Budget, Paperwork Reduction Project 3064-0011, Washington, DC 20503.

FDIC contact: Steven F. Hanft, (202) 898-3907, Office of the Executive Secretary, room F-400, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

Comments: Comments on this collection of information are welcome and should be submitted before December 27, 1993.

ADDRESSES: A copy of the submission may be obtained by calling or writing the FDIC contact listed above.

Comments regarding the submission should be addressed to both the OMB reviewer and the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: This report contains asset and liability information for foreign branches of insured state banks. The information is used to monitor the level of activity and growth of the overseas offices of U.S. banks and for planning the examination of these offices.

Dated: October 19, 1993.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 93-26135 Filed 10-22-93; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

1959 Enterprise Inc., 7620 Marbach Road, San Antonio, TX 78227, Officers: Hani Shalabi, President, Mohamed Shalabi, Vice President, Margaret Shalabi, Secretary/Treasurer
Export of International Applicances, Inc., 8820 Monard Drive, Silver Spring, MD 20910, Officers: Naresh Chand Jain, President, Bhadrish R. Dhila, C.E.O.

Cargonauts, Inc., 7331 NW. 54th Street, Miami, FL 33166, Officers: Alberto Spencer, President, Claudio Vicuna, Director

International Cargo Transports, Inc., One Gateway Center, Ste. 1800, Newark, NJ 07102, Officers: Peter Bayer, President/Treasurer/Stockholder, Robert Walter, Vice President/Secretary, Robert K. Bulack, Asst. Vice President, Louis A. DiMare, Jr., Asst. Secretary

Todd Maritime Services, 1406 45th Street, North Bergen, NJ 07047, Richard Todd, Sole Proprietor
Shipping International Inc., 2418 Castlereagh Road, Charleston, SC 29414, Officer: Edith Norris-Hoover, President/V. President/Secretary

Gunnick Port Services, Inc., 4661 Hollins Ferry Road, Baltimore, MD 21227, Officers: Damon M. Gunter, President, Valerie Gunter, Secretary
Kanmar, Corp., 1701 W. 62nd Street, Hialeah, FL 3012, Officers: Luis A. Kannee, President, Isabel Martine, Vice President/Treasurer, Alvaro Mujica, Stockholder

Avair Services, Inc., 300 Middlesex Avenue, Carteret, NJ 07008, Officers: Gianfranco Germiniani, Director/President, Francesco Cordaro, Executive Vice President, James

Martin, Vice President, Leon I. Jacobsen, Secretary, Derek Buckle West, Director

Dated: October 19, 1993.

By the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 93-26099 Filed 10-22-93; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice.

BACKGROUND: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9. Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATES: Comments must be submitted on or before November 3, 1993.

ADDRESSES: Comments, which should refer to the OMB Docket number (or Agency form number in the case of a new information collection that has not yet been assigned an OMB number), should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and

C Street, NW. Comments received may be inspected in room B-1122 between 9 a.m. and 5 p.m., except as provided in § 261.8 of the Board's Rules Regarding Availability of Information, 12 CFR 261.8(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance

Officer: Mary M. McLaughlin, Division of Research and Statistics (202-452-3829), Board of Governors of the Federal Reserve System, Washington, DC 20551. For the hearing impaired only, Telecommunications Device for the Deaf (TDD), Dorothea Thompson (202-452-3544), Board of Governors of the Federal Reserve System, Washington, DC 20551.

Proposal To Approve Under OMB Delegated Authority the Extension Without Revision the Following Report(s):

- 1. Report title:** Consumer Satisfaction Questionnaire.
Agency form number: FR 1379.
OMB Docket number: 7100-0135.
Frequency: On occasion.
Reporters: Consumers who have filed complaints against state member banks.
Annual reporting hours: 9.
Estimated average hours per response: 0.25 (15 minutes).
Number of respondents: 34.
Small businesses are affected.

General description of report: This information collection is voluntary to obtain or retain a benefit [15 U.S.C. 57(a)(f)(1)] and is not given confidential treatment.

The Federal Reserve Board sends this questionnaire to consumers whose complaints against state member banks were received by the Board and referred to Federal Reserve Banks for resolution, and to a sample of consumers whose complaints were received directly by the Federal Reserve Banks. Complainants are requested to answer the questions voluntarily about the effectiveness of the Reserve Bank's efforts in handling the consumer complaint.

2. Report title: OTC Margin Stock Report.

Agency form number: FR 2048.
OMB Docket number: 7100-0004.
Frequency: Quarterly.
Reporters: Certain corporations with over-the-counter stock.
Annual reporting hours: 75.
Estimated average hours per response: 0.25 (15 minutes).
Number of respondents: 75.
Small businesses are not affected.

General description of report: This information collection is voluntary to obtain or retain a benefit [15 U.S.C. 78g, w] and is not given confidential treatment.

This report is used to gather stock information on certain corporations that have stock trading over-the-counter and that are being considered for inclusion on the Federal Reserve Board's List of Marginable OTC Stocks.

3. Report title: Report of Brokers Carrying Margin Accounts.

Agency form number: FR 2240.
OMB Docket number: 7100-0001.
Frequency: Annually.
Reporters: Brokers and dealers.
Annual reporting hours: 267.
Estimated average hours per response: 2.7.
Number of respondents: 99.
Small businesses are affected.

General description of report: This information collection is mandatory [15 U.S.C. 78q(g)] and is given confidential treatment [5 U.S.C. 552(b)(4)].

This report is used to insure compliance of brokers and dealers with the Federal Reserve Margin Regulations and Security Credit as authorized by Section 17 of the Securities and Exchange Act of 1934. This report collects certain balance sheet information from securities brokers and dealers carrying margin accounts and is used by the Federal Reserve to regulate securities credit extended by brokers.

Proposal To Approve Under OMB Delegated Authority the Extension With Revisions, of The Following Report:

- 1. Report title:** Monthly Survey of Debits to Demand and Savings Deposits Accounts.

Agency form number: FR 2573.
OMB Docket number: 7100-0081.
Frequency: Monthly.
Reporters: Commercial banks.
Annual reporting hours: 3,000.
Estimated average hours per response: 1.0.
Number of respondents: 250.
Small businesses are affected.

General description of report: This information collection is voluntary [12 U.S.C. 248(a)(2)] to obtain or retain a

benefit is given confidential treatment [5 U.S.C. 552(b)(4)].

This report collects debits (total withdrawals during the month) to three categories of deposits accounts (demand deposits of individuals, partnerships, and corporations and state and political subdivisions; ATS and NOW accounts; and savings deposit accounts including money market deposit accounts) from a sample of commercial banks. The debits data from this report are used in conjunction with deposit balances from other reports for the calculation of universe estimates of bank debits and deposit turnover rates for the major types of deposit accounts that money stock holders can use directly or indirectly for transactions purposes. The turnover rates have been used by the Federal Reserve primarily in analysis of the behavior of the monetary aggregates and in money demand studies. The data are published in the monthly G.6 release, *Debits and Deposit Turnover at Commercial Banks*.

The authorized reporting panel will be reduced from 300 to 250 banks. The ATS and NOW accounts deposit category will be expanded to include telephone and preauthorized transfer accounts. In addition, the title of the report will be changed to "Survey of Debits to Selected Deposit Accounts" to reflect its content more accurately. A trillion-dollar column will be added to the reporting form, and the instructions will reflect changes corresponding to current definitions in Regulation D.

Board of Governors of the Federal Reserve System, October 19, 1993.

William W. Wiles,

Secretary of the Board.

[FR Doc. 93-26133 Filed 10-22-93; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Employee Thrift Advisory Council; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), a notice is hereby given of the following committee meeting:

Name: Employee Thrift Advisory Council.

Time: 10 a.m.

Date: November 10, 1993.

Place: Fourth Floor, Conference Room, Federal Retirement Thrift Investment Board, 1250 H Street, NW., Washington, DC.

Status: Open.

Matters to be considered: Approval of the minutes of the May 19, 1993, meeting; report of the Executive Director on the status of the Thrift Savings Plan; Thrift Savings Plan open

season activities; analysis of additional Thrift Savings Plan investment funds; legislation; and new business.

The meeting of the Council scheduled for October 27, 1993, has been canceled.

Any interested person may attend, appear before, or file statements with the Council. For further information contact John J. O'Meara, Committee Management Officer, on (202) 942-1662.

Dated: October 21, 1993.

Francis X. Cavanaugh,

Executive Director, Federal Retirement Thrift Investment Board.

[FR Doc. 93-26300 Filed 10-22-93; 8:45 am]

BILLING CODE 6780-01-M

FEDERAL TRADE COMMISSION

[File No. 922 3295]

White Castle System, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, an Ohio-based chain of fast-food restaurants from misrepresenting the extent to which any product or package is capable of being recycled or the extent of the availability of recycling collection programs for such products. In addition, the consent agreement would prohibit the respondent from representing the environmental benefit of any product or packaging it uses unless it possesses competent and reliable evidence to substantiate the representation.

DATES: Comments must be received on or before [Insert date 60 days after Federal Register publication date.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, room 159, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580. *

FOR FURTHER INFORMATION CONTACT: C. Steven Baker or Theresa McGrew, FTC/Chicago Regional Office, 55 East Monroe Street, suite 1437, Chicago, IL 60603, (312) 353-8156.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with

and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Agreement Containing Consent Order to Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of White Castle System, Inc., a corporation ("proposed respondent"), and it now appears that proposed respondent is willing to enter into an agreement containing an order to cease and desist from the acts and practices being investigated,

It is hereby agreed by and between White Castle System, Inc., by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent White Castle System, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its principal office or place of business at 555 West Goodale Street, Columbus, Ohio 43215.
2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.
3. Proposed respondent waives:
 - a. Any further procedural steps;
 - b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;
 - c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and
 - d. All claims under the Equal Access to Justice Act.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of the complaint contemplated hereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and

decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the attached draft complaint or that the facts as alleged in the attached draft complaint, other than the jurisdictional facts, are true.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules the Commission may without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it might have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or in the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the complaint and the order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

Definitions

For purposes of this Order, the following definitions shall apply:

The term "product or package" means any product or package, including, but not limited to, any item used by respondent to contain, serve, or package goods, offered for sale, sold or distributed to the public by respondent, its successors and assigns, under the White Castle brand name or any other

brand name of respondent, its successors and assigns; and, also means any product or package sold or distributed to the public by third parties under private labeling agreements with respondent, its successors and assigns.

The term "competent and reliable scientific evidence" shall mean tests, analyses, research, studies or other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.

I

It is ordered, That respondent, White Castle System, Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, distribution, or use of any product or package in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, in any manner, directly or by implication, the extent to which any such product or package is capable of being recycled or the extent to which recycling collection programs for such product or package are available.

II

It is further ordered, That respondent, White Castle System, Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, distribution, or use of any product or package in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication, that any product or package offers any environmental benefit, unless at the time of making such representation, respondent possesses and relies upon competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates such representation.

III

It is further ordered, That for five (5) years after the last date of dissemination of any representation covered by this Order, respondent, or its successors and assigns, shall maintain and upon

request make available to the Federal Trade Commission for inspection and copying:

A. All materials that were relied upon in disseminating such representations; and

B. All tests, reports, studies, surveys, demonstrations, or other evidence in its possession or control that contradict, qualify, or call into question such representation, or the basis relied upon for such representation, including complaints from consumers.

IV

It is further ordered, That the respondent shall distribute a copy of this Order to each of its operating divisions and to each of its officers, agents, representatives, or employees engaged in the preparation and placement of advertisements, promotional materials, product labels or other such sales materials covered by this Order.

V

It is Further Ordered, That respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the corporation such as a dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations under this Order.

VI

It is Further Ordered, That respondent shall, within sixty (60) days after service of this Order upon it, and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from respondent White Castle System, Inc.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

This matter concerns environmental claims made on the labels of packaging used to contain respondent's food products. The Commission's compliant charges that respondent made false and unsubstantiated claims that its packaging was recyclable after ordinary use. In fact, the complaint alleges, while the respondent's packaging is capable of being recycled, the vast majority of consumers cannot recycle it because there are virtually no collection facilities that accept food contaminated paper packaging for recycling.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondent from engaging in similar acts and practices in future. The proposed order extends to all products or packages that are used by the respondent to package its food products or that are sold to the public.

Part I of the proposed consent order prohibits the respondent from misrepresenting the extent to which any product or packaging is capable of being recycled or the extent to which recycling collection programs for such products or packaging are available. Part II of the proposed order prohibits the respondent from misrepresenting the environmental benefit of any product or packaging it uses unless at the time such representation is made the respondent possesses and relies upon competent and reliable evidence that substantiates the representation.

The remaining parts of the proposed consent order require the respondent to maintain materials relied upon to substantiate claims covered by the order, to distribute copies of the order to each of its operating divisions and to certain company officials, to notify the Commission of any changes in corporate structure that might affect compliance with the Order, and to file one or more compliance reports.

The purpose of this analysis is to facilitate public comment on the proposed consent order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 93-26196 Filed 10-22-93; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Announcement Number 408]

Data-Management Capacity-Building Grants for Preventive Health and Health Services Block Grant Recipients

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of funds in fiscal year (FY) 1994 for grants to build capacity for data collection, analysis, evaluation, and utilization within governmental agencies designated as recipients of Preventive Health and Health Services (PHHS) Block Grants.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related, generally, to all the priority areas of Health Promotion and Preventive Services and, specifically, to the priority area of Surveillance and Data Systems. (For ordering a copy of Healthy People 2000, see the Section Where to Obtain Additional Information.)

Authority

This grant program is authorized under sections 301(a) and 317(a) of the Public Health Service Act (42 U.S.C. 241(a) and 247b(a)), as amended.

Eligible Applicants

Assistance will be provided only to the 21 recipients of PHHS Block Grants under title XIX, part A, section 902 of the Public Health Service Act that were not previously funded for data-management capacity-building grants by the CDC in FY 1992 and FY 1993 under Program Announcement Number 255, entitled: Data-Management Capacity-Building Grants For Preventive Health And Health Services Block Grant Recipients (minigrants), or by the Public Health Foundation in FY 1990 or FY 1991. The eligible applicants include: American Samoa, Arizona, Connecticut, Delaware, District of Columbia, Florida, Kansas, the Kickapoo Tribe of Kansas, the Santee Sioux Tribe of Nebraska, Marshall Islands, Maryland, Minnesota, Montana, New Jersey, North Dakota, Northern Mariana Islands, Pennsylvania, the Commonwealth of Puerto Rico, South Dakota, Vermont,

and the Virgin Islands. No other applications will be solicited.

Availability of Funds

Approximately \$300,000 will be available in FY 1994 to fund approximately 10 grants. It is expected that the average award will be \$30,000 ranging from \$29,000 to \$31,000. It is expected that the awards will begin on or about April 1, 1994, for one 12-month budget period within a project period of one year. Funding estimates may vary and are subject to change.

Purpose

The purpose of these grants is to assist recipients of PHHS Block Grant funds in building the capacity to systematically collect, analyze, interpret, disseminate, and use health data as specifically addressed by Objectives 22.1 through 22.7 of Healthy People 2000: National Health Promotion and Disease Prevention Objectives.

Program Requirements

Activities supported through this program announcement must be directly related to the improvement of data-management systems for monitoring and evaluating PHHS Block Grant funded programs and activities. Grantees must propose to carry out one or more of the following activities:

- A. Design and implement methods for identifying and using systemwide (state and local) program data.
- B. Conduct surveys and establish data-collection procedures.
- C. Develop protocols for the analysis of data and the evaluation of program-specific accomplishments.
- D. Develop referral and tracking systems of patients identified with risk factors of chronic disease (e.g., smoking, hypertension, poor nutrition).
- E. Develop new surveillance systems to monitor service delivery and impact. Grantees may purchase computer hardware and software to assist in the surveillance and analysis activity.

Evaluation Criteria

Applications will be reviewed and evaluated according to the following criteria:

- A. The degree to which the applicant demonstrates an understanding of the purpose for this program announcement, the data-management needs, and problems to be addressed. (20 points)
- B. The degree to which the applicant's objectives are measurable, specific, time framed, and consistent with the stated purpose of this announcement. (20 points)

- C. The adequacy of the applicant's plan to carry out the activities proposed and meet the stated objectives within the time periods specified. (20 points)
- D. The adequacy of the applicant's plan to monitor progress toward meeting the objectives of the project. (20 points)
- E. The adequacy of the applicant's plan to provide the appropriate, qualified staff and resources necessary to achieve the program objectives. (20 points)
- F. The extent to which the budget is reasonable, adequately justified, and consistent with the intended use of grant funds. (Not scored)

Executive Order 12372 Review

Applications are subject to Intergovernmental Review of Federal Programs as governed by Executive Order 12372. E.O. 12372 sets up a system for state and local government review of proposed Federal assistance applications. Applicants (other than federally-recognized Indian tribal governments) should contact their state Single Point of Contact (SPOC) as early as possible to alert them to the prospective applications and receive any necessary instructions on the state process. For proposed projects serving more than one state, the applicant is advised to contact the SPOC for each affected state. A current list of SPOCs is included in the application kit. If SPOCs have any state process recommendations on applications submitted to CDC, they should reference this announcement number (408) and forward recommendations to Edwin L. Dixon, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., room 300, Mailstop E-18, Atlanta, Georgia 30305. The due date for state process recommendations is 60 days after the application deadline date for new and competing continuation awards. CDC does not guarantee to "accommodate or explain" state process recommendations it receives after that date.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number assigned to this program is 93.283.

Other Requirements

Paperwork Reduction Act

Data collection initiated under this grant has been approved by the Office of Management and Budget under number 0920-0106, "Preventive Health and Health Services Grant Reporting Requirements", Expiration date 9/30/94.

Application Submission and Deadline

The original and two copies of the application PHS Form 5161-1 (Revised 7/92) must be submitted to Edwin L. Dixon, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers For Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., room 314, Mailstop E-18, Atlanta, Georgia 30305, on or before February 1, 1994.

1. **Deadline:** Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for submission to the objective review group. Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be accepted as proof of timely mailing.

2. **Late Applications:** Applications which do not meet the criteria on 1.(a) or 1.(b) above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where To Obtain Additional Information

A complete program description and information on application procedures are contained in the application package. Business management technical assistance may be obtained from Locke Thompson, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers For Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., room 314, Mailstop E-18, Atlanta, Georgia 30305, telephone (404) 842-6595.

Programmatic technical assistance may be obtained from C. Joseph Webb, Office of Surveillance and Analysis, National Centers for Chronic Disease Prevention and Health Promotion, Mailstop K-30, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, NE., Atlanta, Georgia 30341-3724, telephone (404) 488-5299.

Please refer to Announcement Number 408 when requesting information and submitting an application.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017-001-00474-0) or Healthy People 2000 (Summary Report: Stock No. 017-001-00473-1) referenced in the Introduction through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325, telephone (202) 783-3238.

Dated: October 18, 1993.

Robert L. Foster,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93-26125 Filed 10-22-93; 8:45 am]

BILLING CODE 4160-10-P

Hospital Infection Control Practices Advisory Committee and Subcommittee on Prevention and Control of Antimicrobial Resistant Microorganisms in Hospitals; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following Federal advisory committee meetings.

Name: Hospital Infection Control Practices Advisory Committee

Times and dates: 8:30 a.m.-5 p.m., November 15, 1993; 8:30 a.m.-4 p.m., November 16, 1993.

Place: CDC, Auditorium A, 1600 Clifton Road, NE, Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available.

Purpose: The committee is charged with providing advice and guidance to the Secretary, the Assistant Secretary for Health, the Director, CDC, and the Director, National Center for Infectious Diseases (NCID), regarding the practice of hospital infection control and strategies for surveillance, prevention, and control of nosocomial infections in U.S. hospitals and updating of guidelines and other policy statements regarding prevention of nosocomial infections.

Matters to be discussed: This is the fourth meeting of the Hospital Infection Control Practices Advisory Committee. The agenda will include review of the final draft of the proposed revision of the CDC Guideline for Prevention of Nosocomial Pneumonia, the second draft of the proposed revision of the CDC Guideline for Isolation Precautions in Hospitals, and the first draft of the proposed revision of the CDC Guideline for Prevention of Intravascular Infections; discussion of an approach to control resistant microorganisms in U.S. hospitals; and an update on CDC activities of interest to the committee. Agenda items are subject to change as priorities dictate.

Name: Subcommittee on Prevention and Control of Antimicrobial Resistant Microorganisms in Hospitals.

Time and date: 8:30 a.m.-5 p.m., November 14, 1993.

Place: CDC, Lobby Conference Room, 1600 Clifton Road, NE, Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available.

Purpose: This subcommittee will review current knowledge about the epidemiology and laboratory aspects of antimicrobial resistance among nosocomial pathogens and revise and/or develop recommendations to control these pathogens in acute care settings.

Matters to be discussed: The subcommittee will hold its first meeting to review current knowledge about the epidemiology and laboratory aspects of antimicrobial resistance among nosocomial pathogens and develop an approach to control resistant microorganisms in U.S. hospitals. Agenda items are subject to change as priorities dictate.

Contact person for more information: Julia S. Garner, R.N., M.N., Nurse Consultant, Hospital Infections Program, NCID, CDC, 1600 Clifton Road, NE, Mailstop A-07, Atlanta, Georgia 30333, telephone 404/639-1552.

Dated: October 19, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93-26123 Filed 10-22-93; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

[Docket No. 93G-0246]

ALKO Ltd. Biotechnology; Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that ALKO Ltd. Biotechnology has filed a petition (GRASP 2G0381), proposing to affirm that phytase derived from culture of *Aspergillus niger* is generally recognized as safe (GRAS) as a direct human food ingredient.

DATES: Written comments by December 27, 1993.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Owen Fields, Center for Food Safety and Applied Nutrition (HFS-207), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9523. **SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 201(s) and 409 (21 U.S.C. 321(s)

and 348)) and the regulations for affirmation of GRAS status in § 170.35 (21 CFR 170.35), notice is given that ALKO Ltd. Biotechnology SF-052000, Rajamäki, Finland, has filed a petition (GRASP 2G0381), proposing that phytase enzyme preparation from *A. niger* be affirmed as GRAS for use as a direct human food ingredient.

The petition has been placed on display at the Dockets Management Branch (address above).

Any petition that meets the requirements outlined in §§ 170.30 and 170.35 is filed by the agency. There is no pre-filing review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for GRAS affirmation.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the *Federal Register* in accordance with 21 CFR 25.40(c).

Interested persons may, on or before December 27, 1993, review the petition and file comments with the Dockets Management Branch (address above). Two copies of any comments should be filed and should be identified with the docket number found in brackets in the heading of this document. Comments should include any available information that would be helpful in determining whether the substance is, or is not, GRAS for the proposed use. In addition, consistent with the regulations promulgated under the National Environment Policy Act (40 CFR 1501.4(b)), the agency encourages public participation by review of and comment on the environmental assessment submitted with the petition that is the subject of this notice. A copy of the petition (including the environmental assessment) and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 14, 1993.

Douglas L. Archer,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93-26152 Filed 10-22-93; 8:45 am]

BILLING CODE 4160-01-F

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Institute on Deafness and Other Communication Disorders Special Emphasis Panel.

The meeting will be conducted as a telephone conference call and will be closed in accordance with the provisions set forth in sec. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92-463, for the review, discussion and evaluation of individual grant applications, contract proposals, and/or cooperative agreements. These applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Panel: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel.

Dates of Meeting: November 4, 1993.

Time of Meeting: 2:30-4:30 p.m.

Place of Meeting: Executive Plaza South, room 400C.

Agenda: Review of three training grant applications and one conference grant application.

Contact Person: Dr. Mary Nekola, Scientific Review Administrator, NIDCD/SRB, Executive Plaza South, room 400C, Bethesda, Maryland 20892 (301) 496-8683.

(Catalog of Federal Domestic Assistance Program No. 93.173 Biological Research Related to Deafness and Other Communication Disorders)

Dated: October 19, 1993.

Wendy Baldwin,

Acting Deputy Director for Extramural Research, NIH.

[FR Doc. 93-26108 Filed 10-22-93; 8:45 am]

BILLING CODE 4160-01-M

National Institute on Drug Abuse; Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meetings of the advisory committees of the National Institute on Drug Abuse for November 1993.

The initial review groups will be open to the public for approximately one-half hour at the beginning of the first day of the meeting for announcements and reports of administrative, legislative, and program development. Attendance

by the public will be limited to space available.

As indicated below in accordance with provisions set forth in sec. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92-463, the initial review groups will be closed to the public for the review, discussion, and evaluation of individual grant applications on the dates indicated below. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Extramural Science Advisory Board will discuss NIDA's program areas and monograph series. This meeting will be open on the dates indicated below; however, attendance by the public will be limited to space available.

Summaries of the meetings and rosters of committee members may be obtained from: Ms. Camilla L. Holland, NIDA Committee Management Officer, National Institutes of Health, Parklawn Building, room 10-42, 5600 Fishers Lane, Rockville, MD 20857 (Telephone: 301/443-2755).

Substantive program information may be obtained from the contacts whose names, room numbers, and telephone numbers are listed below.

Committee name: Extramural Science Advisory Board, NIDA.
Meeting date: November 1-2, 1993.
Place: Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814.
Open: November 1-2, 9 a.m. to 5 p.m.
Contact: Jacqueline P. Downing, room 10A-55, Parklawn building, Telephone (301) 443-1056.

Committee name: Sociobehavioral Subcommittee, Drug Abuse AIDS Research Review Committee.
Meeting date: November 9-10, 1993.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, Maryland 20814.

Open: November 9, 9 a.m. to 9:30 a.m.
Closed: 9:30 a.m., November 9, to adjournment on November 10.
Contact: H. Noble Jones, room 10-22, Parklawn Building, Telephone (301) 443-9042.

Committee name: Biobehavioral/Clinical Subcommittee, Drug Abuse AIDS Research Review Committee.
Meeting date: November 16-17, 1993.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, Maryland 20814.

Open: November 16, 9 a.m. to 9:30 a.m.
Closed: 9:30 a.m., November 16, to adjournment on November 17.

Contact: Mary Custer, Ph.D., room 10-42, Parklawn Building, Telephone (301) 443-2620.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodation, should contact the contact persons named above in advance of the meeting.

This notice is being published less than 15 days prior to the meeting due to the difficulty of coordinating the attendance of members because of conflicting schedules.

(Catalog of Federal Domestic Assistance Program Numbers: 93.277, Drug Abuse Research Scientist Development and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Program)

Dated: October 20, 1993.

Susan K. Feldman,
Committee Management Officer, NIH.
[FR Doc. 93-26211 Filed 10-22-93; 8:45 am]
BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N-93-3666; FR-3557-C-02]

Notice of Funding Availability for Fiscal Year 1993, for the Section 8 Set-Aside for Homeless Veterans With Severe Psychiatric or Substance Abuse Disorders, Notice of Funding Availability for Fiscal Year 1993; Correction

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, (HUD).

ACTION: Notice of funding availability (NOFA) for fiscal year (FY) 1993; Correction.

SUMMARY: On September 30, 1993 (58 FR 51192), the Department published in the Federal Register, a notice of funding availability (NOFA) for Fiscal Year (FY) 1993, that announced the availability of \$19.1 million in FY 1993 budget authority for a national competition established by the Department of Housing and Urban Development (HUD) and the Department of Veterans Affairs (VA) to award funding under the section 8 rental voucher program for homeless veterans with severe psychiatric or substance abuse disorders. The purpose of this document is to add a sentence to section III(A)(1), "Letter from VA Medical Center," to limit the number of PHAs who can apply for the funding to one per VA Medical Center. This document will also add Charleston, SC Medical Centers to the listing of eligible VA, to submit applications.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Director, Operations Branch, Rental Assistance Division, Office of Assisted Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-8000, telephone number (202) 708-0477. Hearing or speech-impaired individuals may call HUD's TDD number (202) 708-4594. (These telephone numbers are not toll-free).

SUPPLEMENTARY INFORMATION:

Accordingly, FR Doc. 93-24113, the Notice of Funding Availability (NOFA) for Fiscal Year 1993, for the Section 8 Set-Aside for Homeless Veterans With Severe Psychiatric or Substance Abuse Disorders, published in the Federal Register, on September 30, 1993 (58 FR 51192), is corrected as follows:

1. on page 51196, in column one, the following sentence is added to the end of section III(A)(1) to read:

III. Checklist of Application Submission Requirements

(A) * * *

(1) * * * HUD will accept only one letter from each VA Medical Center and the letter may identify only one HA.

2. On page 51204, in column three, add "Charleston, SC" to Attachment 7—List of Eligible VA Medical Centers.

Dated: October 19, 1993.

Myra L. Ransick,
Assistant General Counsel for Regulations.
[FR Doc. 93-26130 Filed 10-22-93; 8:45 am]
BILLING CODE 4210-33-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Quarterly Status Tabulation of Water Service and Repayment Contract Negotiations

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of proposed contractual actions pending through December 1993. This notice is one of a variety of means being used to inform the public about proposed contractual actions for capital recovery and management of project resources and facilities. Additional Bureau of Reclamation (Reclamation) announcements of individual contract actions may be published in the Federal Register and in newspapers of general circulation in the areas determined by Reclamation to be affected by the proposed action. Announcements may be in the form of news releases, legal notices, official letters, memorandums,

or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. These public participation procedures do not apply to proposed contracts for the sale of surplus or interim irrigation water for a term of 1 year or less. Either of the contracting parties may invite the public to observe any contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act.

ADDRESSES: The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region in the supplementary information.

FOR FURTHER INFORMATION CONTACT: Dick L. Porter, Chief, Contracts and Repayment Division, Bureau of Reclamation, 1849 C St. NW., Washington, DC 20240; telephone 202-208-3014.

SUPPLEMENTARY INFORMATION: Pursuant to section 226 of the Reclamation Reform Act of 1982 (96 Stat. 1273) and 43 CFR 426.20 of the rules and regulations published in 52 FR 11954, April 13, 1987, Reclamation will publish notice of proposed or amendatory contract actions for any contract for the delivery of project water for authorized uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. Pursuant to the "Final Revised Public Participation Procedures" for water resource-related contract negotiations, published in 47 FR 7763, February 22, 1982, a tabulation is provided below of all proposed contractual actions in each of the five Reclamation regions. Each proposed action listed is, or is expected to be, in some stage of the contract negotiations process during October, November, or December of 1993. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the Regional Directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public participation in and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

2. Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of Reclamation.

3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

4. Written comments on a proposed contract or contract action must be submitted to the appropriate Reclamation officials at the locations and within the time limits set forth in the advance public notices.

5. All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

6. Copies of specific proposed contracts may be obtained from the appropriate Regional Director or his designated public contact as they become available for review and comment.

7. In the event modifications are made in the form of a proposed contract, the appropriate Regional Director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors considered in making such a determination shall include, but are not limited to: (i) The significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. As a minimum, the Regional Director shall furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Acronym Definitions Used Herein

(BCP) Boulder Canyon Project
 (CAP) Central Arizona Project
 (CUP) Central Utah Project
 (CVP) Central Valley Project
 (CRSP) Colorado River Storage Project
 (D&MC) Drainage and Minor Construction
 (FR) Federal Register
 (IDD) Irrigation and Drainage District
 (ID) Irrigation District
 (M&I) Municipal and Industrial
 (O&M) Operation and Maintenance
 (P-SMBP) Pick-Sloan Missouri Basin Program
 (Pub. L.) Public Law
 (R&B) Rehabilitation and Betterment
 (SRPA) Water Conservation and Utilization Act
 (WD) Water District

Pacific Northwest Region: Bureau of Reclamation, 1150 North Curtis Road, Boise, Idaho 83706-1234, telephone 208-378-5342.

1. Cascade Reservoir Water Users, Boise Project, Idaho: Repayment contracts for irrigation and M&I water; 19,201 acre-feet of stored water in Cascade Reservoir.

2. Irrigation, M&I, and Miscellaneous Water Users; Columbia Basin, Crooked River, Minidoka, Rathdrum Prairie, Rogue River Basin, and Umatilla Projects; Idaho, Montana, Oregon, and Washington: Temporary or interim repayment and water service contracts for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

3. Rogue River Basin Water Users, Rogue River Project, Oregon; Water service contracts; \$5 per acre-foot or \$50 minimum per annum for the term of the contract.

4. Willamette Basin Water Users, Willamette Basin Project, Oregon; Water service contracts; \$1.75 per acre-foot or \$50 minimum per annum for the term of the contract.

5. American Fall Reservoir District Number 2, Burgess Canal Company, Clark and Edwards Canal and Irrigation Company, Craig-Mattson Canal Company, Danskin Ditch Company, Enterprise Canal Company, Ltd., Farmers Friend Irrigation Company, Ltd., Lenroot Canal Company, Liberty Park Canal Company, Long Island Irrigation Company, Parks and Lewisville Irrigation Company, Ltd., Parson Ditch Company, Peoples Canal and Irrigation Company, Poplar ID, Rigby Canal and Irrigating Company, Rudy Irrigation Canal Company, Ltd., Wearyrick Ditch Company, all in the Minidoka Project, Idaho; Juniper Flat ID, Wapinitia Project, Oregon; Roza ID, Yakima Project, Washington: Amendatory repayment and water service contracts; purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97-293).

6. City of Cle Elum, Yakima Project, Washington: Amendatory or replacement M&I water service contract; 2,200 acre-feet (1,350 gallons per minute) annually for the term of the contract.

7. Baker Valley ID, Baker Project, Oregon: Irrigation water service contract on a surplus interruptible basis to serve up to 13,000 acres; sale of excess capacity in Mason Reservoir (Phillips Lake) for the term of the contract.

8. Willow Creek Water Users, Willow Creek Project, Oregon: Repayment or water service contracts for a total of up

to 3,500 acre-feet of storage space in Willow Creek Reservoir.

9. Bridgeport ID, Chief Joseph Dam Project, Washington: Warren Act contract for the use of an irrigation outlet in Chief Joseph Dam.

10. Hermiston ID, Umatilla Project, Oregon: Repayment contract for reimbursable cost of dam safety repairs to Cold Springs Dam.

11. Ochoco ID and Various Individual Spaceholders, Crooked River Project, Oregon: Repayment contract for reimbursable cost of dam safety repairs to Arthur R. Bowman and Ochoco Dams.

12. The Dalles ID, The Dalles Project, Oregon: SRPA loan repayment contract; proposed loan obligation of approximately \$2,000,000.

13. State of Idaho, Payette Division of the Boise Project, Idaho: Proposed repayment contracts with the State of Idaho for the sale of uncontracted space in Cascade and Deadwood Reservoirs.

14. Sidney Irrigation Cooperative, Willamette Basin Project, Oregon: Irrigation water service contract for approximately 2,300 acre-feet; \$1.75 per acre-foot for the term of the contract.

15. Douglas County, Milltown Hill Project, Oregon: SRPA loan repayment contract; proposed loan obligation of approximately \$24.5 million and grant of approximately \$5.8 million.

16. Mitigation, Inc., Palisades/Ririe Projects, Idaho: Contract for storage space in Palisades and Ririe Reservoirs (18,980 and 80,500 acre-feet, respectively) pursuant to section 5(a) of the Fort Hall Indian Water Rights Act of 1990.

17. U.S. Fish and Wildlife Service, Boise Project, Idaho: Irrigation water service contract for the use of approximately 200 acre-feet of storage space annually in Anderson Ranch Reservoir. Water to be used on crops for wildlife mitigation purposes.

18. City of Madras, Deschutes Project, Oregon: Renewal or replacement of municipal water service contract for approximately 125 acre-feet annually from the project water supply.

19. Willamette Basin water users, Willamette Basin Project, Oregon: Add language to water service contract to provide for periodic reviews, with adjustments if necessary to mitigate for impacts to natural resources.

20. Willamette Basin water users, Willamette Basin Project, Oregon: Two water service contracts for the exchange of up to 225 acre-feet of water for diversion above project reservoirs.

21. Lewiston Orchards ID, Lewiston Orchards Project, Idaho: Repayment contract for reimbursable cost of dam safety repairs to Reservoir "A."

22. North Unit ID, Deschutes Project, Oregon: Repayment contract for reimbursable cost of dam safety repairs to Wickiup Dam.

Mid-Pacific Region: Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825-1898, telephone 916-978-5030.

1. Tuolumne Utility District (formerly Tuolumne Regional WD), CVP, California: Water Service Contract for up to 9,000 acre-feet from New Melones Reservoir.

2. Irrigation water districts, individual irrigators, M&I and miscellaneous water users, California, Oregon, and Nevada: Temporary (interim) water service contracts for available project water for irrigation, M&I, or fish and wildlife purposes providing up to 10,000 acre-feet of water annually for terms up to 5 years; temporary Warren Act contracts for use of project facilities for terms up to 1 year; long-term contracts for similar service for up to 1,000 acre-feet annually. *Note.* Copies of the standard forms of temporary water service contracts for the various types of service are available upon written request from the Regional Director at the address shown above.

3. Friant Division Contractors, CVP, California: Renewal of existing long-term water service contracts with contractors on the Friant-Kern and Madera Canals or diverters from Millerton Reservoir; most contracts expire 1994-1997, two contracts expire later; water quantities in existing contracts range from 1,200 to 175,440 acre-feet. These contract actions will be accomplished through 3-year interim contracts with subsequent 2-year interim contracts until the CVP Environmental Impact Statement is completed pursuant to Pub. L. 102-575.

4. Contra Costa WD, CVP, California: Amendatory water service contract to add the operation of the Los Vaqueros Project, including an additional point of delivery; the amendment will also conform the contract to current Reclamation policies, including the water ratesetting policy, and Pub. L. 102-575.

5. Redwood Valley County WD, SRPA, California: District is considering restructuring the repayment schedule pursuant to Pub. L. 100-516 or prepaying the loan at a discounted rate pursuant to Pub. L. 102-575.

6. Madera ID, Hidden Unit, CVP, California: Renewal of existing water service contract for 24,000 acre-feet of water which expires February 28, 1994. This contract action will be accomplished through a 3-year interim contract with a subsequent 2-year interim contract until the CVP

Environmental Impact Statement is completed pursuant to Pub. L. 102-575.

7. Chowchilla WD, Buchanan Unit, CVP, California: Renewal of existing water service contract for 24,000 acre-feet of water which expires February 28, 1994. This contract action will be accomplished through a 3-year interim contract with a subsequent 2-year interim contract until the CVP Environmental Impact Statement is completed pursuant to Pub. L. 102-575.

8. Truckee Carson ID, Newlands Project, Nevada: New repayment contract for the unpaid construction cost repayment obligation from the original contract which was terminated on August 17, 1983, by the U.S. District Court in Nevada.

9. San Luis WD, CVP, California: Amendatory water service contract to provide that the District pay full O&M rate for all deliveries resulting from the Azhdarian Pumping Plant enlargement and the cost of service rate for such deliveries beginning in 1996 and each year thereafter.

10. Delta Mendota Canal Contractors, CVP, California: Renewal of existing long-term water service contracts with contractors on the Delta-Mendota Canal whose contracts expire in 1994-2003; water quantities in existing contracts range from 70 to 50,000 acre-feet. These contract actions will be accomplished through 3-year interim contracts with subsequent 2-year interim contracts until the CVP Environmental Impact Statement is completed pursuant to Pub. L. 102-575.

11. City of Redding, CVP, California: Amendment to Contract No. 14-06-200-5272A to add a point of diversion at the turnout, Spring Creek Power Conduit, to facilitate proposed water treatment plant for Buckeye service area.

12. U.S. Department of Veteran Affairs, CVP, California: Long-term contract, which will conform to Pub. L. 102-575, for M&I water purposes in support of the new San Joaquin Valley National Cemetery near Santa Nella, California.

13. Century Ranch Water Company, Inc., CVP, California: Long-term exchange contract for M&I, less than 100 acre-feet; Stony Creek Watershed above Black Butte Dam.

14. State of California, Department of Forestry, CVP, California: Water right exchange agreement, less than 100 acre-feet, above Black Butte Dam.

15. San Luis WD, CVP, California: Amendment to Contract No. 14-06-200-7773A to include assigned lands and allocated share of CVP water supply to San Luis WD from Romero WD and comply with Pub. L. 102-575.

16. Romero WD, CVP, California: Amendment to Contract No. 14-06-200-7758 to assign lands and allocated share of CVP water supply to San Luis WD and comply with Pub. L. 102-575.

17. IDs and similar water user entities, CVP, California: Amendatory water service contracts; to change the definition of "year" to conform to the standard CVP water year of March 1 through the end of February.

18. Sacramento River water rights settlement contractors, CVP, California: Contract amendment for assignment under voluntary land ownership transfers to provide for the current CVP water rates and update standard contract articles.

19. Sierra Pacific Power Company, Pyramid Lake Tribe, Washoe County Water Conservation District; Washoe and Truckee-Storage Projects; Nevada and California: Interim storage contract, authorized under Pub. L. 101-618, and the provision of the Warren Act as supplemented by the Reclamation States Emergency Drought Act to convey and/or store non-project water in Stampede Reservoir and in Boca Reservoir.

20. Naval Air Station and Truckee Carson ID, Newlands Project, Nevada: Amend water service Agreement No. 14-06-400-1024 for the use of project water on Naval Air Station land.

21. Del Puerto WD, CVP, California: Amend water service Contract No. 14-06-200-922 to include M&I use.

22. El Dorado County Water Agency, San Juan Suburban WD, and Sacramento County Water Agency, CVP, California: M&I water service contract to supplement existing water supply: 15,000 acre-feet for El Dorado County Water Agency, 13,000 acre-feet for San Juan Suburban WD, and 22,000 acre-feet for Sacramento County Water Agency.

23. Non-Federal entity, CVP, California: Cost-sharing agreement with a yet to be determined non-Federal entity for the Folsom Dam and Reservoir reoperation.

24. Central Coast Water Authority, Cachuma Project, California: Long-term Warren Act contract for use of Cachuma Project facilities when excess capacity exists. A total of 13,750 acre-feet of water per year from the California State Water Project will be made available under a Warren Act contract to users along the South Coast of California.

25. Pershing County Water Conservation District, Humboldt Project, Nevada: Safety of Dams repayment contract for modification of Rye Patch Dam; reimbursable obligation of the District approximately \$1,050,000.

26. California Department of Fish and Game, CVP, California: Renewal of existing long-term agreement for

furnishing water for fish hatchery purposes.

27. Widren WD, CVP, California: Amend water service Contract No. 14-06-200-8018 to include M&I use, conform to Pub. L. 102-575 and assign water supply to City of Tracy.

28. Corning Canal, Tehama-Colusa Canal, and Cross Valley Canal; CVP; California: Renewal of existing long-term water service contracts with contractors on the Canals, whose contracts expire in 1995; water quantities in existing contracts range from 400 to 62,200 acre-feet. These contract actions will be accomplished through 3-year interim contracts with subsequent 2-year interim contracts until the CVP Environmental Impact Statement is completed pursuant to Pub. L. 102-575.

29. Bella Vista WD, CVP, California: Renewal of existing long-term water service contract which expires December 31, 1994; water quantity in existing contract is 24,000 acre-feet. This contract action will be accomplished through a 3-year interim contract with a subsequent 2-year interim contract until the CVP Environmental Impact Statement is completed pursuant to Pub. L. 102-575.

30. Clear Creek Community Services District, CVP, California: Renewal of existing long-term water service contract which expires December 31, 1994; water quantity in existing contract is 15,300 acre-feet. This contract action will be accomplished through a 3-year interim contract with a subsequent 2-year interim contract until the CVP Environmental Impact Statement is completed pursuant to Pub. L. 102-575.

31. Gateway WD, CVP, California: Combine by assignment twelve Delta-Mendota Canal water service contracts into 1-entity to be renamed Gateway WD for administrative and operation purposes.

32. U.S. Fish and Wildlife Service, California Department of Fish and Game, Grassland WD; CVP; California: Water service contracts to provide Level II water supplies for refuges within the CVP pursuant to Pub. L. 102-575; exchange agreements and wheeling contracts to deliver some of the increased refuge water supplies; quantity to be contracted for is approximately 416,000 acre-feet.

33. Monterey County Water Resources Agency, Castroville Irrigation Water Supply Project, SRPA, California: Loan repayment contract in the amount of \$32,600,000 to construct an irrigation distribution system to reduce sea water intrusion in the ground water aquifers.

34. Monterey Regional Water Pollution Control Agency, Water

Reclamation Facility for Crop Irrigation Project, SRPA, California: Loan repayment contract in the amount of \$20,544,400 to reduce sea water intrusion in the ground water aquifers.

35. San Juan Suburban WD, CVP, California: Renewal of existing long-term water service contract which expires February 28, 1995; water quantity in existing contract is 11,200 acre-feet. This contract action will be accomplished through a 3-year interim contract with a subsequent 2-year interim contract until the CVP Environmental Impact Statement is completed pursuant to Pub. L. 102-575.

36. Shasta Dam Area Public Utility District, CVP, California: Amendment of existing temporary contract to extend contract term and to comply with terms and conditions of Pub. L. 102-575.

37. State of California, CVP, California: Cost sharing agreement with State of California pursuant to CVP Improvement Act (Pub. L. 102-575). The cost sharing agreement with the State will provide for the general principles and administration of cost sharing and implementation of specific restoration actions identified in Pub. L. 102-575.

38. Santa Barbara County Water Agency, Cachuma Project, California: Renewal of existing long-term water service contract which expires May 14, 1995; water quantity in existing contract 32,000 acre-feet.

39. United Water Conservation District, SRPA, California: District to prepay the loan at discounted rate pursuant to Pub. L. 102-575.

40. San Juan Suburban WD and the Placer County Water Agency, CVP, California: Renewal of existing long-term wheeling contract allowing the Agency to use CVP facilities to deliver its water to the District for use on District land within Placer County.

Lower Colorado Region: Bureau of Reclamation, P.O. Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006-1470, telephone 702-293-8536.

1. Agricultural and M&I water users, CAP, Arizona: Water service subcontracts for percentages of available supply reallocated in 1992 for irrigation entities and up to 640,000 acre-feet per year allocated in 1983 for M&I use.

2. Southern Arizona Water Rights Settlement Act: Sale of up to 28,200 acre-feet per year of municipal effluent to the City of Tucson, Arizona.

3. Milton and Jean Phillips, Kenneth or Ann Easterday, Robert E. Harp, Cameron Brothers Construction Co., Ogram Farms, Bruce Church, Inc., Stephen Sturges, Sunkist Growers, Inc., Clayton Farms, BCP, Arizona: Water

service contracts, as recommended by Arizona Department of Water Resources, with agricultural entities located near the Colorado River for up to an additional 15,557 acre-feet per year total.

4. Arizona State Land Department, State of Arizona, BCP, Arizona: Contract for 6,607 acre-feet per year of Colorado River water for agricultural use and related purposes on State-owned land. This contract action reflects an increase in a prior contract recommendation in the amount of 6,292 acre-feet per year.

5. Armon Curtis, Arlin Dulin, Jacy Rayner, Glen Curtis, Jamar Produce Corporation, and Ansel T. Hall, BCP, Arizona: Water service contracts; purpose is to amend their contracts to exempt them from the Reclamation Reform Act of 1982 (Pub. L. 97-293).

6. Indian and non-Indian agricultural and M&I water users, CAP, Arizona: New and amendatory contracts for repayment of Federal expenditures for construction of distribution systems.

7. City of Kingman, BCP, Arizona: The City has requested a 2-year extension of the contract article that provides the United States the right to terminate the contract on November 14, 1993, based on the City's lack of use of their entitlement (not to exceed 18,500 acre-feet) over the last 25 years.

8. Cibola Valley IDD, BCP, Arizona: Cibola Valley IDD is considering transferring, leasing, selling, or banking its water entitlement of 22,560 acre-feet.

9. Ft. Yuma Indian Reservation (Quechan Indian Reservation), Yuma Project, Arizona and California: Surplus water contract to receive Colorado River water in the states of Arizona and California; contract may include surplus and unused apportionment entitlements (51,616 acre-feet or 7,743 acres, whichever is less) and wheeling arrangements with Bard ID.

10. Imperial ID, Lower Colorado Water Supply Project, California: Contracting providing for O&M of the project well field.

11. Lower Colorado Water Supply Project, California: Water service and repayment contracts with nonagricultural users in California adjacent to the Colorado River for an aggregate consumptive use of up to 10,000 acre-feet of Colorado River water per year in exchange for an equivalent amount of water to be pumped into the All-American Canal from a well field to be constructed adjacent to the canal.

12. County of San Bernardino, San Sevine Creek Water Project, SRPA, California: Repayment contract for a \$28.6 million loan.

13. Tohono O'odham Nation, SRPA, Arizona: Repayment contract for a \$7.3 million loan for the Schuk Toak District.

14. Bullhead City, Consolidated Water Co., Lake Havasu City, Havasu Water Co., Quartzsite, McAllister Subdivision, City of Parker, Marble Canyon, and Arizona State Land Department, BCP, Arizona: Contracts for additional M&I allocations of Colorado River water to entities located along the Colorado River in Arizona for up to 15,146 acre-feet per year as recommended by the Arizona Department of Water Resources.

15. National Park Service for Lake Mead National Recreation Area, Supreme Court Decree in *Arizona v. California*, and BCP in Arizona and Nevada: Memorandum of Understanding for delivery of Colorado River water for the National Park Service's Federal Establishment present perfected right of 500 acre-feet of diversions annually, and the National Park Service's Federal Establishment perfected right pursuant to Executive Order No. 5125 (April 25, 1930).

16. Imperial ID and/or The Metropolitan WD of Southern California, BCP, California: Construction and funding contract to conserve water along a portion of the All-American Canal in accordance with Title II of the San Luis Rey Indian Water Rights Settlement Act, dated January 25, 1988.

17. Coachella Valley WD and/or The Metropolitan WD of Southern California, BCP, California: Construction and funding contract to conserve water along a portion of the Coachella Branch of the All-American Canal in accordance with Title II of the San Luis Rey Indian Water Rights Settlement Act, dated January 25, 1988.

18. Elsinor Valley Municipal WD, Temescal Valley Project, SRPA, California: Repayment contract for a \$22.3 million loan.

19. Mohave Valley ID, BCP, Arizona: Amendment of current contract for additional Colorado River water, change in service areas, diversion points, and RRA exemption.

20. Miscellaneous present perfected rights entitlement holders, BCP, Arizona and California: Contracts for entitlements of Colorado River water as decreed by the U.S. Supreme Court in *Arizona v. California*, as supplemented or amended, and as required by section 5 of the BCP. Miscellaneous present perfected rights holders are listed in the *Arizona v. California* settlement.

21. Federal Establishment present perfected rights entitlement holders: Individual contracts for administration of Colorado River water entitlements of the Colorado River, Fort Mojave,

Quechan, Chemehuevi, and Cocopah Indian Tribes.

22. Yuma County Water Users' Association, Yuma Project, Arizona: Contract to enable the Association to administer non-irrigation water within its service area.

23. City of Yuma, BCP, Arizona: Stand alone contract or amendment to Contract No. 14-067-W-106 for additional points of diversion.

24. City of Yuma, BCP, Arizona: Amendment to Contract 14-06-W-106 for an additional point of diversion to provide water delivery to Yuma Cogeneration Associates for use at Cogeneration Plant.

25. Imperial ID and The Metropolitan WD of Southern California, BCP, California: Temporary contract to store approximately 200,000 acre-feet of water that is expected to be saved over a 2-year period under a test water savings program that involves land fallowing and a modified irrigation plan for alfalfa.

26. Crystal Beach Water Conservation District, BCP, Arizona: Contract for delivery of 132 acre-feet per year of Colorado River water for domestic use, as recommended by the Arizona Department of Water Resources.

27. Robert B. Griffith Water Project, BCP, Nevada: Revision of water delivery contract to amend points of diversion.

28. Southern Nevada Water Authority, BCP, Nevada: Assignment of 14,500 acre-feet of Basic Management, Inc.'s water entitlement to the Southern Nevada Water Authority.

29. HoHoKam ID: Central Arizona Water Conservation District; and the Cities of Chandler, Glendale, Mesa, Phoenix, Scottsdale, and Tempe; CAP; Arizona: Principles of agreement, agreement, and support arrangements to provide the cities with Cliff Dam replacement water and provide for the repayment of HoHoKam ID Federal indebtedness. This would include amendment to Contract No. 5-07-30-W0083 to increase HoHoKam's Federal indebtedness for HoHoKam's CAP distribution system.

30. Gila River Farms, SRPA, Arizona: Amendatory contract to reschedule May 1, 1991 payment over the remaining repayment period.

31. Bureau of Land Management, BCP, Arizona: Contract for 1,176 acre-feet per year, for agricultural use, of Arizona's Colorado River Water that is not used by higher priority Arizona entitlement holders.

32. Curtis Family Trust et al., BCP, Arizona: Contract for 2,100 acre-feet per year of Colorado River water for agricultural water.

33. Fort McDowell Indian Community, CAP, Arizona: Amendatory water service contract for 13,933 acre-feet per year under the Fort McDowell Indian Community Water Rights Settlement Act of 1990.

34. Town of Payson, CAP, Arizona: Assignment of Payson's CAP water entitlement of 4,995 acre-feet per year to the city of Scottsdale.

35. Beattie Farms SW, BCP, Arizona: Contract for 1,890 acre-feet per year of unused Arizona entitlement for agricultural use.

36. Section 10 Backwater, BCP, Arizona: Contract for 250 acre-feet per year of unused Arizona entitlement for environmental use until a permanent water supply can be obtained.

37. Central Arizona Water Conservation District, CAP, Arizona: Amendment of the contract between the United States and Central Arizona Water Conservation District for the delivery of water and repayment of costs of the CAP (Master Repayment Contract) to increase the repayment ceiling set forth in subarticle 9.3(e) from \$2.0 billion to \$2.3 billion.

Upper Colorado Region: Bureau of Reclamation, P.O. Box 11568, (125 South State Street), Salt Lake City, Utah 84147, telephone 801-524-5435.

1. Individual irrigators, M&I, and miscellaneous water users, Utah, Wyoming, Colorado, and New Mexico: Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 10 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

(a) The Benevolent and Protective Order of the Elks, Lodge No. 1747, Farmington, New Mexico: Navajo Reservoir water service contract; 20 acre-feet per year for municipal use.

2. Southern Ute Indian Tribe, Animas-La Plata Project, Colorado: Repayment contract of 26,500 acre-feet per year for M&I use and 2,600 acre-feet per year for irrigation use in Phase One and 700 acre-feet in Phase Two; contract terms to be consistent with binding cost sharing agreement and water rights settlement agreement.

3. Ute Mountain Ute Tribe, Animas-La Plata Project, Colorado and New Mexico: Repayment contract; 6,000 acre-feet per year for M&I use in Colorado; 26,400 acre-feet per year for irrigation use in Colorado; 900 acre-feet per year for irrigation use in New Mexico; contract terms to be consistent with binding cost sharing agreement and water rights settlement agreement.

4. Navajo Indian Tribe, Animas-La Plata Project, New Mexico: Repayment

contract for 7,600 acre-feet per year for M&I use.

5. La Plata Conservancy District, Animas-La Plata Project, New Mexico: Repayment contract for 9,900 acre-feet per year for irrigation use.

6. Vermejo Conservancy District, Vermejo Project, New Mexico: Amend contract pursuant to Pub. L. 96-550 to relieve the district of requirement to make annual payments until the Secretary of the Interior determines that further payments are feasible; the current obligation exceeds \$2 million.

7. San Juan Pueblo, San Juan-Chama Project, New Mexico: Repayment contract for up to 2,000 acre-feet of project water for irrigation purposes.

8. City of El Paso, Rio Grande Project, Texas and New Mexico: Amendment to the 1941 and 1962 contracts to expand acreage owned by the City to 3,000 acres; extend terms of water rights assignments; and allow assignments outside City limits under authority of the Public Service Board.

9. Mancos Water Conservancy District, Mancos Project, Colorado: Amendatory contract to remove contract restrictions that prevent the Mancos Water Conservancy District from developing hydropower on the Mancos Project.

10. The National Park Service, Bureau of Land Management, Colorado Water Conservation Board, Wayne N. Aspinall Unit, CRSP, Colorado: Contract for between 180,000 to 740,000 acre-feet of project water to provide specific river flow patterns in the Gunnison River through the Black Canyon of the Gunnison National Monument.

11. Upper Gunnison River Water Conservancy District, Wayne N. Aspinall Unit, CRSP, Colorado: Water service contract for 500 acre-feet for 1-year for municipal and domestic use.

12. Upper Gunnison River Water Conservancy District, Wayne N. Aspinall Unit, CRSP, Colorado: Substitute supply plan for the administration of the Gunnison River.

13. Collbran Conservancy District, Collbran Project, Colorado: Amendatory contract defining priority of use of project water.

14. U.S. Fish and Wildlife Service, North Fork Water Conservancy District, Paonia Project, Colorado: Contract for releases to support endangered fish in the Gunnison and Colorado Rivers; water available for releases will come from reserve capacity held by Reclamation as sediment pool, estimated to be 1,800 acre-feet annually; contract will define the terms and conditions associated with delivery of this water.

15. Rio Grande Water Conservation District, Closed Basin Division, San Luis Valley Project Colorado: Water service contract for furnishing priority 4 water to third parties; contract will allow District to market priority water, when available, for agricultural, municipal and/or industrial use.

16. Uncompahgre Valley Water Users Association, Upper Gunnison River Water Conservancy District, Colorado River Water Conservation District, Uncompahgre Project, Colorado: Water management agreement for water stored at Taylor Park Reservoir and the Wayne N. Aspinall Storage Units to improve water management.

Great Plains Region: Bureau of Reclamation, P.O. Box 36900, Federal Building, 316 North 26th Street, Billings, Montana 59107-6900, telephone 406-657-6413.

1. Individual irrigators, M&I, and miscellaneous water users; Montana, Wyoming, North Dakota, South Dakota, Colorado, Kansas, Nebraska, Oklahoma, and Texas: Temporary (interim) water service contracts for the conveyance, storage, and exchange of surplus project water and nonproject water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5-years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. Fort Shaw ID, Sun River Project, Montana: R&B loan repayment contract; up to \$1.5 million.

3. Green Mountain Reservoir, Colorado-Big Thompson Project, Colorado: Water service contracts for irrigation, municipal, and industrial purposes; contract negotiations for sale of water from the marketable yield to water users within the Colorado River Basin of Western Colorado.

4. Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado: Repayment contracts; second round contract negotiations for municipal, domestic, and industrial water from the regulatory capacity of Ruedi Reservoir.

5. Cedar Bluff ID No. 6, Cedar Bluff Unit, P-SMBP, Kansas: In accordance with Section 901 of Pub. L. 102-575, 106 Stat. 4600, terminate the Cedar Bluff Irrigation District's repayment contract and transfer use of the District's portion of the reservoir storage capacity to the State of Kansas for fish, wildlife, recreation, and other purposes.

6. Garrison Diversion Unit, P-SMBP, North Dakota: Renegotiation of the master repayment contract with Garrison Diversion Conservancy District to conform with the Garrison Diversion Unit Reformulation Act of 1986; negotiation of repayment contracts with irrigators and M&I users.

7. Corn Creek ID, Glendo Unit, P-SMBP, Wyoming: Repayment contract for 10,350 acre-feet of supplemental irrigation water from Glendo Reservoir.

8. East Bench ID, East Bench Unit, P-SMBP, Montana: D&MC contract for \$300,000 for minor construction work for up to a 10-year period.

9. Foss Reservoir Master Conservancy District, Washita Basin Project, Oklahoma: Amendatory repayment contract for remedial work.

10. Arbuckle Master Conservancy District, Arbuckle Project, Oklahoma: Contract for the repayment of costs of the construction of the Sulphur, Oklahoma, pipeline and pumping plant (if constructed).

11. Chinook Water Users Association, Milk River Project, Montana: SRPA contract for loan of up to \$6,000,000 for improvements to the Association's water conveyance system.

12. Midvale ID, Riverton Unit, P-SMBP, Wyoming: Long-term contract for water service from Boysen reservoir.

13. Tom Green County Water Control and Improvement District No. 1, San Angelo Project, Texas: Continent upon passage of authorizing legislation, negotiate amendatory contract to increase irrigable acreage within the project.

14. Palmetto Bend Project, Texas: Amendment of the tripartite contract among the United States, the Lavac-Navidad River Authority and the Texas Water Development Board to transfer the Board's remaining repayment obligation and interest in the Palmetto Bend Project to the Authority.

15. Canadian River Municipal Authority, Canadian River Project, Texas: Amendatory contract to reflect credit for project lands transferred to the National Park Service under Pub. L. 101-628 for the Lake Meredith National Recreation Area.

16. Lakeview ID, Shoshone Project, Wyoming: New long-term water service contract for up to 3,200 acre-feet of firm water supply annually and up to 11,800 acre-feet of interim water from Buffalo Bill Reservoir.

17. Hidalgo County ID No. 6, Texas: SRPA contract for a 20-year loan for up to \$5,712,900 to rehabilitate the District's irrigation facilities.

18. City of Rapid City and Rapid Valley Water Conservancy District, Rapid Valley Unit, P-SMBP, South Dakota: Contract renewal for up to 55,000 acre-feet of storage capacity in Pactola Reservoir.

19. Thirty Mile Canal Company, Nebraska: SPRA contract for a loan of \$2,264,000 to reline the main canal, replace open laterals with buried pipe, and replace bridges.

20. City of Estes Park, Colorado-Big Thompson Project, Colorado: Modification of water service contract to change point of diversion and other administrative revisions.

21. Belle Fourche ID, Belle Fourche Unit, P-SMBP, South Dakota: Amendment to D&MC contract to extend work through 1995 and provide an additional \$1 million to complete the work.

22. North Platte Project and Glendo Unit, P-SMBP, Wyoming and Nebraska contractors: Repayment contracts under safety of dams programs for the modification of Pathfinder, Guernsey, and Glendo Dams.

23. State of Colorado, Armel Unit, P-SMBP, Colorado: Repayment contract under safety of dams program for the modification of Bonny Dam.

24. Ainsworth ID, Almena ID, Bostwick ID, Frenchman-Cambridge ID, Frenchman Valley ID, Kansas-Bostwick ID, Kirwin ID, Loup Basin Reclamation District, Webster ID; P-SMBP; Kansas and Nebraska: Renegotiation of existing water service and repayment contracts for irrigation water supplies.

25. Mountain Park Master Conservancy District, Mountain Park Project, Oklahoma: In accordance with Section 3102 of Pub. L. 102-575, 106 Stat. 4600, amend the District's contract to reflect a discounted prepayment of the City of Frederick's obligation for the reimbursable costs of its M&I water supply.

26. Northern Cheyenne Indian Reservation, Montana: In accordance with Section 9 of the Northern Cheyenne Reserved Water Rights Settlement Act of 1992, the U.S. and the Northern Cheyenne Indian Tribe are proposing to contract for 30,000 acre-feet per year of stored water from Bighorn Reservoir, Yellowtail Unit, Lower Bighorn Division, P-SMBP, in Montana. The Tribe will pay the U.S. both capital and O&M costs associated with each acre-foot of water the Tribe sells from this storage for M&I purposes.

27. Canadian River Municipal Water Authority, Canadian River Project, Texas: Contract for the United States to pay up to 33 percent of the costs of the salinity control project. These costs are to be used for the design and construction management of the project facilities.

28. Mid-Dakota Rural Water System, Inc.; South Dakota: Pursuant to the Reclamation Projects Authorization and Adjustment Act of 1992, the Secretary of the Interior is authorized to make grants and loans to Mid-Dakota Rural Water System, Inc., a non-profit corporation for the planning and construction of a rural water supply system.

Dated: October 19, 1993.

J. Austin Burke,

Assistant Commissioner, Program, Budget and Liaison.

[FR Doc. 93-26197 Filed 10-22-93; 8:45 am]

BILLING CODE 4310-04-M

INTERSTATE COMMERCE COMMISSION

Release of Waybill Data

The Commission has received a requests from the Reebie Associates for permission to use certain data from the 1992 ICC Waybill Sample.

A copy of the request (WB654-10/8/93) may be obtained from the ICC Office of Economics.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to this request, they should file their objections (an original and 2 copies) with the Director of the Commission's Office of Economics within 14 calendar days of the date of this notice. The rules for release of waybill data (Ex Parte 385 (Sub-No. 2)) are codified at 49 CFR 1244.8.

Contact: James A. Nash, (202) 927-6196.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93-26155 Filed 10-22-93; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32354]

Chicago and North Western Transportation Co.—Trackage Rights Exemption—Line of Soo Line Railroad Co. in St. Paul, MN

Soo Line Railroad Company (Soo) has agreed to grant trackage rights to Chicago and North Western Transportation Company (CNW) over those portions of Soo Trackage located between Randolph Avenue and Chestnut Street, in St. Paul, MN. The parties proposed to consummate the transaction as of October 12, 1993.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Thomas F. Flanagan, 165 North Canal Street, Chicago, IL 60606-1551.

As a condition to use of this exemption, any employees adversely affected by the trackage rights will be

protected pursuant to Norfolk and Western Ry. Co.—Trackage Rights—BN, 354 I.C.C. 605 (1978), as modified in Mendocino Coast Ry., Inc.—Lease and Operate, 360 I.C.C. 653 (1980).

Decided: October 18, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93-26156 Filed 10-22-93; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 32364]

**Kansas Southwestern Railway Co.—
Lease and Operation Exemption—
Missouri Pacific Railroad Co. and
Atchison, Topeka and Santa Fe
Railway**

Kansas Southwestern Railway Company (KSW), a noncarrier, has filed a notice of exemption: (1) To lease and operate 297.5 miles of rail line owned by Missouri Pacific Railroad Company (MP)¹ in the State of Kansas; and (2) to acquire incidental trackage rights over approximately 2 miles of the Atchinson, Topeka and Santa Fe Railway Company (Santa Fe) line in the State of Kansas. KSW will become a class III rail carrier. The exemption became effective on October 4, 1993 and the transaction was expected to be consummated on or after that date.

The lines involved in the lease transaction consist of MP's lines: (1) Between milepost 572.677 on the east leg of the wye and 1,213 feet of the west leg of the wye at Genesco, KS, to milepost 486.003 of the northeast leg of the wye and 984 feet of the southeast leg of the wye at Wichita, KS; (2) the Hardtner Branch from milepost 485.938 at Wichita, KS to milepost 581.778 at Hardtner, KS; (3) the Stafford Branch from milepost 559.028 of the south leg of the wye and 955 feet of the north leg of the wye at Conway Springs, KS, to milepost 654.11 at Radium, KS; and (4) the Iuka Branch from milepost 609.97 at Olcott, KS, to milepost 630.13 at Iuka, KS. The incidental trackage rights that KSW will acquire as part of this transaction will be over Santa Fe's line at Kiowa, KS between milepost 306+3989.0 and milepost 308+1908.6, a total distance of approximately 2 miles.

This proceeding is related to Finance Docket No. 32362, The Broe Companies, Inc., The Great Western Railway

¹ The trackage rights were previously leased to Manufacturers' Junction Railway Company (MJR) in Finance Docket No. 31783, Manufacturers' Junction Railway Company—Lease and Operation Exemption—Missouri Pacific Railroad Company (not printed), served March 6, 1991.

Company, Railco, Inc., and Chicago West Pullman Transportation Corporation, Et Al.—Corporate Family Exemption, wherein The Broe Companies, Inc., Railco, Inc., and Chicago West Pullman Transportation Corporation have concurrently filed a notice of exemption to continue in control of KSW as part of a corporate family reorganization.

Any comments must be filed with the Commission and served on: Karl Morell, Taylor, Morell & Gitomer, suite 210, 919 18th Street, NW., Washington, DC 20006.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: October 18, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93-26154 Filed 10-22-93; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

- (1) The title of the form/collection;
- (2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;
- (3) How often the form must be filled out or the information is collected;
- (4) Who will be asked or required to respond, as well as a brief abstract;
- (5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;
- (6) An estimate of the total public burden (in hours) associated with the collection; and,
- (7) An indication as to whether Section 3504(h) of Public Law 96-511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the

estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395-7340 and to the Department of Justice's Clearance Officer, Mr. Lewis Arnold, on (202) 514-4305. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Lewis Arnold, DOJ Clearance Officer, SPS/JMD/5031 CAB, Department of Justice, Washington, DC 20530.

Extension of the Expiration Date of a Currently Approved Collection Without Any Change in the Substance or in the Method of Collection

- (1) Application for Transfer of petition for Naturalization
- (2) N-455. Immigration and Naturalization Service
- (3) On occasion
- (4) Individuals or households. This form is used by a petitioner for naturalization to request a transfer of his/her petition to another court; used by INS to make a recommendation to the court.
- (5) 100 annual respondents at .166 hours per response
- (6) 17 annual burden hours
- (7) Not applicable under section 3504(h)
- (1) Interagency Record of Individual Requesting Change
- (2) I-566. Immigration and Naturalization Service
- (3) On occasion
- (4) Individuals or households. This form facilitates the processing of applications for benefits filed by diplomatic and international organizational personnel, or by persons requesting said status. The information assists INS and the Department of State in exercising joint adjudicative responsibility.
- (5) 3,000 annual respondents at .25 hours per response
- (6) 750 annual burden hours
- (7) Not applicable under section 3504(h)
- (1) Affidavit of Support
- (2) I-134. Immigration and Naturalization Service
- (3) On occasion
- (4) Individuals or households. The information will be used to determine whether the applicant for benefits will become a public charge if admitted to the United States.

- (5) 44,000 annual respondents at .332 hours per response
 (6) 14,608 annual burden hours
 (7) Not applicable under section 3504(h)
 (1) Guam Visa Waiver Information Form
 (2) I-736. Immigration and Naturalization Service
 (3) Daily
 (4) Individuals or households. Public Law 396 provides for certain aliens to be exempt from the nonimmigrant visa requirement if seeking entry into and desiring to visit Guam for a maximum of fifteen days, provided that they pose no potential threat to the security of the U.S.; its territories and commonwealths.
 (5) 60,000 annual respondents at .083 hours per response
 (6) 4,980 annual burden hours
 (7) Not applicable under section 3504(h)
 (1) Application for Posthumous Citizenship
 (2) N-644. Immigration and Naturalization Service
 (3) On occasion
 (4) Individuals or households. The information collected will be used to determine an applicant's eligibility to request posthumous citizenship status for a decedent and to determine the decedent's eligibility for such status.
 (5) 100 annual respondents at 1.83 hours per response
 (6) 183 annual burden hours
 (7) Not applicable under section 3504(h)

Existing Collection in Use Without an OMB Control Number

- (1) Monthly Report Naturalization Papers Forwarded
 (2) N-4. Immigration and Naturalization Service
 (3) Monthly
 (4) State or local governments, Federal agencies or employees. This form will be used by the clerk of a naturalization court to report to INS the Oath Administration ceremonies held each month and to account for certificates of naturalization delivered to individuals by the court. INS will use this information to complete the records on naturalization cases, and to audit costs incurred by the courts, which are charged to INS.
 (5) 160 annual respondents, 12 responses per respondent at .25 hours per response
 (6) 480 annual burden hours
 (7) Not applicable under section 3504(h)

Public comment on these items is encouraged.

Dated: October 20, 1993.

Lewis Arnold,
 Department Clearance Officer, Department of Justice.

[FR Doc. 93-26198 Filed 10-22-93; 8:45 am]
 BILLING CODE 4410-10-M

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

- (1) The title of the form/collection;
- (2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;
- (3) How often the form must be filled out or the information is collected;
- (4) Who will be asked or required to respond, as well as a brief abstract;
- (5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;
- (6) An estimate of the total public burden (in hours) associated with the collection; and,
- (7) An indication as to whether section 3504(h) of Public Law 96-511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395-7340 and to the Department of Justice's Clearance Officer, Mr. Lewis Arnold, on (202) 514-4305. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Lewis Arnold, DOJ Clearance Officer, SPS/JMD/5031 CAB, Department of Justice, Washington, DC 20530.

New Collection

- (1) Arrival and Departure Record (Transit Without Visa)
- (2) I-94T. Immigration and Naturalization Service
- (3) On occasion
- (4) Individuals or households. This form is used to aid the effectiveness of the Transit Without Visa (TWOV) process, and to enhance the accuracy of TWOV collection. This form provides the most efficient means for

collecting and processing the required TWOV data.

- (5) 200,000 annual respondents at .07 hours per respondent
 (6) 14.00 annual burden hours
 (?) Not applicable under section 3504(h)
 Public comment on these items is encouraged.

Dated: October 18, 1993.

Lewis Arnold,
 Department Clearance Officer, Department of Justice.

[FR Doc. 93-26122 Filed 10-22-93; 8:45 am]
 BILLING CODE 4410-10-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Humanities; Meeting

October 18, 1993.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, DC on November 18-19, 1993.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, NW., Washington, DC. A portion of the morning and afternoon sessions on November 18-19, 1993, will not be open to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated July 19, 1993.

The agenda for the sessions on November 18, 1993, will be as follows:

8:30-9 a.m. Coffee for Council Members—Room 527.

(Open to the Public)

Committee Meetings

(Open to the Public)

Policy Discussion

9-10 a.m.:

Education Programs—Room M-14

Fellowship Programs—Room 315

Public Programs—Room 415

Research Programs/Preservation and
Access—Room M-07

State Programs and Office Outreach—
Room 507

(Closed to the Public)

10 a.m. until Adjourned. Discussion of specific grant applications before the Council.

The morning session on November 19, 1993, will convene at 9 a.m., in the 1st Floor Council Room, M-09, and will be open to the public, as set out below. The agenda for the morning session will be as follows:

(Coffee for Staff and Council Members will be served from 8:30-9 a.m.)

Minutes of the Previous Meeting Reports

- A. Introductory Remarks
- B. Introduction of the New Staff
- C. Contracts Awarded in the Previous Quarter
- D. Final Fiscal Year 1993 Budget Report
- E. Fiscal Year 1994 Appropriations
- F. Legislative Report
- G. Committee Reports on Policy and General Matters
 1. Overview
 2. Education Programs
 3. Fellowships Programs
 4. Public Programs
 5. Research Programs
 6. Preservation and Access
 7. State Programs and Office of Outreach

The remainder of the proposed meeting will be given to the consideration of specific applications (closed to the public for the reasons stated above).

Further information about this meeting can be obtained from Mr. David C. Fisher, Advisory Committee Management Officer, Washington, DC 20506, or call area (202) 606-8322, TDD (202) 606-8282. Advance notice of any special needs or accommodations is appreciated.

David C. Fisher,

Advisory Committee Management Officer.

[FR Doc. 93-26118 Filed 10-22-93; 8:45 am]

BILLING CODE 7536-01-M

Cancellation of Program Panel Meeting

The meeting of the Humanities Panel scheduled for November 5, 1993 and published in the **Federal Register** on October 13, 1993, at page 52978 has

been cancelled. The meeting was to review applications submitted for the October 1993 deadline in Higher Education, submitted to the Division of Education Programs, for projects beginning after March 1994.

David C. Fisher,

Advisory Committee Management Officer.

[FR Doc. 93-26174 Filed 10-22-93; 8:45 am]

BILLING CODE 7536-01-M

Change in Program Panel Meeting

The meeting of the Humanities Panel scheduled for November 15, 1993, and published in the **Federal Register** on October 13, 1993 at page 52978-79 has been changed to November 8, 1993. The meeting will review applications submitted to Humanities Projects in Media Program for the September 10, 1993 deadline.

David C. Fisher,

Advisory Committee Management Officer.

[FR Doc. 93-26175 Filed 10-22-93; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Neurosciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended) the National Science Foundation announces the following meeting.

Name: Advisory for Neurosciences.
Date and time: November 4th & 5th, 1993; 8 a.m.-5 p.m.

Place: National Science Foundation, Conference Room 310, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of meeting: Part-Open.

Contact persons: Dr. Christopher Comer and Dr. Karen Sigvardt, Program Directors, Division of Integrative Biology and Neuroscience, suite 685, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306-1416.

Purpose of meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: Closed session November 4th & 5th, 1993; 9 a.m.-5 p.m. and November 5th, 1993; except where noted below. To review and evaluate Behavioral & Computational Neuroscience proposals as part of the selection process for awards.

Open session: November 5th, 1993, 10 a.m.-11:30 a.m.; to discuss research trends and opportunities in Neuroscience.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the

proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Reason for late notice: Delay in obtaining a clearance to convene panel.

Dated: October 20, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93-26139 Filed 10-22-93; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-482]

**Wolf Creek Nuclear Operating Corp.,
Wolf Creek Generating Station;
Issuance of Environmental
Assessment and Finding of No
Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-42 issued to Wolf Creek Nuclear Operating Corporation (the licensee) for operation of the Wolf Creek Generating Station, Unit 1, located in Coffey County, Kansas.

Environmental Assessment

Identification of Proposed Action

This Environmental Assessment is written in connection with the proposed core uprate for the Wolf Creek Generating Station in response to the licensee's application dated January 5, 1993, as supplemented by letter dated October 1, 1993. The proposed action would increase the rated core power for Wolf Creek from the current level of 3411 Megawatts-thermal (MWt) to 3565 MWt, and upgrade the Nuclear Steam Supply System (NSSS) thermal power from 3425 MWt to 3579 MWt. This uprate would represent an increase of approximately 4.5 percent over the current rated core power and NSSS thermal power. As part of the proposed rerate of operating conditions, the licensee has included a reduction in reactor coolant hot leg temperature to address concerns related to the corrosion of steam generator tubes.

The Need for the Proposed Action

The proposed action is needed to increase the electrical output by approximately 28 Megawatts-electrical (MWe) and thus provide additional electrical power to the grids which service the commercial and residential areas of the owner utilities (Western Resources, Kansas City Power and Light, and the Kansas Electric Power Cooperative).

Environmental Impacts of the Proposed Action

A slight change in the environmental impact can be expected for an increase in plant power level, but the effects were found to be minimal and did not alter the findings stated in NUREG-0878, "Final Environmental Statement Related to the Operation of Wolf Creek Generating Station, Unit No. 1" (FES).

The proposed core uprating is projected to increase the rejected heat by approximately 4.5 percent. However, the expected thermal discharges from the circulating and service water systems remain bounded by the values evaluated in the FES. Thus, the 4.5 percent increase in rejected heat has been evaluated and determined to not significantly impact on the quality of the human environment.

The licensing basis analyses related to radiological source terms were originally performed assuming a core power of 3565 MWt which corresponds to the proposed rerate conditions. The NRC review of these calculations was documented in NUREG-0881, "Safety Evaluation Report Related to the Operation of Wolf Creek Generating Station, Unit No. 1." Additional assessments by the licensee related to the rerated conditions (power level and reactor coolant temperature) and other changes related to plant operation (Amendment 61 to Facility Operating License NPF-42) determined there would be no significant increase in the potential radioactive releases resulting from plant operation or design basis reactor accidents. In addition, no significant increases in individual or cumulative occupational radiation exposure would result from the proposed changes in operating conditions. Also, the proposed increase in the NSSS power involves no significant change in the amount of any nonradiological effluents that may be released offsite compared to those evaluated and approved in the FES.

Alternatives to the Proposed Action

Since the Commission has concluded that there are no significant environmental effects that would result from the proposed changes, any alternatives with equal or greater impacts need not be evaluated. The principal alternative to the proposed action would be to deny the requested amendment. Denial would not significantly reduce the environmental impact of plant operation and would restrict operation of the Wolf Creek Generating Station, Unit 1, to the currently licensed power level, thereby reducing operational flexibility.

Alternate Use of Resources

This action does not involve the use of resources not considered previously in the FES for Wolf Creek Generating Station, Unit 1.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and consulted with the Kansas State official. The State official had no comments regarding the NRC's proposed action.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed amendment. Based upon the foregoing environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For additional details with respect to this action, see the application for amendment dated January 5, 1993, and supplemental letter dated October 1, 1993. These documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Rooms, Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and the Washburn University School of Law Library, Topeka, Kansas 66621.

Dated at Rockville, Maryland, this 15th day of October 1993.

For the Nuclear Regulatory Commission.

Suzanne C. Black,

Director, Project Directorate IV-2, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 93-26179 Filed 10-22-93; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 40-8027; License No. SUB-1010]

Order

In the Matter of Sequoyah Fuels Corporation General Atomics (Gore, Oklahoma, Site Decontamination and Decommissioning Funding).

I

Sequoyah Fuels Corporation (SFC or Licensee) is the holder of Source Material License No. SUB-1010 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR part 40. SFC is a wholly-owned subsidiary of General Atomics (GA). The License authorizes SFC to possess and use source material in the production of uranium hexafluoride (UF₆) and depleted uranium tetrafluoride (DUF₄)

in accordance with the terms and conditions of the License. The License for UF₆ production was originally issued on February 20, 1970, by the Atomic Energy Commission (now the NRC). On March 25, 1987, the NRC granted Amendment 8, which authorized SFC to convert DUF₆ to DUF₄. The License was due to expire on September 30, 1990; on August 29, 1990, SFC submitted an application to the NRC to renew the License, so that pursuant to 10 CFR 40.43, the License currently remains in effect and has not expired. That application is currently pending in a proceeding before an Atomic Safety and Licensing Board.

II

SFC operates the Sequoyah Fuels Facility (the Facility), which is located near the intersection of Interstate 40 and Oklahoma State Highway 10 near Gore, Oklahoma. The Facility, soil, and groundwater on the site are contaminated with uranium that will require remediation in order for the site to be released for unrestricted use. The Commission's regulations in 10 CFR part 40 require licensees to provide financial assurance for decommissioning. They require applicants for and holders of licenses specified therein to have in place a funding assurance mechanism which satisfies 10 CFR 40.36. They also require, at the time of termination of all activities involving materials authorized under the license, an updated detailed cost estimate for decommissioning and a plan for assuring the availability of adequate funds for the completion of decommissioning. 10 CFR 40.42(c)(2)(iii)(D). In its August 29, 1990 application to renew the License, SFC included a decommissioning funding plan (1990 DFP) intended to satisfy the requirements of 10 CFR 40.36.

During 1991, extensive contamination was discovered near the Main Process Building and the Solvent Extraction Building and on October 3, 1991, the Commission issued an Order to suspend licensed activities at the Facility. At a public meeting with the Commission on March 17, 1992, at which the Commission was considering restart of Facility operations, SFC stated its expectation that it would fund the remediation of the contamination at the site through cash flows from operations at the Facility. This was supported by commitments made by GA, through its chairman, Mr. J. Neal Blue, to supply funding in order to guarantee that SFC will satisfy its obligations to provide financial assurance of funding for decommissioning. These commitments were confirmed by SFC's letter, with

attachments, of March 20, 1992 and by GA's letter to NRC Chairman Selin dated March 19, 1992, which reiterated GA's commitment to fund site remediation should SFC fail to do so. These commitments are discussed in greater detail in Section V, below. The Commission relied on the GA financial commitments in authorizing restart of the SFC Facility on April 16, 1992. In response to the May 6, 1992, NRC request to formalize those commitments, GA agreed by letter dated June 24, 1992, to execute an agreement with SFC and submitted a draft agreement to the NRC which was to be presented to the boards of directors of SFC and GA for approval. SFC and GA, however, have not executed that agreement.

However, by letter dated November 23, 1992, SFC informed the Commission that it intended to "clean out" the UF₆ facility and put it in a "standby" mode, that SFC intended to restart the DUF₄ facility in order to fulfill one existing contract, and that the unexecuted agreement between SFC and GA was "no longer applicable." Because of SFC's decision to continue with only short term limited operations at the Facility, GA and SFC asserted that those operations are expected to generate cash flow greatly reduced from that expected at the time of the March 17, 1992, public meeting. The November 23, 1992, letter indicated SFC's intent to cease permanently all production operations by the summer of 1993.

Additionally, the lack of financial and other information provided regarding SFC's plans raised serious questions as to whether SFC would have the financial resources to accomplish site remediation and decommissioning. For these reasons, the Commission held a public meeting on December 21, 1992, with the management of SFC and GA to obtain information concerning the plans for the Sequoyah Fuels Facility, particularly concerning assurance of financial resources needed to decontaminate and decommission the Facility and site. At the December 21, 1992, meeting, Mr. Blue again addressed the Commission regarding GA's support for the decommissioning of the Facility and site, but at this meeting Mr. Blue stated that GA could no longer provide financial assurance because the earlier commitment to do so was premised on license renewal and long term operation of the Facility. However, GA and SFC indicated that GA had restructured the business activities of SFC by entering into a joint venture with Allied Signal Corporation, creating a partnership, ConverDyn, to satisfy outstanding business commitments of SFC. GA and SEC asserted that funds for cleanup of

the Facility would be provided through anticipated revenues generated by ConverDyn.

Because the 1990 DFP did not consider the extensive additional contamination discovered during 1991, it is inadequate to satisfy 10 CFR 40.36 and the funding plan requirement of 10 CFR 40.42. SFC's Revision 1 to its application to renew the License, submitted on September 30, 1992, stated that:

[t]he revised and updated [Decommissioning Funding] Plan will be submitted by November 30, 1992 and will identify the decommissioning activities that will be performed after the 10-year license renewal term, and will summarize how they will be accomplished. While the estimated costs associated with these activities have not yet been fully quantified, they will be higher than the cost estimate previously submitted on August 29, 1990. (Revision 1 at 6-1)

SFC did not submit the revised DFP.

As a result of Mr. Blue's statements at the December 21, 1992 meeting, the Commission did not have an adequate basis to conclude that funding would in fact be available as needed to carry out necessary decontamination and decommissioning of the Facility and site.

The specific mechanisms for assurance of funding for decommissioning contained in 10 CFR 40.36 are important health and safety requirements of the Commission for providing adequate protection of the public health and safety. SFC and GA cannot escape the requirement to provide a description of the method of assuring funds for decommissioning pursuant to 10 CFR 40.36(d) and (e) by announcing termination of SFC's operations. In view of SFC's failure to submit a revised DFP, its stated intention to discontinue operations at the Facility, as described above, and the lack of an adequate basis to conclude that funding would in fact be available as needed to carry out necessary decontamination and decommissioning of the Facility and site, the NRC Staff issued a Demand for Information on December 29, 1992, to SFC and to GA. Further information was needed to determine whether NRC action was necessary to assure that SFC and GA would be able to satisfy their obligations to provide funding for the ultimate decommissioning of the Facility and whether the health and safety of the public would be protected. GA and SFC were required to submit the following information:

A. On or before February 16, 1993, a plan, including schedule, for decontaminating and decommissioning the SFC Facility, including the soil, buildings, and groundwater, for

release for unrestricted use in accordance with the criteria set forth in Appendices A, B, and C (APPENDIX A: Options 1 or 2 of Branch Technical Position (BTP), "Disposal or Onsite Storage of Thorium or Uranium Wastes From Past Operations," 46 FR 52061 (Oct. 23, 1981); APPENDIX B: "Guidelines for Decontamination of Facilities and Equipment Prior to Release for Unrestricted Use or Termination of Licenses for Byproduct, Source, or Special Nuclear Material" (August 1987); APPENDIX C: Proposed National Drinking Water Regulations, 40 CFR part 141, 56 FR 33050-51, 33066-69, 33126 (July 18, 1991)); and

B. On or before February 16, 1993, a decommissioning funding plan that contains a cost estimate for decommissioning the SFC Facility to the criteria identified in section IV.A above and a description of the method of assuring funds for decommissioning satisfying the requirements of 10 CFR 40.36 and the guidelines in Reg. Guide 3.66 * * *.

III

On February 16, 1993, SFC and GA responded separately to the Demand for Information. SFC supplied a Preliminary Plan for Completion of Decommissioning (PPCD), which included a plan and schedule for decontaminating and decommissioning the SFC site, and a preliminary cost estimate of \$21.1 million for activities directly related to decommissioning. The PPCD described the source of funds for decommissioning as the revenues from the ConverDyn arrangement. SFC described its plans as fitting "more closely the situation contemplated by 10 CFR 40.42", because of SFC's plans to terminate operations by July 31, 1992, and as providing a notification of termination of activities pursuant to 10 CFR 40.42, with information relevant to financial assurance as specified in 10 CFR 40.42(c)(2)(iii)(D). (Response of the Sequoyah Fuels Corporation to the Demand For Information Dated December 29, 1992, p. 4). By a separate letter dated February 16, 1993, SFC provided current notification that licensed activities involving the UF₆ facility had already been terminated, and advance notification that licensed DUF₄ activities would be terminated no later than July 31, 1993.

Neither SFC nor GA provided a description of the method of assuring funds for decommissioning which satisfies 10 CFR 40.36, as required by Section IV.B. of the Demand for Information. The ConverDyn arrangement is not a prepayment method, a surety method, insurance or other guarantee of financial assurance required by the Commission's regulations in 10 CFR part 40, § 40.36(e). The "voluntary assistance" proffered by GA in its letter of February 16, 1993, does not amount to a parent corporation

guarantee, and even if it did, it would not satisfy 10 CFR 40.36(e). Moreover, neither SFC nor GA have provided the financial assurance of adequate funds for completion of decommissioning required by 10 CFR 40.42, as explained below in Section IV.

IV

After review of the formal responses of SFC and GA to the December 29, 1992 Demand for Information, and of certain proprietary documents associated with the ConverDyn arrangement made available to the NRC Staff, the NRC Staff issued a "Supplement to December 29, 1992, Demand for Information" (Supplemental DFI) to GA and SFC on July 2, 1993. The Supplemental DFI requested additional information and certain documents associated with the ConverDyn arrangement. The formal answer to the questions of the NRC Staff and the additional documents requested were supplied by a response dated July 21, 1993.

ConverDyn is a partnership established by agreement between General Atomics Energy Services, Inc. and Allied-Signal Energy Services, Inc., subsidiaries of General Atomics and Allied-Signal, Inc., respectively. The arrangement establishes that ConverDyn will provide the services necessary for SFC to meet its contractual obligations to supply UF₆ conversion services; in return, SFC is given rights to a share of ConverDyn's revenues, defined by a system of payment priorities and calculated pursuant to certain guidelines established by the partnership documents.

SFC projects that it will receive, at the maximum, less than \$72 million in fees from the ConverDyn arrangement through the year 2003, and an income of more than \$17 million from other sources. SFC estimates that the cost of decontaminating and decommissioning the SFC site will consist of some \$21 million in direct costs and approximately \$65 million in indirect costs, which reflect overhead such as personnel costs, legal expenses, NRC fees, taxes, insurance, DUF₄ operating costs, transition costs, interest, and ranch costs.

Our review of the information provided by SFC and GA in response to the Demands for Information, indicates that the proposed ConverDyn arrangement appears to be a *bona fide* business arrangement among the various parties and their principals. Estimates of income from the ConverDyn arrangement are necessarily uncertain because they are based upon assumptions about the market for UF₆

conversion services over the next ten years, ConverDyn's ability to keep existing customers or to obtain new customers, and the costs of business operations, and because they are based upon some speculative assumptions about whether SFC will receive the maximum possible amount in fees, in view of the system of priorities for payments to be made under the ConverDyn arrangement. Nonetheless, the NRC Staff concludes that the proposed arrangement may be capable of producing a substantial portion of the funds that SFC estimates will be needed for Facility decommissioning.

However, there are a number of important shortcomings in the proposed arrangement from the standpoint of financial assurance that adequate funding will in fact be available to properly decommission the Facility as required by Commission regulations. Because of these shortcomings, the SFC funding plan based on the ConverDyn arrangement does not fully satisfy the requirements of 10 CFR 40.36 and 40.42. No financial assurance mechanism, as required by 10 CFR 40.36, is in place, and the ConverDyn arrangement does not constitute the equivalent. Additionally, the \$72 million in projected revenues from ConverDyn are of necessity based on inherently speculative assumptions about anticipated market conditions. Also, since there are a number of other claims on ConverDyn revenues that have higher payment priority than payments to SFC, there is significant uncertainty that SFC's projected revenues will in fact materialize. Furthermore, SFC's estimate of the amount of revenue projected to be derived from the ConverDyn arrangement is based upon the unsubstantiated assertion that ConverDyn's fixed costs of operation will steadily decline after 1994. Revenue estimates also assume that ConverDyn will operate at a 100% capacity utilization rate continuously through the year 2003. Finally, there is uncertainty concerning SFC's projected decommissioning costs. The proposed decommissioning plan has not yet been submitted to NRC, although a preliminary plan (the PPCD) has been submitted. SFC's cost estimate for decommissioning is based on assumptions as to acceptable decommissioning alternatives. If more costly decommissioning alternatives are required by NRC as a result of its review of SFC's decommissioning plan, the \$89 million in revenues from the ConverDyn arrangement and other sources are unlikely to be sufficient.

Thus, although the funding plan proposed by SFC based on the

ConverDyn arrangement may be capable of producing a substantial portion of the funding that may be required for Facility decommissioning and should be carried out in order to provide funding for this purpose, the funding plan does not provide the level of assurance required by the Commission that adequate funds will be available to fully decommission the Facility. Accordingly, to satisfy the Commission's requirements, the ConverDyn arrangement must be supplemented by funding assurances to protect against SFC revenue shortfalls, and to assure additional funding if more costly decommissioning alternatives are required. This Order imposes the supplemental conditions necessary to fully satisfy the Commission's financial assurance requirements. However, since the ConverDyn arrangement appears to be SFC's only source of income, SFC does not appear to be able to satisfy the Commission's financial assurance standards. Accordingly, supplemental financial assurance is required from SFC's parent corporation, GA.

V

GA made a number of commitments to the NRC concerning the operation and cleanup of the SFC Facility and GA has had direct involvement with the operation of SFC.

As mentioned above, in connection with the Commission's consideration of the restart of the Facility after the October 3, 1991 Order suspending operations, the Commission was concerned about funding for the required cleanup of the Facility site. At a public meeting of the Commission, Mr. J. Neal Blue, Chairman of GA, the parent corporation of SFC, made commitments on behalf of GA to the NRC to supply funding in order to guarantee that SFC will satisfy its obligations to provide financial assurance of funding for decommissioning. In a letter of NRC Chairman Selin dated March 19, 1992, GA confirmed this commitment. In addition, recognizing the need to remediate existing environmental concerns on a reasonable schedule, GA stated in the March 19, 1992 letter its commitment to fund site remediation during operation should SFC fail to do so. In the March 19, 1992 letter, GA set forth its commitments as follows:

To summarize the highlights of our commitments to the support of SFC's operations:

(1) SFC complies fully with all present regulatory requirements to provide financial assurance for the decommissioning of the facility. Further, GA supports SFC's program to minimize or prevent any adverse

environmental effects resulting from SFC's future operations and to remediate existing environmental concerns on a reasonable schedule as may be agreed to by SFC, the NRC and other governmental entities. SFC should be able to fund these programs from current revenues when operations are resumed. Should those revenues prove insufficient, the associated commitments will be fulfilled by GA.

(2) The longer term program to decontaminate and decommission the SFC facility will be backed by such guarantees from GA as may be required to satisfy NRC regulations. This is a matter which will be determined in connection with the NRC's action on the pending SFC license renewal application. SFC's renewal application utilizes alternative financial mechanisms permitted under the regulations. However, GA is prepared to provide its guarantee or financial support, if that proves necessary.

The Commission relied on the above GA financial commitments in authorizing restart of the SFC Facility on April 16, 1992. In addition, the NRC acknowledged GA's commitments in a letter dated May 6, 1992, in which the NRC requested GA to formalize those commitments and advised GA that these commitments were in addition to, and not in lieu of, satisfaction of the Commission's decommissioning funding requirements. See 10 CFR 40.36. By letter dated June 24, 1992, GA agreed to formalize its commitments by executing an agreement with SFC and submitted a draft agreement to the NRC which it stated would be presented to the boards of directors of SFC and GA for approval. SFC and GA, however, have not executed that agreement.

GA has had and now has de facto control over the day-to-day business of SFC. That control is demonstrated by, but not limited to, the following facts: GA owns all the capital stock of SFC indirectly through a subsidiary, Sequoyah Fuels International Company. GA and SFC have and have had common directors or officers. For example, Richard Dean, former Chairman of the SFC Board, was also a GA Engineering Director, and Max Kemp, Chief Executive Officer of SFC and a member of its Board of Directors, also was the GA Finance Manager. GA exercises management oversight of SFC activities through periodic oversight and program audits of SFC's QA program by the QA Director of GA, and through the Nuclear Committee of the SFC Board of Directors, which was chaired by a GA Engineering Director and which not only advises SFC but directs SFC activities such as cleanup and repair of piping structures in the SFC Solvent Extraction Building, and by the appointment of a GA Engineering Director to serve as Manager,

Engineering for SFC. GA supplies technical expertise and personnel to SFC; for example, the GA Quality Systems Manager acted as the SFC QA manager and a GA Engineering Director served as Manager, Engineering for SFC, while both remained on GA's payroll. In addition, the SFC Source Material License specifies that the Corporate Manager, Health Physics, the Corporate Manager, Licensing, Safety and Nuclear Compliance, and the Vice President, Human Resources, all of whom are GA employees, shall be responsible for auditing SFC licensed activities and ensuring the qualifications of certain SFC employees. Also, GA has directed SFC regarding satisfying requirements for site remediation and decommissioning and GA made "a strong commitment" to SFC that resources are available to SFC for site remediation and decommissioning. Moreover, GA's Chairman, J. Neal Blue, represented to the NRC at the Commission's March 17, 1992, public meeting, that GA would guarantee the financial resources necessary for SFC site remediation and decommissioning. As indicated above GA has now structured the business activities of SFC by entering into a joint venture with Allied Signal Corporation, creating a partnership, ConverDyn, in order to satisfy outstanding business commitments of SFC.

On November 23, 1992, SFC informed the Commission that it intended to continue with only short-term limited operations at the Facility and that the unexecuted funding guarantee agreement between SFC and GA was "no longer applicable." GA and SFC asserted that such limited operations are expected to generate cash flow greatly reduced from that expected at the time of the March 17, 1992, public meeting. The November 23, 1992, letter raised serious questions as to whether SFC would have the financial resources to accomplish site remediation and decommissioning. Accordingly, the Commission held a public meeting on December 21, 1992, with the management of SFC and GA to obtain information concerning the plans for the Sequoyah Fuels Facility, particularly concerning assurance of financial resources needed to decontaminate and decommission the Facility and site. At the December 21, 1992, meeting, Mr. Blue addressed the Commission regarding GA's support for the decommissioning of the Facility and site. Contrary to Mr. Blue's March 17, 1992, financial assurance commitments, as well as his March 19, 1992, letter affirming his "financial support and

guarantees", Mr. Blue stated on December 21st that GA could no longer provide financial assurance because the commitment to do so was premised on license renewal and long-term operation of the Facility.

Mr. Blue's December 21st statement that GA's March 17th and 19th commitments were conditional is contrary to the record. Mr. Blue's March 17th statements to the Commission and his March 19th letter to Chairman Selin were clear and unconditional financial assurance guarantees. On March 17 and 19, Mr. Blue represented that SFC's operating revenues would be sufficient to cover remediation and decommissioning costs. On December 21, he assured the Commission that revenues paid to SFC by ConverDyn likewise would be sufficient. This latter assurance is inconsistent with Mr. Blue's December 21 representation that the financial status of SFC was significantly deteriorated such that GA's financial assurance of remediation and decommissioning costs was no longer possible. Furthermore, Mr. Blue's characterization of Citicorp's reason for not approving GA's financial assurance guarantee is not supported by Citicorp's letter of December 18, 1992 (submitted to the NRC by GA as proprietary confidential information), which is a general prohibition on assuming financial liability and is not based on any changed financial conditions of SFC. In short, Mr. Blue's stated bases for GA's withdrawal of its financial assurance commitments not only appears to be internally inconsistent, but also contrary to the clear record of GA's financial assurance guarantees of March 17th and 19th on which the Commission relied in authorizing restart of the Facility on April 16, 1992. As a result of Mr. Blue's statements at the December 21, 1992 meeting, the Commission did not have an adequate basis to conclude that funding would in fact be available as needed to carry out necessary decontamination and decommissioning of the Facility and site. Accordingly, on December 29, 1992 the NRC Staff issued a Demand for Information to SFC and GA concerning this matter.

The December 29, 1992 Demand for Information required GA and SFC to submit a plan for decontaminating and decommissioning the SFC Facility and a decommissioning funding plan for decommissioning the SFC Facility in compliance with 10 CFR 40.36. Although SFC submitted a Preliminary Plan for Completion of Decommissioning (PPCD) the SFC site, and preliminary cost estimates for activities directly and indirectly related

to decommissioning, neither SFC nor GA provided a description of the method of assuring funds for decommissioning which satisfies 10 CFR 40.36, as required by Section IV.B. of the Demand for Information, or which satisfies 10 CFR 40.42, as discussed above.

Mr. J. Neal Blue states in his letter of February 16, 1993, transmitting the GA response to the Demand for Information, that GA has been consistent in its willingness, on a voluntary basis, to assist SFC in meeting its remediation objectives. For example, between October 1988 and October 1991, GA enabled SFC to commence clean-up of the environmental conditions at the site. Mr. Blue also states that the ConverDyn arrangement is a good-faith effort by GA to assist SFC in arranging resources necessary to meet SFC's obligations. Nevertheless, neither the voluntary assistance by GA nor the ConverDyn arrangement are sufficient to satisfy NRC requirements for financial assurance under 10 CFR 40.36 or 10 CFR 40.42, as discussed above.

In the "Response of General Atomics to December 29, 1992 Demand for Information" attached to Mr. Blue's letter of February 16, 1993, GA disputes that Mr. Blue's statements at the March 17, 1992, meeting constituted a commitment to provide financial guarantees by GA, and asserts that Mr. Blue only committed GA to make it possible for SFC to use its operating revenues and retained earnings for remediation and other capital improvements, and that any GA financial commitment would arise after a period of continued operation under a renewed license. GA also disagrees that Mr. Blue's letter of March 19, 1992, to Chairman Selin constituted a financial guarantee, asserts that it evidenced only an intention to provide "stop-gap" funding for items not covered by SFC operating revenues, and maintains that any offer of financial guarantees was dependent upon renewal of the SFC operating license. Notwithstanding GA's assertions, Mr. Blue's statements of March 17 and 19, 1992, constituted a guarantee of financial resources necessary for SFC site remediation and decommissioning.

Mr. Blue argues that his commitments must be viewed in the context of GA's acquisition of SFC, specifically, that in 1988, when GA's subsidiary, Sequoyah Holding Company, acquired the stock of SFC, the NRC "fully understood and accepted that GA explicitly refused to furnish any guarantee" for decontamination and decommissioning of the SFC Facility, and that the license makes only SFC financially responsible

for decontamination and decommissioning. (Letter of J. Neal Blue, dated February 16, 1993, to Robert M. Bernero, p. 2, and its Attachment, "1988 Acquisition of SFC and Subsequent NRC Financial Review", pp. 1-5) Although at the time of the purchase GA may have refused to guarantee SFC's obligation to decontaminate the facility, GA's actions in control over the day-to-day operations and business of SFC, and GA's representations of financial guarantees described above, on which the Commission has relied, make GA responsible, along with SFC to satisfy the NRC financial assurance requirements.

GA asserts that the DFI incorrectly states that the Commission relied on the GA financial commitments in authorizing restart of the SFC facility on April 16, 1992. Although the Staff Requirements Memorandum of March 27, 1992, specified that NRC Staff efforts to make the March 19, 1992, commitments legally binding were not a necessary precondition to restart, nonetheless, Mr. Blue's commitments of March 17 and March 19 were relied upon by the Commission in authorizing restart. The Commission reasonably took Mr. Blue at his word. The Commission's decision not to delay the SFC Facility restart to await legal documents formalizing Mr. Blue's commitments hardly means, as GA would have it, that the Commission was indifferent to GA's guaranty. To the contrary, Mr. Blue's promise to stand behind SFC reassured the Commission that SFC's cleanup effort was creditable and would proceed upon restart.

GA disputes the conclusions in the DFI that GA has had and now has *de facto* control over the day-to-day business of SFC, and that this control makes GA and SFC jointly and severally responsible for funding decontamination and decommissioning of the SFC site. In this regard, GA relies upon immaterial facts,¹ disputes the significance of virtually each individual indicia of control relied upon by the

¹ For example, GA asserts that none of the six members of GA's Board of Directors were simultaneously members of the SFC Board of Directors. See, "Response of General Atomics to December 29, 1992, Demand for Information" (February 16, 1993), p. 14. The NRC Staff did not assert that any of these individuals were simultaneously on both the GA and SFC Boards of Directors. The NRC Staff cited as indicia of GA's *de facto* control of SFC that GA and SFC shared "common directors or officers", specifically that Dr. Dean was on the SFC Board of Directors while at the same time he was the GA Engineering Director, and that Mr. Kemp was the GA Finance Manager while at the same time he was the Chief Executive Officer of SFC. See, Demand for Information (December 29, 1992), pp. 3-4.

DFI, and even provides additional evidence of GA's control over SFC.² GA, however, provides no basis to change the conclusion that the entire body of evidence establishes that GA exercised and exercises *de facto* control over the day-to-day business of SFC.

After review of the responses to the Demands for Information, the NRC Staff finds that there is no basis to change its conclusion that the degree of GA's control over the business of SFC and Mr. Blue's representations of financial assurance, on which the Commission relied, make GA responsible, along with SFC, for satisfying NRC financial assurance requirements.

VI

In summary, although SFC has outlined its plan for funding Facility decommissioning through the ConverDyn arrangement and while such arrangement may be a reasonable business arrangement, it does not satisfy the requirement of the Commission's regulations in 10 CFR 40.36(e) for financial assurance or in 10 CFR 40.42 to submit a plan assuring the availability of adequate funds for completion of decommissioning. Neither SFC nor GA proposed or established a funding mechanism in compliance with 10 CFR 40.36(e). Moreover, after review of the ConverDyn arrangement and SFC's financial projections, the NRC Staff has concluded for the reasons set forth above that SFC's funding plan must be supplemented with additional assurances before it can be accepted by NRC as providing reasonable assurance that SFC will be able to satisfy its obligations to provide adequate funding for the ultimate decommissioning of the Facility or that the health and safety of the public will be protected. Since decommissioning will likely commence in the near future, I find that steps must be taken now to assure the availability of adequate funding for decommissioning.

Independent of the NRC's activities regarding the cleanup of the Facility, the United States Environmental Protection Agency (EPA) recently issued an Administrative Order on Consent which required SFC to study and correct contamination at the SFC site in Gore, Oklahoma. Sequoyah Fuels Corporation, U.S. EPA Docket No. VI-005-(h)93-H (August 3, 1993). Although EPA's action

² For example, GA states that Mr. James R. Edwards is a Vice-President, General Counsel and Secretary of GA while also acting as SFC's Secretary and General Counsel and sitting on the SFC Board of Directors. See, "Response of General Atomics to December 29, 1992 Demand for Information" (February 16, 1993), pp. 14-15.

was taken under the authority of section 3008h of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as further amended by the Hazardous Waste Amendments of 1984, 42 U.S.C. 6928h, it was coordinated with the NRC staff in an effort to avoid duplication of regulation by the Federal government and to maximize the benefits to the agencies' mutual objective of assuring a timely cleanup and decommissioning of the Facility. Thus, while the EPA Consent Order is directed only at nonradioactive materials under the terms of the EPA's authorizing statutes, the NRC believes that the conduct of the required activities may provide information that will satisfy some of the terms of this Order. Accordingly, SFC, in discharging its obligations under this Order, may avoid duplication by submitting to the NRC information prepared in fulfillment of the EPA Consent Order to the extent that it is also responsive to the provisions of this Order.

VII

Accordingly, pursuant to sections 62, 161b, 161c, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR part 40, it is hereby ordered that:

A. General Atomics Corporation and Sequoyah Fuels Corporation are and shall be jointly and severally responsible for:

1. Providing funding to continue remediation of existing contamination at the SFC Facility site, regardless of whether the Facility continues to operate or not;

2. Providing financial assurance for decommissioning in accordance with the requirements of 10 CFR 40.36; and

3. Providing an updated detailed cost estimate for decommissioning and a plan for assuring the availability of adequate funds for completion of decommissioning, in accordance with the requirements of 10 CFR 40.42(c)(2)(iii)(D);

B. Sequoyah Fuels Corporation shall: Carry out the funding plan described in its February 16, 1993 submission;

C.1. To the extent Sequoyah Fuels Corporation fails to or is unable to do so, GA shall complete the actions required of Sequoyah Fuels as described in Section VII;

2. If the revenues provided by ConvergDyn or other sources to SFC in any year are less than the revenue projected in the Preliminary Plan for Completion of Decommissioning, GA shall make up the shortfall by providing funds to SFC to carry out the

decommissioning activities up to the amount specified in the Preliminary Plan for Completion of Decommissioning, or by directly funding such activities so that total funding for decommissioning activities is not less than that specified in the Preliminary Plan for Completion of Decommissioning;

3. If the decommissioning alternative approved by NRC is more costly than those upon which the Preliminary Plan for Completion of Decommissioning is based, GA shall make up the shortfall by providing funds to SFC to carry out required decommissioning in accordance with schedules approved by NRC or by directly funding such decommissioning activities; and

4. On or before November 19, 1993, GA shall provide financial assurance for decommissioning and decontamination in the amount of \$86 million through (a) prepayment, (b) a surety method, insurance, or other guarantee method, or (c) an external sinking fund in which deposits are made at least annually, coupled with a surety method or insurance, the value of which may decrease by the amount being accumulated in the sinking fund, in accordance with the requirements of 10 CFR 40.36 and the guidelines in Reg Guide 3.66;

5. If GA demonstrates to the satisfaction of the Commission that the amount of financial assurance provided in satisfaction of Section VII, Paragraph C.4. of this Order exceeds the amount sufficient to properly decontaminate and decommission the SFC Facility and site, GA may request the Commission to authorize a reduction in that amount; and

6. If the Commission later determines that the amount of financial assurance provided in satisfaction of Section VII, Paragraph C.4. of this Order is insufficient to properly decontaminate and decommission the Facility and site, the Commission may direct an increase in the amount or take such other action as the Commission may deem appropriate;

The Director, Office of Nuclear Material Safety and Safeguards, may, in writing, relax or rescind any of the above conditions upon demonstration by the Sequoyah Fuels Corporation or General Atomics of good cause.

VIII

In accordance with 10 CFR 2.202, SFC and GA must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 days of the date of this Order. The answer may consent to this Order.

Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and set forth the matters of fact and law on which SFC, GA, or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Docketing and Services Section, Washington, DC 20555. Copies also shall be sent to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Director, Office of Nuclear Material Safety and Safeguards at the same address, to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, suite 400, Arlington, Texas 76011-8064, and to SFC and GA if the answer or hearing request is by a person other than SFC or GA. If a person other than SFC or GA requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by SFC, GA, or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

In the absence of any request for hearing, the provisions specified in Section VII above shall be final 20 days from the date of this Order without further order or proceedings.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 15th day of October 1993.

Hugh L. Thompson, Jr.,

Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support.

[FR Doc. 93-26180 Filed 10-22-93; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-33068; International Series Release No. 594; File No. SR-CBOE-93-08]

Self-Regulatory Organizations; Order Approving Proposed Rule Change, and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 1 to the Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to the Listing of Options on International Funds

October 19, 1993.

I. Introduction

The Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), on February 3, 1993, as amended on September 16, 1993, pursuant to Section 19(b) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² a proposed rule change to provide standards for the listing and trading of options on the securities issued by registered closed-end management investment companies that invest in securities of issuers located in particular foreign countries ("international funds").³

The proposed rule change was published for comment in Securities Exchange Act Release No. 31969 (March 9, 1993), 58 FR 14228 (March 16, 1993).⁴ Although the Commission did not receive any comment letters in response to publishing this notice, the Commission did receive letters generally opposed to the listing of international fund options in response

¹ 15 U.S.C. 78s(b) (1988).

² 17 CFR 240.19b-4 (1993).

³ To avoid confusion, this order refers to all registered closed-end management investment companies that invest in securities of issuers located in a particular foreign country, in a particular geographic region, or throughout the world as "international funds." In actuality, however, the foregoing are separated into three types of funds, respectively: country funds; regional funds; and global funds.

⁴ The CBOE submitted an amendment to the proposal on September 16, 1993 ("Amendment No. 1"). Amendment O. 1, as modified on October 11, 1993, clarifies that the CBOE may list options on international funds if (1) the Exchange has in place a market information agreement with the primary home exchange for each of the securities held in the underlying country fund's portfolio, or (2) the international fund is classified as a diversified fund under Section 5(b) of the Investment Company Act of 1940 ("Investment Company Act") and the fund's portfolio is comprised of securities from five or more countries. See letter from William J. Barclay, Vice President, Strategic Planning and International Development, CBOE, to Richard L. Zack, Branch Chief, Division of Market Regulation ("Division"), Commission, dated October 11, 1993.

to a CBOE proposal to list options on certain specific international funds.⁵

II. Description of Proposal

The current proposal would authorize the CBOE to list and trade options on the securities issued by international funds where the underlying securities meet or exceed the Exchange's established uniform options listing standards and (1) the Exchange has a market information sharing agreement ("market information agreement") with the primary home exchange on which each of the foreign securities comprising the fund's portfolio trade, (2) the fund is classified as a diversified fund, as that term is defined by Section 5(b) of the Investment Company Act,⁶ and the fund's portfolio is comprised of securities from five or more countries,⁷ or (3) the listing of a particular

⁵ The Commission published for comment a CBOE proposal to list and trade options on securities issued by certain specific international funds (i.e., Growth Fund of Spain, Inc.). Securities Exchange Act Release No. 31411 (November 5, 1992), 57 FR 53943 (November 13, 1992) (File No. SR-CBOE-92-21). In response to publishing that proposal, the Commission received comment letters from Kemper Financial Services, Inc. ("Kemper") and Alliance Capital Management Corporation ("Alliance") opposing the listing of international fund options. Further, the CBOE sent a letter to the Commission responding to the issues raised in those letters. Because those letters are relevant to the listing of options on international funds, in general, the Commission will address the issues raised in those letters in the current approval order. See letters from Robert J. Engling, Executive Vice President and General Counsel, Kemper, to Jonathan G. Katz, Secretary, Commission, dated December 3, 1992 ("Kemper Letter"); from David H. Dievier, Senior Vice President, Alliance, and Edmund P. Bergan, Jr., Vice President and Assistant General Counsel, Alliance, to Jonathan G. Katz, Secretary, Commission, dated December 3, 1992 ("Alliance Letter"); and from Alger B. Chapman, Chairman and Chief Executive Officer, CBOE, to Jonathan G. Katz, Secretary, Commission, dated January 7, 1993 ("CBOE Response Letter").

⁶ 15 U.S.C. 80a-5(b) (1988).

⁷ The CBOE has represented that it will look to the actual investment practices of an international fund to determine whether the fund invests in securities from five or more countries. The CBOE will evaluate the actual number of countries that are represented by the fund's investments and the concentration of such investments in each country represented. See *infra* note 37, and accompanying text. The CBOE also will review the fund's investment practices every six months to determine whether the fund continues to invest in five or more countries. If the CBOE finds that a fund no longer qualifies for listing without the existence of a market information agreement, the CBOE has represented that it will consult with the Commission to determine the appropriate course of action. Letter from William J. Barclay, Vice President, Strategic Planning and International Development, CBOE, to Richard L. Zack, Branch Chief, Division, Commission, *supra* note 4, and telephone conversation between William J. Barclay, Vice President, Strategic Planning and International Development, CBOE, and Richard L. Zack, Branch Chief, Division, Commission, on October 12, 1993.

international fund option is specifically authorized by the Commission.

First, to the eligible for listing and continued trading the proposal requires that either the CBOE have market information agreements in place with the foreign exchanges that serve as the primary markets for the foreign securities which comprise the portfolios of the underlying international funds, or the fund is classified as a diversified fund and invests in the securities from five or more countries. The proposal defines a market information agreement as an agreement that would permit the CBOE to obtain trading information relating to the securities held by the fund, including the identity of the exchange member executing a trade.⁸

Second, the initial listing standards would require that the securities underlying Exchange-listed international fund options (i.e., the securities issued by the international fund) have a "float" of 7,000,000 shares outstanding, 2,000 shareholders, trading volume of at least 2,400,000 over the prior twelve month period, and a minimum price of \$7½ for a majority of the business days during the preceding six month period.⁹ Moreover, options on international fund securities must meet or exceed the maintenance criteria for continued listing under the CBOE rules. Those criteria require that the securities underlying Exchange-listed international fund options maintain a "float" of 6,300,000 shares, 1,600 shareholders, trading volume of at least 1,800,000 over the prior twelve month period, and a minimum price of \$5 on a majority of the business days during the preceding six month period.¹⁰

In addition, the Exchange listing standards require that the security underlying an international fund option be registered and listed on a national securities exchange or traded through the facilities of a national securities association and be reported as a national market system security. The issuers of the international fund securities also must be in compliance with any other applicable requirements of the Act.

III. Comments Received on the Proposal

In response to publishing notice of the CBOE proposal to trade options on the securities issued by certain specific international funds, the Commission received comment letters from Kemper and Alliance opposing the listing of

⁸ Although a market information agreement provides for the exchange of information regarding the identity of exchange members executing trades, it does not require the exchange of information regarding the identity of the ultimate customer.

⁹ CBOE Rule 5.3.

¹⁰ CBOE Rule 5.4.

international fund options, in general. The CBOE sent a letter to the Commission responding to the issues raised in those letters.¹¹ The commenters objected to proposals to list options on international funds because they believe that the listing and trading of these options will increase fraudulent trading activity, increase speculative trading and price volatility of a fund's shares, increase the risks of investing in a fund's shares, and decrease the liquidity of a fund's shares.

A. Increase of Fraudulent Trading Activity

Alliance argues that it is not clear whether the U.S. options exchanges seeking to list international fund options will have sufficient access to surveillance information to detect and deter any possible fraudulent trading activity. Alliance believes that the foreign securities markets, in which international funds invest, are less liquid than the U.S. securities markets. Alliance further believes that a single international fund's investments in a particular foreign securities market can represent a high enough percentage of a foreign market's total capitalization to raise concerns that the proposed options could increase that market's susceptibility to manipulation.¹²

Because of these facts, Alliance believes that the trading of international fund options could facilitate intermarket frontrunning. In addition, Alliance believes that a person in possession of material inside information regarding a company that represents a significant portion of the international fund's portfolio could use options to engage in fraudulent market activity. Alliance further believes that a person with advance knowledge of an international fund's intention to issue new securities could profit from an anticipated rise in the net asset value and market price of the international fund's shares through the use of listed options. Because Alliance believes that the listing of international fund options could increase the likelihood of abusive trading practices, Alliance further believes that the Commission should amend Rule 17j-1 under the Investment Company Act¹³ to provide for liability or reporting obligations arising out of transactions in options on an investment company's shares.¹⁴

Finally, Alliance believes that there should be some assurance given that the surveillance sharing agreements

between the U.S. exchanges listing an international fund option and the foreign exchanges on which the securities comprising the underlying international fund's portfolio trade are adequate.¹⁵

B. Increase in Speculative Trading and Price Volatility

Alliance represents that under normal circumstances trading volume in an international fund's stock tends to be relatively low. Based on this fact, Alliance believes that trading options on international funds will increase the price volatility of their underlying shares by encouraging short-term traders to buy and sell such shares for speculation.¹⁶ Kemper also believes that trading options on international funds will encourage speculative trading in an underlying international fund's shares.¹⁷

C. Decrease in Liquidity

Kemper believes that the listing and trading of options on an international fund will reduce the demand for the underlying international fund shares, thus reducing liquidity in the market for such shares.¹⁸

D. Increase Risk of Investing in Fund Shares

Alliance believes that listing and trading options on international funds will increase the market risks involved in an investment in the shares of those funds. Although Alliance concedes that current law would not require the disclosure of these supposed risks, it believes that the law could evolve to the point that such a disclosure would be required in the future.¹⁹

IV. CBOE Response to Commentators

The CBOE sent a letter to the Commission responding to these comments. The CBOE notes that the Commission reviews the surveillance sharing arrangements between itself and the foreign exchanges on which the underlying foreign securities trade to be sure that they are adequate to detect and deter any possible abuse that might occur.²⁰ Further, the CBOE does not believe there is any basis for the assertion that the foreign markets are dominated by an international fund's trading and, thus, disagrees that the listing and trading of options on international funds will increase the likelihood of fraudulent trading

activity.²¹ The CBOE also states that since an international fund's shares do not trade at net asset value, the relationship between the price of a single foreign security and the price of a fund's shares should be too attenuated to insure any profit from fraudulent trading activities.²²

The CBOE does not believe that the listing and trading of options on international funds will increase speculative trading or price volatility of a fund's shares. The CBOE states that any claims that the introduction of options trading increases the volatility of the underlying security have been refuted by many studies.²³ The CBOE disagrees that the trading of options on international funds increases the risk of investing in the underlying shares. The CBOE further believes that because countless market factors may affect volatility in a stock, it would be impracticable for an international fund to disclose the listing of options on its shares as a specific market risk.²⁴

The CBOE also rejects the assertion that Rule 17j-1 under the Investment Company Act²⁵ needs to be amended to require the reporting of transactions in options on the securities of an investment company. The CBOE states that the reporting requirements of Rule 17j-1(c)(1) apply to any transaction by an "access person" in any security. The CBOE further states that, under paragraph (e)(5) of Rule 17j-1, an option on fund shares is defined as a security. Further, the CBOE states that the trading in fund shares or the options on such shares by a fund insider would be subject, under section 30(f) of the Investment Company Act,²⁶ to the same requirements and liabilities as those imposed by Section 16 of the Act²⁷ on corporate insiders.²⁸

Finally, the CBOE disagrees that the listing of options on international funds will decrease liquidity in the underlying international fund shares. The CBOE states that studies done on this subject have concluded that options trading

²¹ *Id.* at 2.

²² *Id.* at 3.

²³ *Id.* at 4. The letter cites the following study in support of this assertion: A Study of the Effects on the Economy of Trading in Futures and Options, submitted to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives and to the Committee on Banking, Housing and Urban Affairs of the Senate by the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, and the Commission, dated December 1984.

²⁴ *Id.* at 5.

²⁵ 17 CFR 270.17j-1 (1993).

²⁶ 15 U.S.C. 80a-29(f) (1988).

²⁷ 15 U.S.C. 78p. (1988).

²⁸ *Id.* at 4.

¹⁵ *Id.* at 4.

¹⁶ *Id.* at 5.

¹⁷ Kemper Letter, *supra* note 5, at 2.

¹⁸ *Id.*

¹⁹ Alliance Letter, *supra* note 5, at 6.

²⁰ CBOE Response Letter, *supra* note 5, at 3.

¹¹ See *supra* note 5.

¹² Alliance Letter, *supra* note 5, at 2.

¹³ 17 CFR 270.17j-1 (1993).

¹⁴ *Id.* at 3.

tends to increase liquidity of the underlying security.²⁹

V. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6(b)(5).³⁰ Specifically, the Commission finds that allowing the listing and trading of options on international funds, among other things, gives investors a better means to hedge their positions in international fund securities, as well as enhanced market timing opportunities.³¹ Further, the Commission believes that the pricing of the shares underlying the international fund options may become more efficient and market makers in these shares, by virtue of enhanced hedging opportunities, may be able to provide deeper and more liquid markets. In sum, the Commission believes that options on international funds likely engender the same benefits to investors and the market place that exist with respect to options on common stock.³²

The Commission also believes that it is appropriate to permit the CBOE to list and trade options on the securities issued by international funds given that these options meet specific requirements related to the protection of investors. First, the proposal requires that the underlying international fund securities meet the CBOE's uniform options listing standards in all respects. As described above, this would include the initial and maintenance criteria. These criteria ensure, among other things, that the underlying international fund securities will maintain adequate price and float to prevent them from being readily susceptible to manipulation. Second, the proposal requires that, prior to listing options on

securities issued by an international fund that is non-diversified or invests in the securities from less than five countries, the CBOE have in place market information agreements with the foreign exchanges which serve as the primary home exchanges for the securities that comprise the fund's portfolio. The proposal defines a market information agreement as a surveillance sharing agreement that provides for the exchange of information regarding market trading activity, including the identify of the exchange member executing a trade.³³

As a general matter, the Commission believes that the existence of a surveillance sharing agreement that effectively permits the sharing of information between an exchange proposing to list an equity option, such as international fund options, and the exchange trading the stock underlying the equity option is necessary to detect and deter market manipulation and other trading abuses. In particular, the Commission notes that surveillance sharing agreements provide an important deterrent to manipulation because they facilitate the availability of information needed to fully investigate a potential manipulation if it were to occur. These agreements are especially important in the context of derivative products based on foreign securities because they facilitate the collection of necessary regulatory, surveillance and other information from foreign jurisdictions.

In the case of international fund options, the Commission believes that market information agreements, which are surveillance sharing agreements that permit the exchange of information on market trading activity, are sufficient to detect and deter possible market manipulation. In contrast to other foreign products, international funds are comprised of a portfolio of securities chosen by portfolio managers. Although the composition of the fund is published on a semi-annual basis, the securities that make up the portfolio can be changed at any time at the discretion of the portfolio managers, as long as their investment decisions are consistent with the stated investment objectives and policies of the fund.

For this reason, the Commission believes that it generally would be difficult for someone to use options on

international funds to attempt a manipulation of the market. The Commission believes that the only people who would attempt such a manipulation would be people who have access to "inside" information about the composition of a fund and the trading activities of the fund's portfolio managers.³⁴

The Investment Advisers Act of 1940 ("Advisers Act"),³⁵ and the rules promulgated thereunder, contain provisions designed to detect and deter certain advisory employees and affiliates from trading in any securities based on "inside" information about the investment decisions of a fund. Rule 204-2(a)(12) under the Advisers Act³⁶ requires an investment adviser to make and keep accurate records of every transaction in a security in which the investment adviser or any advisory representative has a beneficial interest. Accordingly, the Commission believes that the Advisers Act gives it the authority to review the trading activities of anyone who is likely to have access to the information necessary to use options on international funds to attempt a manipulation of the market. The Commission believes, therefore, that it is sufficient for the U.S. exchanges seeking to list international fund options to have access to information about the trading activity occurring in the foreign market in which the securities comprising the underlying international fund's portfolio trade. If there is a suspicion that a market manipulation may have been attempted, the Commission believes that current legal requirements applicable to registered investment companies and investment advisers should give the Commission access to the information necessary to investigate that suspicion.

In reviewing the current proposal, the Commission believes that requiring market information agreements to be in place between the CBOE and primary home markets for the foreign securities

³⁴ The susceptibility of options on a particular international fund to manipulation could be increased if the fund's investment decisions were predictable, such as if the portfolio consisted of long-term or illiquid investments, or the composition of the portfolio was readily available to the public on a regular basis. In these cases, options on that international fund would present similar risks for market manipulation as would cash-settled index options. Although not raised by the current proposal, the Commission believes it to be appropriate that an exchange proposing to list an option on such a foreign product have a comprehensive surveillance sharing agreement in place with the foreign exchange on which the underlying foreign securities trade, which provides for the exchange of market trading activity, clearing activity, and the identity of the ultimate purchaser or seller of the securities traded.

³⁵ 15 U.S.C. 80b-1 et. seq. (1986).

³⁶ 17 CFR 275.204-2(a)(12) (1993).

²⁹ *Id.* at 6. See A Study of the Effects on the Economy of Trading in Futures and Options, *supra* note 23.

³⁰ 15 U.S.C. 78ff(b) (5) (1988).

³¹ For example, if an investor wants to invest in international fund shares but does not have sufficient cash available until a future date, he can purchase international fund options now for less money and exercise the options to purchase the international fund shares at a later date.

³² Pursuant to section 6(b)(5) of the Act, the Commission must predicate approval of any new securities product upon a finding that the introduction of such new product is in the public interest. Such a finding would be difficult for a derivative instrument that served no hedging or other economic function, because any benefits that might be derived by market participants likely would be outweighed by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns.

³³ The Commission notes that it reviews surveillance sharing agreements and may require that parties to the agreement to provide additional representations confirming that there are no rules of the foreign exchange or laws of the foreign jurisdiction that would prevent or deter the foreign exchange from providing a U.S. exchange with the appropriate market surveillance information.

that comprise the portfolio of an international fund, that is non-diversified or invests in securities from less than five countries, provides an adequate mechanism to provide for the exchange of the surveillance sharing information necessary to detect and deter possible market manipulations. Further, the Commission believes that if the international fund is classified as a diversified fund, under the Investment Company Act, and a review of its actual investment practices show that the fund invests in securities from five or more countries, the portfolio of that fund is diverse enough to significantly reduce the likelihood that the price of the securities issued by the fund could be manipulated. The Commission, thus, believes that it is appropriate to permit the CBOE to list and trade options on such a fund's securities without obtaining market information agreements with the primary home markets for the foreign securities that comprise the fund's portfolio.³⁷

The Commission does not agree with the commenters' assertions that the listing and trading of international fund options will increase fraudulent trading activity, increase speculative trading and the price volatility of the underlying shares, increase the risks of investing in the underlying shares, or decrease the liquidity of the underlying shares. First, as explained in detail above, the Commission carefully analyzed the issues raised by the trading of international fund options and specifically tailored the applicable surveillance sharing requirements to address those issues. Further, the Commission reviews the surveillance sharing arrangements between the U.S. exchanges seeking to list international fund options and the foreign exchanges listing the foreign securities comprising the underlying fund's portfolio to

³⁷ The Commission believes that not requiring a market information agreement, under these circumstances, is consistent with the Commission's determination that cash-settled options and warrants may be listed on foreign indices where no more than 20% of the value of the index was comprised of securities from a particular country not covered by a surveillance sharing agreement ("uncovered securities") and no more than 30% of the value of the index was comprised of uncovered securities from two such countries. See e.g., Securities Exchange Act Release No. 30463 (March 14, 1992), 57 FR 9284 (March 17, 1992) (Approval of Amex proposal to trade Eurotop 100 options and warrants). The Exchange will consider the actual investment practices of an international fund to determine whether it can be classified as an international fund that invests in five or more countries. See *supra* note 7. The Commission, however, encourages the CBOE to obtain all relevant surveillance sharing agreements, because it continues to believe that surveillance sharing agreements are useful in deterring and detecting any potential manipulations or other improper or illegal trading involving international fund options.

ensure that those arrangements provide the surveillance information necessary to adequately detect and deter potential market manipulations.

Second, the Commission disagrees with the assertion that the current regulatory framework is insufficient to adequately monitor the trading activities of fund "insiders." As explained in detail above, the Advisers Act provides a regulatory framework by which a fund insider is required to report every transaction in a security in which he has a beneficial interest. Further, as noted by the CBOE, the requirements of section 30(f) of the Investment Company Act and Rule 17j-1 under that Act³⁸ also apply to the trading of international fund securities and options by fund insiders.

Third, the Commission notes that the arguments that the listing of options increases speculative activity and price volatility of the underlying shares, or that it decreases liquidity in the underlying shares are the same arguments that were advanced in opposition to the listing of options on common stock. The Commission carefully has considered these arguments and found that they are not supported by the available evidence.³⁹ To the contrary, the Commission believes that, similar to options on common stock, options on international funds will benefit investors by giving them a better means to hedge their positions in the underlying international fund shares, and by helping market makers in the underlying shares to provide deeper and more liquid markets.

Thus, for the reasons set forth above, the Commission finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5)⁴⁰ to approve the proposed rule change.

The Commission finds good cause for approving Amendment No. 1 to the proposed rule change, as modified, prior to the thirtieth day after the date of publication of notice of filing thereof in the *Federal Register*. The Commission notes that the general requirement that there be a surveillance sharing agreement in place between the CBOE and the primary home exchanges on which the foreign securities comprising the underlying international fund's portfolio was published for comment on

³⁸ 15 U.S.C. 80a-29(f) (1988) and 17 CFR 270.17j-1 (1993).

³⁹ See e.g. A Study of the Effects on the Economy of Trading in Futures and Options, *supra* note 23.

⁴⁰ 15 U.S.C. 78f(b)(5) (1988).

March 16, 1993, as part of the original proposal. Amendment No. 1 merely clarifies the type of information that should be provided under the agreement and specifies the circumstances in which a surveillance agreement is needed to list an international fund option. The Commission believes that these modifications to the surveillance sharing requirement strengthens the proposal by tailoring the regulatory requirements to address the specific issues raised by international fund options. The Commission finds, therefore, that no new issues are raised by this amendment. Accordingly, the Commission believes it is consistent with sections 19(b)(2) and 6(b)(5) of the Act⁴¹ to approve Amendment No. 1 to the Amex's proposal on an accelerated basis.

VI. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 1 to the proposed rule change. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by November 15, 1993.

It is therefore ordered, pursuant to section 19(b)(2) of the Act⁴², that the proposed rule change (SR-CBOE-93-08) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁴³

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 93-26145 Filed 10-22-93; 8:45 am]
BILLING CODE 8010-01-M

⁴¹ 15 U.S.C. 78s(b)(2) and 78f(b)(5) (1988).

⁴² 15 U.S.C. 78s(b)(2) (1988).

⁴³ 17 CFR 200.30-3(a)(12) (1993).

[Release No. 34-33072; International Series Release No. 598; File No. SR-Phlx-93-44]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval to Proposed Rule Change, Including Amendment No. 1 to the Proposed Rule Change, by the Philadelphia Stock Exchange, Inc., Relating to the Listing of Options on International Funds

October 19, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 14, 1993, the Philadelphia Stock Exchange, Inc., ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.¹

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to amend Rule 1009 to provide standards for the listing and trading of options on the securities issued by registered closed-end management investment companies that invest in securities of issuers located in particular foreign countries ("international funds").² The proposal authorizes the Phlx to list and trade options on the securities issued by international funds where the underlying securities meet or exceed the Exchange's established uniform options listing standards and (1) the Exchange has a market information sharing agreement ("market information agreement") with the primary home exchange on which each of the foreign securities comprising the fund's portfolio trade, (2) the fund is classified

¹ The proposal was amended on October 19, 1993 to provide that the Phlx may list options on an international fund that invests in the securities from five or more countries without the existence of a market surveillance agreement only if the fund is classified as a diversified fund, as that term is defined by section 5(b) of the Investment Company Act of 1940 ("Investment Company Act") ("Amendment No. 1"). See Letter from Michele R. Weisbaum, Associate General Counsel, Phlx, to Richard L. Zack, Branch Chief, Division of Market Regulation ("Division"), Commission, dated October 19, 1993.

² To avoid confusion, this order refers to all registered closed-end management investment companies that invest in securities of issuers located in a particular foreign country, in a particular geographic region, or throughout the world as "international funds." In actuality, however, the foregoing are separated into three types of funds, respectively: country funds; regional funds; and global funds.

as a diversified fund, as that term is defined by Section 5(b) of the Investment Company Act,³ and the fund's portfolio is comprised of securities from five or more countries, or (3) the listing of a particular international fund option is specifically authorized by the Commission.

The text of the proposal is available at the Office of the Secretary, Phlx and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Phlx proposes to adopt uniform criteria for listing and trading options on international funds. The proposed criteria permit the Exchange to list options on international funds where the underlying securities meet or exceed the Exchange's established uniform options listing standards and (1) the Exchange has a market information agreement with the primary home exchange on which each of the foreign securities comprising the fund's portfolio trade, (2) the fund is classified as a diversified fund, as that term is defined by Section 5(b) of the Investment Company Act,⁴ and the fund's portfolio is comprised of securities from five or more countries,⁵

³ 15 U.S.C. 80a-5(b) (1988).

⁴ 15 U.S.C. 80a-5(b) (1988).

⁵ The Phlx has represented that it will look to the actual investment practices of an international fund to determine whether the fund invests in securities from five or more countries. The Phlx will evaluate the actual number of countries that are represented by the fund's investments and the concentration of such investments in each country represented. See *infra* note 18, and accompanying text. The Phlx also will review the fund's investment practices every six months to determine whether the fund countries to invest in five or more countries. If the Phlx finds that a fund no longer qualifies for listing without the existence of a market information agreement, the Phlx has represented that it will consult with the Commission to determine the appropriate course of action. Letter from Michele R. Weisbaum, Associate General Counsel, Phlx, to Richard L.

or (3) the listing of a particular international fund option is specifically authorized by the Commission.

First, to be eligible for listing and continued trading the proposal requires that either the Phlx have market information agreements in place with the foreign exchanges that serve as the primary markets for the foreign securities which comprise the portfolios of the underlying international funds, or the fund is classified as a diversified fund and invests in the securities from five or more countries. The proposal defines a market information agreement as an agreement that would permit the Phlx to obtain trading information relating to the securities held by the fund, including the identity of the exchange member executing a trade.⁶

Second, the initial listing standards would require that the securities underlying Exchange-listed international fund options (*i.e.*, the securities issued by the international fund) have a "float" of 7,000,000 shares outstanding, 2,000 shareholders, trading volume of at least 2,400,000 over the prior twelve month period, and a minimum price of 7½ for a majority of the business days during the preceding six month period.⁷ Moreover, options on international fund securities must meet or exceed the maintenance criteria for continued listing under the Phlx rules.

Those criteria require that the securities underlying Exchange-listed international fund options maintain a "float" of 6,300,000 shares, 1,600 shareholders, trading volume of at least 1,800,000 over the prior twelve month period, and a minimum price of \$5 on a majority of the business days during the preceding six month period.⁸

In addition, the Exchange listing standards require that the security underlying an international fund option be registered and listed on a national securities exchange or traded through the facilities of a national securities association and be reported as a national market system security. The issuers of the international fund securities also must be in compliance with any other applicable requirements of the Act.

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act,⁹ in general, and

Zack, Branch Chief, Division, Commission, *supra* note 1.

⁶ Although a market information agreement provides for the exchange of information regarding the identity of exchange members executing trades, it does not require the exchange of information regarding the identity of the ultimate customer.

⁷ Phlx Rule 1009.

⁸ Phlx Rule 1010.

⁹ 15 U.S.C. 78f (1988).

further the objectives of Section 6(b)(5), in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of change, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Phlx believes that the proposed rule change will not impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has requested that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act.¹⁰

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5).¹¹ Specifically, the Commission finds that allowing the listing and trading of options on international funds, among other things, gives investors a better means to hedge their positions in international fund securities, as well as enhanced market timing opportunities.¹² Further, the Commission believes that the pricing of the shares underlying the international fund options may become more efficient and market makers in these shares, by virtue of enhanced hedging opportunities, may be able to provide deeper and more liquid markets. In sum, the Commission believes that options on international funds likely engender the same benefits to investors and the market place that exist with respect to options on common stock.¹³

The Commission also believes that it is appropriate to permit the Phlx to list and trade options on the securities issued by international funds given that these options meet specific requirements related to the protection of investors. First, the proposal requires that the underlying international fund securities meet the Phlx's uniform options listing standards in all respects. As described above, this would include the initial and maintenance criteria. These criteria ensure, among other things, that the underlying international fund securities will maintain adequate price and float to prevent susceptibility to manipulation. Second, the proposal requires that, prior to listing options on securities issued by an international fund that is non-diversified or invests in the securities from less than five countries, the Phlx have in place market information agreements with the foreign exchanges which serve as the primary home exchanges for the securities that comprise the fund's portfolio. The proposal defines a market information agreement as a surveillance sharing agreement that provides for the exchange of information regarding market trading activity, including the identity of the exchange member executing a trade.¹⁴

As a general matter, the Commission believes that the existence of a surveillance sharing agreement that effectively permits the sharing of information between an exchange proposing to list an equity option, such as international fund options, and the exchange trading the stock underlying the equity option is necessary to detect and deter market manipulation and other trading abuses. In particular, the Commission notes that surveillance sharing agreements provide an important deterrent to manipulation because they facilitate the availability of information needed to fully investigate a potential manipulation if it were to occur. These agreements are especially important in the context of derivative products based on foreign securities because they facilitate the collection of necessary regulatory, surveillance and

derivative instrument that served no hedging or other economic function, because any benefits that might be derived by market participants likely would be outweighed by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns.

¹⁴ The Commission notes that it reviews surveillance sharing agreements and may require the parties to the agreement to provide additional representations confirming that there are no rules of the foreign exchange or laws of the foreign jurisdiction that would prevent or deter the foreign exchange from providing a U.S. exchange with the appropriate market surveillance information.

other information from foreign jurisdictions.

In the case of international fund options, the Commission believes that market information agreements, which are surveillance sharing agreements that permit the exchange of information on market trading activity, are sufficient to detect and deter any possible market manipulation. In contrast to other foreign products, international funds are comprised of a portfolio of securities chosen by portfolio managers. Although the composition of the fund is published on a semi-annual basis, the securities that make up the portfolio can be changed at any time at the discretion of the portfolio managers, as long as their investment decisions are consistent with the stated investment objectives and policies of the fund.

For this reason, the Commission believes that it generally would be difficult for someone to use options on international funds to attempt a manipulation of the market. The Commission believes that the only people who could potentially attempt such a manipulation would be people who have access to "inside" information about the composition of a fund and the trading activities of the fund's portfolio managers.¹⁵

The Investment Advisers Act of 1940 ("Advisers Act"),¹⁶ and the rules promulgated thereunder, contain provisions designed to detect and deter certain advisory employees and affiliates from trading in any securities based on "inside" information about the invest decisions of a fund. Rule 204-2(a)(12) under the Advisers Act¹⁷ requires an investment adviser to make and keep accurate records of every transaction in a security in which the investment adviser or any advisory representative has a beneficial interest. Accordingly, the Commission believes that the Advisers Act gives it the authority to review the trading activities of anyone who is likely to have access

¹⁵ The susceptibility of options on a particular international fund to manipulation could be increased if the fund's investment decisions were predictable, such as if the portfolio consisted of long-term or illiquid investments, or the composition of the portfolio was readily available to the public on a regular basis. In these cases, options on that international fund would present similar risks for market manipulation as would cash-settled index options. Although not raised by the current proposal, the Commission believes it to be appropriate that an exchange proposing to list an option on such a foreign product have a comprehensive surveillance sharing agreement in place with the foreign exchange on which the underlying foreign securities trade, which provides for the exchange of market trading activity, clearing activity, and the identity of the ultimate purchaser or seller of the securities traded.

¹⁶ 15 U.S.C. 80b-1 *et. seq.* (1988).

¹⁷ 17 CFR 275.204-2(a)(12) (1993).

¹⁰ 15 U.S.C. 78a(b)(2) (1988).

¹¹ 15 U.S.C. 78f(b)(5) (1988).

¹² For example, if an investor wants to invest in international fund shares but does not have sufficient cash available until a future date, he can purchase international fund options now for less money and exercise the options to purchase the international fund shares at a later date.

¹³ Pursuant to section 6(b)(5) of the Act, the Commission must predicate approval of any new securities product upon a finding that the introduction of such new product is in the public interest. Such a finding would be difficult for a

to the information necessary to use option on international funds to attempt a manipulation of the markets. The Commission believes, therefore, that it is sufficient for the U.S. exchanges seeking to list international fund options to have access to information about the trading activity occurring in the foreign market in which the securities comprising the underlying international fund's portfolio trade. If there is a suspicion that a market manipulation may have been attempted, the Commission believes that current legal requirements applicable to registered investment companies and investment advisers should give the Commission access to the information necessary to investigate that suspicion.

In reviewing the current proposal, the Commission believes that requiring market information agreements to be in place between the Phlx and primary home markets for the foreign securities that comprise the portfolio of an international fund, that is non-diversified or invests in securities from less than five countries, provides an adequate mechanism to provide for the exchange of the surveillance sharing information necessary to detect and deter possible market manipulations. Further, the Commission believes that if the international fund is classified as a diversified fund, under the Investment Company Act, and a review of its actual investment practices show that the fund invests in securities from five or more countries, the portfolio of that fund is diverse enough to significantly reduce the likelihood that the price of the securities issued by the fund could be manipulated. The Commission, thus, believes that it is appropriate to permit the Phlx to list and trade options on such a fund's securities without obtaining market information agreements with the primary home markets for the foreign securities that comprise the fund's portfolio.¹⁸

¹⁸ The Commission believes that not requiring a market information agreement, under these circumstances, is consistent with the Commission's determination that cash-settled options and warrants may be listed on foreign indices where no more than 20% of the value of the index was comprised of securities from a particular country not covered by a surveillance sharing agreement ("uncovered securities") and no more than 30% of the value of the index was comprised of uncovered securities from two such countries. See e.g., Securities Exchange Act Release No. 30463 (March 14 1992), 57 FR 9284 (March 17, 1992) (Approval of American Stock Exchange, Inc. ("Amex"), proposal to trade Eurotop 100 options and warrants). The Exchange will consider the actual investment practices of an international fund to determine whether it can be classified as an international fund that invests in five or more countries. See *supra* note 5. The Commission, however, encourages the Phlx to obtain all relevant surveillance sharing agreements because it

Thus, for the reasons set forth above, the Commission finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5)¹⁹ to approve the proposed rule change.

The Commission finds good cause for approving the proposed rule change, including Amendment No. 1 to the proposed rule change, prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. The Phlx proposal to list and trade international fund options is substantially similar to a proposal by the Chicago Board Options Exchange, Inc. ("CBOE") to provide uniform standards for listing international fund options.²⁰ The CBOE proposal was subject to a full notice and comment period. Further, proposals by the Amex and CBOE to list and trade options on certain specific international funds also were subject to a full notice and comment period.²¹

Although the Commission did not receive any comment letters in response to publishing the proposal to provide uniform listing standards, the Commission did receive letters generally opposed to the listing of international fund options in response to the proposal to list options on certain specific international funds.²² As

continues to believe that surveillance sharing agreements are useful in deterring and detecting any potential manipulations or other improper or illegal trading involving international fund options.

¹⁹ 15 U.S.C. 78f(b)(5) (1988).

²⁰ Securities Exchange Act Release No. 31969 (March 9, 1993), 58 FR 14228 (March 16, 1993). The general requirement that there be a surveillance sharing agreement in place between the exchange seeking to list an international fund option and the primary home exchanges on which the foreign securities comprising the underlying international fund's portfolio trade was included in the published proposal. The current proposal includes additional provisions clarifying the type of information that should be provided under the agreement and specifying the circumstances in which a surveillance sharing agreement is needed to list an international fund option. The Commission believes that these modifications to the surveillance sharing requirements strengthen the proposal by tailoring the regulatory requirements to address the specific issues raised by international fund options.

²¹ The Commission published for comment proposals to list and trade options on securities issued by certain specific international funds (i.e., the Growth Fund of Spain, Inc.). Securities Exchange Act Release Nos. 31411 (November 5, 1992), 57 FR 53943 (November 13, 1992) (File No. SR-CBOE-92-21), and 31469 (November 16, 1992), 57 FR 55604 (November 25, 1992) (File No. SR-Amex-92-40).

²² The Commission received comment letters from Kemper Financial Services, Inc. ("Kemper") and Alliance Capital Management Corporation ("Alliance") opposing the listing of international fund options. Further, the CBOE sent a letter to the Commission responding to the issues raised in

described more fully in the order approving the proposal to adopt uniform standards for the listing of international fund options, the Commission found that the commenters' assertions that the listing and trading of international fund options will increase fraudulent trading activity, increase speculative trading and the price volatility of the underlying shares, increase the risks of investing in the underlying shares, or decrease the liquidity of the underlying shares to be without merit.²³

The Commission further notes that approving the current proposal, including Amendment No. 1, on an accelerated basis will permit the Phlx to compete on an equal basis with the CBOE and the Amex for orders in international fund options. The Commission believes that encouraging competition between the exchanges benefits investors by enhancing the quality of the products and services offered to investors. Accordingly, since the Commission finds that the current proposal involves the exact same issues as the above-noted proposals, the

those letters. Because these letters are relevant to the listing of options on international funds, in general, the Commission is addressing the issues raised in those letters in the current approval order. See letters from Robert J. Engling, Executive Vice President and General Counsel, Kemper, to Jonathan G. Katz, Secretary, Commission, dated December 3, 1992; from David H. Dievler, Senior Vice President, Alliance, and Edmund P. Bergan, Jr., Vice President and Assistant General Counsel, Alliance, to Jonathan G. Katz, Secretary, Commission, dated December 3, 1992; and from Alger B. Chapman, Chairman and Chief Executive Officer, CBOE, to Jonathan G. Katz, Secretary, Commission, dated January 7, 1993.

²³ For a discussion of the issues raised by the comment letters and the CBOE's response to those letters, see Securities Exchange Act Release No. 33068 (order approving the CBOE proposal to adopt uniform listing standards for international fund options). See also Securities Exchange Act Release No. 33069 (order approving CBOE and Amex proposals to trade options on the Growth Fund of Spain, Inc.). In general, the Commission notes that the arguments that the listing of options increases speculative activity and price volatility of the underlying shares, or that it decreases liquidity in the underlying shares are the same arguments that were advanced in opposition to the listing of options on common stock. The Commission carefully has considered these arguments and found that they are not supported by the available evidence. To the contrary, the Commission believes that, similar to options on common stock, options on international funds will benefit investors by giving them a better means to hedge their positions in the underlying international fund shares, and by helping market makers in the underlying shares to provide deeper and more liquid markets. The Commission also notes that it reviews the surveillance sharing arrangements between U.S. exchanges seeking to list international fund options and the foreign exchanges listing the foreign securities comprising the underlying fund's portfolio to ensure that those arrangements provide the surveillance information necessary to adequately detect and deter potential market manipulations.

Commission believes it is consistent with sections 19(b)(2) and 6(b)(5) of the Act²⁴ to approve the Phlx's proposal to provide standards for listing international fund options on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change, including Amendment No. 1 to the proposed rule change. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,²⁵ that the proposed rule change (SR-Phlx-93-44) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.²⁶

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 93-26146 Filed 10-22-93; 8:45 am]
BILLING CODE 8010-01-M

Life and Accident Insurance Company Separate Account One ("HLA Account One"), Hartford Life and Accident Insurance Company Putnam Capital Manager Trust Separate Account One ("HLA Putnam Account One"), ITT Hartford Life and Annuity Insurance Company ("ILA"), ITT Life Insurance Corporation Separate Account One ("ILA Account One"), ITT Life Insurance Corporation Putnam Capital Manager Trust Separate Account Two ("ILA Putnam Account Two") and Hartford Equity Sales Company, Inc. ("Hartford Equity").

RELEVANT 1940 ACT SECTIONS: Order requested under section 17(b) of the 1940 Act for exemptions from section 17(a) and for approvals under section 17(d) of the 1940 Act and Rule 17d-1 thereunder.

SUMMARY OF APPLICATION: Applicants seek an order permitting certain affiliated transactions arising out of the assumption reinsurance of certain HLA variable annuity contracts issued through HLA Account One and HLA Putnam Account One. Applicants also seek approval for certain joint arrangements associated with and arising out of the assumption reinsurance transactions.

FILING DATE: The application was filed on July 26, 1993 and amendment number one to the application was filed on October 15, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing on this application by writing to the Secretary of the SEC and serving Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the Commission by 5:30 p.m. on November 12, 1993 and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, by certificate. Hearing requests should state the nature of the interest, the reason for the request and the issues contested. Persons may request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants: Kathleen A. McGah, Esq., HLA, P.O. Box 2999, Hartford, CT 06104-2999.

FOR FURTHER INFORMATION CONTACT: Barbara J. Whisler, Attorney, or Michael V. Wible, Special Counsel, both at (202) 272-2060, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: Following is a summary of the application, the

complete application is available for a fee from the Public Reference Branch of the SEC.

Applicants' Representations

1. HLA, a stock life and accident and health insurance company organized under the laws of Connecticut, is a wholly owned subsidiary of Hartford Fire Insurance Company and an indirect subsidiary of ITT Corporation.

2. HLA Account One, established on May 20, 1991, holds and invests the assets underlying certain variable annuity contracts (the "HLA Account One Contracts"). HLA Account One is registered with the Commission under the 1940 Act as a unit investment trust. The application incorporates by reference the registration statement, currently on file with the Commission, for HLA Account One. All of the assets in HLA Account One are invested in shares of one or more available funds (the "Hartford Funds") advised by Hartford Investment Management Company, a subsidiary of Hartford Life Insurance Company. Wellington Management Company serves as the sub-advisor to certain of the Hartford Funds.

3. HLA Putnam Account One (together with HLA Account One, the "HLA Accounts"), established on February 28, 1992, holds and invests the assets underlying certain variable annuity contracts (the "HLA Putnam Contracts," collectively with the HLA Account One Contracts, the "HLA Contracts"). HLA Putnam Account One is registered with the Commission under the 1940 Act as a unit investment trust. The application incorporates by reference the registration statement, currently on file with the Commission, for HLA Putnam Account One. All of the assets in HLA Putnam Account One are invested in shares (the "Putnam Funds") of Putnam Capital Manager Trust, an open-end diversified investment company of the series type. Putnam Management Company, Inc. manages the Putnam Capital Manager Trust.

4. ILA, a stock life insurance company organized under the laws of Wisconsin in 1956, is a wholly owned subsidiary of Hartford Life Insurance Company and an indirect subsidiary of Hartford Fire Insurance Company and ITT Corporation. ILA was formerly ITT Life Insurance Corporation.

5. ITT Account One, established on May 20, 1991, holds and invests the assets underlying certain variable annuity contracts (the "ITT Account One Contracts"). ITT Account One is registered with the Commission under the 1940 Act as a unit investment trust.

[Rel. No. IC-19800; File No. 812-8504]

Hartford Life and Accident Insurance Co. et al.; Application for Exemption

October 18, 1993.

AGENCY: Securities and Exchange Commission ("SEC" or the "Commission").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: Hartford Life and Accident Insurance Company ("HLA"), Hartford

²⁴ 15 U.S.C. 78s(b)(2) and 78f(b)(5) (1988).

²⁵ 15 U.S.C. 78s(b)(2) (1988).

²⁶ 17 CFR 200.30-3(a)(12) (1993).

The application incorporates by reference the registration statement, currently on file with the Commission, for ITT Account One. All of the assets in ITT Account One are invested in the Hartford Funds. The application states that except for the funding separate account and the issuing insurer, the ITT Account One Contracts are identical to the HLA Account One Contracts. The application further notes that both ITT Account One and HLA Account One invest in the Hartford Funds.

6. ITT Putnam Account Two (together with ITT Account One, the "ITT Accounts"), established on May 20, 1991, holds and invests the assets underlying certain variable annuity contracts (the "ITT Putnam Contracts", collectively with the ITT Account One Contracts, the "ITT Contracts"). ITT Putnam Account Two is registered with the Commission under the 1940 Act as a unit investment trust. The application incorporates by reference the registration statement, currently on file with the Commission, for ITT Putnam Account Two. All assets in ITT Putnam Account Two are invested in the Putnam Funds. The application states that except for the funding separate account and the issuing insurer, the ITT Putnam Contracts are identical to the HLA Putnam Contracts.

7. Hartford Equity is the principal underwriter for both the HLA and the ITT Contracts.

8. On July 12, 1993, HLA entered into an assumption reinsurance agreement (the "Agreement") with ILA relating to the HLA Contracts. Applicants anticipate an effective date of November 15, 1993 for the Agreement. Under the Agreement, HLA agrees to transfer all of its rights, title and interest under the HLA Contracts, as well as the obligations and liabilities of HLA under the HLA Contracts, to ILA on an assumption reinsurance basis. ILA agrees to assume all obligations and liabilities transferred to it to the maximum extent permitted by law. The application states that the parties to the Agreement anticipate that ILA will: Reinsure the HLA Contracts; notify each owner of an HLA Contract to be reinsured under the Agreement (a "Contractowner") of ILA's assumption of HLA's liabilities under the HLA Contracts; and issue an assumption reinsurance certificate to each Contractowner. Applicants represent that no fee or commission is payable by HLA or ILA to any other party with respect to the Agreement.

9. The Agreement is subject to various conditions, including: the making of all required filings; the obtaining of all necessary approvals of applicable state

insurance authorities and any other regulatory approvals required; the obtaining of all necessary orders from the Commission permitting the transactions contemplated in the Agreement; and the existence of effective registration statements under the Securities Act of 1933 relating to the ITT Contracts issued in exchange for the HLA Contracts.

10. Applicants note that the assumption reinsurance contemplated in the Agreement may take place at a date or dates subsequent to the date of the Agreement because all required clearances with respect to the assumption reinsurance may not have been obtained by the date of the Agreement. Until such time as any HLA Contracts that cannot be assumption reinsured on the initial closing date of the Agreement can be assumption reinsured, those contracts will be continued to be insured and administered by HLA.

11. When all conditions to the closing of the Agreement as it relates to the HLA Contracts have been met, HLA will transfer amounts attributable to the HLA Contracts from HLA Account One to ITT Account One and from HLA Putnam Account One to ITT Putnam Account Two. HLA will also transfer cash and liquid assets in an amount equal to the general account statutory reserves with respect to the HLA Contracts as of the effective date of the assumption reinsurance.

12. Upon the assumption reinsurance of an HLA Contract, ILA will issue an assumption certificate to the Contractowner. Applicants represent that the assumption certificate will have been previously approved for use by appropriate state insurance regulatory authorities. The assumption certificate will inform the Contractowner of the assumption by ILA of all of HLA's liabilities under the contract. Applicants state that the charges against assets of ITT Account One and of ITT Putnam Account Two under the ITT Contracts are identical to the charges against assets of HLA Account One and of HLA Putnam Account One under the HLA Contracts. Because the charges are identical, applicants represent that the assumption certificates will inform a Contractowner that there will be no impact on the contract value because of the assumption reinsurance transactions contemplated in the Agreement.

13. Upon the effective date of the assumption reinsurance applicable to a contract, a Contractowner will deal directly with ILA and any further premiums the Contractowner wishes to apply to the HLA Contract will be forwarded directly to ILA for allocation

to ITT Account One or ITT Putnam Account Two (the "Reinsuring Accounts"). Applicants represent that ILA will: Perform all contract administration; pay all claims, commissions, overrides, service fees, taxes and expenses due and owing in connection with the HLA Contracts; and maintain possession of all available files, records and correspondence relating to the HLA Contracts.

14. Applicants represent that there will be no change in the terms of the HLA Contracts resulting from the assumption reinsurance of the HLA Contracts by ILA other than changing the separate accounts and the depositor.

15. Applicants state that the assumption reinsurance will not change the number of accumulation or annuity units credited under the HLA Contracts or the value of such units. Number and value will continue to be affected only by the investment performance of the underlying Hartford Funds and Putnam Funds (collectively, the "Funds"). Because shares of the Funds held by the HLA Accounts will be transferred to the Reinsuring Accounts on the date an assumption reinsurance transaction is effected, no interruption of investment performance will occur. Applicants state that no charge or expense will be incurred by the HLA Accounts, the Reinsuring Accounts, or the Funds in connection with the transfer of the shares of the Funds. Applicants therefore represent that contract values under the ITT Contracts will be the same as those values would have been under the HLA Contracts had the assumption reinsurance transactions contemplated in the Agreement not occurred. Applicants further represent that there will be no tax consequences to Contractowners as a result of the assumption reinsurance of their HLA Contracts.

16. Applicants anticipate that some jurisdictions may require that Contractowners be afforded the right to opt out of the assumption reinsurance of their contracts by means of a negative consent or, by requiring an affirmative consent to the assumption reinsurance transaction. If, under such an opt out provision, timely objection from the Contractowner were received by ILA or the required affirmative consent were not received by ILA, the assumption reinsurance of the HLA Contract of that Contractowner would be cancelled. If the assumption reinsurance transaction has already occurred, assets equal to the contract liabilities attributable to such HLA Contract will be transferred from the applicable Reinsuring Account back to the appropriate HLA Account. Thus, Applicants represent that the

Contractowner will be restored to the same position he would have had if the assumption reinsurance transaction had not occurred. Applicants state that the number of accumulation units or annuity units credited under the HLA Contract would remain unchanged, and the value of such units would be identical to what it would have been had there been no assumption reinsurance transaction. Applicants note that there will be no tax consequences to a Contractowner electing to exercise the opt out right. HLA will continue to hold and administer those HLA Contracts which are not assumption reinsured. Contractowners who previously opted out of the assumption reinsurance may be given an option, at a later date, to accede to the assumption reinsurance of their contracts. Contractowners opting out of the reinsurance of their HLA Contracts at this time would thereafter remain with HLA and have their HLA Contract values based on the HLA Accounts. Applicants do note, however, that they anticipate that only a few Contractowners will exercise the opt out provision and remain with HLA. Accordingly, HLA may seek at a future date to deregister the HLA Accounts consistent with the 1940 Act or to take such other steps as HLA deems appropriate to reduce the number of outstanding HLA Contracts.

Applicants' Legal Analysis and Conditions

1. Applicants request that the Commission, pursuant to section 17(b) of the 1940 Act, grant the exemption from section 17(a) to the extent necessary to permit the transfers of the Funds' shares in connection with the assumption reinsurance of the HLA Contracts.

2. Section 17(a)(1) of the 1940 Act prohibits an affiliated person of a registered investment company, or an affiliated person of such an affiliated person, acting as principal, from knowingly selling any security or other property to such registered investment company. Section 17(a)(2) of the 1940 Act prohibits any of the persons described in section 17(a)(1) from purchasing any security or other property from a registered investment company.

3. The prohibitions of section 17(a) would apply to the sale of shares of the Funds by the HLA Accounts to ILA in connection with the assumption reinsurance of the HLA Contracts because the HLA Accounts are under common control with the Reinsuring Accounts and, therefore, are affiliated persons of a registered investment

company. Similarly, section 17(a) would prohibit purchase of shares of the Funds from the HLA Accounts by the Reinsuring Accounts because the Reinsuring Accounts are affiliated persons of the HLA Accounts, also registered investment companies. Further, section 17(a) applies to the Reinsuring Accounts' purchases of shares of the Funds because of HLA's and ILA's affiliation with Hartford Equity. Hartford Equity will continue to act as principal underwriter for the HLA Accounts pending full implementation of the Agreement.

4. Section 17(b) of the 1940 Act provides that the Commission may grant an order exempting transactions prohibited by section 17(a) of the 1940 Act, upon application, if evidence establishes that:

(a) The terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(b) The proposed transaction is consistent with the policy of each registered investment company concerned, as recited in such company's registration statement and reports filed under the 1940 Act; and

(c) The proposed transaction is consistent with the general purposes of the 1940 Act.

5. Applicants argue that the proposed transfers of shares of the Funds meet the standards for relief set forth in section 17(b) of the 1940 Act. Applicants submit that the terms of the transfer are reasonable and fair in that the only consideration to be received by the HLA Accounts and to be paid by the Reinsuring Accounts is the Reinsuring Account's assumption of the contract liabilities held in the HLA Accounts with respect to the variable portion of the HLA Contracts to be assumption reinsured. Applicants state that the value of the shares of the Funds to be transferred will equal the amount of the liabilities assumed and such value will be computed in accordance with the provisions of the 1940 Act and the rules thereunder.

6. Applicants state that the terms of the transaction are consistent with the policies of each separate account because the policy of both the HLA Accounts and the Reinsuring Accounts is to invest exclusively in shares of the Funds. Finally, Applicants argue that the proposed transaction is consistent with the general purposes of the 1940 Act because the interests of the Contractowners are not adversely affected by the reinsurance of their HLA Contracts. Applicants note that the

terms of the HLA Contracts remain unchanged and the values attributable to the HLA Contracts will be unaffected by the transaction. Applicants submit that the proposed reinsurance of the HLA Contracts affords Contractowners the opportunity to have their HLA Contracts remain with a company that is committed to the issuance of variable annuities and other variable products. Applicants therefore submit that the requested exemption from section 17(a) should be granted.

7. Applicants also request, pursuant to section 17(d) of the 1940 Act and Rule 17d-1 thereunder, that the Commission grant the necessary approvals for any joint arrangement associated with the assumption reinsurance transactions contemplated in the Agreement.

8. Section 17(d) of the 1940 Act, in pertinent part, prohibits an affiliated person of or principal underwriter for a registered investment company, or any affiliated person of such affiliated person or principal underwriter, acting as principal, from effecting any transaction in which the registered company is a joint or a joint and several participant with such person, principal underwriter or affiliated person in contravention of rules and regulations adopted by the Commission.

9. Applicants note that because the terms of the Agreement call for the assets of the HLA Accounts to be transferred to the Reinsuring Accounts, the assumption reinsurance transaction may be deemed to be a joint transaction between ILA and the Reinsuring Accounts. Additionally, in requesting the approvals under section 17(d) and Rule 17D-1 thereunder, applicants note the joint involvement of the Reinsuring Accounts in the allocation between them of the HLA Contracts to be reinsured.

10. Rule 17d-1 provides, in pertinent part, that the Commission may grant approval for transactions prohibited by section 17(d) if the participation of the registered investment company is on a basis no different from that of any other participant. Rule 17d-1 provides that in passing upon an application, the Commission will consider whether the participation of the registered investment company is consistent with the provisions, policies and purposes of the 1940 Act and the extent to which the participation is on a basis different from or less advantageous than that of other participants.

11. Applicants argue that although the participation of each registered investment company in the assumption reinsurance arrangement is different from that of other participants, such

difference is attributable to the separate and distinct interests of each party to the Agreement. Further, Applicants argue that ILA's allocation of the HLA Contracts to be reinsured among the Reinsuring Accounts will not be inconsistent with the policies and purposes of the 1940 Act because the determinations made regarding allocation will have no adverse effect on the Reinsuring Accounts or upon Contractowners. Finally, Applicants argue that the Agreement is fair to Contractowners and will not affect underlying investments on which the performance of their HLA Contracts depends.

Conclusion

Applicants submit that for the reasons and upon the facts set forth above, the requested exemptions pursuant to section 17(b) from section 17(a) and the necessary approvals pursuant to section 17(d) and Rule 17d-1 thereunder should be granted.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 93-26106 Filed 10-22-93; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. IC-19799; File No. 812-8546]

Templeton Variable Products Series Fund, et al.; Application for Order

October 18, 1993.

AGENCY: Securities and Exchange Commission (the "SEC" or the "Commission").

ACTION: Notice of application for an order under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: Templeton Variable Products Series Fund (the "Trust"), Templeton Funds Annuity Company ("TFAC") and certain life insurance companies and their separate accounts investing now or in the future in the Trust (collectively, the "Applicants").

RELEVANT 1940 ACT SECTIONS: Order requested under section 6(c) of the 1940 Act for exemptions from the provisions of sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act and Rules 6e-2(b)(15) and 6e-3(T)(b)(15) thereunder.

SUMMARY OF APPLICATION: applicants seek an order to the extent necessary to permit shares of the Trust to be sold to and held by separate accounts funding variable annuity and variable life insurance contracts issued by both affiliated and unaffiliated life insurance companies.

FILING DATES: The application was filed on August 25, 1993 and amended on October 14, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 12, 1993, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requester's interest, the reason for the request and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, 700 Central Avenue, P.O. Box 33030, St. Petersburg, Florida 33733-8030.

FOR FURTHER INFORMATION CONTACT: Wendy Finck Friedlander, Senior Attorney, or Michael V. Wible, Special Counsel, at (202) 272-2060, Office of Insurance Products (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. The Trust is an open-end management investment company organized as a Massachusetts business trust on February 25, 1988. The Trust currently consists of five separate series, each with its own investment objective or objectives and policies. The Board of Trustees may establish additional series of shares at any time.

2. TFAC, the business manager, provides certain administrative facilities and services to the Trust pursuant to a business management agreement. These services include providing trading desk facilities for each series of the Trust, payment of salaries of officers, authorization of expenditures and approval of bills for payment on behalf of the Trust, preparation and maintenance of books and records, daily pricing of each series' investment portfolio, supervision of publication of daily quotations of the bid and asked prices of the shares of each series of the Trust, preparation of tax and financial reports, and monitoring compliance with regulatory requirements. TFAC is

an indirect, wholly-owned subsidiary of Franklin Resources, Inc.

3. Templeton Investment Counsel, Inc. ("TICI"), which is registered as an investment adviser under the Investment Advisers Act of 1940, serves as the investment manager to three of the series of the Trust. The Templeton Global Bond Managers Division ("TGBM") of TICI serves as the investment adviser to the other two series of the trust. TICI and TGBM are indirect, wholly-owned subsidiaries of Franklin Resources, Inc.

4. Shares of the Trust are currently offered only to Phoenix Home Life Variable Accumulation Account and The Travelers Fund U for Variable Annuities to serve as the investment vehicle for variable annuity contracts issued by Phoenix Home Life Mutual Insurance Company ("Phoenix") and the Travelers Insurance Company ("Travelers"), respectively. The Trust intends, however, to offer shares of its existing and future series to separate accounts of other insurance companies, including insurance companies that are not affiliated with Phoenix and Travelers, and to serve as the investment vehicle for various types of insurance products, which may include variable annuity contracts, scheduled premium variable life insurance contracts, and flexible premium variable life insurance contracts ("Variable Contracts"). Insurance companies whose separate account or accounts own shares of the Trust are referred to herein as "participating insurance companies."

Applicants' Legal Analysis

1. In connection with the funding of scheduled premium variable life insurance contracts issued through a separate account registered under the 1940 Act as a unit investment trust ("Trust Account"), Rule 6e-2 (b)(15) provides partial exemptions from sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act. The relief provided by Rule 6e-2 is also available to a separate account's investment adviser, principal underwriter, and sponsor or depositor. The exemptions granted by Rule 6e-2 are available only where the management investment company underlying the Trust Account ("underlying fund") offers its shares exclusively to variable life insurance separate accounts of the life insurer, or of any affiliated life insurance company. Therefore, the relief granted by Rule 6e-2(b)(15) is not available with respect to a scheduled premium variable life insurance separate account that owns shares of an underlying fund that also offers its shares to a variable annuity or

a flexible premium variable life insurance separate account of the same company or of any affiliated life insurance company. The use of a common management investment company as the underlying investment medium for both variable annuity and variable life insurance separate accounts of the same life insurance company or of any affiliated life insurance company is referred to herein as "mixed funding."

2. In addition, the relief granted by Rule 6e-(b)(15) is not available with respect to a scheduled premium variable life insurance separate account that owns shares of an underlying fund that also offers its shares to separate accounts funding variable contracts of one or more unaffiliated life insurance companies. The use of a common management investment company as the underlying investment medium for variable life insurance separate accounts of one insurance company and separate accounts funding variable contracts of one or more unaffiliated life insurance companies is referred to herein as "shared funding."

3. In connection with the funding of flexible premium variable life insurance contracts issued through a Trust Account, Rule 6e-3(T)(b)(15) provides partial exemptions from sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act. The relief provided by Rule 6e-3(T) is also available to a separate account's investment adviser, principal underwriter, and sponsor or depositor. The exemptions granted by Rule 6e-3(T) are available only where the Trust Account's underlying fund offers its shares "exclusively to separate accounts of the life insurer, or of any affiliated life insurance company, offering either scheduled contracts or flexible contracts, or both; or which also offer their shares to variable annuity separate accounts of the life insurer or of an affiliated life insurance company." Therefore, Rule 6e-3(T) permits mixed funding while not permitting shared funding.

4. Applicants therefore request that the Commission, under its authority in section 6(c) of the 1940 Act, grant relief from sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act and Rules 6e-2(b)(15) and 6e-3(T)(b)(15) thereunder, to the extent necessary to permit shares of the Trust to be offered and sold to, and held by, variable life insurance separate accounts of one life insurance company and separate accounts funding variable contracts of unaffiliated life insurance companies.

5 Section 9(a) of the 1940 Act makes it unlawful for any company to serve as investment adviser to or principal

underwriter for any registered open-end investment company if an affiliated person of that company is subject to a disqualification enumerated in sections 9(a) (1) or (2). Rule 6e-2(b)(15) (i) and (ii) and Rule 6e-3(T)(b)(15) (i) and (ii) provide exemptions from section 9(a) under certain circumstances, subject to the limitations discussed above on mixed and shared funding. The relief provided by Rules 6e-2(b)(15)(i) and 6e-3(T)(15)(i) permits a person disqualified under section 9(a) to serve as an officer, director, or employee of the life insurer, or any of its affiliates, so long as that person does not participate directly in the management or administration of the underlying fund. The relief provided by Rules 6e-2(b)(15)(ii) and 6e-3(T)(b)(15)(ii) permits the life insurer to serve as the underlying fund's investment adviser or principal underwriter, provided that none of the insurer's personnel who are ineligible pursuant to section 9(a) participates in the management or administration of the fund.

8. Applicants state that the partial relief granted in Rules 6e-2(b)(15) and 6e-3(b)(15) from the requirements of section 9, in effect, limits the monitoring of an insurer's personnel that would otherwise be necessary to ensure compliance with section 9 to that which is appropriate in light of the policy and purposes of section 9. Applicants state that Rules 6e-2 and 6e-3(T) recognize that it is not necessary for the protection of investors or the purposes fairly intended by the policy and provisions of the 1940 Act to apply the provisions of section 9(a) to the many individuals in an insurance company complex, most of whom typically will have no involvement in matters pertaining to investment companies in that organization.

7. Rules 6e-2(b)(15)(iii) and 6e-3(T)(b)(15)(iii) provide partial exemptions from sections 13(a), 15(a) and 15(b) of the 1940 Act to the extent that those sections have been deemed to require "pass-through" voting with respect to management investment company shares held by a separate account, and to permit the insurance company to disregard the voting instructions of its contract owners in certain circumstances.

Rules 6e-2(b)(15)(iii)(A) and 6e-3(T)(b)(15)(iii)(A) provide that the insurance company may disregard the voting instructions of its contract holders in connection with the voting of shares of an underlying fund if such instructions would require such shares to be voted to cause such companies to make, or refrain from making, certain investments which would result in

changes in the subclassification or investment objectives of such companies or to approve or disapprove any contract between a fund and its investment adviser, when required to do so by an insurance regulatory authority, subject to the provisions of paragraphs (b)(5)(i) and (b)(7)(ii)(A) of such Rules.

Rules 6e-2(b)(15)(iii)(B) and 6e-3(T)(b)(15)(iii)(B) provide that the insurance company may disregard contractowners' voting instructions if the contractowners initiate any change in such company's investment policies, principal underwriter, or any investment adviser, provided that disregarding such voting instructions is reasonable and subject to the other provisions of paragraph (b)(5)(ii) and (b)(7)(ii) (B) and (C) of each Rule.

8. Applicants submit that shared funding by unaffiliated insurance companies does not present any issues that do not already exist where a single insurance company is licensed to do business in several or all states. In this regard, Applicants state that a particular state insurance regulatory body could require action that is inconsistent with the requirements of other states in which the insurance company offers its policies. Accordingly, Applicants submit that the fact that different insurers may be domiciled in different states does not create a significantly different or enlarged problem.

9. Applicants state further that, under Rules 6e-2(b)(15) and 6e-3(T)(b)(15), the right of the insurance company to disregard contractowners' voting instructions does not raise any issues different from those raised by the authority of state insurance administrators over separate accounts, and that affiliation does not eliminate the potential, if any, for divergent judgments as to the advisability or legality of a change in investment policies, principal underwriter, or investment adviser initiated by contractowners. The potential for disagreement is limited by the requirements in Rules 6e-2 and 6e-3(T) that the insurance company's disregard of voting instructions be reasonable and based on specific good faith determinations.

10. Applicants submit that mixed funding and shared funding should benefit variable contract owners by: (1) Eliminating a significant portion of the costs of establishing and administering separate funds; (2) allowing for a greater amount of assets available for investment by the Trust, thereby promoting economies of scale, permitting greater safety through greater diversification, and/or making the addition of new series more feasible;

and (3) encouraging more insurance companies to offer variable contracts, resulting in increased competition with respect to both variable contract design and pricing, which can be expected to result in more product variation and lower charges. Each series of the Trust will be managed to attempt to achieve its investment objectives and not to favor or disfavor any particular participating insurer or type of insurance product.

11. Applicants believe that there is no significant legal impediment to permitting mixed and shared funding. Separate accounts, organized as unit investment trusts have historically been employed to accumulate shares of mutual funds which have not been affiliated with the depositor or sponsor of the separate account. Applicants also believe that mixed and shared funding will have no adverse federal income tax consequences.

Applicants' Conditions

The Applicants have consented to the following conditions:

1. A majority of the Board of Trustees of the Trust shall consist of persons who are not "interested persons" of the Trust as defined by section 2(a)(19) of the 1940 Act and the Rules thereunder and as modified by any applicable orders of the Commission, except that, if this condition is not met by reason of the death, disqualification, or bona fide resignation of any trustee or trustees, then the operation of this condition shall be suspended: (i) For a period of 45 days if the vacancy or vacancies may be filled by the Board of Trustees; (ii) for a period of 60 days if a vote of shareholders is required to fill the vacancy or vacancies; or (iii) for such longer period as the commission may prescribe by order upon application.

2. The Board of Trustees will monitor the Trust for the existence of any material irreconcilable conflict between the interests of the contractowners of all separate accounts investing in the Trust. A material irreconcilable conflict may arise for a variety of reasons, including: (i) An action by any state insurance regulatory authority; (ii) a change in applicable federal or state insurance, tax, or securities laws or regulations, or a public ruling, private letter ruling, no-action or interpretive letter, or any similar action by insurance, tax or securities regulatory authorities; (iii) an administrative or judicial decision in any relevant proceeding; (iv) the manner in which the investments of a series of the Trust are being managed; (v) a difference in voting instructions given by variable annuity contractowners and variable life insurance contractowners;

or (vi) a decision by a participating insurance company to disregard the voting instructions of contractowners.

3. Participating insurance companies and the business manager will report any potential or existing conflicts to the Board of Trustees of the Trust. Participating insurance companies and the business manager will be responsible for assisting the Board of Trustees of the Trust in carrying out its responsibilities under these conditions, by providing the Board will all information reasonably necessary for the Board to consider any issues raised. This responsibility includes, but is not limited to, an obligation by each participating insurance company to inform the Board whenever contractowner voting instructions are disregarded. These responsibilities will be contractual obligations of all participating insurance companies investing in the Trust under their agreements governing participation therein, and such agreements shall provide that such responsibilities will be carried out with a view only to the interests of the contractowners.

4. If a majority of the Board of Trustees of the Trust, or a majority of its disinterested trustees, determine that a material irreconcilable conflict exists, the relevant participating insurance companies shall, at their expense and to the extent reasonably practicable (as determined by a majority of the disinterested Trustees) take whatever steps are necessary to remedy or eliminate the irreconcilable material conflict, up to and including: (i) Withdrawing the assets allocable to some or all of the separate accounts from the Trust or any series thereof and reinvesting such assets in a different investment medium (including another fund, if any) or submitting the question whether such segregation should be implemented to a vote of all affected contractowners and, as appropriate, segregating the assets of any appropriate group (i.e., annuity contractowners, life insurance contractowners, or variable contractowners of one or more participating insurance companies) that votes in favor of such segregation, or offering to the affected contractowners the option of making such a change; and (ii) establishing a new registered management investment company or managed separate account. If a material irreconcilable conflict arises because of a participating insurance company's decision to disregard contractowner voting instructions, and that decision represents a minority position or would preclude a majority vote, the participating insurance company may be required, at the election of the Trust,

to withdraw its separate account's investment therein, and no charge or penalty will be imposed as result of such withdrawal. The responsibility to take remedial action in the event of a Board determination of an irreconcilable material conflict and to bear the cost of such remedial action shall be a contractual obligation of all participating insurance companies under their agreements governing participation in the Trust and these responsibilities will be carried out with a view only to the interests of the contractowners.

For the purposes of this condition (4), a majority of the disinterested members of the Board shall determine whether or not any proposed action adequately remedies any irreconcilable material conflict, but in no event will the Trust or the business manager be required to establish a new funding medium for any variable contract. No participating insurance company shall be required by this condition (4) to establish a new funding medium for any variable contract if an offer to do so has been declined by vote of a majority of contractowners materially adversely affected by the irreconcilable material conflict.

5. The Board's determination of the existence of an irreconcilable material conflict and its implications shall be made known promptly in writing to all participating insurance companies.

6. Participating insurance companies will provide pass-through voting privileges to all variable contractowners so long as the Commission continues to interpret the 1940 Act as requiring pass-through voting privileges for variable contractowners. Accordingly, participating insurance companies will vote shares of each series of the Trust held in their separate accounts in a manner consistent with timely voting instructions received from contractowners. Each participating insurance company will vote shares of each series of the Trust held in its separate accounts for which no timely voting instructions from contractowners are received, as well as shares it owns, in the same proportion as those shares for which voting instructions are received. Each participating insurance company shall be responsible for assuring that each of its separate accounts participating in the Trust calculates voting privileges in a manner consistent with the other participating insurance companies. The obligation to calculate voting privileges in a manner consistent with all other separate accounts investing in the Trust shall be a contractual obligation of all participating insurance companies

under their agreements governing participation in the Trust.

7. The Trust will notify all participating insurance companies that prospectus disclosure regarding potential risks of mixed and shared funding may be appropriate. The Trust shall disclose in its prospectus that (1) Shares of the Trust may be offered to insurance company separate accounts that fund both annuity and life insurance contracts, (2) the interests of various contractowners participating in the Trust might at some time be in conflict because of differences of tax treatment or other considerations, and (3) the Board of Trustees will monitor for any material conflicts and determine what action, if any, should be taken.

8. All reports received by the Board of Trustees regarding potential or existing conflicts, and all Board action with respect to determining the existence of a conflict, notifying participating insurance companies of a conflict and determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the Board of the Trust or other appropriate records, and such minutes or other records shall be made available to the Commission upon request.

9. If and to the extent Rule 6e-2 and Rule 6e-3(T) are amended, or Rule 6e-3 is adopted, to provide exemptive relief from any provision of the 1940 Act or the rules thereunder with respect to mixed or shared funding on terms and conditions materially different from any exemptions granted in the order requested, then the Trust, and/or the participating insurance companies, as appropriate, shall take such steps as may be necessary to comply with Rule 6e-2 and Rule 6e-3(T), as amended, and Rule 6e-3, as adopted, to the extent such rules are applicable.

10. The Trust will comply with all provisions of the 1940 Act requiring voting by shareholders (which, for these purposes, shall be the persons having a voting interest in the shares of the Trust), and in particular the Trust will either provide for annual meetings (except insofar as the Commission may interpret section 16 of the 1940 Act not to require such meetings) or comply with section 16(c) of the 1940 Act (although the Trust is not one of the trusts described in section 16(c) of the 1940 Act) as well as with sections 16(a) and, if and when applicable, 16(b). Further, the Trust will act in accordance with the Commission's interpretation of the requirements of section 16(a) with respect to periodic elections of directors (or trustees) and with whatever rules the Commission may promulgate with respect thereto.

11. The participating insurance companies and/or the business manager, at least annually, shall submit to the Board of Trustees of the Trust such reports, materials or data as the Board may reasonably request so that it may fully carry out the obligations imposed upon it by these stated conditions, and said reports, materials, and data shall be submitted more frequently if deemed appropriate by the Board. The obligations of the participating insurance companies to provide these reports, materials, and data to the Board of Trustees of the Trust when it so reasonably requests, shall be a contractual obligation of all participating insurance companies under their agreements governing participation in the Trust.

Conclusion

For the reasons stated above, Applicants assert that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 93-26105 Filed 10-22-93; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the *Federal Register* notifying the public that the agency has made such a submission.

DATES: Comments should be submitted on or before November 24, 1993. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency clearance officer: Cleo Verbillis, Small Business Administration, 409 3RD Street, SW., 5th Floor, Washington, DC 20416, Telephone: (202) 205-6629.

OMB Reviewer: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

Title: Small Business Development Center Counseling Evaluation Form.

Form No.: SBA Form 1419.

Frequency: On Occasion.

Description of Respondents: Small Business Clients.

Annual Responses: 7,000.

Annual Burden: 8,470

Dated: October 19, 1993.

Cleo Verbillis,

Chief, Administrative Information Branch.

[FR Doc. 93-26153 Filed 10-22-93; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Emergency Evacuation Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration's Aviation Rulemaking Advisory Committee to discuss emergency evacuation issues.

DATES: The meeting will be held on November 18, 1993 at 9 a.m. Arrange for oral presentations by November 11, 1993.

ADDRESSES: The meeting will be held at McDonnell Douglas, 1735 Jefferson-Davis Highway, suite 1200, Spirit Room, Crystal City, Virginia.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Ball, Aircraft Certification Service (AIR-1), 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-8235.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. II), notice is given of a meeting of the Aviation Rulemaking Advisory Committee to be held on November 18, 1993, at McDonnell Douglas, 1735 Jefferson-Davis Highway, suite 1200, Spirit Room, Crystal City, Virginia. The agenda for the meeting will include:

- Opening Remarks.

- A status report by the Performance Standards Working Group.
- A possible presentation and discussion of a draft Notice of Proposed Rulemaking on Emergency Evacuation Demonstration Procedures.
- A discussion of future activities and plans.

Attendance is open to the interested public, but will be limited to the space available. The public must make arrangements by November 11, 1993, to present oral statements at the meeting. The public may present written statements to the committee at any time by providing 25 copies to the Assistant Executive Director for Transport Airplane and Engine Issuers or by bringing the copies to him at the meeting. In addition, sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, DC, on October 19, 1993.

William J. Sullivan,

Assistant Executive Director for Emergency Evacuation Issues, Aviation Rulemaking Advisory Committee.

[FR Doc. 93-26165 Filed 10-22-93; 8:45 am]

BILLING CODE 4910-13-M

Intent To Rule on Application To Impose and Use and Impose Only the Revenue From a Passenger Facility Charge (PFC) at Billings-Logan International Airport, Billings, MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use and impose only the revenue from a PFC at Billings-Logan International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before November 24, 1993.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: David P. Gabbert, Helena Airports District Office, HLN-ADO, Federal Aviation Administration, FAA

Building, suite 2, 2725 Skyway Drive, Helena, MT 59601.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. J. Bruce Putnam, Director of Aviation and Transit at the following address: Billings-Logan International Airport, room 216, Billings, MT 59105.

Air carriers and foreign air carriers may submit copies of written comments previously provided to City of Billings under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. David P. Gabbert, (406) 449-5271; Helena Airports District Office, HLN-ADO; Federal Aviation Administration; FAA Building, suite 2, 2725 Skyway Drive, Helena, MT 59601. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use and impose only the revenue from a PFC at Billings-Logan International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On October 15, 1993, the FAA determined that the application to impose and use and impose only the revenue from a PFC submitted by the City of Billings was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than January 28, 1994.

The following is a brief overview of the application.

Level of the proposed PFC: \$3.00
Proposed charge effective date: April 1, 1994

Proposed charge expiration date: July 31, 2002

Total estimated PFC revenue:
\$5,802,957.00

Brief description of proposed project(s):

Impose and Use Projects:
Construction of Aircraft Rescue & Fire Fighting (ARFF) access road; purchase of airfield safety and maintenance equipment; preparation of airport utility master plan; purchase and replacement of communications equipment and command vehicle; upgrade of airside generator; preparation of airport access master plan; construction of an ARFF/Airfield maintenance building; replacement of ARFF vehicles; overlay of Runway 10R-28L; upgrade to water lines and sanitary sewer;

preparation of hangar site; installation of Distance-To-Go marker signing; installation of the terminal building access control system; expansion of regional airline ramp; expansion of the airfield access control system; changes to airfield guidance signs; upgrade and expansion of air carrier aprons; purchase of snow removal equipment; modification of the security check point and installation of interactive TV; improvements to the storm drainage system; impose Only projects: Relocation and upsizing of sanitary sewer; extension and upgrading of water lines; construction of terminal loop road access to Highway 3.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: None.

Any person may inspect the application in person at the FAA office listed above under "FOR FURTHER INFORMATION CONTACT" and at the FAA regional Airports office located at: Federal Aviation Administration, Northwest Mountain Region, Airports Division, ANM-600, 1601 Lind Avenue SW., suite 540 Renton, WA 98055-4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the City of Billings.

Issued in Renton, Washington on October 15, 1993.

Edward G. Tatum,
Manager, Airport's Division Northwest Mountain Region.

[FR Doc. 93-26163 Filed 10-22-93; 8:45 am]
BILLING CODE 4910-13-M

Intent To Rule on Application To Impose and Use the Revenue of a Passenger Facility Charge (PFC) at Corpus Christi International Airport, Corpus Christi, TX; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA invites public comment on the application to impose and use the revenue from a PFC at Corpus Christi International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158). This notice corrects the original notice published August 20, 1993.

DATES: Additional comments on this application must be received on or before November 24, 1993.

ADDRESSES: Additional comments on this application may be mailed or delivered in triplicate copies to the FAA at the following address: Mr. Ben Guttery, Planning and Programming Branch, ASW-610D, Airports Division, Southwest Region, Fort Worth, Texas 76193-0611.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. George D. Hext of Corpus Christi International Airport at the following address: Department of Aviation, Corpus Christi International Airport, 1000 International Drive, Corpus Christi, Texas 78406.

FOR FURTHER INFORMATION CONTACT: Mr. Ben Guttery, Federal Aviation Administration, Planning and Programming Branch, ASW-610D, Airports Division, Southwest Region, Fort Worth, Texas 76193-0611, (817) 624-5979.

SUPPLEMENTARY INFORMATION: Inadvertently left out of the original Federal Register Notice were the following proposed projects for impose and use of passenger facility charges:

Acquire Vacuum Sweeper
Acquire Handicap Lift
Acquire ARFF Vehicle
Prepare Master Plan Update

The FAA proposes to rule and invites public comment on these projects for impose and use of revenue from a PFC at Corpus Christi International Airport

under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

The FAA will approve or disapprove the application, in whole or in part, no later than November 29, 1993.

Any person may inspect the application in person at the FAA office listed above under "FOR FURTHER INFORMATION CONTACT" and at the FAA regional Airports office located at: Federal Aviation Administration, Airports Division, Planning and Programming Branch ASW-610D, 4400 Blue Mound Road, Fort Worth, Texas 76193-0611.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Corpus Christi International Airport.

Issued in Fort Worth, Texas, on October 7, 1993.

John M. Dempsey,

Manager, Airports Division.

[FR Doc. 93-26164 Filed 10-22-93; 8:45 am]

BILLING CODE 4910-13-M

the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, "Gold of Meroe" (see list ¹), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the Metropolitan Museum of Art, New York, New York, from on or about November 22, 1993 to on or about April 3, 1994, is in the national interest.

Public Notice of this determination is ordered to be published in the **Federal Register**.

Dated: October 20, 1993.

R. Wallace Stuart,

Acting General Counsel.

[FR Doc. 93-26210 Filed 10-22-93; 8:45 am]

BILLING CODE 8230-01-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to

¹ A copy of this list may be obtained by contacting Mr. Paul W. Manning of the Office of the General Counsel of USIA. The telephone number is 202/619-6827, and the address is room 700, U.S. Information Agency, 301 Fourth Street, SW., Washington, DC 20547.

Sunshine Act Meetings

Federal Register

Vol. 58, No. 204

Monday, October 25, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

DEPARTMENT OF AGRICULTURE

AGENCY: Rural Telephone Bank, USDA.
ACTION: Staff Briefing for the Board of Directors.

TIME AND DATE: 1 p.m., Wednesday, November 3, 1993.

PLACE: Room 107—Administration Building, Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC.

STATUS: Open.

MATTERS OF BE DISCUSSED: The staff briefing will consist of matters relating to:

1. Update on program legislation.
2. RTB interest rate for FY 1993.
3. Privatization discussion with guest speaker.

ACTION: Regular Meeting of the Board of Directors.

TIME AND DATE: 9 a.m., Thursday, November 4, 1993.

PLACE: Williamsburg Room—Administration Building, Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The following matters have been placed on the agenda for the Board of Directors meeting:

1. Call to Order.
2. Swearing-in of new Board members.
3. Election of Chairperson.
4. Approval of Minutes of August 5, 1993, Board meeting.
5. Report on loans approved in the fourth quarter of FY 1993.
6. Review of fourth quarter, FY 1993, financial statements.
7. Report of ad hoc committee on privatization of the RTB
8. Report of ad hoc committee on prepayments.
9. Resolution to replace lost stock certificate.
10. Establish date and location of next regular Board meeting.
11. Adjournment.

CONTACT PERSON FOR MORE INFORMATION: Matthew P. Link, Assistant Secretary, Rural Telephone Bank (202) 720-0530. James B. Huff, Sr., Governor, Rural Telephone Bank. [FR Doc. 93-26359 Filed 10-21-93; 2:13 pm]

BILLING CODE 3410-15-M

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, October 26, 1993.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Crib Toys

The Commission will consider options for Commission action with regard to a rulemaking proceeding initiated in 1990 to consider strangulation hazards associated with crib toys.

2. FY 1994 Year Operating Plan

The Commission will consider issues related to the Commission's Operating Plan for Fiscal Year 1994.

For a recorded message containing the latest agenda information, call (301) 504-0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207 (301) 504-0800.

Date: October 20, 1993.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 93-26358 Filed 10-21-93; 2:12 pm]

BILLING CODE 6355-01-M

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Item From October 21st Open Meeting

The following item has been deleted from the list of agenda items scheduled for consideration at the October 21, 1993, Open Meeting and previously listed in the Commission's Notice of October 14, 1993.

Item No., Bureau, and Subject

6—Mass Media: Title: Survey of Cable Television Service Rates. Summary: The Commission will receive a preliminary report on the results of its survey of cable television service rates and on associated matters.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93-26361 Filed 10-21-93; 2:52 pm]

BILLING CODE 6712-01-M

DEPARTMENT OF ENERGY

FEDERAL ENERGY REGULATORY COMMISSION

October 20, 1993.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), U.S.C. 552b: **DATE AND TIME:** October 27, 1993, 10:00 a.m.

PLACE: 825 North Capitol Street, NE., room 9306, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208-0400. For a recording listing items stricken from or added to the meeting, call (202) 208-1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

Consent Agenda—Hydro, 988th Meeting—October 27, 1993 Regular Meeting (10:00 a.m.)

CAH-1.

Omitted

CAH-2.

Project No. 10177-005, Town of West Stockbridge, Massachusetts

CAH-3.

Project No. 10872-003, Fall Line Hydro, Inc.

CAH-4.

Project Nos. 2100-056 and 2426-061, State of California Department of Water Resources

CAH-5.

Project No. 11330-000, South Fork Hydro Associates, dba Current Power Technologies, Inc.

CAH-6.

Project No. 11331-000, Upper Falls Hydro Associates dba Current Power Technologies, Inc.

Consent Agenda—Electric

CAE-1.

Docket No. ER93-938-000, Southwestern Electric Power Company and Public Service Company of Oklahoma

CAE-2.

Docket No. ER93-704-000, Central Maine Power Company

CAE-3.

Docket Nos. ER93-922-000 and ER93-465-000, Florida Power & Light Company

CAE-4.

Docket No. ER93-920-000, New England Power Company

CAE-5.

- Docket No. ER92-812-000, Wisconsin Electric Power Company
CAE-6.
Docket No. EF93-5091-000, United States Department of Energy—Western Areas Power Administration (Boulder Canyon Project)
CAE-7.
Docket Nos. ER81-177-012 (Phase II), FA85-67-001 and ER88-83-000, Southern California Edison Company
CAE-8.
Docket No. ER92-330-000, Green Mountain Power Corporation
CAE-9.
Docket No. ER92-67-005, Western Massachusetts Electric Company
CAE-10.
Docket No. ER93-540-001, American Electric Power Service Corporation
CAE-11.
Docket No. ER92-812-001, Wisconsin Electric Power Company
CAE-12.
Docket No. EL93-39-001, Daggett Leasing Corporation
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Electric Agenda

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Oil and Gas Agenda

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II. Restructuring Matters

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III. Pipeline Certificate Matters

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Lois D. Cashell,

Secretary.

[FR Doc. 93-26270 Filed 10-21-93; 10:51 am]

BILLING CODE 6717-01-M

FEDERAL TRADE COMMISSION

TIME AND DATE: 2:00 p.m., Wednesday, December 1, 1993.

PLACE: Federal Trade Commission Building, Room 532, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions Open to Public:

(1) Oral Argument in Griffin Systems, Inc. et al., Docket 9249

Portions Closed to the Public:

(2) Executive Session to follow Oral Argument in Griffin Systems, Inc. et al., Docket 9249

CONTACT PERSON FOR MORE INFORMATION: Bonnie Jansen, Office of Public Affairs: (202) 326-2180, Recorded Message:(202) 326-2711.

Benjamin I. Berman,
 Acting Secretary.

[FR Doc. 93-26239 Filed 10-21-93; 9:03 am]

BILLING CODE 6750-01-M

Corrections

Federal Register

Vol. 58, No. 204

Monday, October 25, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 641

[Docket No. 93094-3246; ID 090993A]

RIN 0648-AE58

Reef Fish Fishery of the Gulf of Mexico

Correction

In proposed rule document 93-24496 beginning on page 52063 in the issue of Wednesday, October 6, 1993, make the following correction:

§ 641.21 [Corrected]

On page 52069, in the third column, in § 641.21(a), in the second line, insert "(1)" before "Red snapper-".

BILLING CODE 1805-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

[Docket No. 930830-3230; L.D. 073093C]

Northeast Multispecies Fishery

Correction

In rule document 93-23427 beginning on page 49940 in the issue of Friday, September 24, 1993, make the following correction:

On page 49940, in the second column, in the DATES, in the first line, insert "Effective:" before "September 24, 1993."

BILLING CODE 1805-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 93-ANM-21]

Proposed Amendment to Class E Airspace; Blanding, UT

Correction

In proposed rule document 93-24148 beginning on page 51256, in the issue of Friday, October 1, 1993, make the following correction:

§ 71.1 [Corrected]

On page 51257, in the third column, in § 71.1, in Paragraph 6005, under ANM UT E5 Blanding, UT [Revised], in the second line, "(Lat. 37°4'59' * * *)" should read "(Lat. 37°34'59' * * *)".

BILLING CODE 1805-01-D

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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| 1, 2 (2 Reserved) | (869-019-00001-1) | \$15.00 | Jan. 1, 1993 |
| 3 (1992 Compilation and Parts 100 and 101) | (869-019-00002-0) | 17.00 | Jan. 1, 1993 |
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| 1-124 | (869-019-00127-1) | 20.00 | July 1, 1993 | 140-155 | (869-017-00172-4) | 12.00 | Oct. 1, 1992 |
| 125-199 | (869-019-00128-0) | 25.00 | July 1, 1993 | 156-165 | (869-017-00173-2) | 14.00 | ⁸ Oct. 1, 1991 |
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| 300-399 | (869-019-00131-0) | 20.00 | July 1, 1993 | 47 Parts: | | | |
| 400-End | (869-019-00132-8) | 37.00 | July 1, 1993 | 0-19 | (869-017-00177-5) | 22.00 | Oct. 1, 1992 |
| 35 | (869-019-00133-6) | 12.00 | July 1, 1993 | 20-39 | (869-017-00178-3) | 22.00 | Oct. 1, 1992 |
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| 18-End | (869-019-00138-7) | 30.00 | July 1, 1993 | 2 (Parts 201-251) | (869-017-00184-8) | 15.00 | Oct. 1, 1992 |
| 39 | (869-019-00139-5) | 17.00 | July 1, 1993 | 2 (Parts 252-299) | (869-017-00185-6) | 12.00 | Oct. 1, 1992 |
| 40 Parts: | | | | 3-6 | (869-017-00186-4) | 22.00 | Oct. 1, 1992 |
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| 100-149 | (869-017-00144-9) | 34.00 | July 1, 1992 | 178-199 | (869-017-00192-9) | 19.00 | Oct. 1, 1992 |
| 150-189 | (869-017-00145-7) | 21.00 | July 1, 1992 | 200-399 | (869-017-00193-7) | 27.00 | Oct. 1, 1992 |
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| 260-299 | (869-017-00147-3) | 36.00 | July 1, 1992 | 1000-1199 | (869-017-00195-3) | 19.00 | Oct. 1, 1992 |
| 300-399 | (869-017-00148-1) | 15.00 | July 1, 1992 | 1200-End | (869-017-00196-1) | 21.00 | Oct. 1, 1992 |
| 400-424 | (869-017-00149-0) | 26.00 | July 1, 1992 | 50 Parts: | | | |
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| 790-End | (869-017-00152-0) | 25.00 | July 1, 1992 | 600-End | (869-017-00199-6) | 20.00 | Oct. 1, 1992 |
| | | | | CFR Index and Findings Aids | | | |
| | | | | Aids | (869-019-00053-4) | 36.00 | Jan. 1, 1993 |
| | | | | Complete 1993 CFR set | | 775.00 | 1993 |

| Title | Stock Number | Price | Revision Date |
|---------------------------------------|--------------|--------|---------------|
| Microfiche CFR Edition: | | | |
| Complete set (one-time mailing) | | 188.00 | 1990 |
| Complete set (one-time mailing) | | 188.00 | 1991 |
| Complete set (one-time mailing) | | 188.00 | 1992 |
| Subscription (mailed as issued) | | 223.00 | 1993 |
| Individual copies | | 2.00 | 1993 |

¹ Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

² The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

³ The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

⁴ No amendments to this volume were promulgated during the period Apr 1, 1990 to Mar. 31, 1993. The CFR volume issued April 1, 1990, should be retained.

⁵ No amendments to this volume were promulgated during the period Apr 1, 1991 to Mar. 31, 1993. The CFR volume issued April 1, 1991, should be retained.

⁶ No amendments to this volume were promulgated during the period July 1, 1989 to June 30, 1992. The CFR volume issued July 1, 1989, should be retained.

⁷ No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1993. The CFR volume issued July 1, 1991, should be retained.

⁸ No amendments to this volume were promulgated during the period October 1, 1991 to September 30, 1992. The CFR volume issued October 1, 1991, should be retained.

Federal Register

Monday
October 25, 1993

**Unified Agenda of
Federal Regulations**

federal register

**Monday
October 25, 1993**

Unified Agenda of Federal Regulations

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Note: Parts IX–LXI and indexes appear in Books 2 and 3 of this issue.

Federal Register

Monday
October 25, 1993

Part II

Regulatory Information Service Center

Introduction to the Unified Agenda of
Federal Regulations

**REGULATORY INFORMATION
SERVICE CENTER****Unified Agenda of Federal Regulations**

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulations.

SUMMARY: The Regulatory Flexibility Act (5 U.S.C. 602) requires that agencies publish semiannual regulatory agendas describing regulatory actions they are developing. On September 30, 1993, President Clinton signed Executive Order 12866 "Regulatory Planning and Review" (58 FR 51735, October 4, 1993), which, among other things, requires agencies to publish agendas of all regulations under development or review. The April 1994 edition of the **Unified Agenda of Federal Regulations** will be prepared in accordance with the provisions of E.O. 12866.

This edition was prepared in accordance with Executive Order 12291 and OMB memoranda implementing section 5 of that Executive order, which were in effect at the time agencies prepared their submissions. Those documents established minimum standards for executive agencies' agendas, including specific types of information for each entry and publication in a uniform format. In addition, the Office of Federal Procurement Policy Act Amendments of 1988 (41 U.S.C. 402) require the development and semiannual publication of a report on procurement regulations. The Unified Agenda helps fulfill that requirement as well. All Federal regulatory agencies have chosen to publish their regulatory agendas as part of this **Unified Agenda of Federal Regulations**.

The following separate parts in this issue of the **Federal Register** are the agency agendas, which together comprise the October 1993 edition of the semiannual **Unified Agenda of Federal Regulations**.

ADDRESSES: Regulatory Information Service Center, 750 17th Street NW., Suite 500, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory actions, please refer to the Agency Contact listed for each entry. To provide comment on or to obtain further information about the **Unified Agenda of Federal Regulations**, contact: Mark G. Schoenberg, Executive Director, (202) 634-6222, or Margaret M. Donohoe, Project Director, (202) 634-6220.

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**INTRODUCTION TO THE UNIFIED
AGENDA OF FEDERAL
REGULATIONS****About the Unified Agenda**

The Regulatory Information Service Center (the Center) compiles the **Unified Agenda of Federal Regulations** (Unified Agenda) for the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The Center provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency managers, and the public. The Office of Information and Regulatory Affairs is responsible for overseeing the Federal Government's regulatory, paperwork, and information resource management activities.

The Unified Agenda provides uniform reporting of data on regulatory activities under development throughout the Federal Government. This edition of the Unified Agenda includes 59 regulatory agendas from all Federal departments, agencies, and commissions that publish agendas. Agencies of the United States Congress are not included. The Federal Mediation and Conciliation Service, the Institute of Museum Services, the National Capital Planning Commission,

and the Office of Special Counsel have published regulatory agendas in the past but have nothing to report for this edition.

The regulatory activities included in the agency agendas are those currently planned for the next 12 months. The agendas do not include regulations that were excluded from review under E.O. 12291, such as those concerning military or foreign affairs functions and regulations related to internal agency management.

The Regulatory Flexibility Act (5 U.S.C. 601) requires that agencies publish regulatory agendas identifying those rules that may have a significant economic impact on a substantial number of small entities. Agencies meet that requirement by including the information in their submissions for the **Unified Agenda of Federal Regulations**.

In addition, Executive Order 12612 of October 26, 1987, entitled "Federalism" (3 CFR, 1987 Comp., p. 252) directs executive departments and agencies to identify proposed regulatory provisions that have significant federalism implications. As part of this effort, agencies include in their submissions for the Unified Agenda information on whether their regulatory actions may have an effect on various levels of government.

The Unified Agenda also helps fulfill the statutory requirement that the Office of Federal Procurement Policy (OFPP) publish a **Procurement Regulatory Activity Report** as required by the Office of Federal Procurement Policy Act Amendments of 1988 (102 Stat. 4055; 41 U.S.C. 402). In their agendas, agencies indicate which regulatory actions are procurement-related, as well as whether or not there is a statutory requirement or a paperwork burden associated with the procurement-related actions. Information that agencies publish in the Unified Agenda is used by OFPP to produce its report.

The Unified Agenda is produced through a computer system designed and maintained by the Center with the advice and assistance of the Government Printing Office. The system was designed to save agencies time and money by automating the preparation and printing of their agendas in a uniform format and to make the Unified Agenda easier to use. In order to further facilitate producing the Unified Agenda, many agencies currently use computer terminals at their offices to enter agenda information into the Center's computer system.

All agendas contain uniform data elements -- regulation title, significance, legal authority, CFR citation, legal deadline, abstract, timetable, small entities affected, government levels affected, procurement, agency contact, and a unique Regulation Identifier Number. Agencies also include any additional information they consider important. If any of the data elements are not included, the agency either did not report the information or may provide an explanation in its preamble, the text that introduces the agency's section of the Unified Agenda. For further information, please contact the individual agency.

Congress generally authorizes a single Federal agency to implement, through regulation, a specific policy objective. Sometimes, however, a statute may require that several agencies issue regulations to accomplish the objective. In such cases, the agencies, working with a central coordinator, jointly publish the documents issued in the course of the rulemaking proceeding. These proceedings are referred to as Governmentwide common rules.

In this edition of the Unified Agenda, three Governmentwide common rules are reported by the agencies participating in their development.

They are:

- Debarment and Suspension
- New Restrictions on Lobbying
- Uniform Administrative Requirements for Grants and Cooperative Agreements With State and Local Governments

Agencies participating in the development of these common rules have reported them in their individual sections of the Unified Agenda.

Regulatory agendas have been required by Executive orders since 1978. The **Unified Agenda of Federal Regulations** has been published in April and October of each year since 1983. We welcome comments on this edition and suggestions for improving future ones.

How To Use the Unified Agenda

Each agency agenda appears as a separate part in this edition of the **Federal Register**. The parts are organized alphabetically in four groups: Cabinet departments, other executive agencies, joint authorities, and independent agencies. Departments are divided into agencies, which may in turn be divided into subagencies.

Each agency introduces its section of the Unified Agenda with a preamble providing information specific to that section. Each agency lists its rules in four groups:

1. Prerule Stage -- actions agencies will undertake in the next 12 months to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking and may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.

2. Proposed Rule Stage -- actions for which agencies plan to publish a Notice of Proposed Rulemaking (NPRM) as the next step in their rulemaking process or for which the closing date of the NPRM Comment Period is the next step.

3. Final Rule Stage -- actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step in their rulemaking process.

4. Completed Actions -- actions or reviews the agency completed or withdrew since publishing its last agenda. This section also includes items that were begun and completed between issues of the Unified Agenda.

An agency may use a subheading to identify regulations that it has grouped according to a particular topic. When these subheadings are used, they appear above the title of the first regulation in the group.

A bullet (●) preceding an entry indicates that the entry appears in the Unified Agenda for the first time.

All entries are numbered sequentially from the beginning to the end of the Unified Agenda. The Sequence Number (Seq. No.) preceding the title of each entry identifies the location of the entry in this edition of the Unified Agenda. The same number is used in the indexes, to enable readers to find entries on specific subjects.

For each agency that requests it, the Center provides a computer-produced Table of Contents that appears after the agency preamble. The agency Tables of Contents help readers locate quickly those entries within an agency that may be of most interest to them. Sequence numbers also appear in agency Tables of Contents.

The Unified Agenda contains three indexes. The first two indexes list the regulatory actions that agencies believe may have effects on small entities or levels of government. In addition, the Unified Agenda contains a Subject Index based on the **Federal Register Thesaurus of Indexing Terms** to help readers locate entries from various agencies that may affect a particular area of interest. The index also contains cross references to assist the reader's search.

Entries describing regulations in the Unified Agenda should contain, at a minimum, the following information:

- **Title of the Regulation.**
- **Significance** -- an indication of the significance of the entry that appears when:
 - a. The action met the criteria for inclusion in the **Regulatory Program of the United States Government**, or
 - b. the agency otherwise considers the action a priority.
 The Significance heading appears only if the entry is a significant action.
- **Legal Authority** -- the section(s) of the United States Code (U.S.C.) or Public Law (P.L.) or the Executive order (E.O.) that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.
- **CFR Citation** -- the section(s) of the Code of Federal Regulations that will be affected by the action.
- **Legal Deadline** -- an indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some "Other" action.
- **Abstract** -- a description of the problem the regulation will address; the need for a Federal solution; to the extent available, the alternatives that the agency is considering to address the problem; and the potential costs and benefits of the action.
- **Timetable** -- the dates and citations (if available) for all past steps and at least a projected date for the next step for the regulatory action. If a date appears in this section as 00/00/00, it means the date of the action is currently undetermined. Similarly, 04/00/94 means the agency can predict the month and year the action will take place but not the day it will occur.
- **Small Entities Affected** -- indicates whether the rule is expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601) and, if so, whether the small entities are businesses, governmental jurisdictions, or organizations.
- **Government Levels Affected** -- indicates whether the rule is expected to affect levels of government and, if so, whether the governments are local, State, or Federal.
- **Agency Contact** -- the name, title, address, and phone number of a person in the agency who is knowledgeable about the regulation.

- **Procurement** -- a statement identifying procurement-related actions and indicating whether there is a statutory requirement for the action and whether there is a paperwork burden associated with the action. The Procurement heading appears only if the entry is a procurement-related action.

Some agencies have provided other optional information at their discretion.

Data Limitations

Agencies prepared entries for this edition of the Unified Agenda to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Unified Agenda does not create a legal obligation on agencies to adhere to schedules within it or to confine their regulatory activities to those regulations that appear in it. The information in this edition is accurate as of August 27, 1993, in the judgment of the submitting agencies, except as otherwise noted in individual agency preambles. Where applicable, individual actions will be subject to review for compliance with applicable Executive orders, the Regulatory Flexibility Act, the Office of Federal Procurement Policy Act Amendments of 1988, and the Paperwork Reduction Act at appropriate points in the regulatory process.

List of Abbreviations

The following abbreviations appear throughout this edition of the Unified Agenda:

ANPRM -- An Advance Notice of Proposed Rulemaking is a preliminary notice that an agency is considering a regulatory action. The agency issues an ANPRM before it develops a detailed proposed rule. The ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a notice of proposed rulemaking.

CFR -- The Code of Federal Regulations is an annual codification of the general and permanent regulations

published in the Federal Register by the departments and agencies of the Federal Government. The Code is divided into 50 titles, and each title covers a broad area subject to Federal regulation. The CFR is keyed to and kept up to date by the daily issues of the Federal Register.

EO -- An Executive order is a directive from the President to an executive agency, issued under constitutional or statutory authority. Executive orders are published in the Federal Register and in title 3 of the Code of Federal Regulations.

FR -- The Federal Register is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal departments and agencies.

FY -- The Federal fiscal year runs from October 1 to September 30.

NPRM -- A Notice of Proposed Rulemaking is the document an agency issues and publishes in the Federal Register that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act (5 U.S.C. 553), an NPRM must include, at a minimum:

- A statement of the time, place, and nature of the public rulemaking proceeding;
- a reference to the legal authority under which the rule is proposed; and
- either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL -- A Public Law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, as opposed to a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the 2-year life of each Congress; for example, PL 103-5 is the fifth public law of the 103rd Congress.

RFA -- A Regulatory Flexibility Analysis describes the impact of a proposed rule on small entities as required by the Regulatory Flexibility Act (5 U.S.C. 601). An RFA describes why the agency is considering the action; the objectives of and legal basis for the proposed rule; an estimate of the number of small entities that could be affected and the compliance requirements they would have to fulfill; any other duplicative, overlapping, or conflicting Federal rules; and alternatives to the proposed action. When required, an initial RFA

accompanies an NPRM, and a final RFA accompanies a final rule.

RIA -- A Regulatory Impact Analysis has been required by E.O. 12291 for all major rules and other regulations designated by the Office of Management and Budget. An RIA was prepared to determine whether a proposed regulatory action met the requirements of section 2 of E.O. 12291; namely, that it:

- Be based on adequate information concerning the need for and consequences of the action;
- not be undertaken unless the potential benefits outweigh the potential costs to society;
- maximize net benefits to society;
- entail the least net cost to society of the alternatives considered; and

- take into account the condition of particular affected industries, the national economy, and contemplated future regulatory actions.

RIN -- The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Unified Agenda. Many agencies include RIN numbers in the headings of their Rule and Proposed Rule documents when publishing them in the **Federal Register**.

Seq. No. -- The Sequence Number identifies the location of an entry in this edition of the Unified Agenda.

USC -- The United States Code is a consolidation and codification of all general and permanent laws of the United States. The USC is divided into

50 titles, and each title covers a broad area of Federal law.

Information About Additional Copies

Additional copies of this edition of the **Federal Register** are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9325, (202) 783-3238.

Copies of individual agency agendas may be available directly from the agency. Please contact the particular agency for further information.

Dated: October 13, 1993.

Mark G. Schoenberg,

Executive Director.

[FR Doc. 93-25548 Filed 10-22-93; 8:45 am]

BILLING CODE 6820-27-F

Federal Register

Monday
October 25, 1993

Part III

Department of
Agriculture

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE (USDA)

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A, Chs. I-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semiannual Regulatory Agenda, October 1993

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of major and nonmajor regulations being developed in agencies of the U.S. Department of Agriculture in conformance with Executive Order 12291 "Federal Regulation." The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Public Law 96-354.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates

shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action.

Requests for copies of the agenda should include a self-addressed, stamped envelope and be directed to: Regulatory Agenda, OBPA, Office of the Secretary, Room 147-E, Administration Building, U.S. Department of Agriculture, Washington, DC 20250, (202) 720-1272.

Dated: September 10, 1993.

Marvin J. Shapiro,

Chief, Legislative, Regulatory, and Automated Systems Division.

Agricultural Marketing Service—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1 | Organic Certification of Organic Food Production Act of 1990 | 0581-AA40 |
| 2 | Relating to Inspection and Grading of Burley Tobacco | 0581-AB01 |
| 3 | Revision of Licensing Procedures for Cottonseed Samplers | 0581-AB05 |

Agricultural Marketing Service—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4 | National Laboratory Accreditation Program | 0581-AA38 |
| 5 | Establish a Processor-Funded Milk Promotion Program | 0581-AA44 |
| 6 | Revision of Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products | 0581-AA45 |
| 7 | Regulations Under the Federal Seed Act | 0581-AA52 |
| 8 | Policy Statement and Regulations Governing Availability of Tobacco Inspection Services to Burley Tobacco on Designated Markets | 0581-AA56 |
| 9 | Review of Basic Formula Price in All Federal Milk Orders | 0581-AA57 |
| 10 | Voluntary and Mandatory Egg and Egg Products Inspection | 0581-AA58 |
| 11 | Grading of Shell Eggs | 0581-AA60 |
| 12 | Voluntary Grading of Poultry Products and Rabbit Products | 0581-AA61 |
| 13 | Fees and Charges, Mandatory Tobacco Inspection | 0581-AA62 |
| 14 | User Fees for Cotton Classification Services to Growers | 0581-AA75 |
| 15 | User Fees for Cotton Classification Services to Growers | 0581-AA86 |
| 16 | Egg Research and Promotion Rules and Regulations | 0581-AA87 |
| 17 | Grading and Inspection, Specifications for Approved Dairy Plants and Standards for Grades of Dairy Products; General Specification for Dairy Plants Approved for USDA Inspection and Grading | 0581-AA95 |
| 18 | Grading and Inspection, General Specifications for Approved Dairy Plants and Standards for Grades of Dairy Products; United States Standards for Grades of Nonfat Dry Milk (Spray Process) | 0581-AA96 |
| 19 | Grading and Inspection, General Specifications for Approved Dairy Plants and Standards for Grades of Dairy Products; United States Standards for Instant Nonfat Dry Milk | 0581-AA97 |
| 20 | Amendment to Cotton Board Rules and Regulations | 0581-AA98 |
| 21 | United States Standards for Grades of Tomato Sauce | 0581-AA99 |
| 22 | United States Standards for Grades of Canned Peas | 0581-AB00 |
| 23 | Revision of the Regulations Governing Inspection Certification and Standards for Fresh Fruits, Vegetables, and Other Products | 0581-AB02 |
| 24 | Revision of Fees for Fresh Fruit and Vegetable Destination Market Grading Services | 0581-AB03 |

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Agricultural Marketing Service—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 25 | Grading and Inspection, General Specifications for Approved Plants, and Standards for Grades of Dairy Products: Fee Increase | 0581-AB04 |
| 26 | Amendment to Regulations for Providing Cotton Classification Services | 0581-AB06 |
| 27 | Recovery Through Fees of Agricultural Marketing Services' Standardization Activities | 0581-AB07 |

Agricultural Marketing Service—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 28 | Refrigeration and Labeling Requirements for Shell Eggs | 0581-AA66 |
| 29 | Procedures for Conduct of Soybean Referendum | 0581-AA77 |
| 30 | Agency Reorganization of Analytical Testing Services | 0581-AA85 |
| 31 | Increased Testing Fees for Inspection and Certification of Quality of Agriculture and Vegetable Seeds Under the Agricultural Marketing Act of 1946 | 0581-AA90 |
| 32 | Regulation Governing the Fresh Irish Round White Potato Diversion Program, 1992 Crop | 0581-AA93 |
| 33 | Soybean Promotion and Research; Rules and Regulations | 0581-AA94 |

Agricultural Marketing Service—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 34 | Review of Pricing Provisions in All Federal Milk Marketing Orders | 0581-AA37 |
| 35 | Recordkeeping Requirements for Certified Applicators of Federally Restricted Use Pesticides | 0581-AA39 |
| 36 | Fee Increase for Dairy Grading Program | 0581-AA42 |
| 37 | Mandatory Inspection of Eggs and Egg Products | 0581-AA55 |
| 38 | Egg Research and Promotion Rules and Regulations | 0581-AA59 |
| 39 | Amendment to Cotton Board Rules and Regulations | 0581-AA63 |
| 40 | Milk for Manufacturing Purposes and Its Production and Processing; Requirements Recommended for Adoption by State Regulatory Agencies | 0581-AA70 |
| 41 | Fresh Fruits, Vegetables, and Other Products (Inspection, Certification, and Standards) | 0581-AA71 |
| 42 | Beef Promotion and Research Reapportionment | 0581-AA76 |
| 43 | Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From the Soybean Promotion and Research Order | 0581-AA78 |
| 44 | Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets | 0581-AA84 |
| 45 | Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products | 0581-AA88 |
| 46 | Grading and Inspection General Specifications for Approved Plants and Standards for Grades of Dairy Products; General Specification for Dairy Plants | 0581-AA89 |
| 47 | Increase in Fees for Meat Grading and Certification Services | 0581-AA91 |
| 48 | Pork Promotion and Research: Decrease in Importer Assessments | 0581-AA92 |

Agricultural Stabilization and Conservation Service—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 49 | Common Provisions for the 1994 Wheat, Feed Grain, Cotton, and Rice Programs | 0560-AC74 |
| 50 | Amendments to the Production Adjustment Regulations—Reconstitution of Bases, Allotments and Quotas | 0560-AC99 |
| 51 | Pilot Voluntary Production Limitation Program | 0560-AD00 |
| 52 | 1994 Feed Grain Loan Rates and Acreage Reduction Levels | 0560-AD02 |
| 53 | Amendments to CCC Debt Settlement Regulations Regarding Waiver of Restriction on Program Eligibility and Collection of Judgments by Administrative Offset | 0560-AD09 |
| 54 | Amendment to the U.S. Warehouse Act Regulations—License and Inspection Fees | 0560-AD13 |
| 55 | Amendment to the U.S. Warehouse Act Regulations—Use of Electronic Cotton Warehouse Receipts | 0560-AD14 |

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Agricultural Stabilization and Conservation Service—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 56 | Conservation Environmental Programs Regulations Regarding Water Quality Incentives Project, Cost Share Provisions of the Emergency Conservation Program, and Other Revisions | 0560-AD18 |
| 57 | 1994 Rice Program | 0560-AD18 |
| 58 | 1994 Wool and Mohair Program | 0560-AD19 |
| 59 | 1994-Crop Peanuts National Poundage Quota | 0560-AD20 |
| 60 | 1994 Upland Cotton Program | 0560-AD21 |
| 61 | 1994 Extra Long Staple Cotton Program | 0560-AD22 |
| 62 | 1994-Crop Marketing Quotas for Minor Kinds of Tobacco | 0560-AD23 |
| 63 | Deduction From Peanut Price Support Advances | 0560-AD33 |
| 64 | 1995 Feed Grain Program | 0560-AD37 |
| 65 | 1995 Rice Program | 0560-AD38 |
| 66 | 1995 Upland Cotton Program | 0560-AD39 |
| 67 | 1995 Wool and Mohair Program | 0560-AD40 |
| 68 | 1995 Extra Long Staple Cotton Program | 0560-AD42 |
| 69 | 90-Day Rule | 0560-AD43 |
| 70 | Colorado River Basin Salinity Control Program Amendments | 0560-AD45 |
| 71 | Term Limits for National Officers or State Presidents of the National Association of Farmer Elected Committeemen | 0560-AD46 |
| 72 | 1994 Options Pilot Program | 0560-AD48 |
| 73 | Amendment to the Emergency Livestock Assistance Regulations Regarding Feed Prices | 0560-AD49 |
| 74 | Amendment to the Acreage Conservation Reserve and the Conserving Use Acreage Regulations for Producers Affected by Excessive Rainfall and Flooding | 0560-AD50 |

Agricultural Stabilization and Conservation Service—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
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| 75 | Amend U.S. Warehouse Act (USWA) Regulations To Provide Informal Hearings for USWA Licensed Warehousemen | 0560-AC05 |
| 76 | Sugar and Crystalline Fructose Marketing Allotment Regulations for Fiscal Years 1992 Through 1996 | 0560-AC14 |
| 77 | Excessive Manufacturing (Make) Allowances in State Marketing Orders for Milk | 0560-AC23 |
| 78 | Allocation of Procurement of Processed Agricultural Commodities for Donation on a Lowest Landed Cost Basis | 0560-AC27 |
| 79 | 1993 Wool and Mohair Program | 0560-AC65 |
| 80 | 1994 Wheat Loan Rate and Acreage Reduction Program | 0560-AC75 |
| 81 | Amendment to the Highly Erodible Land and Wetland Conservation Program Regulations—Person Determinations | 0560-AC86 |
| 82 | Amendments to the Sugar Marketing Assessment Regulations | 0560-AC91 |
| 83 | Amendments to the Wetlands Regulation Regarding Abandoned Acreage and Drainage by Drainage Districts | 0560-AC92 |
| 84 | General Price Support Regulations for Grain, Rice, Oilseeds, Cotton, and Honey for the 1991-95 Crops | 0560-AC95 |
| 85 | 1993-Crop Sugar Beet and Sugarcane Price Support Loan Rates | 0560-AC98 |
| 86 | Agricultural Conservation and Stabilization Service Debt Settlement Regulations | 0560-AD03 |
| 87 | Farmer-Owned Reserve (FOR) Program for the 1993 Crop of Feed Grains | 0560-AD17 |
| 88 | 1994-Crop Marketing Quota and Price Support Level for Flue-Cured Tobacco | 0560-AD24 |
| 89 | 1994-Crop Marketing Quota and Price Support Level for Burley Tobacco | 0560-AD25 |
| 90 | 1994 Oilseed Program | 0560-AD26 |
| 91 | 1994 National Average Loan Rate for Quota and Additional Peanuts and Minimum CCC Export-Edible Sales Price for Additional Peanuts | 0560-AD27 |
| 92 | 1994-Crop Price Support Levels for Minor Kinds of Tobacco | 0560-AD28 |
| 93 | Upland Cotton User Marketing Certificate Program Regulations | 0560-AD29 |
| 94 | Farmer-Owned Reserve Program Eligibility Requirements | 0560-AD30 |
| 95 | Determination of Prevailing World Market Prices for the 1993-1995 Crops of Oilseeds | 0560-AD32 |
| 96 | 1993 Wheat Farmer-Owned Reserve (FOR) Program | 0560-AD34 |
| 97 | Upland Cotton Adjusted World Price—Coarse Count Adjustment | 0560-AD36 |
| 98 | 1994-Crop Sugar Beet and Sugarcane Price Support Loan Rates | 0560-AD41 |
| 99 | Amendments to the Cotton Price Support Regulations Regarding 1993 Specifications for Bale Packaging Materials and Other Administrative Changes | 0560-AD44 |
| 100 | Amendments to Regulations Regarding Payments to Persons Convicted of Controlled Substance Violations | 0560-AD47 |

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Agricultural Stabilization and Conservation Service—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
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| 101 | National Average Loan Rates for 1993-Crop Quota and Additional Peanuts and Minimum Commodity Credit Corporation (CCC) Export-Edible Sales Price for Additional Peanuts | 0560-AC61 |
| 102 | Farmer-Owned Reserve (FOR) Program for the 1992 Crop of Feed Grains | 0560-AC71 |
| 103 | Sugar and Crystalline Fructose Marketing Allotment Regulations for Fiscal Years 1992 Through 1996 | 0560-AC76 |
| 104 | 1993-Crop Marketing Quota and Price Support Level for Burley Tobacco | 0560-AC80 |
| 105 | 1993-Crop Marketing Quotas for Five Kinds of Tobacco | 0560-AC81 |
| 106 | 1993-Crop Price Support Levels for Six Kinds of Tobacco | 0560-AC82 |
| 107 | 1993-94 Marketing Year Penalty Rate for All Kinds of Tobacco Subject to Quotas | 0560-AC97 |
| 108 | Disaster Payment Program | 0560-AD04 |
| 109 | Colorado River Basin Salinity Control Program | 0560-AD05 |
| 110 | Amendment to the Regulations for the Agricultural Foreign Disclosure Act of 1978 Regarding Land Used for Forestry Production | 0560-AD06 |
| 111 | Amendment to the 1993-1995 Peanut Price Support Regulations Regarding Fall Transfers | 0560-AD10 |
| 112 | Acre-for-Acre Transfer of Fire-Cured, Dark Air-Cured, and Virginia Sun-Cured Tobacco Acreage Allotments | 0560-AD11 |
| 113 | 1993-95 Wheat and Feed Grain Marketing Loan Program Regulations | 0560-AD12 |
| 114 | Options Pilot Program | 0560-AD15 |
| 115 | Tree Assistance Program, Phase III | 0560-AD35 |

Animal and Plant Health Inspection Service—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 116 | Importation of Fruits and Vegetables | 0579-AA58 |
| 117 | Animal Welfare—Standards for Marine Mammals | 0579-AA59 |

Animal and Plant Health Inspection Service—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 118 | Exotic Newcastle Disease in All Birds and Poultry; Psittacosis and Ornithosis in Poultry | 0579-AA22 |
| 119 | Privately Operated Quarantine Facilities for Imported Ruminants and Swine | 0579-AA28 |
| 120 | Regulation of Horses and Farm Animals Under the Animal Welfare Act | 0579-AA31 |
| 121 | National Environmental Policy Act Implementing Procedures | 0579-AA33 |
| 122 | Cyclical Review of 9 CFR Part 92, Phase II | 0579-AA34 |
| 123 | Importation of Certain Animals and Poultry and Certain Animal and Poultry Products—Prevention of Poultry Diseases | 0579-AA38 |
| 124 | Importation of Nursery Stock Plants, Roots, Bulbs, Seeds, and Other Plant Products—Phase II | 0579-AA41 |
| 125 | Importation of Unmanufactured Wood | 0579-AA47 |
| 126 | Chicken Disease Caused by Salmonella Enteritidis | 0579-AA48 |
| 127 | Pseudorabies | 0579-AA49 |
| 128 | Importation of Certain Dried Pork Products | 0579-AA50 |
| 129 | Addition of Cervidae to the Regulations Concerning Tuberculosis in Livestock | 0579-AA53 |
| 130 | Export Certification | 0579-AA54 |
| 131 | Bird Importations; Quarantine Facilities | 0579-AA57 |

Animal and Plant Health Inspection Service—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
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| 132 | Honeybees and Honeybee Semen; Removing Certain Restrictions on Honeybees and Honeybee Semen From New Zealand | 0579-AA37 |
| 133 | User Fees | 0579-AA43 |
| 134 | Harry S Truman Animal Import Center (HSTAIC); Exclusive Use | 0579-AA56 |

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Animal and Plant Health Inspection Service—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
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| 135 | Gypsy Moth | 0579-AA39 |
| 136 | Animal Welfare; Random Source Dogs and Cats | 0579-AA42 |
| 137 | Fruits and Vegetables From Hawaii, Puerto Rico, and the Virgin Islands | 0579-AA55 |

Cooperative State Research Service—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 138 | Higher Education Challenge Grants Program; Administrative Provisions | 0524-AA02 |
| 139 | 1890 Institution Capacity Building Grants Program; Administrative Provisions | 0524-AA03 |
| 140 | Administrative Provisions for Research Grants Program | 0524-AA07 |

Cooperative State Research Service—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
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| 141 | Biotechnology Risk Assessment Research Grants Program; Administrative Provisions | 0524-AA05 |

Cooperative State Research Service—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 142 | Rangeland Research Grants Program; Administrative Provisions | 0524-AA04 |

Extension Service—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 143 | Administrative Manual for Federal Excess Personal Property Loaned to State Cooperative Research Activities | 0527-AA01 |

Farmers Home Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 144 | Liquidation, Management, and Disposition of Real Property Which Secured Single Family Housing (SFH) Loans | 0575-AA03 |
| 145 | Recapture of Section 502, Rural Housing Subsidy | 0575-AA29 |
| 146 | Section 502 Rural Housing Loan Policies, Procedures, and Authorizations | 0575-AA35 |
| 147 | Real Property Insurance | 0575-AA53 |
| 148 | Deny Credit to Applicants Delinquent on Any Federal Debt | 0575-AA66 |
| 149 | Civil Rights Compliance Requirements—1940-D | 0575-AA83 |
| 150 | Planning and Performing Site Development Work | 0575-AA88 |
| 151 | Housing for Rural Homeless and Migrant Farmworkers; Policies, Procedures, and Authorizations | 0575-AB14 |
| 152 | Rural Housing Guaranteed Loans | 0575-AB15 |
| 153 | Disposition of Interests in Indian Trust Land | 0575-AB17 |
| 154 | Management of Hazardous Substances | 0575-AB18 |
| 155 | Wastewater Circuit Rider Grants | 0575-AB24 |
| 156 | Guaranteed Loan Programs; Monitoring Liquid Accounts | 0575-AB29 |
| 157 | 1980-E Business and Industrial Loan Program—Audit Requirements | 0575-AB37 |
| 158 | Housing Preservation Grants for Replacement of Housing | 0575-AB43 |
| 159 | Loans to Indian Tribes and Tribal Corporation | 0575-AB44 |

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Farmers Home Administration—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 160 | Section 14 of the Agricultural Credit Improvement Act of 1992, (Graduation) and Sections 1819 (Loan Assessment) and 1821 (Market Placement) of the Fact Act | 0575-AB45 |
| 161 | Elimination of Consolidation of Loans | 0575-AB46 |
| 162 | Farm Labor Housing Loan and Grant Policies, Procedures, and Authorizations | 0575-AB47 |
| 163 | Community Programs Guaranteed Loans | 0575-AB48 |
| 164 | 1927-B Real Estate Title Clearance and Loan Closing | 0575-AB52 |
| 165 | Rural Business Enterprise Grants and TV Demonstration Grants Technical Assistance and Training Grants Non-profit National Corporations Loan and Grant Program | 0575-AB53 |
| 166 | Offsets of Federal Payments to FmHA Borrowers | 0575-AB55 |
| 167 | 1980-B Farmer Programs Loans—Feasible Plan | 0575-AB57 |
| 168 | Implementation Procedures for Highly Erodible Land and Wetland Conservation Provisions of the Food Security Act | 0575-AB58 |
| 169 | Revision to Planning and Performing Construction and Other Development and Related Construction Sections of Other FmHA Regulations | 0575-AB59 |
| 170 | Environmental Program | 0575-AB64 |
| 171 | Environmental Program | 0575-AB65 |
| 172 | Environmental Program | 0575-AB66 |
| 173 | Development Grants for Community Domestic Water and Waste Disposal Systems | 0575-AB68 |

Farmers Home Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 174 | Management and Collection of Nonprogram (NP) Loans | 0575-AA39 |
| 175 | Servicing Cases Where Unauthorized Loan or Other Financial Assistance Was Received—Multiple Family Housing Adverse Decisions and Administrative Appeals; FmHA Instruction 1900-B | 0575-AA69 |
| 176 | Farmer Programs Guaranteed Interest Assistance Program | 0575-AA70 |
| 177 | Farmer Programs Guaranteed Interest Assistance Program | 0575-AA80 |
| 178 | Section 502 Rural Housing Loan Policies, Procedures, and Authorizations (Deferred Mortgage Program) | 0575-AA87 |
| 179 | Farmer Program Account Servicing Policies for Section 1816 and Other Related Sections for the "1990 FACT Act" | 0575-AA91 |
| 180 | Housing Application Packaging Grants | 0575-AA92 |
| 181 | Agricultural Resource Conservation Demonstration Program | 0575-AB01 |
| 182 | Rural Rental and Rural Cooperative Housing Loan Policies, Procedures, and Authorizations | 0575-AB08 |
| 183 | Implement Section 1818 (Borrower Training) of the Food Agriculture, Conservation, and Trade Act of 1990 (Fact Act) | 0575-AB13 |
| 184 | Section 502 Rural Housing Loan Policies, Procedures, and Authorizations (Interest Credit/Earned Income) | 0575-AB16 |
| 185 | Debt Settlement—Community and Business Programs | 0575-AB26 |
| 186 | Planning and Performing Construction and Other Development | 0575-AB27 |
| 187 | Appraisal of Farms and Leasehold Interests (FIRREA) | 0575-AB30 |
| 188 | Supervised Bank Accounts and Multihousing Reserve Funds | 0575-AB31 |
| 189 | Five-Year Applicant Loan Eligibility Certification by County Committee | 0575-AB32 |
| 190 | Implementation of Certified Lender Program | 0575-AB33 |
| 191 | 1945-D Emergency Loan Policies, Procedures, and Authorizations—Waiver of Crop Insurance for Crops Planted for Harvest in 1992 and 1993 | 0575-AB38 |
| 192 | Requirement of a 10 Percent Cash Down Payment in Conjunction With Insured and Guaranteed Farm Ownership Loans, Including Credit Sale, To Purchase Farm Real Estate | 0575-AB40 |
| 193 | Insured and Guaranteed Operating and Farm Ownership Loan and Related Instructions To Implement Sections 4, 5, 7, 8, 9, and 19 of the Agricultural Credit Improvement Act of 1992 | 0575-AB41 |
| 194 | Farmer Program Account Servicing Policies—60-Day Deadline for Requesting Borrowers Loan Servicing | 0575-AB42 |
| 195 | Revisions to the Insured and Guaranteed Operating (OL), Farm Ownership, (FO), and Soil and Water Loan and Related Instructions To Implement Sections 18 and 22 of PL 102-554 | 0575-AB51 |
| 196 | Emergency Community Water Assistance Grants | 0575-AB54 |
| 197 | Implement Sections 11 and 13 of the Agriculture Credit Improvement Act 1993 (Application Processing Timeframe) | 0575-AB56 |
| 198 | Section 515 Nonprofit Set-Aside Funds | 0575-AB60 |
| 199 | FmHA Ins. 1955-A "Liquidation of Loan Secured by Real Estate and Acquisition of Real and Chattel Property" "FmHA Ins. 1955-B "Manage. of Property" FmHA Ins. 1955-C | 0575-AB62 |
| 200 | Acquisition and Management of Real and Chattel Property | 0575-AB63 |

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Farmers Home Administration—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
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| 201 | BID Application Deadline | 0575-AB67 |
| 202 | Business and Industrial Loan Program | 0575-AB69 |

Farmers Home Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
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| 203 | Housing Preservation Grants | 0575-AA18 |
| 204 | Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients | 0575-AA49 |
| 205 | Prepayment and Displacement Prevention of Multiple Family Housing Loans | 0575-AA51 |
| 206 | Rural Rental Housing Loan Policies, Procedures and Authorizations —Processing Preapplications | 0575-AA67 |
| 207 | Debt Settlement | 0575-AB10 |
| 208 | Disposal of Inventory Property | 0575-AB21 |
| 209 | Solid Waste Management Grants | 0575-AB22 |
| 210 | Technical Assistance and Training Grants | 0575-AB23 |
| 211 | Community Facility Loans—1942A | 0575-AB25 |
| 212 | 1980-E Business and Industrial Loan Program—Feasibility Studies | 0575-AB34 |
| 213 | 1980-E Business and Industrial Loan Program—Business and Industry Disaster Loans | 0575-AB35 |
| 214 | Section 502 Rural Housing Loan Policies, Procedures and Authorizations (Appraisal Fee) | 0575-AB36 |
| 215 | Insured and Guaranteed Soil and Water Loan | 0575-AB39 |
| 216 | Servicing and Liquidation of Chattel Security | 0575-AB61 |

Federal Crop Insurance Corporation—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 217 | Common Crop Insurance Regulations (Single Policy) | 0563-AA73 |
| 218 | Reinsurance Agreement—Standards for Approval Regulations for 1988 and Subsequent Contract Years | 0563-AA74 |
| 219 | General Administrative Regulations; Actual Production History (APH) Coverage Program | 0563-AA75 |

Federal Crop Insurance Corporation—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 220 | General Administrative Regulations; Appeal Procedures | 0563-AA63 |
| 221 | General Administrative Regulations; Sanctions, Civil Penalties, Suspension and Debarment | 0563-AA70 |
| 222 | General Crop Insurance Regulations; Small Grains Crop Insurance | 0563-AA76 |

Federal Crop Insurance Corporation—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
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| 223 | Late and Prevented Planting Endorsement | 0563-AA71 |

Federal Grain Inspection Service—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 224 | A Review of the Regulations Under the United States Grain Standards Act: Part 800 | 0580-AA08 |
| 225 | Regulatory Application of Water to Grain | 0580-AA25 |

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Federal Grain Inspection Service—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 226 | Fees for Official Inspection and Weighing Services | 0580-AA27 |
| 227 | United States Standards for Corn | 0580-AA28 |
| 228 | United States Standards for Barley | 0580-AA29 |
| 229 | Fees for Official Pesticide Residue Testing | 0580-AA36 |
| 230 | FGIS To Change Protein Reference Method | 0580-AA37 |

Federal Grain Inspection Service—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 231 | United States Standards for Soybeans | 0580-AA14 |
| 232 | United States Standards for Rice | 0580-AA30 |

Food and Nutrition Service—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 233 | Systematic Alien Verification for Entitlements | 0584-AA73 |
| 234 | Consideration of an Alternate Protein Source, Whey Protein Concentrate, as a Meat Alternate for Use in the Child Nutrition Programs | 0584-AB69 |

Food and Nutrition Service—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 235 | Special Supplemental Food Program for Women, Infants, and Children (WIC): Food Delivery Systems | 0584-AA80 |
| 236 | Food Stamp Program: Emergency Assistance for Victims of Disasters | 0584-AA85 |
| 237 | Food Stamp Program: Student Eligibility and Treatment of Educational Assistance | 0584-AA90 |
| 238 | Food Stamp Program: Quality Control Review of Negative Actions | 0584-AB07 |
| 239 | Special Supplemental Food Program for Women, Infants, and Children (WIC): Part 246.10, Food Package III, Children/Women With Special Dietary Needs | 0584-AB09 |
| 240 | Special Supplemental Food Program for Women, Infants and Children (WIC): Miscellaneous Provisions | 0584-AB10 |
| 241 | Child and Adult Care Food Program: Child Nutrition and WIC Reauthorization Act Amendments | 0584-AB16 |
| 242 | Child and Adult Care Food Program: Authority To Collect Overclaims | 0584-AB19 |
| 243 | Child and Adult Care Food Program: Prohibition of Institutionalized Adults | 0584-AB21 |
| 244 | Food Distribution Programs—Paperwork Reduction | 0584-AB27 |
| 245 | Food Distribution Programs—Implementation of 1990 Farm Bill | 0584-AB28 |
| 246 | Child and Adult Care Food Program: Paperwork Reduction Regulations | 0584-AB33 |
| 247 | Child Nutrition Programs: Revision of Infant Meal Patterns for the Child Nutrition Program | 0584-AB34 |
| 248 | Commodity Supplemental Food Program: Elderly-Only Sites, Administrative Funding, Referrals to Health and Social Services, Caseload Allocation Process, Priority System, and Miscellaneous | 0584-AB37 |
| 249 | Food Stamp Program: Quality Control Technical Amendments | 0584-AB38 |
| 250 | Food Stamp Program: Miscellaneous Provisions of the Food, Agriculture, Conservation, and Trade Act of 1991 and Earned Income Tax Credit | 0584-AB39 |
| 251 | Food Stamp Program: Resource Provision From the Mickey Leland Memorial Domestic Hunger Relief Act of 1990 and the Food, Agriculture, Conservation, and Trade Act of 1991 | 0584-AB40 |
| 252 | Distribution of Employment and Training Performance-Based Funds | 0584-AB47 |
| 253 | Review of Free and Reduced Price Applications on Administrative Reviews of National School Lunch Program | 0584-AB50 |
| 254 | Provisions of Computer Matching and Privacy Protection Act of 1988, Amendments of 1990, and Implementation of the Disqualified Recipient Subsystem | 0584-AB51 |
| 255 | Special Supplemental Food Program for Women, Infants and Children (WIC): Homelessness/Migrancy as Nutritional Risk Conditions | 0584-AB53 |
| 256 | Emergency Food Assistance Program—Administrative Costs | 0584-AB54 |
| 257 | Food Distribution Programs—Disaster Provisions | 0584-AB55 |

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Food and Nutrition Service—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 258 | Food Stamp Program: Monthly Reporting and Retrospective Budgeting | 0584-AB57 |
| 259 | Food Stamp Program: Provisions on Anticipating Income, Reporting Requirements, and Action on Changes | 0584-AB58 |
| 260 | Food Stamp Program: Standard Utility Allowances | 0584-AB59 |
| 261 | Food Stamp Program: Simplification of Program Rules | 0584-AB60 |
| 262 | Food Stamp Program: Payment of Certain Administrative Costs of State Agencies | 0584-AB66 |

Food and Nutrition Service—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 263 | Child and Adult Care Food Program—Adult Day Care Provision | 0584-AA74 |
| 264 | Rules of Procedure—Administrative Law Judges (ALJ) | 0584-AA75 |
| 265 | Food Stamp Program: Treatment of Foster Care Individuals and Foster Care Payments | 0584-AA93 |
| 266 | Food Stamp Program: Income Exemption for Homeless Households in Transitional Housing From the Mickey Leland Childhood Hunger Relief Act | 0584-AA96 |
| 267 | Food Stamp Program: Resource Exemption for Public Assistance and Supplemental Security Income Recipients | 0584-AB00 |
| 268 | Miscellaneous Farm Bill Provisions Relating to the Authorization of Retail Firms and Wholesale Food Concerns | 0584-AB02 |
| 269 | Food Stamp Program: Discretionary Retailer Wholesaler Changes | 0584-AB03 |
| 270 | Recipient Claims and Automated Data Processing (ADP) Funding Requirements From the Mickey Leland Memorial Domestic Hunger Relief Act | 0584-AB08 |
| 271 | Special Supplemental Food Program for Women, Infants and Children (WIC): Food Cost Containment Requirements | 0584-AB11 |
| 272 | Special Supplemental Food Program for Women, Infants and Children (WIC): Coordination Rule Mandates of the Child Nutrition and WIC Reauthorization Act of 1989 | 0584-AB13 |
| 273 | Determination of Eligibility for Free Meals by Summer Food Service Program Sponsors and Free and Reduced Price Meals by Child and Adult Care Food Program Institution | 0584-AB17 |
| 274 | Summer Food Service Program: Child Nutrition and WIC Reauthorization Act Amendments | 0584-AB20 |
| 275 | Food Distribution Programs—Implementation of the Hunger Prevention Act of 1988 | 0584-AB25 |
| 276 | Technical Amendments to the State Processing Program and the National Commodity Processing Program | 0584-AB30 |
| 277 | State Administrative Expense Funds: National School Lunch Program, Special Milk Program, School Breakfast Program, Child and Adult Care Food Programs, Food Distribution Program | 0584-AB31 |
| 278 | Benefit Delivery Rule | 0584-AB32 |
| 279 | Permanent Agreements/Direct Certification in National School Lunch, School Breakfast, and Special Milk Programs | 0584-AB35 |
| 280 | Food Stamp Program: Technical Amendments Concerning Disabled in Group Homes and Income Exclusions for Plans for Achieving Self-Support (PASS)—Public Law 102-237 | 0584-AB41 |
| 281 | Provisions of the Stewart B. McKinney Homeless Assistance Act and a Provision of the Food Security Act of 1985 | 0584-AB42 |
| 282 | WIC Farmers' Market Nutrition Program | 0584-AB43 |
| 283 | National School Lunch Program, Special Milk Program for Children, and School Breakfast Program: Coordinated Review Effort | 0584-AB44 |
| 284 | Administrative Improvement and Simplification Provisions From the Hunger Prevention Act of 1988 | 0584-AB45 |
| 285 | Food Stamp Program: Performance Standards for the Employment and Training Program | 0584-AB46 |
| 286 | Special Supplemental Food Program for Women, Infants and Children (WIC): Infant Formula Procurement Act of 1992 | 0584-AB52 |
| 287 | Food Distribution Program on Indian Reservations—Oklahoma Waiver Authority | 0584-AB56 |
| 288 | Food Stamp Program: Maximum Allotments for Alaska, Hawaii, Guam, and the Virgin Islands | 0584-AB61 |
| 289 | Food Stamp Program: Maximum Allotments for the 48 States and DC, and Income Elig. Stds. and Deductions for the 48 States and DC, Alaska, Hawaii, Guam, and the Virgin Islands | 0584-AB62 |
| 290 | National School Lunch Program, State Admin. Expense Funds and Determining Elig. for Free and Reduced Price Meals and Free Milk in Schools: Tech. Corrections to Coordinated Review Effort Rule | 0584-AB63 |
| 291 | Special Supplemental Food Program for Women, Infants and Children (WIC): 15 Percent Capping Provision Waiver | 0584-AB64 |
| 292 | Food Distribution Program on Indian Reservations: Definition of Indian Tribal Household | 0584-AB67 |
| 293 | Alternate Foods for Meals: Enriched Macaroni Products With Fortified Protein | 0584-AB68 |

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Food and Nutrition Service—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 294 | Outcome-Based Performance Standards for Food Stamp Employment and Training Programs | 0584-AA82 |
| 295 | Nutrition Education and Training (NET) Program Changed Administrative Requirements | 0584-AB15 |
| 296 | Adult Meal Pattern for the Child and Adult Care Food Program | 0584-AB18 |
| 297 | Meal Supplements in the National School Lunch Program | 0584-AB24 |
| 298 | Food Distribution Programs—Commodity Distribution Reform | 0584-AB26 |
| 299 | Special Supplemental Food Program for Women, Infants and Children (WIC): Emergency Funding Rule | 0584-AB65 |

Food Safety and Inspection Service—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 300 | Determining the Amenability of Birds to Mandatory Federal Inspection | 0583-AB29 |

Food Safety and Inspection Service—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 301 | Sodium/Potassium Lactate as Means of Reducing Certain Pathogenic Microorganisms in Specific Meat and Poultry Products | 0583-AA83 |
| 302 | Ante-Mortem Inspection of Disabled Animals on Transport Vehicles | 0583-AA98 |
| 303 | Food Additives and GRAS Substances Used as Ingredients in Meat Food and Poultry Products | 0583-AB02 |
| 304 | Poultry Post-Mortem Inspection System | 0583-AB03 |
| 305 | Export Certification Procedures | 0583-AB04 |
| 306 | Use of Compressed Air in Boning Operations | 0583-AB13 |
| 307 | Use of Ascorbic Acid, Erythorbic Acid, Citric Acid, Sodium Citrate, and Sodium Ascorbate in Fresh Beef and Lamb | 0583-AB15 |
| 308 | Notification of Residue Violators and Testing of Subsequent Shipments of Animals | 0583-AB32 |
| 309 | Requirements for Imported Poultry Products | 0583-AB42 |
| 310 | Prior Label Approval Process | 0583-AB50 |
| 311 | Substitute Products Identified by Standardized Terms and Nutrient Content Claims | 0583-AB51 |
| 312 | License or Other Authorization for Federal Poultry Inspection | 0583-AB54 |
| 313 | Use of Carbon Dioxide in the Humane Slaughter of Swine | 0583-AB57 |
| 314 | United States-Canada Meat and Poultry Reinspection | 0583-AB61 |
| 315 | Procedures for Appealing Meat and Poultry Product Retentions | 0583-AB62 |
| 316 | Nutrition Labeling: Health Claims on Meat and Poultry Products | 0583-AB64 |
| 317 | Trisodium Phosphate as a Post-Chill Antimicrobial Treatment for Raw Poultry | 0583-AB65 |
| 318 | Use of Sodium Citrate as a Tripe Denuding Agent | 0583-AB66 |
| 319 | Labeling of Poultry Product Produced by Mechanical Deboning and Products in Which Such Poultry Product is Used | 0583-AB68 |
| 320 | Mandatory HACCP Programs | 0583-AB69 |
| 321 | Recordkeeping and Production Code Requirements for Meat and Poultry Establishments | 0583-AB70 |

Food Safety and Inspection Service—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 322 | Requirements for Foreign Country Import Certification and Live Animal Importation | 0583-AA47 |
| 323 | Increase in Use Levels of Sodium Citrate as an Anticoagulant | 0583-AA76 |
| 324 | Use of Sorbitol as a Flavoring Agent in Specific Meat Products | 0583-AA79 |
| 325 | PFF for Turkey Ham | 0583-AA84 |
| 326 | Imported Canadian Product; Provision for "Streamlined" Inspection Procedures; Exemption From Official Mark of Inspection | 0583-AA99 |
| 327 | Use of Tricalcium Phosphate as a Sequestrant in Mechanically Deboned Chicken | 0583-AB09 |
| 328 | Policy for Differentiating Between Calves and Adult Cattle | 0583-AB18 |
| 329 | User Fees for Laboratory Accreditation | 0583-AB49 |

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Food Safety and Inspection Service—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 330 | Prominent Labeling Disclosures on Meat and Poultry Products | 0583-AB53 |
| 331 | Nutrition Labeling: Use of "Healthy" and Similar Terms on Meat and Poultry Product Labeling | 0583-AB63 |
| 332 | Mandatory Safe-Handling Statements on Labeling of Raw Meat and Poultry Products | 0583-AB67 |

Food Safety and Inspection Service—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 333 | Sulfonamide and Antibiotic Residues in Young Veal Calves; Revised Testing Program | 0583-AA68 |
| 334 | Heat Processing Procedures, Cooking Instructions, and Cooling, Handling, and Storage Requirements for Uncured Meat Patties | 0583-AA81 |
| 335 | Processing, Distribution, Storage, and Retail Handling of Ready-To-Eat, Uncured, Perishable Meat and Poultry Products Packaged in Sealed Containers | 0583-AB14 |
| 336 | Use of Citric Acid as a Color Preservative on the Surface of Cured Meat Cuts | 0583-AB20 |
| 337 | Use of Tocopherols as Antioxidants and Citric Acid as a Synergist in Various Meat Products | 0583-AB25 |
| 338 | Smoke Flavorings and Artificial Smoke Flavorings | 0583-AB36 |
| 339 | Listing of Minor Ingredients in Other Than Order of Predominance | 0583-AB37 |

Foreign Agricultural Service—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 340 | Reporting Requirements Related to Tobacco Exports | 0551-AA32 |

Foreign Agricultural Service—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 341 | Proposed Regulations Governing Implementation of the Cooperator Market Development Program Overseas | 0551-AA26 |
| 342 | Section 22 Import Quotas | 0551-AA27 |
| 343 | Foreign Donation of Agricultural Commodities | 0551-AA38 |

Foreign Agricultural Service—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 344 | Regulations Governing Implementation of the Market Promotion Program (MPP) Overseas | 0551-AA24 |
| 345 | CCC Export Credit Guarantee Program (GSM-102) and CCC Intermediate Export Credit Guarantee Program (GSM-103) | 0551-AA30 |
| 346 | Program Criteria for the Sunflowerseed Oil Assistance Program (SOAP) and the Cottonseed Oil Assistance Program (COAP) | 0551-AA31 |
| 347 | Sunflowerseed Oil Assistance Program Operations (SOAP) and Cottonseed Oil Assistance Program Operations (COAP) | 0551-AA33 |
| 348 | Direct Credit Programs (GSM-5, GSM-201, GSM-301) Regulations | 0551-AA34 |
| 349 | Emerging Democracies Agricultural Facility Guarantee Program | 0551-AA35 |
| 350 | Regulations Governing the Financing of Commercial Sales of Agricultural Commodities (P.L. 480 Title I Program) | 0551-AA36 |

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Forest Service—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 351 | Rangeland Management and Livestock Use | 0596-AA35 |
| 352 | Whiskeytown-Shasta-Trinity National Recreation Area | 0596-AA68 |
| 353 | Retention of Downpayment on Timber Sale Contracts | 0596-AB28 |

Forest Service—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 354 | Prohibition on Mechanical Transport and Other Activities in Wilderness | 0596-AA39 |
| 355 | Application Procedures and Fees for Hydroelectric Uses on National Forest System Lands | 0596-AA47 |
| 356 | Locatable Minerals | 0596-AA49 |
| 357 | National Forest Prohibitions; Law Enforcement Support Activities | 0596-AA75 |
| 358 | Revise Small Tracts Act Regulations | 0596-AA79 |
| 359 | Isolated Cabin Policy | 0596-AA85 |
| 360 | Hells Canyon National Recreation Area—Private Lands | 0596-AA88 |
| 361 | Solid Waste Disposal Policy | 0596-AA92 |
| 362 | Irrevocable Letter of Credit | 0596-AA93 |
| 363 | Disposal of Quartz Minerals on the Quachita National Forest | 0596-AB01 |
| 364 | Pre-Award Information Requirements | 0596-AB03 |
| 365 | Hells Canyon National Recreation Area—Use of National Forest Lands | 0596-AB08 |
| 366 | Expanded Use of Prospecting Permits and Preference Right Sales for Mineral Materials | 0596-AB12 |
| 367 | Clarification and Revision of Appealable Decisions Under 36 CFR Part 251, Subpart C | 0596-AB17 |
| 368 | Land and Resource Management Planning | 0596-AB20 |
| 369 | Government Cancellation of Timber Sale Contracts | 0596-AB21 |
| 370 | Change Emphasis Away From Residual Value Appraisal to Transaction Evidence Appraisal as the Prime Method of Appraising National Forest Timber | 0596-AB26 |
| 371 | Species Surplus to Domestic Manufacturing Needs | 0596-AB27 |
| 372 | Proposed Policy National Forest System Land and Resource Management Planning Forest Service Manual (FSM 1920) | 0596-AB31 |
| 373 | Use of Fixed Anchors for Rock Climbing in Wilderness | 0596-AB33 |
| 374 | Collection of Reimbursable Costs for Processing Special-Use Applications and Administration of Special-Use Authorizations | 0596-AB36 |
| 375 | Exercise of Outstanding Mineral Rights | 0596-AB38 |
| 376 | Smith River National Recreation Area | 0596-AB39 |
| 377 | Market-Related Term Additions | 0596-AB40 |
| 378 | Market Related Term Additions | 0596-AB41 |
| 379 | 36 CFR 222 Range Management, Subpart C Grazing Fees | 0596-AB42 |

Forest Service—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 380 | Improving Financial Security of Timber Sale Contracts | 0596-AA33 |
| 381 | Land Exchanges | 0596-AA42 |
| 382 | Indian Allotments on National Forest System Lands | 0596-AA52 |
| 383 | Revise Rules Governing Special Uses of National Forest System Lands and Resources at 36 CFR 251 To Remove Ambiguities Regarding First Amendment Rights | 0596-AA80 |
| 384 | Surety Bond Form Revision | 0596-AA84 |
| 385 | Federal Cave Resources Protection | 0596-AB02 |
| 386 | Recreation Residence Authorization Policy | 0596-AB06 |
| 387 | Federal Timber Export and Substitution Restrictions (Comprehensive Revision) | 0596-AB22 |
| 388 | Below-Cost Timber Sale Program Policy and Guidelines | 0596-AB24 |
| 389 | National Forest System Notice; Comment and Appeals Procedures | 0596-AB30 |
| 390 | State and Private Forestry Assistance Stewardship Incentive Program | 0596-AB32 |

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Forest Service—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 391 | Special-Use Applications and Administration of Special-Use Authorizations | 0596-AB35 |
| 392 | Revise Land Status Regulations | 0596-AB37 |

Office of Finance and Management—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 393 | Audits of State, Local, and Indian Tribal Governments | 0505-AA09 |

Office of Finance and Management—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 394 | Audits of Institutions of Higher Education and Other Nonprofit Organizations | 0505-AA07 |

Office of the Secretary—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 395 | Supplemental Standards of Ethical Conduct for Employees of the Department of Agriculture | 0503-AA05 |

Office of the Secretary—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 396 | Food Stamp Program: Forfeiture and Denial of Property Rights | 0503-AA07 |

Office of the Secretary—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 397 | Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments | 0503-AA08 |

Packers and Stockyards Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 398 | Regulations and Statements of General Policy Under the Packers and Stockyards Act (Group 1) | 0590-AA08 |
| 399 | Regulations and Statements of General Policy Under the Packers and Stockyards Act (Group 2) | 0590-AA09 |
| 400 | Regulations and Statements of General Policy Under the Packers and Stockyards Act (Group 3) | 0590-AA10 |

Packers and Stockyards Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 401 | Regulations and Statements of General Policy Under the Packers and Stockyards Act | 0590-AA07 |

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Rural Development Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 402 | Alcohol Fuels Credit Implementing Regulations | 0570-AA01 |
| 403 | Rural Technology Development Grants | 0570-AA02 |
| 404 | Local Technical Assistance and Planning Grants | 0570-AA05 |
| 405 | Solid Waste Management Grants | 0570-AA06 |
| 406 | Technical Assistance and Training Grants | 0570-AA07 |
| 407 | Rural Business Enterprise Grants and Television Demonstration Grants | 0570-AA08 |

Rural Development Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 408 | Liquidation of Loans and Acquisition, Management and Disposal of Security Property | 0570-AA03 |

Rural Development Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 409 | Section 306c WWD Loans and Grants | 0570-AA00 |

Rural Electrification Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 410 | Loan Security Documents—Telephone Program | 0572-AA30 |
| 411 | Wholesale Contracts for the Purchase and Sale of Electric Power and Energy | 0572-AA41 |
| 412 | Revision of Telecommunication Policies and Procedures for Approval of Standards, Specifications, Contract Forms, and Drawings | 0572-AA45 |
| 413 | Electric System Construction Policies and Procedures—Electric Materials and Construction | 0572-AA47 |
| 414 | Electric System Planning and Design—Policies and Procedures | 0572-AA48 |
| 415 | Margin Stabilization Plans and Revenue and Expense Deferrals | 0572-AA50 |
| 416 | Specification for Fiber Optic Splice Closures | 0572-AA62 |
| 417 | REA Specification for Mechanical Fiber Optic Splices | 0572-AA64 |
| 418 | Electric Standards and Specifications for Materials and Construction | 0572-AA67 |
| 419 | Pre-Loan Policies and Procedures for Insured Electric Loans | 0572-AA69 |
| 420 | Post-Loan Policies and Procedures Common to Insured and Guaranteed Electric Loans | 0572-AA71 |
| 421 | REA Performance Specification for Line Concentrators | 0572-AA72 |
| 422 | REA Buy American Requirement | 0572-AA73 |
| 423 | Electric Systems Operations and Maintenance | 0572-AA74 |
| 424 | Civil Rights Policies Applicable to REA Borrowers | 0572-AA75 |
| 425 | Loan Documents—Bank Program | 0572-AA76 |
| 426 | Depreciation Rates and Procedures | 0572-AA80 |
| 427 | Specification for Filled Fiber Optic Cables | 0572-AA82 |
| 428 | Specification for Pole Line Hardware | 0572-AA83 |
| 429 | Electric System Construction Policies and Procedures | 0572-AA84 |
| 430 | Rural Telephone Bank and Telephone Program Policies, Procedures, and Requirements | 0572-AA85 |
| 431 | REA Fidelity and Insurance Requirements for Electric and Telephone Borrowers | 0572-AA86 |
| 432 | Rural Economic Development Loan and Grant Program: Grants | 0572-AA87 |
| 433 | Equity Development Plans for Electric Borrowers | 0572-AA88 |
| 434 | Title Evidence Policies and Procedures | 0572-AA90 |
| 435 | Telephone Program Loan Policies, Types, and Requirements | 0572-AA91 |
| 436 | Preservation of Records Accounting Requirements for REA Electric Borrowers | 0572-AA92 |
| 437 | Policy on Audits of REA Borrowers | 0572-AA93 |
| 438 | Discounted Prepayments on REA Electric Loans | 0572-AA94 |

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Rural Electrification Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 439 | REA Form 525: Central Office Equipment Contract (Including Installation) | 0572-AA20 |
| 440 | Accounting Requirements for REA Electric Borrowers—Uniform System of Accounts | 0572-AA23 |
| 441 | REA Specification for Filled Buried Wires | 0572-AA57 |
| 442 | Pre- and Post-Loan Policies and Procedures for Guaranteed Electric and Telephone Loans | 0572-AA59 |
| 443 | REA Software License Agreement | 0572-AA63 |
| 444 | Loan Account Computations, Policies, and Procedures | 0572-AA65 |
| 445 | Rescission of REA Bulletins 345-13, 345-29, 345-75, and 345-178 —Telephone Program Regulations | 0572-AA66 |
| 446 | Pre- and Post-Loan Policies and Procedures for Guaranteed Electric and Telephone Loans | 0572-AA68 |
| 447 | Post-Loan Policies and Procedures Common to Insured and Guaranteed Electric Loans—Lien Accommodations and Subordinations | 0572-AA70 |
| 448 | Borrower Investments—Telephone Loan Program | 0572-AA78 |
| 449 | Long-Range Financial Forecasts of Electric Borrowers | 0572-AA89 |

Rural Electrification Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 450 | REA Specification for Filled Telephone Cables | 0572-AA55 |
| 451 | REA Specification for Filled Telephone Cables with Expanded Insulation | 0572-AA56 |
| 452 | General Specification for Digital, Stored, Program Controlled Central Office Equipment | 0572-AA58 |
| 453 | Loan Payment Deferments for Economic Development Programs | 0572-AA60 |
| 454 | Standards and Specifications for Timber Products Acceptable for Use on REA Financed Electric and Telephone Systems | 0572-AA77 |
| 455 | Seismic Safety of New Building Construction | 0572-AA81 |

Soil Conservation Service—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--------------------------------------|------------------------------|
| 456 | Farmland Protection Policy Act | 0578-AA14 |

Soil Conservation Service—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--------------------|------------------------------|
| 457 | Soil Surveys | 0578-AA00 |

Office of Operations—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 458 | Agriculture Acquisition Regulation | 0599-AA00 |

Office of Operations—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 459 | New Restrictions on Lobbying | 0599-AA01 |
| 460 | Vending Facilities Operated by Blind Persons in USDA-Controlled Buildings | 0599-AA02 |

DEPARTMENT OF AGRICULTURE (USDA)
Agricultural Marketing Service (AMS)

Prerule Stage

1. ORGANIC CERTIFICATION OF ORGANIC FOOD PRODUCTION ACT OF 1990

Significance: Agency Priority

Legal Authority: PL 101-624, sec 2101 to 2123; 7 USC 6501 to 6522

CFR Citation: None

Legal Deadline: NPRM, Statutory, May 28, 1992. Final, Statutory, October 1, 1993. Other, Statutory, May 28, 1991. The Organic Foods Production Act calls for the Secretary to appoint the National Organic Standards Board 180 days after enactment and convene it within 60 days thereafter.

Abstract: Public Law 101-624 calls for necessary regulations to implement the Organic Foods Production Act of 1990. The legislation calls for a national program to develop standards for certifying products as organic. Actions called for under this Act include: (a) notice for applicants to apply for membership on the National Organic Standards Board; (b) notice of nominations to the Board and announcement of meetings; (c) notice inviting States and other individuals to apply to be Certifying agents; (d) notice, hearings and comments for development of regulations for standards for organic livestock products; (e) notice and comment on proposed and final National List of Approved and Prohibited Substances for Organic Production and Handling; (f) notice and comment on proposed amendments to the National List; (g) issue a proposed rule to implement the title for comment; and (h) issue a final rule to implement the program.

Timetable: Next Action Undetermined

Small Entities Affected: Organizations

Government Levels Affected: State
Agency Contact: Harold S. Ricker, Assistant Director, Transportation and Marketing Division, Department of Agriculture, Agricultural Marketing Service, Room 4006 South Building, PO Box 96456, Washington, DC 20090-6456, 202 720-2704

RIN: 0581-AA40

2. • RELATING TO INSPECTION AND GRADING OF BURLEY TOBACCO

Significance: Agency Priority

Legal Authority: 7 USC 511 et seq

CFR Citation: 7 CFR 29.3053

Legal Deadline: None

Abstract: This revision would require that the average bale weight in each lot of burley tobacco not exceed 100 pounds. The industry has requested the Agricultural Marketing Service be given this authority in order to improve the integrity and uniformity of lots resulting in more orderly marketing and enhancing desirability of American burley.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|---------|
| ANPRM | 10/00/93 | |
| ANPRM Comment Period End | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Larry J. Hopkins, Director, Tobacco Division, Department of Agriculture, Agricultural Marketing Service, Room 502 Annex Building, PO Box 0280, Washington, DC 20250-0280, 202 205-0567

RIN: 0581-AB01

3. • REVISION OF LICENSING PROCEDURES FOR COTTONSEED SAMPLERS

Significance: Agency Priority

Legal Authority: 7 USC 1624

CFR Citation: 7 CFR 61

Legal Deadline: None

Abstract: Licensing Procedures For Cottonseed Samplers Are Unnecessarily Burdensome And Inconsistent With Those For Other Cotton Producers. This revision Will Reduce The Paperwork Burden Required For New And Renewal Applications. Eliminate The Application Fee, And Extend The License Period From One To Five Years.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|---------|
| ANPRM Comment Period End | 11/00/93 | |
| NPRM | 01/00/94 | |
| Final Action | 06/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: A. Lee Cliburn, Assistant Chief of Program Appraisal Staff, Department of Agriculture, Agricultural Marketing Service, Room 2641 South Building, 14th & Independence Avenue SW., Washington, DC 20250, 202 720-2145

RIN: 0581-AB05

DEPARTMENT OF AGRICULTURE (USDA)
Agricultural Marketing Service (AMS)

Proposed Rule Stage

4. NATIONAL LABORATORY ACCREDITATION PROGRAM

Significance: Agency Priority

Legal Authority: PL 101-624, sec 1321 to 1330; 7 USC 138 to 1381

CFR Citation: Not applicable

Legal Deadline: None

Abstract: The 1990 Farm Bill authorized the creation of a National Laboratory Accreditation Program (NLAP) for laboratories that request

accreditation and conduct residue testing of agricultural products or that make claims to the public or buyers of agricultural products concerning chemical residue levels on agricultural products. The program is designed to protect human health by ensuring that laboratories which make claims to the public concerning pesticide residue levels meet minimum quality and reliability standards. The standards for the NLAP will be provided by the Food and Drug Administration with the

operation of the program under the Agricultural Marketing Service, USDA. The program costs will be offset by a fee schedule. The one-time appropriation was used to provide for a fully equipped pesticide laboratory to verify the findings of those laboratories applying for accreditation.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| ANPRM | 11/20/92 | 57 FR 54727 |

USDA—AMS

Proposed Rule Stage

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM Comment Period End | 01/19/93 | 57 FR 54727 |
| NPRM | 00/00/00 | |
| Interim Final Rule | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined.

Sectors Affected: Multiple

Agency Contact: Jon E. McNeal, Chief, Technical Services Branch, Department of Agriculture, Agricultural Marketing Service, Room 3517 South Building, Washington, DC 20090-6456, 202 720-6456

RIN: 0581-AA38

5. ESTABLISH A PROCESSOR-FUNDED MILK PROMOTION PROGRAM

Significance: Agency Priority

Legal Authority: PL 101-624, Sec 1999(A); 7 USC 6401 to 6417

CFR Citation: None

Legal Deadline: Final, Statutory, September 10, 1993.

A final order, if approved by fluid milk processors, shall become effective not later than 180 days following publication of the proposed order.

Abstract: The "Fluid Milk Promotion Act of 1990," authorized the establishment of a processor-funded milk promotion program which will provide an orderly procedure for developing, financing through assessments on fluid milk products produced in the United States, and carrying out a coordinated program of advertising designed to strengthen the position of the dairy industry in the market place.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 04/21/93 | 58 FR 21512 |
| NPRM Comment Period End | 05/21/93 | 58 FR 21512 |

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John F. Borovics, Marketing Specialist, Dairy Division, Department of Agriculture, Agricultural Marketing Service, Room 2968 South Building, Washington, DC 20250, 202 690-1366

RIN: 0581-AA44

6. REVISION OF REGULATIONS GOVERNING THE INSPECTION AND GRADING SERVICES OF MANUFACTURED OR PROCESSED DAIRY PRODUCTS

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 58

Legal Deadline: None

Abstract: The regulations have not been updated since December 1, 1976. The revisions of regulations are needed to reflect more desirable ways of carrying out the dairy inspection and grading program. The changes are not expected to have any major impact on program participation, however, in that most participants are operating in a manner that is consistent with the proposed changes.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/10/92 | 57 FR 35492 |
| NPRM Comment Period End | 10/09/92 | 57 FR 35492 |

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Tracy Schonrock, Chief, Inspection and Grading Branch, Dairy Division, Department of Agriculture, Agricultural Marketing Service, Room 2968 South Building, Washington, DC 20250, 202 720-0530

RIN: 0581-AA45

7. REGULATIONS UNDER THE FEDERAL SEED ACT

Legal Authority: 7 USC 1551 to 1611 Federal Seed Act

CFR Citation: 7 CFR 201 to 202

Legal Deadline: None

Abstract: Changes in the regulations of the Federal Seed Act (FSA) are to be proposed to eliminate differences between FSA and Association of Official Seed Analysts (AOSA) testing rules as well as differences between minimum seed certification standards of the FSA and those of the Association of Official Seed Certifying Agencies (AOSCA). The FSA regulates the interstate shipment of agricultural and vegetable seed, which is required to be labeled with certain information needed by the seed buyer. The Agricultural Marketing Service (AMS) has cooperative agreements with each

of the 50 states who inspect and test seed being sold in their state. Interstate shipments of seed found to be mislabeled can be submitted to AMS for action under the FSA. States test seed according to AOSA rules. AMS must test according to FSA rules. Any alternative to the changes, could in some cases cause seed labeled according to a test conducted by AOSA rules to be mislabeled when tested according to FSA rules, or cause seed certified by an AOSCA member agency to be not in compliance with the FSA. On balance these changes will likely result in no cost or a net savings to the seed industry.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: James P. Triplitt, Chief, Seed Regulatory and Testing Branch, Department of Agriculture, Agricultural Marketing Service, Building 506, BARC-E, Beltsville, MD 20705, 301 504-9430

RIN: 0581-AA52

8. POLICY STATEMENT AND REGULATIONS GOVERNING AVAILABILITY OF TOBACCO INSPECTION SERVICES TO BURLEY TOBACCO ON DESIGNATED MARKETS

Significance: Agency Priority

Legal Authority: 7 USC 511 et seq

CFR Citation: 7 CFR 29

Legal Deadline: None

Abstract: The proposed rule has been withdrawn and is being rewritten. We now plan to publish the proposed rule in September. The Department established the burley tobacco advisory committee effective May 14, 1990 to assist in the regulation of sales at designated markets selling burley tobacco. The committee has met three times and adopted a statement of policies and procedures for the 1991-92 season.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |

Small Entities Affected: Businesses
Government Levels Affected: Federal
Agency Contact: Larry J. Hopkins, Director, Tobacco Division, Department of Agriculture, Agricultural Marketing Service, Room 502 Annex Building, P.O. Box 96456, Washington, DC 20090-6456, 202 205-0567
RIN: 0581-AA56

9. REVIEW OF BASIC FORMULA PRICE IN ALL FEDERAL MILK ORDERS

Significance: Agency Priority
Legal Authority: 7 USC 601 to 674 Agricultural Marketing Agreement Act
CFR Citation: 7 CFR 1001 to 1139
Legal Deadline: Other, Statutory, October 1, 1991.
 An advance notice of proposed rulemaking shall be issued not later than October 1, 1991 (PL 101-624, Sec. 103).

Abstract: To consider the proposed replacement of the Minnesota-Wisconsin price serves as the basic formula price in federal milk marketing orders.

Timetable:

| Action | Date | FR Cite |
|-------------------|--------------|-------------|
| Notice of Hearing | 05/15/92 | 57 FR 20790 |
| Next Action | Undetermined | |

Small Entities Affected: Undetermined
Government Levels Affected: None
Agency Contact: Clayton H. Plumb, Chief, Order Formulation Branch Dairy Division, Department of Agriculture, Agricultural Marketing Service, Room 2968 South Building, Washington, DC 20250, 202 720-6274
RIN: 0581-AA57

10. VOLUNTARY AND MANDATORY EGG AND EGG PRODUCTS INSPECTION

Significance: Agency Priority
Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946; 21 USC 1031 to 1056 Egg Products Inspection Act
CFR Citation: 7 CFR 55; 7 CFR 59
Legal Deadline: None

Abstract: The proposal will change the terminology describing facilities to be furnished, redefine dirty eggs; define split samples and recognized

laboratories, and clarify scheduling operations, officially identifying products appeal procedures, and general operating procedures. among the inspectors who must enforce both regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined
Agency Contact: Janice L. Lockard, Chief, Stn. Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, P.O. Box 96456, Washington, DC 20090-6456, 202 720-3506
RIN: 0581-AA58

11. GRADING OF SHELL EGGS

Significance: Agency Priority
Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946
CFR Citation: 7 CFR 56
Legal Deadline: None

Abstract: The proposal clarifies and updates provisions of the regulations in response to changing industry practices, program direction, and policy interpretation. Changes to reflect current industry practices would affect grading room requirements, references to the tape used to seal cartons, and the reuse of oil from shell egg protecting operations. Changes to clarify and strengthen existing regulations would affect the definition of "quality assurance inspector," the facilities and equipment required for graders, the temperature of the spray rinse in shell egg cleaning operations, and the "nest run B quality shell" definition. Other changes will be to require a specific level of humidity in cooler rooms to help maintain egg quality and to eliminate wholesale grades and weight classes because they are no longer used.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined
Agency Contact: Janice L. Lockard, Chief, Stn. Branch, Poultry Division,

Department of Agriculture, Agricultural Marketing Service, 3944 South Building, PO Box 96456, Washington, DC 20090-6456, 202 720-3506
RIN: 0581-AA60

12. VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS

Significance: Agency Priority
Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946
CFR Citation: 7 CFR 70
Legal Deadline: None

Abstract: The proposal updates the poultry grade standards to reflect changes in marketing practices. Changes to reflect current industry practices will reclassify discolorations, will expand the range allowable, will eliminate the two procurement grades, will change new carcass weight categories, and will establish new grading criteria for large poultry parts. Change to clarify and strengthen existing regulations related to the definition of "exposed flesh."

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined
Agency Contact: Janice L. Lockard, Chief, Stn. Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, PO Box 96456, Washington, DC 20090-6456, 202 720-3506
RIN: 0581-AA61

13. FEES AND CHARGES, MANDATORY TOBACCO INSPECTION

Significance: Agency Priority
Legal Authority: 7 USC 511 et seq
CFR Citation: 7 CFR 29
Legal Deadline: None

Abstract: AMS will conduct a fee analysis January 1994 for presentation to the National Advisory Committee for Tobacco Inspection Services in March 1994.

Proposed fee docket would appear in Federal Register in April with effective date of July 1.

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Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 04/00/94 | |
| NPRM Comment | 05/00/94 | |
| Period End | | |
| Final Action | 06/00/94 | |
| Final Action Effective | 07/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Larry J. Hopkins, Director, Tobacco Division, Department of Agriculture, Agricultural Marketing Service, Room 502 Annex Building, PO Box 96456, Washington, DC 20090-6456, 202 205-0567

RIN: 0581-AA62

14. USER FEES FOR COTTON CLASSIFICATION SERVICES TO GROWERS

Legal Authority: 7 USC 473(a); 7 USC 473(d); 7 USC 55

CFR Citation: 7 CFR 28

Legal Deadline: Final, Statutory, June 1, 1993.

Abstract: This revision will decrease the 1993 user fees for growers cotton classification services from the level charged in 1992 under the Cotton Statistics and Estimates Act, as amended by Public Law 102-237. The revisions allow for the recovery of costs associated with this program. The economic impact of the revision is not yet known. A slight decrease would not have a major economic impact. All service are voluntary.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |
| Final Action | 01/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Lee Cliburn, Assistant to the Director, Department of Agriculture, Agricultural Marketing Service, Room 2641-S South Building, 14th & Independence Ave. SW., Washington, DC 20250, 202 720-3193

RIN: 0581-AA75

15. • USER FEES FOR COTTON CLASSIFICATION SERVICES TO GROWERS

Significance: Agency Priority

Legal Authority: 7 USC 473 (a); 7 USC 473 (d); 7 USC 55

CFR Citation: 7 CFR 27; 7 CFR 28

Legal Deadline: NPRM, Statutory, March 1, 1994. Final, Statutory, June 1, 1994.

7 USC 473a, requires Secretary of Agriculture to announce fee by June 1 each year, as harvesting begins in July and a uniform fee is mandated for entire crop.

Abstract: Annual revisions of the grower's fee for cotton classification for each crop year are mandated by formula in the Cotton Statistics and Estimates Act, as amended by Public Law 102-237. The revision provides for recovery of the cost of providing the service and allows for the variations in size of the crop and in other factors which affect the costs. The economic impact of revisions is not known, but a slight increase or decrease in the fee would not cause major impact. All services are voluntary.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 03/00/94 | |
| NPRM Comment | 05/00/94 | |
| Period End | | |
| Final Action | 06/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lee Cliburn, Assistant to the Director, Department of Agriculture, Agricultural Marketing Service, Room 2641 South Building, 14th and Independence Ave SW., Washington DC 20250, 202 720-3193

RIN: 0581-AA86

16. • EGG RESEARCH AND PROMOTION RULES AND REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 2701 to 2718 Egg Research and Consumer Information Act

CFR Citation: 7 CFR 1250

Legal Deadline: None

Abstract: The proposal will restructure the area membership on the American Egg Board. Statistics show gradual shifts in egg production in two geographic areas. The Egg Research and Consumer Information Act provides that representation on the Board reflect,

to the extent practicable, egg production within each of the six areas. This change was approved by the board.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Janice L. Lockard, Chief, Standardization Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, P.O. Box 96456, Washington DC 20090-6456, 202 720-3506

RIN: 0581-AA87

17. • GRADING AND INSPECTION, SPECIFICATIONS FOR APPROVED DAIRY PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS; GENERAL SPECIFICATION FOR DAIRY PLANTS APPROVED FOR USDA INSPECTION AND GRADING

Significance: Agency Priority

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act

CFR Citation: 7 CFR 58

Legal Deadline: None

Abstract: The proposal would revise anhydrous milkfat requirements by incorporating international ingredient and compositional specifications.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane R. Spomer, Chief, Dairy Standardization Branch, Dairy Division, Department of Agriculture, Agricultural Marketing Service, Room 2750 South Building, P.O. Box 96456, Washington, DC 20090-6456, 202 720-7473

RIN: 0581-AA95

18. • GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED DAIRY PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS; UNITED STATES STANDARDS FOR GRADES OF NONFAT DRY MILK (SPRAY PROCESS)

Significance: Agency Priority

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act

CFR Citation: 7 CFR 58

Legal Deadline: None

Abstract: The proposal would revise the U.S. Grade Standards for nonfat dry milk by incorporating a coliform test requirement and lowering the number of bacteria allowed.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane R. Spomer, Chief, Dairy Standardization Branch, Dairy Division, Department of Agriculture, Agricultural Marketing Service, Room 2750 South Building, P.O. Box 96456, 202 720-7473

RIN: 0581-AA96

19. • GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED DAIRY PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS; UNITED STATES STANDARDS FOR INSTANT NONFAT DRY MILK

Significance: Agency Priority

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act

CFR Citation: 7 CFR 58

Legal Deadline: None

Abstract: The proposal would revise the U.S. Grade Standards for instant nonfat dry milk by limiting the amount of lactose permitted as a processing aid and identifying the level of vitamins contained in vitamin-fortified product.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane R. Spomer, Chief, Dairy Standardization Branch, Dairy Division, Department of Agriculture, Agricultural Marketing Service, Room 2750 South Building, P.O. Box 96456, Washington, DC 20090-6456, 202 720-7473

RIN: 0581-AA97

20. • AMENDMENT TO COTTON BOARD RULES AND REGULATIONS

Legal Authority: 7 USC 2101

CFR Citation: 7 CFR 1205

Legal Deadline: None

Abstract: The objective of this rulemaking is to modify the value of imported cotton promulgated in the regulation for the purpose of collecting assessments on imported cotton and cotton-containing products. The new value would reflect the latest data available as published by USDA.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Craig Shackelford, Chief, Research and Promotion Staff, Department of Agriculture, Agricultural Marketing Service, Room 2641 South Building, 14th and Independence Ave SW., Washington, DC 20250, 202 720-2259

RIN: 0581-AA98

21. • UNITED STATES STANDARDS FOR GRADES OF TOMATO SAUCE

Significance: Agency Priority

Legal Authority: 7 USC 1622; 7 USC 1624

CFR Citation: 7 CFR 52; 7 CFR 2371 to 2377

Legal Deadline: None

Abstract: A revision of the U.S. grade standards is proposed. The Agricultural Marketing Act of 1946 (AMA) provides for the development and improvement of standards of quality, condition, quantity, and grade to encourage uniformity and consistency in commercial practices. These standards are voluntary. A small entity may avoid incurring any additional economic impact by not employing the standards. The petition to revise these grade standards came from the Indiana Food

Processors Association, now the Mid-America Food Processors Association and several companies that produce tomato sauce. Alternatives to the revision are eliminating the grade standards or taking no action to change the standards. Eliminating the grade standards or taking no action would be difficult because it would impede trade. Many Federal and State food buying agencies rely on the U.S. grade standards as a basis for making their purchases. The revision is needed to reflect current processing and marketing practices and to facilitate trade.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Harold A. Machias, Senior Marketing Specialist, Processed Products Branch, Department of Agriculture, Agricultural Marketing Service, Room 0709 South Building, P.O. Box 96456, Washington, DC 20090-6456, 202 720-6247

RIN: 0581-AA99

22. • UNITED STATES STANDARDS FOR GRADES OF CANNED PEAS

Significance: Agency Priority

Legal Authority: 7 USC 1622; 7 USC 1624

CFR Citation: 7 CFR 52; 7 CFR 2281 to 2291

Legal Deadline: None

Abstract: A revision of the U.S. grade standards is proposed. The Agricultural Marketing Act of 1946 (AMA) provides for the development and improvement of standards of quality, condition, quantity and grade to encourage uniformity and consistency in commercial practices. These standards are voluntary. A small entity may avoid incurring any additional economic impact by not employing the standards. The petition to revise the grade standards came from the National Food Processors Association (NFPA), a trade association for over 450 processed and prepared food companies. Alternatives to the revision are eliminating the U.S. grade standards or taking no action to

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Proposed Rule Stage

change the standards. Eliminating the grade standards or taking no action would be difficult because it would impede trade. Many Federal and State food buying agencies rely on the U.S. grade standards as a basis for making their purchases. The revision is needed to reflect current processing and marketing practices, improve the standards, and facilitate trade.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/07/93 | 58 FR 47071 |
| NPRM Comment Period End | 11/08/93 | 58 FR 47071 |

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Harold A. Machias, Senior Marketing Specialist, Processed Products Branch, Department of Agriculture, Agricultural Marketing Service, Room 0709 South Building, P.O. Box 96456, Washington, DC 20090-6456, 202 720-6247

RIN: 0581-AB00

23. • REVISION OF THE REGULATIONS GOVERNING INSPECTION CERTIFICATION AND STANDARDS FOR FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 51

Legal Deadline: None

Abstract: The objective is to promote uniformity in the grading and certification of fresh fruits, vegetables, and other products. The regulations governing activities of the grading program have not undergone a substantial revision since 1967. As a result of changes in Department, Agency, and Division policies and industry practices, there is a need to amend the present regulations to more effectively administer the grading program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Douglas D. Shearer, Head, Grading Section, FPB, Fruit and

Vegetable Division, Department of Agriculture, Agricultural Marketing Service, Room 2056 South Building, P.O. Box 96456, Washington, DC 20090-6456, 202 720-5870

RIN: 0581-AB02

24. • REVISION OF FEES FOR FRESH FRUIT AND VEGETABLE DESTINATION MARKET GRADING SERVICES

Significance: Agency Priority

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 51

Legal Deadline: None

Abstract: The objective is to increase the fees for voluntary inspection service in the Fresh Products Branch market trust fund. Without a fee increase, the operating reserve of this fund will increase only from 1 month for fiscal year 1992 to 1.7 months by the end of fiscal year 1995. The four-month level is needed to ensure the program's viability and to satisfy requirements of AMS policy.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: Douglas C. Bailey, Section Head, PORS, FPB, Fruit and Vegetable Division, Department of Agriculture, Agricultural Marketing Service, Room 2056 South Building, P.O. Box 96456, Washington, DC 20090-6456, 202 720-5870

RIN: 0581-AB03

25. • GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED PLANTS, AND STANDARDS FOR GRADES OF DAIRY PRODUCTS: FEE INCREASE

Significance: Agency Priority

Legal Authority: 7 USC 1621-1627 Agricultural Marketing Act

CFR Citation: 7 CFR 58

Legal Deadline: None

Abstract: This proposal would revise the regulations to increase the fees charged users of the service. The increased fees are necessary to recover

the cost of dairy standards activities. Federal employees pay costs, and other operating costs.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Tracy Schonrock, Chief, Dairy Grading Branch, Dairy Division, Department of Agriculture, Agricultural Marketing Service, Room 2750-S, P.O. Box 96456, Washington, DC 20090-6456, 202 720-3171

RIN: 0581-AB04

26. • AMENDMENT TO REGULATIONS FOR PROVIDING COTTON CLASSIFICATION SERVICES

Legal Authority: 7 USC 473a; 7 USC 473c

CFR Citation: 7 CFR 28

Legal Deadline: None

Abstract: In order to provide the most accurate cotton classification services possible for growers, the modification of the present classification system is proposed. This proposal is in response to industry recommendations that averaging of fiber quality measurements for all bales contained in field cotton storage modules provides a more accurate indication of the fiber quality than that provided by individual bale measurements, and that averaging of all factors be pilot tested for the 1993 crop. If the 1993 crop results are favorable, averaging would be implemented for the entire crop, beginning in 1994.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 02/00/94 | |
| Final Action | 06/00/94 | |
| Final Action Effective | 07/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Craig Shackelford, Chief, Research and Promotion, Department of Agriculture, Agricultural Marketing Service, Cotton Division, Room 2641-S, 14th & Independence Avenue SW., Washington, DC 20250, 202 720-2259

RIN: 0581-AB06

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Proposed Rule Stage

27. • RECOVERY THROUGH FEES OF AGRICULTURAL MARKETING SERVICES' STANDARDIZATION ACTIVITIES

Significance: Agency Priority

Legal Authority: 31 USC 9701

CFR Citation: None

Legal Deadline: None

Abstract: The FY 1994 Department of Agriculture and Related Agencies Appropriation Act (H.R. 2493) provides authority for the Agricultural Marketing

Service to recover the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701). In anticipation of final enactment of H.R. 2493, which would be effective October 1, 1993, AMS, will promulgate regulations to recover identifiable costs for commodity standardization activities. Such rulemaking will be promulgated on a commodity-by-commodity basis, as appropriate.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joe Roeder, Director, Financial Management Division, Department of Agriculture, Agricultural Marketing Service, P.O. Box 96456, Room 3969-So., Washington, DC 20090-6456, 202 720-7511

RIN: 0581-AB07

**DEPARTMENT OF AGRICULTURE (USDA)
Agricultural Marketing Service (AMS)**

Final Rule Stage

28. • REFRIGERATION AND LABELING REQUIREMENTS FOR SHELL EGGS

Significance: Agency Priority

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act; 7 USC 1031 to 1056 Egg Products Inspection Act

CFR Citation: 7 CFR 56; 7 CFR 59

Legal Deadline: None

Abstract: Research has shown that refrigeration is a significant factor in the reduction of bacterial growth in shell eggs. To reduce the risk of human illness from Salmonella bacteria, a shell egg industry task force believed that refrigeration of eggs was an appropriate course of action. The task force subsequently sought legislation to require that shell eggs be refrigerated at an ambient temperature no greater than 45 degrees F after packing for the ultimate consumer and be labeled to indicate that refrigeration is required. The Egg Products Inspection Act (EPIA) was amended to include these requirements, effective December 13, 1991. As the proposed regulations will implement the requirements of the EPIA, there is no alternative to this proposal. Based on USDA egg production and price data, estimated first year compliance costs are \$40.67 million and represent 1.37 percent of gross industry proceeds or \$0.0083 per dozen. Since the first year figures include nonrecurring expenditures for facilities and vehicles, the total industry cost will be less in subsequent years.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 10/27/92 | 57 FR 48569 |
| NPRM Comment Period End | 12/28/92 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Janice L. Lockard, Chief, Standardization Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, P.O. Box 96456, Washington DC 20090-6456, 202 720-3506

RIN: 0581-AA66

29. PROCEDURES FOR CONDUCT OF SOYBEAN REFERENDUM

Legal Authority: 7 USC 6301 to 6311

CFR Citation: 7 CFR 1220

Legal Deadline: None

Abstract: This rule is mandated by the Soybean Promotion, Research, and Consumer Information Act. A referendum must be held during the January 1993 to July 1994 period. This rule provides procedures for the conduct of a referendum.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/06/93 | 58 FR 26933 |
| NPRM Comment Period End | 06/07/93 | 58 FR 26933 |
| Final Action | 10/00/93 | |
| Final Action Effective | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph L. Tapp, Chief, Marketing Programs Branch, Livestock and Seed Division, Department of Agriculture, Agricultural Marketing Service, Room 2624-S South Building, P.O. Box 96456, Washington, DC 20090-6456, 202 720-1115

RIN: 0581-AA77

30. AGENCY REORGANIZATION OF ANALYTICAL TESTING SERVICES

Significance: Agency Priority

Legal Authority: 7 USC 1421; 7 USC 1423; 7 USC 1441; 7 USC 1621 to 1627; 7 USC 2321; 7 USC 2326; 7 USC 2352 to 2353; 7 USC 2356; 7 USC 2371; 7 USC 2402(b); 7 USC 2403; 7 USC 2426 to 2427; 7 USC 2501(c); 15 USC 714(c); 21 USC 1301 to 1056

CFR Citation: 7 CFR 29; 7 CFR 52; 7 CFR 55; 7 CFR 58; 7 CFR 59; 7 CFR 61; 7 CFR 70; 7 CFR 90 to 159; 7 CFR 180

Legal Deadline: None

Abstract: The Agricultural Marketing Service (AMS) of the Department of Agriculture consolidated and transferred functions related to analytical laboratory testing services performed on tobacco, seeds, dairy products, eggs, fruits, vegetables, meat, poultry and related agricultural products to its Science Division. This proposed rule would revise the regulations by establishing a new Subchapter E, Commodity Laboratory Testing Programs, in Title 7 of the Code of Federal Regulations by amending and transferring AMS regulations concerning laboratory services, and the regulations under the Plant Variety

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Protection Act. The regulations would also be revised by adding provisions for statistical science support services and residue monitoring operations to the new subchapter parts 90-101 and part 110. In addition, fees charged for testing services under the various Science Division programs would be amended to reflect additional costs associated with the services.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jon E. McNeal, Chief, Technical Services Branch, Department of Agriculture, Agricultural Marketing Service, Room 3517-S South Agriculture Building, Washington, DC 20090-6456, 202 720-2216

RIN: 0581-AA85

the tests and undermine the credibility of the program. A fee increase is needed to generate approximately \$20,000 in additional revenue to cover expenses.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/11/93 | 58 FR 32617 |
| NPRM Comment Period End | 07/12/93 | 58 FR 32617 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James P. Triplitt, Chief, Seed Regulatory and Testing Branch, Department of Agriculture, Agricultural Marketing Service, Building 506 BARC-E, Beltsville, MD 20705, 301 504-9430

RIN: 0581-AA90

32. • REGULATION GOVERNING THE FRESH IRISH ROUND WHITE POTATO DIVERSION PROGRAM, 1992 CROP

Legal Authority: 7 USC 612c

CFR Citation: 7 CFR 80

Legal Deadline: None

Abstract: The Fresh Irish Round White Potato Diversion Program was developed to take fresh round white potatoes out of the retail market. The program was completed on July 2, 1993. The Diversion Program has served its intended purpose to divert potatoes from the normal channel of trade and is no longer needed to be in effect.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 05/19/93 | 58 FR 29097 |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Sandra Gardei, Assistant Branch Chief, Commodity Procurement Branch, Department of Agriculture, Agricultural Marketing Service, Room 2548 South Building, 14th and Independence Ave, Washington, DC 20090, 202 720-6391

RIN: 0581-AA93

33. • SOYBEAN PROMOTION AND RESEARCH; RULES AND REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 6301 to 6311

CFR Citation: 7 CFR 1220

Legal Deadline: None

Abstract: This proposed rule would: (1) Provide additional time for remittance of assessments by first purchasers to QSSB's and the Unified Soybean Board. It would provide consistency with reporting requirements of preexisting State checkoff programs for other commodities. Purchasers would remit the assessments by the last day of the month following the month in which soybeans were marketed; or, in specified States, by the last day of the month following the quarter in which soybeans were marketed, rather than by the 15th of the month as currently required. This change would reduce and standardize the workload for purchasers who also collect and remit assessments under other checkoff programs. (2) Abolish the requirement to use Board issued nonproducer status forms to exempt sales of soybeans from assessment and allow soybean producers to establish their own system. **ALTERNATIVES:** (1) Continue to operate under current rules and regulations as they have for over a year. However, since Government is committed to reducing reporting requirements and the (cont)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/30/93 | 58 FR 40730 |
| NPRM Comment Period End | 08/30/93 | 58 FR 40730 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: paperwork burden imposed on the public, this does not seem to be a viable alternative. (2) Continue to require remittance of assessments as currently specified. Require each purchaser to request written approval from the Board to deviate from the use of the form as allowed under the current rules and regulations. This is also inconsistent with the commitment to reduce the public burden.

Agency Contact: Ralph L. Tapp, Chief, Marketing Programs Branch, Livestock and Seed Division, Department of Agriculture, Agricultural Marketing Service, P.O. Box 96456, Washington, DC 20090-6456, 202 720-1115

RIN: 0581-AA94

DEPARTMENT OF AGRICULTURE (USDA)
Agricultural Marketing Service (AMS)

Completed Actions

34. REVIEW OF PRICING PROVISIONS IN ALL FEDERAL MILK MARKETING ORDERS

Significance: Agency Priority
 CFR Citation: 7 CFR 1001 to 1139
 Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/11/93 | 58 FR 27774 |
| Final Action Effective | 07/01/93 | |

Small Entities Affected: None
 Government Levels Affected: None
 Agency Contact: Clayton H. Plumb, 202 720-6274
 RIN: 0581-AA37

35. RECORDKEEPING REQUIREMENTS FOR CERTIFIED APPLICATORS OF FEDERALLY RESTRICTED USE PESTICIDES

Significance: Agency Priority
 CFR Citation: 7 CFR 110
 Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/09/93 | 58 FR 19014 |
| Final Action Effective | 05/10/93 | 58 FR 19014 |

Small Entities Affected: None
 Government Levels Affected: None
 Agency Contact: Bonnie Poli, 703 330-7826
 RIN: 0581-AA39

36. FEE INCREASE FOR DAIRY GRADING PROGRAM

CFR Citation: 7 CFR 58
 Completed:

| Reason | Date | FR Cite |
|------------------------|----------|------------|
| Final Action | 01/21/92 | 57 FR 2220 |
| Final Action Effective | 01/26/92 | 57 FR 2220 |

Small Entities Affected: Businesses
 Government Levels Affected: Federal
 Agency Contact: Tracy Schonrock, 202 720-0503
 RIN: 0581-AA42

37. MANDATORY INSPECTION OF EGGS AND EGG PRODUCTS

Significance: Agency Priority
 CFR Citation: 7 CFR 59
 Completed:

| Reason | Date | FR Cite |
|---------------------------------------|----------|---------|
| Withdrawn Combined with RIN 0581-AA58 | 07/30/93 | |

Small Entities Affected: None
 Government Levels Affected: None
 Agency Contact: Janice L. Lockard, 202 720-3506
 RIN: 0581-AA55

38. EGG RESEARCH AND PROMOTION RULES AND REGULATIONS

Significance: Agency Priority
 CFR Citation: 7 CFR 1250
 Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/29/93 | 58 FR 34696 |
| Final Action Effective | 09/01/93 | 58 FR 34696 |

Small Entities Affected: None
 Government Levels Affected: None
 Agency Contact: Janice L. Lockard, 202 720-3506
 RIN: 0581-AA59

39. AMENDMENT TO COTTON BOARD RULES AND REGULATIONS

Significance: Agency Priority
 CFR Citation: 7 CFR 1205
 Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 10/07/93 | 58 FR 52215 |
| Final Action Effective | 11/08/93 | 58 FR 52215 |

Small Entities Affected: None
 Government Levels Affected: None
 Agency Contact: Craig Shackelford, 202 720-2259
 RIN: 0581-AA63

40. MILK FOR MANUFACTURING PURPOSES AND ITS PRODUCTION AND PROCESSING; REQUIREMENTS RECOMMENDED FOR ADOPTION BY STATE REGULATORY AGENCIES

Significance: Agency Priority
 CFR Citation: None
 Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/06/93 | 58 FR 26950 |
| Final Action Effective | 05/06/93 | 58 FR 26950 |

Small Entities Affected: None
 Government Levels Affected: State
 Agency Contact: Duane R. Spomer, 202 720-7473
 RIN: 0581-AA70

41. FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

Significance: Agency Priority
 CFR Citation: 7 CFR 51
 Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 10/29/92 | 57 FR 48929 |
| Final Action Effective | 11/12/92 | 57 FR 48929 |

Small Entities Affected: None
 Government Levels Affected: None
 Agency Contact: Douglas C. Bailey, 202 720-5870
 RIN: 0581-AA71

42. BEEF PROMOTION AND RESEARCH REAPPORTIONMENT

CFR Citation: 7 CFR 1260
 Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 03/09/93 | 58 FR 12997 |
| Final Action Effective | 04/08/93 | 58 FR 12997 |

Small Entities Affected: None
 Government Levels Affected: None
 Agency Contact: Ralph L. Tapp, 202 720-1115
 RIN: 0581-AA76

43. RULES OF PRACTICE GOVERNING PROCEEDINGS ON PETITIONS TO MODIFY OR TO BE EXEMPTED FROM THE SOYBEAN PROMOTION AND RESEARCH ORDER

CFR Citation: 7 CFR 1220
 Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/14/93 | 58 FR 47983 |
| Final Action Effective | 10/14/93 | 58 FR 47983 |

Small Entities Affected: None
 Government Levels Affected: None
 Agency Contact: Ralph L. Tapp, 202 720-1115
 RIN: 0581-AA78

44. POLICY STATEMENT AND REGULATIONS GOVERNING THE EXTENSION OF TOBACCO INSPECTION AND PRICE SUPPORT SERVICES TO NEW MARKETS AND TO ADDITIONAL SALES ON DESIGNATED MARKETS

CFR Citation: 7 CFR 29

USDA—AMS

Completed Actions

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/21/93 | 58 FR 21343 |
| Final Action Effective | 05/21/93 | 58 FR 21343 |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Larry J. Hopkins, 202 205-0567

RIN: 0581-AA84

45. • PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Significance: Agency Priority

Legal Authority: 7 USC 1622; 7 USC 1624

CFR Citation: 7 CFR 52

Legal Deadline: None

Abstract: The objective is to increase the fees for voluntary inspection services to replenish the reserve balance of the trust fund, and ensure the program's financial viability. This will satisfy the requirements of AMS policy.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/04/92 | 57 FR 52595 |
| NPRM Comment Period End | 12/04/92 | |
| Final Action | 02/24/93 | 58 FR 11185 |
| Final Action Effective | 02/24/93 | 58 FR 11185 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Raymondo O'Neal, Head, Inspection Service, Processed Products Branch, Department of Agriculture, Agricultural Marketing Service, Room 0709 South Building, 14th and Independence Ave. SW., Washington DC 20250, 202 720-5021

RIN: 0581-AA88

46. • GRADING AND INSPECTION GENERAL SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS; GENERAL SPECIFICATION FOR DAIRY PLANTS

Significance: Agency Priority

Legal Authority: 7 USC 1627

CFR Citation: 7 CFR 58

Legal Deadline: None

Abstract: This document amends the General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service (General Specifications) by incorporating provisions to specify the sampling, testing, and recordkeeping requirements relating to an expanded drug residue monitoring program in USDA-approved dairy plants. This action was initiated at the request of the National Association of State Departments of Agriculture (NASDA) and was developed in cooperation with NASDA, the Food and Drug Administration (FDA), dairy trade associations, and producer groups.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/27/92 | 57 FR 33130 |
| Final Action | 05/06/93 | 58 FR 26911 |
| Final Action Effective | 06/07/93 | 58 FR 26911 |
| NPRM Comment Period End | 08/26/93 | 57 FR 33130 |

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: Duane R. Spomer, Chief, Dairy Standardization Branch, Department of Agriculture, Agricultural Marketing Service, Room 2750 South Building, P.O. Box 96456, Washington, DC 20090-6456, 202 720-7473

RIN: 0581-AA89

47. • INCREASE IN FEES FOR MEAT GRADING AND CERTIFICATION SERVICES

Significance: Agency Priority

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 54

Legal Deadline: None

Abstract: Rulemaking to increase fees for Federal meat grading and certificate services resulting from a 3.7% salary and benefit increase, and a 4% inflation rate on non-salary costs.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/11/93 | 58 FR 32616 |
| NPRM Comment Period End | 07/12/93 | 58 FR 32616 |
| Final Action | 09/17/93 | 58 FR 48591 |
| Final Action Effective | 09/19/93 | 58 FR 48591 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Evan JU. Stachowicz, Assistant to the Chief, Department of Agriculture, Agricultural Marketing Service, Room 2636 South Building, P.O. Box 96456, Washington, DC 20250, 202 720-1113

RIN: 0581-AA91

48. • PORK PROMOTION AND RESEARCH: DECREASE IN IMPORTER ASSESSMENTS

Significance: Agency Priority

Legal Authority: 7 USC 4801

CFR Citation: 7 CFR 1230

Legal Deadline: None

Abstract: The order provides for adjustments in imported assessments to reflect changes in domestic prices.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/10/93 | 58 FR 32468 |
| NPRM Comment Period End | 07/12/93 | 58 FR 32468 |
| Final Action | 09/08/93 | 58 FR 47204 |
| Final Action Effective | 10/08/93 | 58 FR 47204 |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Ralph L. Tapp, Chief, Livestock and Seed Division, Department of Agriculture, Agricultural Marketing Service, Room 2624 South Building, P.O. Box 96456, Washington, DC 20090-6456, 202 720-1115

RIN: 0581-AA92

BILLING CODE 3410-02-F

DEPARTMENT OF AGRICULTURE (USDA)
Agricultural Stabilization and Conservation Service (ASCS)

Proposed Rule Stage

49. COMMON PROVISIONS FOR THE 1994 WHEAT, FEED GRAIN, COTTON, AND RICE PROGRAMS

Significance: Regulatory Program

Legal Authority: 7 USC 1441-2; 7 USC 1444; 7 USC 1444-2; 7 USC 1444f; 7 USC 1445b-3a; The Agricultural Act of 1949, as amended

CFR Citation: 7 CFR 1413

Legal Deadline: None

Abstract: The objective of this action is to implement the Wheat, Feed Grain, Cotton, and Rice Programs as required by legislation. Primary determinations are 1) crops to be allowed to be planted on flexible acreage, 2) implementation of Targeted Option Payments, 3) planting of designated crops and conserving crops on Acreage Conservation Reserve (ACR) acreage, and 4) planting of oats on wheat and feed grain ACR. The net cost to the Government is expected to be \$100 million to \$200 million.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/03/93 | 58 FR 46886 |
| NPRM Comment Period End | 10/04/93 | 58 FR 46886 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AC74

50. AMENDMENTS TO THE PRODUCTION ADJUSTMENT REGULATIONS—RECONSTITUTION OF BASES, ALLOTMENTS AND QUOTAS

Legal Authority: 7 USC 1379; The Agricultural Adjustment Act of 1938, sec 379, as amended

CFR Citation: 7 CFR 719

Legal Deadline: None

Abstract: This action is needed to amend the regulations regarding reconstitution of bases, allotments, and quotas in order to 1) clarify them, 2) make them more consistent with the payment limitation regulations, and 3) determine whether a spouse should be

considered the "same owner" when determining whether land is under the same ownership. No Federal outlays are expected.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AC99

51. PILOT VOLUNTARY PRODUCTION LIMITATION PROGRAM

Legal Authority: 7 USC 1444f; 7 USC 1445b-3a; The Agricultural Act of 1949, sec 105B(g), as amended

CFR Citation: 7 CFR 1413

Legal Deadline: None

Abstract: This action is needed to implement the Pilot Voluntary Production Limitation Program (PVPLP) for wheat and feed grains, as required by P.L. 101-624. This action will implement regulations to provide for 1) implementation of the PVPLP in at least 15 states, 2) Limiting the amount of wheat or feed grains that can be disposed of in excess of the production limitation quantity for the marketing year, 3) A production limitation quantity calculation, 4) Terms and conditions for producers who elect to participate, 5) Provisions for excess production, 6) Subsequent year marketing of excess production, and 7) Measures to prevent circumvention of the program, including refunds or forfeitures of commodities. Only minor administrative and program costs are expected.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural

Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD00

52. 1994 FEED GRAIN LOAN RATES AND ACREAGE REDUCTION LEVELS

Significance: Regulatory Program

Legal Authority: 7 USC 1444 et seq; The Agricultural Act of 1949, sec 105B, as amended

CFR Citation: 7 CFR 1413

Legal Deadline:

NPRM, Statutory, August 1, 1993. Final, Statutory, September 30, 1993. Other, Statutory, November 15, 1993, for adjustments.

Abstract: This action is needed to provide an adequate supply of feed grains for domestic and foreign utilization, support farm income, and comply with statutory requirements. The expected cost is \$3.0 -\$4.5 billion.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/05/93 | 58 FR 41641 |
| NPRM Comment Period End | 10/05/93 | 58 FR 41641 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD02

53. • AMENDMENTS TO CCC DEBT SETTLEMENT REGULATIONS REGARDING WAIVER OF RESTRICTION ON PROGRAM ELIGIBILITY AND COLLECTION OF JUDGMENTS BY ADMINISTRATIVE OFFSET

Legal Authority: 28 USC 3201; 15 USC 714b; 15 USC 714c

CFR Citation: None

Legal Deadline: None

Abstract: This action is needed to allow for the waiver of restrictions on program eligibility, as authorized by the Federal Debt Collection Procedures Act of 1990 (the Act), and to facilitate the collection of judgments by

administrative offset. The Act provides that debtors who have judgement liens against their property for a debt owed to the United States are not eligible to receive grants or loans made by the United States until the debt is paid in full or otherwise satisfied. However, the Act also permits agencies to waive this restriction. In addition, the Commodity Credit Corporation is authorized to collect debts for other Federal agencies by administrative offset upon receipt of (1) a qualified offset request, (2) a Notice of Levy, or (3) a request or approval by the Department of Justice. This action would authorize ASCS to collect judgements in favor of the United States by administrative offset. This action will result in increased collection of debts owed to the Government.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD09

54. • AMENDMENT TO THE U.S. WAREHOUSE ACT REGULATIONS—LICENSE AND INSPECTION FEES

Legal Authority: 7 USC 268

CFR Citation: 07 CFR 736

Legal Deadline: None

Abstract: The Omnibus Budget Reconciliation Act of 1981 required that U.S. Warehouse Act licensing and examination programs be operated on a fee basis. New regulations are required when an increase and/or decrease is warranted. Fixed fees were implemented in 1981 and were last increased in 1985. The interest accumulating in the Warehouse User Fee Account has been the major reason for not having to adjust the fee schedule before now. In more recent years, low interest rates and increased expenses (primarily salaries, travel, and administrative costs), coupled with collections which have not changed significantly over the past 10 years, will

result in a deficit in the "fee collection account" by FY 1994 if the fee schedule is not revised, and would thus require a reduction in service. The cost of Government of this action has not yet been determined.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| Notice Requesting Comments | 08/20/93 | 58 FR 44320 |
| NPRM | 01/00/94 | |
| Final Action | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD13

55. • AMENDMENT TO THE U.S. WAREHOUSE ACT REGULATIONS—USE OF ELECTRONIC COTTON WAREHOUSE RECEIPTS

Legal Authority: 7 USC 268

CFR Citation: 07 CFR 735

Legal Deadline: None

Abstract: In response to a recent amendment to the U.S. Warehouse Act, this proposed action is the first stage in streamlining the marketing of cotton. The proposal would implement a central filing system that can be used by Federal and State licensed cotton warehouses. This system would be voluntary and replace paper warehouse receipts with electronically originated, filed, and transmitted electronic warehouse receipts. No cost to USDA is expected. The system, if implemented, would be supported by user fees.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/16/93 | 58 FR 43298 |
| NPRM Comment Period End | 10/15/93 | 58 FR 43298 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service,

Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD14

56. • CONSERVATION ENVIRONMENTAL PROGRAMS REGULATIONS REGARDING WATER QUALITY INCENTIVES PROJECT, COST SHARE PROVISIONS OF THE EMERGENCY CONSERVATION PROGRAM, AND OTHER REVISIONS

Legal Authority: 16 USC 590 et seq; 16 USC 1503; 16 USC 2201 to 2205; 16 USC 2101 to 2111; PL 102-142

CFR Citation: 07 CFR 701

Legal Deadline: None

Abstract: This action is needed to amend the Conservation and Environmental Program regulations to: (1) add the Water Quality Incentives Project (WQIP) as provided by the 1992 Agricultural Conservation Program appropriations; (2) change the Emergency Conservation Program (ECP) cost share rates from three rates to one rate; (3) authorize cost-share assistance for confined livestock operations under the ECP as provided for in the Disaster Assistance Act of 1989; and (4) revise the regulations for clarity and ease of operation. No cost to Government is expected.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD16

57. • 1994 RICE PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1441-2

CFR Citation: 07 CFR 1413; 07 CFR 1421

Legal Deadline: NPRM, Statutory, December 1, 1993. Final, Statutory, January 31, 1994.

Abstract: This action is needed to implement the 1994 Rice Program, as

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required by the Food, Agriculture, Conservation, and Trade Act of 1990. The purpose of the program is to assure sufficient supplies of rice for domestic and export use, maintain adequate carryover stocks, and support farm income. Primary determinations are: 1) the loan and purchase rate, which must be set at no less than 85 percent of the simple average price for the 5 preceding marketing years (MY's), excluding the high and low years, and may not be reduced by more than 5 percent from the previous year; in addition, may not be less than \$6.50 per hundredweight, and 2) the Acreage Reduction Program (ARP)--whether to establish an ARP, and, if so, at what level between 0 and 35 percent, to achieve a stocks-to-use ratio, in percentage terms, between 16.5 and 20.0 percent. The expected cost of \$0.7 - \$1.0 billion.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD18

58. • 1994 WOOL AND MOHAIR PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1781 et seq

CFR Citation: 07 CFR 1468

Legal Deadline: None

Abstract: This action is needed to implement the 1994 Wool and Mohair Program, as required by legislation. The purpose of the Program is to encourage the continued domestic production of wool at prices fair to both producers and consumers in a manner that will assure a viable domestic wool industry in the future, by supporting the prices of wool and mohair by means of loans, purchases, payments, or other operations. The support level for wool is set by statutory formula. The other determinations are to 1) support mohair at a level not more than 15 percent

above or below the comparable percentage of parity at which shorn wool is supported, and 2) support pulled wool through payments based on the liveweight of unshorn lambs marketed for slaughter. The expected cost is \$150 - 200 million.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD19

59. • 1994-CROP PEANUTS NATIONAL POUNDAGE QUOTA

Significance: Agency Priority

Legal Authority: 7 USC 1358-1

CFR Citation: 07 CFR 729

Legal Deadline: Final, Statutory, December 15, 1993.

Abstract: The objective of this action is to balance supply with demand at a level that will assure stable supplies for domestic use and assure producers a stable income. This action is required by legislation, which provides a formula for computing the national quota. The quota must equal the amount estimated to be devoted to domestic food, seed, and related uses, and may not be less than 1.35 million tons. The expected cost is \$0.3 million.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD20

60. • 1994 UPLAND COTTON PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1444-2

CFR Citation: 07 CFR 1413; 07 CFR 1427

Legal Deadline:

Other, Statutory, November 1, 1993, for preliminary ARP.

Other, Statutory, November 1, 1993, for final loan rate.

Other, Statutory, January 1, 1994, for final ARP level.

Abstract: This action is needed to implement the Upland Cotton Program as required by the Food, Agriculture, Conservation, and Trade Act of 1990. The purpose of the program is to assure sufficient supplies of cotton for domestic and export use, maintain adequate carryover stocks, and support farm income. The primary determinations are: 1) the loan rate, 2) the Acreage Reduction Program level, and 3) Marketing Loan Program implementation and repayment level. The expected cost is \$1-2 billion.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD21

61. • 1994 EXTRA LONG STAPLE COTTON PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1444(h)

CFR Citation: 07 CFR 1413; 07 CFR 1427

Legal Deadline: Final, Statutory, December 1, 1993.

Announcement of Loan Rate

Abstract: This action is needed to implement the ELS Cotton Program as required by the Food, Agriculture, Conservation, and Trade Act of 1990. The purpose of the program is to assure sufficient supplies of ELS cotton for

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domestic and export use, maintain adequate carryover stocks, and support farm income. The primary determinations are: 1) the loan rate, and 2) the Acreage Reduction Program level. The expected cost is \$5 - 25 million.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD22

62. • 1994-CROP MARKETING QUOTAS FOR MINOR KINDS OF TOBACCO

Significance: Agency Priority

Legal Authority: 7 USC 1312(a) et seq

CFR Citation: 07 CFR 723

Legal Deadline: None

Abstract: Marketing quotas and acreage allotments are required by legislation for these kinds of tobacco (Fire-cured (type 21), Fire-cured (types 22-23), Dark Air-cured (types 35-36), Virginia Sun-cured (type 37), and Cigar Filler and Binder (types 42-44 and 53-55)). The purpose of quotas and allotments is to balance supply with demand at levels that assure stable supplies for domestic and export use at prices that are fair to producers. Marketing quota and acreage allotment determinations are based on 10-year average marketings adjusted for trends to yield the "reserve supply level" as defined by legislation. Marketing quotas are implemented if approved by producers in referenda. Producers approved quotas for the 1994 crop of Virginia Sun-cured in March, 1992. Referenda for the other types are scheduled for March, 1993 and 1994. Producers of these types have historically voted in favor of quotas. No net cost to the Government is expected.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD23

63. • DEDUCTION FROM PEANUT PRICE SUPPORT ADVANCES

Legal Authority: 7 USC 1445c-3

CFR Citation: 07 CFR 1446

Legal Deadline: None

Abstract: This action is needed to allow a deduction of \$2.00 per ton from the price support advances paid to producers of peanuts produced in the southwest marketing area. This would be an increase from the current maximum deduction of \$1.00 per ton. The money collected would be used by the Southwestern Peanut Producers Association (SWPGA) to fund non-program peanut activities on behalf of its members. The SWPGA Board of Directors authorized the SWPGA Manager to request that CCC increase the deduction to provide the SWPGA to carry out its activities that include, but are not limited to, education, communications, pesticide and other research projects. The cost to government would be negligible.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD33

64. • 1995 FEED GRAIN PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1444 et seq

CFR Citation: 07 CFR 1413

Legal Deadline:

Final, Statutory, September 30, 1994, ARP.

Final, Statutory, November 15, 1994, Adjustments.

Abstract: This action is needed to provide an adequate supply of feed grains for domestic and foreign utilization, support farm income, hold down Federal costs, conserve natural resources, and comply with statutory requirements. The primary determinations are: 1) Loan and purchase rates and 2) the acreage reduction program. Cost to the Government will be \$3.0 to \$4.5 billion.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 07/15/94 | |
| Final Action | 12/30/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD37

65. • 1995 RICE PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1441-2

CFR Citation: 07 CFR 1413; 07 CFR 1421

Legal Deadline:

NPRM, Statutory, December 1, 1994, Preliminary ARP anno.

Final, Statutory, January 1, 1995, Final ARP announcement.

Abstract: This action is needed to implement the Rice Program as required by the Food, Agriculture, Conservation, and Trade Act of 1990. The purpose of the program is to assure sufficient supplies of rice for domestic and export use, maintain adequate carryover stocks, and support farm income. The primary determinations are: 1) Loan and purchase rate and 2) The acreage reduction program. Cost to the Government will be \$0.7 to \$1.0 billion.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 09/00/94 | |
| Final Action | 01/00/95 | |

Small Entities Affected: None

USDA—ASCS

Proposed Rule Stage

Government Levels Affected: None
Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583
RIN: 0560-AD38

66. • 1995 UPLAND COTTON PROGRAM

Significance: Regulatory Program
Legal Authority: 7 USC 1444-2
CFR Citation: 07 CFR 1413; 07 CFR 1427
Legal Deadline: NPRM, Statutory, November 1, 1994, Preliminary ARP leve. Final, Statutory, November 1, 1994, Loan rate. Final, Statutory, January 1, 1995, Final ARP level.

Abstract: This action is needed to implement the Upland Cotton Program as as required by the Food, Agriculture, Conservation, and Trade Act of 1990. The purpose of the program is to assure sufficient supplies of cotton for domestic and export use, maintain adequate carryover stocks, and support farm income. The primary determinations are: 1) Loan rate 2) Acreage reduction program 3) Marketing loan and 4) Base quality. Cost to the Government will be \$1 to \$2 billion.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/94 | |
| Final Action | 03/00/95 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583
RIN: 0560-AD39

67. • 1995 WOOL AND MOHAIR PROGRAM

Significance: Regulatory Program
Legal Authority: 7 USC 1781 et seq
CFR Citation: 07 CFR 1468

Legal Deadline: None
Abstract: This action is needed to encourage the continued domestic production of wool at prices fair to both producers and consumers in a manner that will assure a viable domestic wool industry in the future, by supporting the prices of wool and mohair by means of loans, purchases, payments, or other operations. The support level for wool is set by statutory formula. The cost to the Government will be \$150 to \$250 million.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/94 | |
| Final Action | 01/00/95 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583
RIN: 0560-AD40

68. • 1995 EXTRA LONG STAPLE COTTON PROGRAM

Significance: Agency Priority
Legal Authority: 7 USC 1444(h)
CFR Citation: 07 CFR 1413; 07 CFR 1427
Legal Deadline: Final, Statutory, December 1, 1994. For announcement of the loan rate.

Abstract: This action is needed to implement the ELS Cotton Program as required by the Food, Agriculture, Conservation, and Trade Act of 1990. The purpose of the program is to assure sufficient supplies of ELS cotton for domestic and export use, maintain adequate carryover stocks, and support farm income. The primary determinations are: 1) loan rate, and 2) the acreage reduction program. The cost to the Government will be \$0 - \$5 million.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/94 | |
| Final Action | 02/00/95 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583
RIN: 0560-AD42

69. • 90-DAY RULE

Legal Authority: 7 USC 1433e
CFR Citation: Not yet determined
Legal Deadline: None

Abstract: This action is needed to implement the 90-day rule as provided by the Food, Agriculture, Conservation, and Trade Act of 1990. The 90-day rule provides that decisions of State and county offices shall be final after 90 days and that no action shall be taken to recover payments made in error unless the producer had reason to believe that the decision was erroneous. The cost of this action has not yet been determined.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583
RIN: 0560-AD43

70. • COLORADO RIVER BASIN SALINITY CONTROL PROGRAM AMENDMENTS

Legal Authority: 43 USC 1592(c)
CFR Citation: 07 CFR 702
Legal Deadline: None

Abstract: This action is needed to amend the Colorado River Basin Salinity Control Program regulations to: (1) provide on-farm/off-farm definitions, and (2) clarify SCS technical assistance in planning and completing the Salinity Control Plan. No Government outlays are expected.

USDA—ASCS

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD45

71. • TERM LIMITS FOR NATIONAL OFFICERS OR STATE PRESIDENTS OF THE NATIONAL ASSOCIATION OF FARMER ELECTED COMMITTEEMEN

Legal Authority: 16 USC 590d; 16 USC 590h

CFR Citation: 07 CFR 7

Legal Deadline: None

Abstract: This action is needed to implement legislation providing that persons elected to be national officers or State presidents of the National Association of Farmer Elected Committeemen be limited to four consecutive terms. A definition of the term "person" is also provided for this purpose. No Government outlays are expected.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD46

72. • 1994 OPTIONS PILOT PROGRAM

Legal Authority: 7 USC 1421 Note

CFR Citation: 07 CFR 1413

Legal Deadline: None

Abstract: This action is needed to implement the Options Pilot Program

for wheat, corn, and soybeans and possibly other program crops, for the 1994 crop year, as required by legislation. The program: (1) May be expanded to include additional States, counties and crops, in addition to the ones already administering the program. (2) Will provide means for farmers to buy put options that would provide price assurance equivalent to deficiency payments and price support benefits. (3) Provide terms and conditions for producers who elect to participate; (4) Provide provisions for administering the program, and (5) Provide measures to prevent circumvention of the program, including refunds and penalties. Only minor administrative and program costs are expected.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD48

73. • AMENDMENT TO THE EMERGENCY LIVESTOCK ASSISTANCE REGULATIONS REGARDING FEED PRICES

Legal Authority: 7 USC 1471

CFR Citation: 07 CFR 1475

Legal Deadline: None

Abstract: This action will simplify the determination of livestock feed assistance by basing assistance on five-year average prices rather than Posted County Prices at the time of application and at the end of feeding periods. The cost of this change will depend on the size of the Livestock Feed Program (LFP) during a particular year and on feed prices over the previous 5 years. If this change had been in effect for the 1992 LFP, which cost about \$48 million, costs would have increased by about \$2.6 million.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD49

74. • AMENDMENT TO THE ACREAGE CONSERVATION RESERVE AND THE CONSERVING USE ACREAGE REGULATIONS FOR PRODUCERS AFFECTED BY EXCESSIVE RAINFALL AND FLOODING

Legal Authority: 7 USC 1441-2; 7 USC 1444-2; 7 USC 1444f; 7 USC 1445b-3a

CFR Citation: 07 CFR 1413

Legal Deadline: None

Abstract: This action is needed to implement changes for the 1993 crop year only, to the minimum size and width requirements for Acreage Conservation Reserve (ACR) and Conserving Use for Payment (CU) acreage. These changes are necessary because excessive rainfall and flooding in the Midwest has prevented planting of enrolled 1993 crops, caused crop failure, or changed planting patterns. This action will provide terms and conditions for participating producers, permitting them to still be able to designate the required acreage for ACR or CU for payment. Only minor administrative costs are expected.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD50

DEPARTMENT OF AGRICULTURE (USDA)
Agricultural Stabilization and Conservation Service (ASCS)

Final Rule Stage

75. AMEND U.S. WAREHOUSE ACT (USWA) REGULATIONS TO PROVIDE INFORMAL HEARINGS FOR USWA LICENSED WAREHOUSEMEN

Legal Authority: 7 USC 268; The United States Warehouse Act
CFR Citation: 7 CFR 735; 7 CFR 742
Legal Deadline: None

Abstract: This action would give USWA licensees an opportunity for informal hearings in cases of license suspension. There are no expected outlays as a result of this action.

Timetable:

| Action | Date | FR Cite |
|-----------------|----------|-------------|
| NPRM | 05/09/91 | 56 FR 21952 |
| NPRM--Withdrawn | 10/06/92 | 57 FR 45993 |
| New NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AC05

76. SUGAR AND CRYSTALLINE FRUCTOSE MARKETING ALLOTMENT REGULATIONS FOR FISCAL YEARS 1992 THROUGH 1996

Significance: Regulatory Program
Legal Authority: 7 USC 1446; 7 USC 1311

CFR Citation: 07 CFR 1435

Legal Deadline: None

Abstract: The objective of this action is to implement the Sugarcane and Sugar Beet Price Support Program as required by legislation. The primary determination is the implementation of Domestic Marketing Allotments. No Government outlays are expected as a result of this action. This action was previously reported as RIN 0560-AC76. The 1991 price support component of this action was also reported as RIN 0560-AC14 and was completed on 9/18/91.

Timetable:

| Action | Date | FR Cite |
|-----------------|----------|-------------|
| NPRM | 12/02/91 | 56 FR 61191 |
| NPRM--Withdrawn | 07/29/92 | 57 FR 33459 |
| New NPRM | 03/25/93 | 58 FR 16126 |

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| Interim Final Rule | 07/06/93 | 58 FR 36120 |
| Interim Final Rule-- Appeals | 08/06/93 | 58 FR 41995 |
| Final Rule | 00/00/00 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AC14

77. EXCESSIVE MANUFACTURING (MAKE) ALLOWANCES IN STATE MARKETING ORDERS FOR MILK

Significance: Agency Priority
Legal Authority: 7 USC 1446e-1; The Food, Agriculture, Conservation, and Trade Act of 1990

CFR Citation: 07 CFR 13

Legal Deadline: Final, Statutory, November 28, 1991.

Abstract: The Food, Agriculture, Conservation, and Trade Act of 1990 requires that, beginning 12 months after enactment, no State shall provide for (and no person shall collect, directly or indirectly) a greater allowance for the processing of milk ("make allowance") than is permitted under a Federal program to establish a Grade A price for manufacturing butter, nonfat dry milk, or cheese. The law provides for penalties and investigations by the Secretary if a producer provides evidence of such action. No Government outlays are expected.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/19/92 | 57 FR 27371 |
| NPRM Comment Period End | 10/19/92 | |
| NEW NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service,

Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583
RIN: 0560-AC23

78. ALLOCATION OF PROCUREMENT OF PROCESSED AGRICULTURAL COMMODITIES FOR DONATION ON A LOWEST LANDED COST BASIS

Significance: Agency Priority
Legal Authority: 46 USC 1241f(c); The Merchant Marine Act, 1936, as amended, sec 901b(c)

CFR Citation: 7 CFR 1496

Legal Deadline: None

Abstract: The objective of this action is to amend the regulations governing the procurement of commodities as required by the Food, Agriculture, Conservation, and Trade Act of 1990 (the 1990 Act). The 1990 Act requires that CCC shall, without detriment to any port range, allocate, on the principle of lowest landed cost (LLC) without regard to the country of documentation of the vessel, 50 percent of the bagged, processed, or fortified commodities for Title II (PL 480) donations. In addition, the 1990 Act provides that CCC limit the Great Lakes port range to a percentage share under this procedure that is no greater than in 1984, and that cargo allocated to Great Lakes ports may not be shipped from other port ranges except to meet U.S. flag cargo preference requirements. This action will result in no more than a \$5 million increase in annual Government outlays.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 02/08/91 | 56 FR 5161 |
| NPRM Comment Period End | 03/11/91 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AC27

79. 1993 WOOL AND MOHAIR PROGRAM

Significance: Regulatory Program

USDA—ASCS

Final Rule Stage

Legal Authority: 7 USC 1781 et seq.; The National Wool Act of 1954, as amended

CFR Citation: 7 CFR 1468

Legal Deadline: None

Abstract: The objective of this action is to encourage the continued domestic production of wool at prices fair to both producers and consumers, in a manner that will assure a viable domestic wool industry in the future, by supporting the prices of wool and mohair by means of loans, purchases, payments, or other operations. The primary determinations are 1) support mohair at a level not more than 15 percent above or below the comparable percentage of parity at which shorn wool is supported (the price support level for shorn wool is determined by statutory formula), and 2) support pulled wool through payments based on the liveweight of unshorn lambs marketed for slaughter. The net cost is expected to be \$150 million to \$200 million.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/14/93 | 58 FR 37876 |
| NPRM Comment Period End | 08/13/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AC65

80. 1994 WHEAT LOAN RATE AND ACREAGE REDUCTION PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1445b-3a; The Agricultural Act of 1949, sec 107B, as amended

CFR Citation: 7 CFR 1413; 7 CFR 1421

Legal Deadline:

NPRM, Statutory, April 1, 1993, for the ARP level.

Final, Statutory, June 1, 1993, for the ARP level.

Other, Statutory, July 31, 1993, for final program ad.

Abstract: The objective of this action is to assure sufficient supplies of wheat

for domestic and export use, support farm income, combat inflation, hold down Government costs, conserve natural resources, and comply with statutory requirements. The primary determinations are 1) loan and purchase rate and 2) Acreage Reduction Program level. The net cost is expected to be \$2 billion to \$3 billion.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 04/06/93 | 58 FR 17807 |
| NPRM Comment Period End | 05/03/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AC75

81. AMENDMENT TO THE HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION PROGRAM REGULATIONS—PERSON DETERMINATIONS

Legal Authority: 16 USC 3801; 16 USC 3811; 16 USC 3812; 16 USC 3821-23; The Food Security Act of 1985, sec 1201, as amended

CFR Citation: 7 CFR 12

Legal Deadline: None

Abstract: The objective of this action is to set a standard for a more consistent "person" determination by using an attribution method for determining benefits that shall be denied persons who are associated with the actual violators of the highly erodible land (HEL) and wetland conservation provisions. The current affiliated person rule for HEL and wetlands is difficult to administer because a strict interpretation of the rules could result in a chain of affiliated persons, all of whom would be ineligible for USDA benefits, when in fact many of the affiliated persons did not play a part in the violation. This action will provide a more equitable and understandable method for imposing sanctions on conservation compliance violations. No costs are expected as a result of this action.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AC86

82. AMENDMENTS TO THE SUGAR MARKETING ASSESSMENT REGULATIONS

Legal Authority: 7 USC 1446g; The Agricultural Act of 1949, sec 206i, as amended

CFR Citation: 7 CFR 1435

Legal Deadline: None

Abstract: The objective of this action is to amend regulations governing the sugar market assessment as required by the Food, Agriculture, Conservation, and Trade Act Amendments of 1991. The regulations will be amended to 1) provide that assessments will be effective for FY's 1992-96, rather than FY's 1991-95, 2) provide that the assessments will be collected, on a monthly basis, for sugar that has been marketed during the fiscal year, 3) clarify the term "marketed" to mean shipments from the first processor that involves a title transfer, and 4) provide that sugar subject to the assessment includes that processed from domestically produced cane and beet molasses, as well as from domestically produced cane and beets. No costs are expected as a result of this action.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/31/92 | 57 FR 62486 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AC91

83. AMENDMENTS TO THE WETLANDS REGULATION REGARDING ABANDONED ACREAGE AND DRAINAGE BY DRAINAGE DISTRICTS

Legal Authority: 16 USC 3801; 16 USC 3821-23

CFR Citation: 7 CFR 12

Legal Deadline: None

Abstract: This action is necessary to enhance the flexibility of wetland regulations for producers without imposing any significant cost to the Government or decreasing protection of wetlands. The determinations are 1) Allow any area used for production of any crop or for long term rotation to not be considered an "abandoned" wetland, and 2) Allow areas drained by a drainage district to be planted to forage crops and harvested by mechanical means. The "abandonment" determination will remove an incentive to keep land in intensive production. The drainage determination will allow production on a small number of acres that otherwise would not likely be farmed. The total acreage involved will likely be less than 50,000 acres, and no impacts on prices are expected. Producers' income could increase by up to \$2.5 million per year by the end of ten years through increased efficiency. No cost to Government is expected.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/06/92 | 57 FR 29658 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AC92

84. GENERAL PRICE SUPPORT REGULATIONS FOR GRAIN, RICE, OILSEEDS, COTTON, AND HONEY FOR THE 1991-95 CROPS

Significance: Agency Priority

Legal Authority: 7 USC 1421; 7 USC 1423; 7 USC 1425; 7 USC 1441z; 7 USC 1444f-1; 7 USC 1445b-3a; 7 USC 1445c-3; 7 USC 1445e; 7 USC 1446f; 7 USC 4601 et seq; 15 USC 714b; 15 USC 714c

CFR Citation: 7 CFR 1421; 7 CFR 1427; 7 CFR 1434

Legal Deadline: None

Abstract: The objective of this action is to amend the price support program regulations as required by sections 301-701, and 1001 of the Food, Agriculture, Conservation, and Trade Act of 1990 (P.L. 101-624), and by section 1105(a) and (d) of the Agricultural Reconciliation Act of 1990 (P.L. 101-508). The action will 1) clarify provisions relating to "beneficial interest" for payment eligibility purposes, loan advances by cotton loan clerks, recourse loans for seed cotton, settlement provisions, and loan deficiency payment provisions, 2) provide for gin-direct cotton loan deficiency payments, 3) amend the policy for soybean promotion fees, 4) remove high-moisture barley from recourse loan eligibility, 5) remove requirement for lease agreements for commodities stored in leased space, 6) provide new penalties for incorrect certification, unauthorized removal, unauthorized disposition of commodities, and 7) make other minor technical corrections.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 03/18/93 | 58 FR 14495 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AC95

85. 1993-CROP SUGAR BEET AND SUGARCANE PRICE SUPPORT LOAN RATES

Significance: Regulatory Program

Legal Authority: 7 USC 1446g; The Agricultural Act of 1949, sec 206, as amended

CFR Citation: 7 CFR 1435

Legal Deadline: None

Abstract: The objective of this action is to support the price of domestically produced sugarcane and sugar beets at a level that assures growers and processors of these commodities

sufficient income, as required by legislation. The primary determinations are 1) the loan rate for raw cane sugar, 2) the loan rate for refined beet sugar, 3) the minimum support price paid by processors for sugarcane, and 4) the minimum support price paid by processors for sugar beets. The Sugar Program is carried out at no net cost to the government. However, based on latest U.S. consumption and price data, the annual cost to U.S. consumers of sugar and corn sweeteners is around \$2 billion.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AC98

86. AGRICULTURAL CONSERVATION AND STABILIZATION SERVICE DEBT SETTLEMENT REGULATIONS

Legal Authority: 31 USC 3711, et seq.

CFR Citation: 7 CFR 792

Legal Deadline: None

Abstract: These rules and regulations are needed to clarify and codify the policies and procedures the Agricultural Stabilization and Conservation Service (ASCS) will use to settle debts owed to ASCS. The primary determinations are 1) Define terms applicable to the collection of debts by ASCS, 2) Provide procedures for making demand for payment of debts due ASCS, 3) Provide for collection of debts by installment payments if certain conditions are met, 4) Indicate when collection by administrative offset is appropriate, 5) List the priorities that are applicable to offsets and assignments, 6) State when withholding of a payment prior to the completion of an applicable offset procedure may be made from amounts payable to a debtor by ASCS, 7) State the circumstances when an administrative appeal is appropriate, 8) Specify when contact can be made with the debtor's employing agency, 9) State when a debt should be discharged, 10)

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Provide the procedures that will be followed by ASCS and the rights that will be afforded to debtors when ASCS reports delinquent debts to credit reporting agencies, 11) State the requirements for referring debts to (cont)

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/15/93 | 58 FR 33029 |
| NPRM Comment Period End | 07/15/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: the Department of Justice, Internal Revenue Service, or private collection agencies and when a debt can be compromised by the Secretary or his designee. Only minor administrative costs will be incurred.

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583
RIN: 0560-AD03

87. • FARMER-OWNED RESERVE (FOR) PROGRAM FOR THE 1993 CROP OF FEED GRAINS

Significance: Regulatory Program

Legal Authority: 7 USC 1445e

CFR Citation: 07 CFR 1421

Legal Deadline:

Other, Statutory, March 15, 1994, for an announcement.

Abstract: This action is needed to formulate and administer a FOR program as required by the Agricultural Act of 1949, as amended. The FOR program provides extended loans (at no less than the current loan rate) and storage payments to producers to enable them to store their crops when supplies are abundant, extend the time period for orderly marketing, and provide adequate carryover stocks to ensure a reliable supply. The Secretary may extend loans if: a) the market price of wheat during the 90-day period prior to 12/15/93 is less than 120 percent of the current loan rate, or b) the current year ending stocks-to-use ratio, in percentage terms, is more than 37.5 percent. The Secretary must extend

loans when both conditions are met. In addition, the maximum quantity of wheat that may be allowed in the FOR may not be less than 300 million bushels, nor more than 450 million bushels. Entry of wheat into the FOR would be expected to result in a net cost over the FY 1992-95 period of about \$50 to \$100 million.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583
RIN: 0560-AD17

88. • 1994-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR FLUE-CURED TOBACCO

Significance: Agency Priority

Legal Authority: 7 USC 1314; 7 USC 1445

CFR Citation: 07 CFR 723; 07 CFR 1464

Legal Deadline: Final, Statutory, December 15, 1993.

Quota Announcement

Abstract: The flue-cured tobacco marketing quota and price support are required by legislation. The purpose of quotas and price support is to balance supply with demand at levels assuring stable supplies for domestic and export use at prices that are fair to producers. The national quota is based on manufacturers' intentions, 3-year average exports, an adjustment to maintain loan stocks, and a discretionary adjustment of plus or minus 3 percent. The price support level is based on a formula that weights average market prices (2/3) and a cost index (1/3), with discretion to limit any increase to 65 percent of the formula increase. No net cost to Government is expected.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD24

89. • 1994-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR BURLEY TOBACCO

Significance: Agency Priority

Legal Authority: 7 USC 1314; 7 USC 1445

CFR Citation: 07 CFR 1314; 07 CFR 1445

Legal Deadline: Final, Statutory, February 1, 1994.

Quota Announcement

Abstract: The burley tobacco marketing quota and price support are required by legislation. The purpose of the quota and price support is to balance supply with demand at levels assuring stable supplies for domestic and export use at prices that are fair to producers. The national quota is based on manufacturers' intentions, 3-year average exports, an adjustment to maintain loan stocks, and a discretionary adjustment of plus or minus 3 percent. The price support level is based on a formula that weights average market prices (2/3) and a cost index (1/3), plus discretion to limit any increase to 65 percent of the formula increase. No net cost to Government is expected.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD25

90. • 1994 OILSEED PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1446

CFR Citation: 07 CFR 1421

Legal Deadline: Final, Statutory, November 15, 1993.

Abstract: This action is needed to implement the Oilseed Program as required by the Food, Agriculture, Conservation, and Trade Act of 1990. The purpose of the program is to assure sufficient supplies of oilseeds for domestic and export use, maintain adequate carryover stocks, and support farm income. The primary determinations are the loan rates--not less than \$5.02/bu. for soybeans, and not less than \$8.90/cwt. for minor oilseeds, with rates for "other" oilseeds set in relation to that for soybeans. The expected cost ranges from -\$50 million (receipt) to \$50 million.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/93 | |

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD26

91. • 1994 NATIONAL AVERAGE LOAN RATE FOR QUOTA AND ADDITIONAL PEANUTS AND MINIMUM CCC EXPORT-EDIBLE SALES PRICE FOR ADDITIONAL PEANUTS

Significance: Agency Priority

Legal Authority: 7 USC 1445c-3

CFR Citation: 07 CFR 1446; 07 CFR 1421

Legal Deadline: Final, Statutory, February 15, 1994.

Abstract: This action is needed to determine the peanut price support levels for quota and additional peanuts, as required by the Agricultural Act of 1949, as amended. The price support levels provide a domestic price floor for quota and additional peanuts. The primary determinations are: 1) the price support level for quota peanuts, 2) the price support level for additional peanuts, and 3) the minimum CCC export-edible sales price for additional peanuts. The expected cost is \$0.3 million.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 03/00/94 | |

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD27

92. • 1994-CROP PRICE SUPPORT LEVELS FOR MINOR KINDS OF TOBACCO

Significance: Agency Priority

Legal Authority: 7 USC 1445 et seq

CFR Citation: 07 CFR 1464

Legal Deadline: None

Abstract: Price support is required by legislation to stabilize prices for five kinds of tobacco (Fire-cured (Type 21), Fire-cured (Types 22-23), Dark Air-cured (Types 35-36), Virginia sun-cured (Type 37), Puerto Rican Cigar Filler (Type 46), and Cigar Filler and Binder (Types 42-44 and 53-55)) when marketing quotas are in effect. No quotas are in effect for Type 46 because producers disapproved quotas for the 1992 crop, and that status will continue if producers again disapprove quotas for the 1993 and 1994 crops in upcoming referenda. No net cost to Government is expected.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 04/00/94 | |

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD28

93. • UPLAND COTTON USER MARKETING CERTIFICATE PROGRAM REGULATIONS

Legal Authority: 7 USC 1444-2

CFR Citation: 07 CFR 1427

Legal Deadline: None

Abstract: This action will amend the Upland Cotton User Marketing Certificate Program regulations to 1) revise the determination of liquidated damages when shipment of cotton on an original contract or replacement contract is not completed or a replacement contract is not designated by the exporter within the established time frame, 2) require exporters to identify their foreign subsidiaries and assure that sales made to foreign subsidiaries are backed by sales to a third party within a specified interval, and 3) clarify cancel/replacement relief policies for exporters with foreign subsidiaries. No cost to Government is expected.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| Interim Final Rule | 08/12/93 | 58 FR 42841 |
| Interim Final Rule Effective | 08/12/93 | 58 FR 42841 |
| Final Action | 00/00/00 | |

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD29

94. • FARMER-OWNED RESERVE PROGRAM ELIGIBILITY REQUIREMENTS

Significance: Agency Priority

Legal Authority: 7 USC 1445e

CFR Citation: 07 CFR 1421

Legal Deadline: None

Abstract: This action is needed to amend the regulations governing the Farmer Owned Reserve (FOR) Program. Currently, regulations allow FOR entry for grain only upon expiration of a nine-month price support loan. This prevents entry of grain that has been redeemed and subsequently repledged for loan, and thus does not meet the nine-month loan requirement. In addition, current regulations do not allow entry of ear corn, which unnecessarily restricts farmers' opportunity to participate. This action will thus amend the regulations as follows: 1) Provide for price support

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loan extensions for replighted grain, and 2) Provide that ear corn may enter the FOR. Approximately \$5 million in additional producer storage payments are expected.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| Interim Final Rule | 08/26/93 | 58 FR 45039 |
| Interim Final Rule Effective | 08/26/93 | 58 FR 45039 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD30

95. • DETERMINATION OF PREVAILING WORLD MARKET PRICES FOR THE 1993-1995 CROPS OF OILSEEDS

Legal Authority: 7 USC 1446f

CFR Citation: 07 CFR 1421

Legal Deadline: None

Abstract: This action is needed to implement the Oilseed Program as required by the Agricultural Act of 1949, as amended. The primary determinations are the formula for calculating and the mechanism for announcing the prevailing world market prices for oilseeds. No cost to Government will result from this action.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/16/93 | 58 FR 38311 |
| NPRM Comment Period End | 08/16/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD32

96. • 1993 WHEAT FARMER-OWNED RESERVE (FOR) PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1445e

CFR Citation: 07 CFR 1421

Legal Deadline: Final, Statutory, December 15, 1993.

Abstract: The objective of this action is to formulate and administer a FOR program as required by legislation. The FOR program provides extended loans (at no less than the current loan rate) and storage payments to producers to enable them to store their crops when supplies are abundant, extend the time period for orderly marketing, and provide adequate carryover stocks to ensure a reliable supply. The primary determinations are 1) terms and conditions, and 2) maximum quantity of wheat to be stored in the FOR. Entry will likely reduce loan redemptions by about \$400 million in FY 1994. Loan redemptions and storage payments in FY's 1995 through 1997 would result in a net cost over the FY 1994-97 period of about \$50 million to \$100 million.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 01/15/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD34

97. • UPLAND COTTON ADJUSTED WORLD PRICE—COARSE COUNT ADJUSTMENT

Legal Authority: 7 USC 1444-2

CFR Citation: 07 CFR 1427

Legal Deadline: None

Abstract: This action would update the list of upland cotton qualities eligible for the coarse count adjustment to conform with revised grade standards for the 1993 and future crops. No Government outlays are expected.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------------------|-------------|
| Interim Final Rule Effective | 08/01/93 | 58 FR 41994 |
| Interim Final Rule Final Action | 08/06/93 00/00/00 | 58 FR 41994 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD36

98. • 1994-CROP SUGAR BEET AND SUGARCANE PRICE SUPPORT LOAN RATES

Significance: Regulatory Program

Legal Authority: 7 USC 1446g

CFR Citation: 07 CFR 1435

Legal Deadline: None

Abstract: The objective of this action is to support the price of domestically produced sugarcane and sugar beets at a level that assures growers and processors of these commodities sufficient income, as required by legislation. The primary determinations are: 1) the loan rate for raw cane sugar, 2) the loan rate for refined beet sugar, 3) the minimum support price paid by processors for sugarcane, and 4) the minimum support price paid by processors for sugar beets. The Sugar Program is carried out at no net cost to the government. However, based on latest U.S. consumption and price data, the annual cost to U.S. consumers of sugar and corn sweeteners is around \$2 billion.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD41

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99. • AMENDMENTS TO THE COTTON PRICE SUPPORT REGULATIONS REGARDING 1993 SPECIFICATIONS FOR BALE PACKAGING MATERIALS AND OTHER ADMINISTRATIVE CHANGES

Legal Authority: 7 USC 714; 7 USC 1421; 7 USC 1423; 7 USC 1425; 7 USC 1444; 7 USC 1444-2

CFR Citation: 07 CFR 1427

Legal Deadline: None

Abstract: This action is needed to amend the regulations regarding the price support loan programs for upland and extra long staple cotton to provide (1) current bale packaging requirements, (2) increased uniformity between CCC price support programs by providing administrative actions taken against producers who violate terms and conditions of loan and loan deficiency payment agreements, (3) for cotton clerks to prepare loan deficiency payment documents for producers in addition to the loan documents that they currently prepare. No Government outlays are expected.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD44

100. • AMENDMENTS TO REGULATIONS REGARDING PAYMENTS TO PERSONS CONVICTED OF CONTROLLED SUBSTANCE VIOLATIONS

Legal Authority: 21 USC 881a

CFR Citation: 07 CFR 796

Legal Deadline: None

Abstract: This action is necessary to amend the regulations regarding payments to persons convicted of controlled substance violations to reflect recent legislation. Current

regulations implement the Food Security Act of 1985 provisions but not the FY 1993 Appropriations Act provisions. This action will thus amend the regulations to implement the statutory provisions regarding controlled substance violations. The primary effect of this action will be to make most conservation programs subject to the controlled substance violation provisions and result in some people being declared ineligible for benefits. No Government outlays are expected.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 01/00/94 | |
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD47

DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

Agricultural Stabilization and Conservation Service (ASCS)

101. NATIONAL AVERAGE LOAN RATES FOR 1993-CROP QUOTA AND ADDITIONAL PEANUTS AND MINIMUM COMMODITY CREDIT CORPORATION (CCC) EXPORT-EDIBLE SALES PRICE FOR ADDITIONAL PEANUTS

Significance: Agency Priority

CFR Citation: 7 CFR 1446; 7 CFR 1421

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 06/22/93 | 58 FR 33884 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 720-7583

RIN: 0560-AC61

102. FARMER-OWNED RESERVE (FOR) PROGRAM FOR THE 1992 CROP OF FEED GRAINS

Significance: Regulatory Program

CFR Citation: 7 CFR 1421

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 07/19/93 | 58 FR 39509 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 720-7583

RIN: 0560-AC71

103. SUGAR AND CRYSTALLINE FRUCTOSE MARKETING ALLOTMENT REGULATIONS FOR FISCAL YEARS 1992 THROUGH 1996

Completed:

| Reason | Date | FR Cite |
|----------------------------|----------|---------|
| Duplicate of RIN 0560-AC14 | 08/24/93 | |

RIN: 0560-AC76

104. 1993-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR BURLEY TOBACCO

Significance: Agency Priority

CFR Citation: 07 CFR 723; 07 CFR 1464

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 07/09/93 | 58 FR 36857 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 720-7583

RIN: 0560-AC80

105. 1993-CROP MARKETING QUOTAS FOR FIVE KINDS OF TOBACCO

Significance: Agency Priority

CFR Citation: 07 CFR 723

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Completed Actions

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 07/09/93 | 58 FR 36853 |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Tom Witzig, 202 720-7583
RIN: 0560-AC81

106. 1993-CROP PRICE SUPPORT LEVELS FOR SIX KINDS OF TOBACCO

Significance: Agency Priority
CFR Citation: 07 CFR 1464
Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 07/09/93 | 58 FR 36861 |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Tom Witzig, 202 720-7583
RIN: 0560-AC82

107. 1993-94 MARKETING YEAR PENALTY RATE FOR ALL KINDS OF TOBACCO SUBJECT TO QUOTAS

CFR Citation: None
Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 07/08/93 | 58 FR 36633 |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Tom Witzig, 202 720-7583
RIN: 0560-AC97

108. • DISASTER PAYMENT PROGRAM

Significance: Regulatory Program
Legal Authority: 7 USC 1421 note; PL 102-229; PL 103-50; PL 103-75
CFR Citation: 07 CFR 1477
Legal Deadline: None
Abstract: This action will provide disaster benefits to producers as follows: 1) quality loss payments will be made available under the 1990, 1991, and 1992 disaster program for the 1990, 1991, and 1992 crops of wheat, corn, sorghum, barley, oats, upland cotton, rice, soybeans, sugar beets and sunflowers, 2) funds remaining from

the 1990, 1991, and 1992 programs will be made available for 1993-95 crop losses resulting from hurricanes Andrew and Iniki and Typhoon Omar, and 3) yield and quality loss payments will be made available for the 1993 crop losses due to flooding in the Midwest and drought in the Southeast. The net cost is expected to be about \$1.837 billion.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action Effective | 09/30/93 | 58 FR 51757 |
| Final Action | 10/05/93 | 58 FR 51757 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583
RIN: 0560-AD04

109. • COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

Legal Authority: 43 USC 1592
CFR Citation: 07 CFR 702
Legal Deadline: None

Abstract: This action implements a program to reduce the amount of salt that flows into the Colorado River from irrigated land and canals and other conduits of irrigation water. It provides cost sharing and technical assistance to farmers, irrigation districts and canal companies to provide modern irrigation equipment and to improve or replace canals and laterals, which connect canals with on-farm irrigation systems.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 05/05/87 | 52 FR 16738 |
| Final Action | 03/01/93 | 58 FR 11783 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583
RIN: 0560-AD05

110. • AMENDMENT TO THE REGULATIONS FOR THE AGRICULTURAL FOREIGN DISCLOSURE ACT OF 1978 REGARDING LAND USED FOR FORESTRY PRODUCTION

Legal Authority: 7 USC 3501 et seq
CFR Citation: 07 CFR 781
Legal Deadline: None

Abstract: This action will clarify the definition of agricultural land as it pertains to the reporting requirements for the disclosure of foreign investment in land used for forestry production. No cost to Government will result from this action.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 01/12/93 | 58 FR 3871 |
| NPRM Comment Period End | 02/11/93 | |
| Final Action | 09/15/93 | 58 FR 48273 |
| Final Action Effective | 10/15/93 | 58 FR 48273 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583
RIN: 0560-AD06

111. • AMENDMENT TO THE 1993-1995 PEANUT PRICE SUPPORT REGULATIONS REGARDING FALL TRANSFERS

Legal Authority: 7 USC 1358b; PL 101-624
CFR Citation: 07 CFR 1446
Legal Deadline: None

Abstract: This action is needed to prevent peanut poundage quota from being transferred to a farm by a "fall transfer" and the quota used to enable the producer to transfer peanuts from the additional loan pool to the quota loan pool under the "disaster transfer" provisions of the regulations. The Commodity Credit Corporation (CCC) could potentially lose about \$350 to \$550 per ton for each ton transferred. Restricting the pounds available for "disaster transfer" to exclude any pounds transferred to the farm by a "fall transfer" will reduce the amount of transfers and limit the potential increased costs to CCC.

USDA—ASCS

Completed Actions

Timetable:

| Action | Date | FR Cite |
|-----------|----------|-------------|
| NPRM | 01/11/93 | 58 FR 3514 |
| Withdrawn | 08/12/93 | 58 FR 42882 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Proposed rule published using RIN 0560-AC89.

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD10

112. • ACRE-FOR-ACRE TRANSFER OF FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO ACREAGE ALLOTMENTS

Legal Authority: 7 USC 1314d

CFR Citation: 07 CFR 723.216

Legal Deadline: None

Abstract: This action will amend the regulations governing the transfer of tobacco acreage allotments. Legislation requires that the sale or lease of allotments between owners or operators of farms for which a Fire-Cured, Dark Air-Cured, or Virginia Sun-Cured tobacco acreage allotment or acreage-poundage quota is established be approved by county committees on an acre-for-acre basis. Currently, a downward adjustment in the allotment transferred is required when the normal yield on the farm from which the allotment is transferred exceeds by more than 10 percent the normal yield on the farm to which the allotment is being transferred.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 03/02/93 | 58 FR 11959 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD11

113. • 1993-95 WHEAT AND FEED GRAIN MARKETING LOAN PROGRAM REGULATIONS

Significance: Agency Priority

Legal Authority: 7 USC 1445b-3a; 7 USC 1444f; 7 USC 1421 note

CFR Citation: 07 CFR 1421

Legal Deadline: None

Abstract: The Omnibus Budget Reconciliation Act of 1990 required that if the U.S. did not enter into an agricultural agreement in the Uruguay Round of multilateral trade negotiations under the General Agreement on Tariffs and Trade (GATT) by June 30, 1992, that the Secretary shall permit producers to repay price support loans for the 1993-95 crops of wheat and feed grains at the levels permitted under the marketing loan provisions of the Food, Agriculture, Conservation, and Trade Act of 1990. This action is needed to implement the regulations for the marketing loan program. Primary determinations are 1) loan repayment rates, and 2) if prevailing world market prices are used as loan repayment rates, the formulas and mechanisms to periodically determine and announce the prevailing world market prices adjusted to U.S. quality and location. No outlays are projected under this program.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 03/04/93 | 58 FR 12338 |
| NPRM Comment Period End | 04/15/93 | |
| Final Action | 07/20/93 | 58 FR 38663 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD12

114. • OPTIONS PILOT PROGRAM

Legal Authority: 7 USC 1421 note; PL 102-237

CFR Citation: None

Legal Deadline: None

Abstract: This action is needed to implement the Options Pilot Program for wheat, feed grains, and soybeans,

as required by legislation. The Program will provide means for farmers to buy put options that would provide price assurance equivalent to deficiency payments and price support benefits. The Program will be implemented in at least 3 counties each in the States of Illinois, Indiana, and Iowa, with the program available for corn in all 9 counties in the 3 States, and for corn and soybeans in Illinois. Only minor administrative and program costs are expected.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 04/23/93 | 58 FR 21876 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD15

115. • TREE ASSISTANCE PROGRAM, PHASE III

Legal Authority: 7 USC 1421 note

CFR Citation: 07 CFR 1477; 07 CFR 1478

Legal Deadline: None

Abstract: The Tree Assistance Program (TAP) was authorized by the Food, Agriculture, Conservation, and Trade Act of 1990 (the 1990 Act) and Dire Emergency Supplemental Appropriations Act of 1992. The TAP was appropriated \$48 million to reimburse part of the replanting or rehabilitation costs for small and medium-scale commercial tree and nursery inventory growers who experienced tree and nursery losses due to hurricane, typhoon, freeze, drought, earthquake or related condition during calendar year 1992. In addition, orchard trees lost in 1990 and 1991 due to freeze or earthquake, and forest tree seedlings lost in 1990 and 1991 due to drought or earthquake are also eligible under a separate crop disaster appropriation. The application period for the TAP phase III began on October 13, 1992 and ended on February 12, 1993. Aquaculture is also included. Cost to the Government will be \$48 million.

USDA—ASCS

Completed Actions

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action Effective | 09/30/93 | 58 FR 51757 |
| Final Action | 10/05/93 | 58 FR 51757 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Regulatory Analyst, Office of the Deputy Administrator, Policy Analysis, Department of Agriculture, Agricultural

Stabilization and Conservation Service, Room 3741-S, P.O. Box 2415, Washington, DC 20013, 202 720-7583

RIN: 0560-AD35
BILLING CODE 3410-05-F

DEPARTMENT OF AGRICULTURE (USDA)

Prerule Stage

Animal and Plant Health Inspection Service (APHIS)

116. • IMPORTATION OF FRUITS AND VEGETABLES

Significance: Regulatory Program

Legal Authority: 21 USC 111 to 113; 21 USC 115; 21 USC 117; 21 USC 120; 21 USC 123 to 126; 21 USC 134b; 21 USC 134f

CFR Citation: 7 CFR 319.56

Legal Deadline: None

Abstract: The Department regulates the importation of fruits and vegetables into the United States to prevent the introduction of plant pests, including insects and diseases. A review of the Department's fruits and vegetables import regulations indicates the need for a complete revision to make the regulations more effective and to increase compliance with them.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mr. Frank Cooper, Senior Operations Officer, Plant Protection and Quarantine, Department of Agriculture, Animal and Plant Health Inspection Service, Room 816, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-4378

RIN: 0579-AA58

117. • ANIMAL WELFARE—STANDARDS FOR MARINE MAMMALS

Significance: Agency Priority

Legal Authority: 7 USC 2131 to 2157

CFR Citation: 9 CFR 3

Legal Deadline: None

Abstract: The Department regulates the treatment of certain marine mammals under the Animal Welfare Act. The present standards for treatment of these animals have been in effect for over 9 years. During this time, advances have been made and new information has been developed with regard to the

housing and care of marine mammals. The Department has given notice of its review of the present standards to determine what revisions or additions might be necessary, and has requested comments on appropriate specific standards for treatment of marine mammals.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 07/23/93 | 58 FR 39458 |
| ANPRM Comment Period End | 10/06/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Dr. Richard Crawford, Assistant Deputy Administrator, Regulatory Enforcement and Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, Room 554, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-4981

RIN: 0579-AA59

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Animal and Plant Health Inspection Service (APHIS)

118. EXOTIC NEWCASTLE DISEASE IN ALL BIRDS AND POULTRY; PSITTACOSIS AND ORNITHOSIS IN POULTRY

Significance: Regulatory Program

Legal Authority: 21 USC 111 to 113; 21 USC 115; 21 USC 117; 21 USC 120; 21 USC 123 to 126; 21 USC 134b; 21 USC 134f

CFR Citation: 9 CFR 82

Legal Deadline: None

Abstract: Exotic Newcastle Disease (also known as viscerotropic velogenic Newcastle disease and as VVND) and psittacosis or ornithosis (now generally referred to as chlamydiosis) are communicable diseases of birds and poultry. The spread of these diseases

in the United States could have serious consequences for the United States poultry industry. A review of the Department's regulations to prevent the interstate spread of these diseases indicates the need for a complete revision to make the regulations more effective and to increase compliance with them.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dr. C.M. Grocock, Senior Staff Veterinarian, Emergency Programs Staff, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Federal Building, Room 746, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8073

RIN: 0579-AA22

119. PRIVATELY OPERATED QUARANTINE FACILITIES FOR IMPORTED RUMINANTS AND SWINE

Significance: Agency Priority

Legal Authority: 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 134a; 21 USC 134b; 21 USC 134c; 21 USC 134d; 21 USC 134f; 21 USC 135; 31 USC 9701

USDA—APHIS

Proposed Rule Stage

CFR Citation: 9 CFR 92

Legal Deadline: None

Abstract: The Department currently regulates the importation of certain animals and animal products to prevent the introduction of communicable animal diseases into the United States. With certain exceptions, most animals imported into the United States must be quarantined upon arrival at facilities operated by the Federal Government; only sheep, birds, and horses may be quarantined in privately operated facilities. Some importers have expressed interest, however, in importing ruminants and swine, other than sheep, in greater numbers per shipment than can be handled at existing Federal facilities. The Department is considering amending the regulations to allow other species of domesticated ruminants and swine, from countries free of certain serious diseases, to be quarantined upon arrival in the United States at privately operated facilities.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Dr. David Vogt, Senior Staff Veterinarian, Import-Export Animals Staff, Department of Agriculture, Animal and Plant Health Inspection Service, Room 764 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8170

RIN: 0579-AA28

120. REGULATION OF HORSES AND FARM ANIMALS UNDER THE ANIMAL WELFARE ACT

Significance: Agency Priority

Legal Authority: 7 USC 2131 to 2157

CFR Citation: 9 CFR 1; 9 CFR 2; 9 CFR 3

Legal Deadline: None

Abstract: Under the Animal Welfare Act, the Department regulates the treatment of horses used for biomedical or other nonagricultural research, or for nonagricultural exhibition. Currently, the Department regulates the treatment of such horses and other farm animals

under general standards for warmblooded animals for which standards are not otherwise included in the regulations. However, because of the increasing use of these animals for nonagricultural research and nonagricultural exhibition, the Department has given notice of its intent to develop specific standards for the animals' humane handling, housing, care, treatment, and transportation, and has requested comments regarding such standards.

Timetable:

| Action | Date | FR Cite |
|----------------------------------|----------|-------------|
| ANPRM | 04/05/90 | 55 FR 12667 |
| ANPRM Comment Period Extended | 06/12/90 | 55 FR 23748 |
| ANPRM Comment Period Extended | 07/12/90 | 55 FR 28638 |
| ANPRM Comment Period End | 09/10/90 | |
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Dr. Debra E. Beasley, Senior Staff Veterinarian, Regulatory Enforcement and Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, Room 565, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-7833

RIN: 0579-AA31

121. NATIONAL ENVIRONMENTAL POLICY ACT IMPLEMENTING PROCEDURES

Significance: Regulatory Program

Legal Authority: 40 USC 4321

CFR Citation: 7 CFR 372

Legal Deadline: None

Abstract: The National Environmental Policy Act (NEPA) (42 USC 4321, et seq.) requires that every Federal agency establish procedures to implement the provisions of the Act. The proposed APHIS NEPA Implementing Procedures have been developed to ensure compliance with NEPA. These Agency-specific procedures will enable APHIS decision makers to reach decisions in which environmental concerns are fully reviewed and will ensure timely public involvement in the NEPA process. The procedures will identify Agency actions, requirements, guidance, and references for completion of environmental assessments, and environmental reviews. The new

APHIS NEPA Implementing Procedures will supersede the previous issues, APHIS Guidelines for Implementing NEPA Procedures (44 FR 50381-50384 and 44 FR 51272-51274), upon publication of the final rule.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mr. Carl Bausch, Deputy Director, Environmental Documentation, Department of Agriculture, Animal and Plant Health Inspection Service, Room 828, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8565

RIN: 0579-AA33

122. CYCLICAL REVIEW OF 9 CFR PART 92, PHASE II

Significance: Regulatory Program

Legal Authority: 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 134a; 21 USC 134b; 21 USC 134c; 21 USC 134d; 21 USC 134f; 21 USC 135; 31 USC 9701

CFR Citation: 9 CFR 92

Legal Deadline: None

Abstract: The Department is reviewing the regulations in 9 CFR part 92, which, among other things, govern the importation into the United States of certain animals and poultry, and certain animal and poultry products. This is in compliance with Executive Order 12291 and Departmental Regulation 1512-1, which requires agencies to periodically review regulations.

The Department is conducting this Cyclical Review in phases. Phase I, effective August 2, 1990, reorganized the regulations. The Department is now starting Phase II: Subpart F (Dogs) of 9 CFR Part 92 has been reviewed and a notice of proposed rulemaking will be published. Reviews of the other subparts will follow. If the Department determines those regulations should be changed, notices of proposed rulemaking will be published.

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Proposed Rule Stage

Timetable:

Subpart F

NPRM 10/00/93
 NPRM Comment Period End 12/00/93
 Final Action 00/00/00

Small Entities Affected: Undetermined

Government Levels Affected:
 Undetermined

Agency Contact: Dr. Andrea Morgan,
 Senior Staff Veterinarian, Import-Export
 Animals Staff, Department of
 Agriculture, Animal and Plant Health
 Inspection Service, Room 763, Federal
 Building, 6505 Belcrest Road,
 Hyattsville, MD 20782, 301 436-8383

RIN: 0579-AA34

123. IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS—PREVENTION OF POULTRY DISEASES

Significance: Agency Priority

Legal Authority: 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 134a to 134d; 21 USC 134f; 21 USC 135; 31 USC 9701

CFR Citation: 9 CFR 92

Legal Deadline: None

Abstract: The Department currently regulates the importation of poultry and poultry products, including eggs for hatching, to prevent the introduction of certain poultry diseases into the United States. We are considering revising these regulations to add restrictions to prevent the introduction of Salmonella enteritidis, serotype enteritidis, phage-type 4 (referred to below as S. enteritidis, phage-type 4), a virulent type of Salmonella that has not been detected in poultry flocks in the United States. Canada is the only country other than the United States in which poultry flocks are recognized as being free of S. enteritidis, phage-type 4. Safeguards under consideration include testing of individual poultry of the flock of origin in the country of origin, and testing and inspection during quarantine in the United States.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected:
 Undetermined

Agency Contact: Dr. Keith Hand,
 Senior Staff Veterinarian, Import-Export
 Animals Staff, Department of
 Agriculture, Animal and Plant Health
 Inspection Service, Room 764, Federal
 Building, 6505 Belcrest Road,
 Hyattsville, MD 20782, 301 436-8172

RIN: 0579-AA38

124. IMPORTATION OF NURSERY STOCK PLANTS, ROOTS, BULBS, SEEDS, AND OTHER PLANT PRODUCTS—PHASE II

Significance: Regulatory Program

Legal Authority: 7 USC 150dd to 150ff; 7 USC 154; 7 USC 155; 7 USC 157; 7 USC 159; 7 USC 160; 7 USC 162; 7 USC 164a

CFR Citation: 7 CFR 319.37

Legal Deadline: None

Abstract: To prevent the introduction of plant pests and diseases, the Department prohibits or restricts the importation of living plants, roots, bulbs, seeds, and related articles. The Department is updating the lists of those prohibited and restricted articles and is revising the regulatory requirements for the importation of imported plants established in growing media.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/07/93 | 58 FR 47074 |
| NPRM Comment Period End | 12/06/93 | |
| Final Action | 05/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected:
 Undetermined

Agency Contact: Mr. Frank Cooper,
 Senior Operations Officer, Plant
 Protection and Quarantine, Department
 of Agriculture, Animal and Plant
 Health Inspection Service, Room 639-
 C, Federal Building, 6505 Belcrest
 Road, Hyattsville, MD 20782, 301 436-
 3249

RIN: 0579-AA41

125. IMPORTATION OF UNMANUFACTURED WOOD

Significance: Regulatory Program

Legal Authority: 7 USC 150dd; 7 USC 150ee; 7 USC 150ff; 7 USC 151 to 167

CFR Citation: 7 CFR 319

Legal Deadline: None

Abstract: USDA is developing regulations to restrict the importation of certain types of manufactured wood, such as logs, lumber, wood chips, bark, and pulp wood. There are a variety of plant pests and diseases associated with these articles, and there has recently been increased interest in importing large quantities of these articles into the U.S. At this time we are considering prohibiting the importation of logs and unmanufactured wood from certain tree genera and species, unless they meet importation criteria contained in the regulations and are imported under a permit issued by APHIS. The trees we are considering regulating in this manner are: all coniferous species; Carya; Fagus; Juglans; Liquidambar; Liriodendron; Nyssa; Populus; Quercus; Salix; and Thuja. The importation criteria would address the genus or species of the tree; the nature of the wood article; the country or area of origin; and methods by which the trees were harvested, stored, and treated.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 09/22/92 | 57 FR 43628 |
| ANPRM Comment Period End | 11/23/92 | |
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Mr. Michael J. Shannon, Chief Operations Officer, Operational Support, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Room 814, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8716

RIN: 0579-AA47

126. CHICKEN DISEASE CAUSED BY SALMONELLA ENTERITIDIS

Significance: Regulatory Program

Legal Authority: 21 USC 111; 21 USC 134a; 21 USC 134f

CFR Citation: 9 CFR 82

Legal Deadline: None

Abstract: Disease caused by the bacterium known as Salmonella enteritidis serotype enteritidis (referred to below as SE) is a serious problem in egg-type chicken breeding flocks and

USDA—APHIS

Proposed Rule Stage

egg production flocks, and is also a serious public health concern. The Animal and Plant Health Inspection Service (APHIS) has established regulations to control the spread of SE in egg-type chicken breeding flocks and egg production flocks, and continues to work to reduce the impact of SE on the poultry industry and consumer health. Under the current APHIS regulatory program, study flocks are identified through traceback of eggs implicated in human outbreaks of SE, these study flocks are subjected to testing for SE, and if the flocks test positive for SE, interstate movement of articles from the flocks is restricted. We are currently working with other agencies including the Agricultural Marketing Service, the Food and Drug Administration, and the Centers for Disease Control to evaluate the success of this approach and determine whether to propose changes to the regulatory procedures of the current program.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 08/02/93 | 58 FR 41048 |
| NPRM Comment Period Extended to 11/15/93 | 09/28/93 | 58 FR 50527 |
| NPRM Comment Period End | 10/01/93 | 58 FR 41048 |

Small Entities Affected: Businesses
Government Levels Affected: Federal
Agency Contact: Dr. John Mason, Director, Salmonella Task Force, Veterinary Service, Department of Agriculture, Animal and Plant Health Inspection Service, Room 205, Presidential Building, 6525 Belcrest Road, Hyattsville, MD 20782, 301 436-4363

RIN: 0579-AA48

127. PSEUDORABIES

Significance: Agency Priority
Legal Authority: 21 USC 111 to 113; 21 USC 115; 21 USC 117; 21 USC 120; 21 USC 121; 21 USC 123 to 126; 21 USC 134b; 21 USC 134f
CFR Citation: 9 CFR 85
Legal Deadline: None
Abstract: Pseudorabies, also known as Aujeszky's disease, mad itch, and infectious bulbar paralysis, is caused by a herpes virus and is primarily a disease of swine. The spread of this disease in the United States could have

serious consequences for the United States livestock industry. A review of the Department's regulations to prevent the interstate spread of this disease indicates the need for a complete revision to make the regulations more effective and to increase compliance with them.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined
Government Levels Affected: State, Federal
Agency Contact: Dr. Arnold C. Taft, Senior Staff Veterinarian, Swine Health Staff, Department of Agriculture, Animal and Plant Health Inspection Service, Room 735, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-7767

RIN: 0579-AA49

128. IMPORTATION OF CERTAIN DRIED PORK PRODUCTS

Significance: Agency Priority
Legal Authority: 7 USC 147a; 7 USC 150ee; 7 USC 161; 7 USC 162; 7 USC 450; 19 USC 1306; 21 USC 111; 21 USC 114a; 21 USC 134a; 21 USC 134b; 21 USC 134c; 21 USC 134f; 31 USC 9701; 42 USC 4331; 42 USC 4332
CFR Citation: 9 CFR 94
Legal Deadline: None
Abstract: The Federal government has responsibility for preventing the introduction into the United States of various diseases of livestock, including foot-and-mouth disease, rinderpest, African swine fever, and swine vesicular disease. To fulfill this responsibility, it is necessary for the Federal government to revise and update its regulations concerning the importation of pork products, based upon the methods and procedures used to process pork products. APHIS is developing regulations that would allow certain dry-cured pork products to be imported into the United States. Only hams and loins derived from certain breeds of swine and processed in a specified manner would be allowed to be imported.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dr. John H. Blackwell, Senior Staff Microbiologist, Import-Export Products Staff, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Room 758, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-7885

RIN: 0579-AA50

129. ADDITION OF CERVIDAE TO THE REGULATIONS CONCERNING TUBERCULOSIS IN LIVESTOCK

Significance: Agency Priority
Legal Authority: 21 USC 111 to 113; 21 USC 114; 21 USC 114a; 21 USC 114a-1; 21 USC 115 to 117; 21 USC 120 to 126; 21 USC 134b; 21 USC 134f
CFR Citation: 9 CFR 77

Legal Deadline: None

Abstract: Bovine tuberculosis is a contagious, infectious, and communicable disease affecting cattle, bison, and other species, including humans. The spread of bovine tuberculosis in the United States could have serious consequences for the United States cattle and bison industries, as well as for human health. Currently, the regulations concerning control and eradication programs for bovine tuberculosis in livestock only regulate cattle, bison, and swine. Recent outbreaks in the United States of bovine tuberculosis in semi-domesticated herds of cervidae (such as deer and elk) have made apparent the need to also regulate these animals in order to prevent the spread of bovine tuberculosis.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined
Government Levels Affected: State, Federal
Agency Contact: Dr. Ronald A. Stenseng, Senior Staff Veterinarian, Cattle Diseases and Surveillance Staff, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Room 729, Federal Building, 6505

USDA—APHIS

Proposed Rule Stage

Belcrest Road, Hyattsville, MD 20782,
301 436-8715

RIN: 0579-AA53

130. • EXPORT CERTIFICATION

Significance: Regulatory Program

Legal Authority: 7 USC 147a

CFR Citation: 7 CFR 353

Legal Deadline: None

Abstract: The Department is proposing to revise the "Phytosanitary Export Certification" regulations, which concern inspection and certification of plants and plant products offered for export. The proposed rule would facilitate the phytosanitary certification of American agricultural products by ensuring that a sufficient number of qualified individuals are available to carry out Federal certification activities and by implementing new certification systems in conjunction with existing phytosanitary certification. Revising the regulations would make them easier to understand, thereby increasing compliance and the effectiveness of the regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Agency Contact: Leonard M. Crawford, Senior Operations Officer, Plant Protection and Quarantine, Department of Agriculture, Animal and Plant Health Inspection Service, Room 633 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8537

RIN: 0579-AA54

131. • BIRD IMPORTATIONS; QUARANTINE FACILITIES

Significance: Agency Priority

Legal Authority: 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 134a; 21 USC 134b; 21 USC 134c; 21 USC 134d; 21 USC 134f; 21 USC 135; 31 USC 9701

CFR Citation: 9 CFR 92

Legal Deadline: None

Abstract: The Department currently regulates the importation of certain birds to prevent the introduction of communicable poultry diseases into the United States. Birds imported into the United States must be quarantined upon arrival, either at facilities operated by the Federal Government or

at "approved," privately operated facilities. A decrease in birds imported into the United States is expected as a result of the Wild Bird Conservation Act of 1992. Consequently, the Department is considering amending the regulations to allow imported birds to be quarantined upon arrival in the United States at any privately owned bird quarantine facility located near an international airport or land-border port served by U.S. Customs, provided the facility meets the standards of the Animal and Plant Health Inspection Service.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/03/93 | 58 FR 41204 |
| NPRM Comment Period End | 10/04/93 | 58 FR 41204 |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Dr. Keith A. Hand, Senior Staff Veterinarian, National Center for Import-Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Room 768, Federal Building, 6505 Belcrest Road, Hyattsville, Md 20782, 301 436-5097

RIN: 0579-AA57

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Animal and Plant Health Inspection Service (APHIS)

132. HONEYBEES AND HONEYBEE SEMEN; REMOVING CERTAIN RESTRICTIONS ON HONEYBEES AND HONEYBEE SEMEN FROM NEW ZEALAND

Significance: Agency Priority

Legal Authority: 7 USC 281

CFR Citation: 7 CFR 322

Legal Deadline: None

Abstract: The regulations governing the importation into the United States of honeybees and honeybee semen contain the criteria used for determining which countries may import honeybees and honeybee semen and under what conditions. This change will allow the importation of honeybees and honeybee semen from New Zealand, for other than research purposes, if accompanied by a certificate of origin.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|------------|
| NPRM | 02/06/90 | 55 FR 3968 |
| NPRM Comment Period End | 02/21/90 | |
| NPRM Comment Period Extended | 03/02/90 | 55 FR 7499 |
| NPRM Comment Period End | 04/02/90 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mr. James Fons, Senior Operations Officer, Biological Assessment & Taxonomic Support, Department of Agriculture, Animal and Plant Health Inspection Service, Room 637, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8295

RIN: 0579-AA37

133. USER FEES

Significance: Regulatory Program

Legal Authority: 21 USC 136; 21 USC 136a

CFR Citation: 7 CFR 354; 9 CFR 130

Legal Deadline: None

Abstract: The Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508) and the Food, Agriculture, Conservation and Trade Act of 1990 (P.L. 101-624) authorize the Secretary of Agriculture to prescribe and collect fees to cover the cost of providing agricultural quarantine and inspection services in connection with the arrival at a port in the customs territory of the United States, or the preclearance or preinspection at a site outside the customs territory of the United States, of international passengers, commercial vessels, commercial aircraft, and commercial trucks or railroad cars.

USDA—APHIS

Final Rule Stage

APHIS is already collecting fees for certain services, including agricultural quarantine and inspection services, export services, and animal import services. APHIS plans to collect fees for veterinary diagnostics and reagents, additional animal import services, and preclearance or preinspection services at sites outside the customs territory of the United States.

Timetable:

Phase 1

NPRM 02/27/91 (56 FR 8148)
 NPRM Comment Period End 03/14/91
 Final Action, AQI Services 04/12/91 (56 FR 14837)
 Final Action, Hawaii/Puerto Rico 04/23/91 (56 FR 18496)
 Final Action Eff., AQI Services 05/13/91
 Final Action Eff., HI/PR 08/01/91
 Final Action Eff., HI/PR: Postponed 08/01/91 (56 FR 36724)
 Final Action Eff., HI/PR: Postponed 09/30/91 (56 FR 49389)
 Final Action, HI/PR: Withdrawn 04/21/92 (57 FR 14475)

Phase 2

NPRM 08/07/91 (56 FR 37481)
 NPRM Comment Period End 09/06/91
 Final Action 01/09/92 (57 FR 755)
 Final Action Effective 02/09/92
 2nd NPRM, Diagnostics/Reagents 03/22/93 (58 FR 15292)
 2nd NPRM Comment Period End 04/21/93
 Final Action, Diagnostics/Reagents 07/21/93
 Final Action Effective 09/01/93

Phase 3

NPRM, Border Svcs./Facility Insp. 07/22/93 (58 FR 39163)
 NPRM Comment Period End 08/23/93
 Final Action 12/00/93
 Final Action Effective 00/00/00

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ms. Barbara L. Thompson, Chief, User Fee Branch, Management and Budget, Department of Agriculture, Animal and Plant Health Inspection Service, Room 263, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-5901

RIN: 0579-AA43

134. • HARRY S TRUMAN ANIMAL IMPORT CENTER (HSTAIC); EXCLUSIVE USE

Significance: Agency Priority

Legal Authority: 7 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 134a to 134d; 21 USC 134f; 21 USC 135; 31 USC 9701

CFR Citation: 9 CFR 92

Legal Deadline: None

Abstract: Certain animals intended for importation into the United States must first be quarantined at the Harry S Truman Animal Import Center (HSTAIC) in Florida. However, in recent years, demand for use of the facility has exceeded its availability.

Therefore, space at HSTAIC is currently allocated by means of a lottery. However, because of a number of apparently frivolous applications and because of delays by lottery "winners," HSTAIC has been underutilized, and the number of importers able to bring animals through HSTAIC has been unnecessarily limited. To eliminate this unnecessary downtime, we are considering (1) requiring a deposit in cash or a payable cash equivalent for each application for the lottery, (2) requiring the lottery winner to pay the costs of maintaining HSTAIC for certain periods when it is reserved for that party, and (3) making certain administrative changes in the way the lottery is conducted.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/14/93 | 58 FR 37878 |
| NPRM Comment Period End | 09/13/93 | 58 FR 37878 |
| Final Action | 11/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Dr. David Vogt, Staff Veterinarian, Import-Export Animals Staff, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Room 767, Federal Building, 6505 Belcrest Road, Hyattsville, Md 20782, 301 436-8172

RIN: 0579-AA56

**DEPARTMENT OF AGRICULTURE (USDA)
 Animal and Plant Health Inspection Service (APHIS)**

Completed Actions

135. GYPSY MOTH

Significance: Agency Priority

CFR Citation: 7 CFR 301.45

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/23/93 | 58 FR 39418 |
| Final Action Effective | 08/23/93 | 58 FR 39418 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. Terry McGovern, 301 436-8247

RIN: 0579-AA39

CFR Citation: 9 CFR 2

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/22/93 | 58 FR 39124 |
| Final Action Effective | 08/23/93 | 58 FR 39124 |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Dr. Richard Crawford, 301 436-4981

RIN: 0579-AA42

136. ANIMAL WELFARE; RANDOM SOURCE DOGS AND CATS

Significance: Regulatory Program

137. • FRUITS AND VEGETABLES FROM HAWAII, PUERTO RICO, AND THE VIRGIN ISLANDS

Significance: Agency Priority

Legal Authority: 7 USC 150bb; 7 USC 150dd; 7 USC 150ee; 7 USC 150ff; 7 USC 161; 7 USC 162; 7 USC 164a; 7 USC 167

CFR Citation: 7 CFR 318

Legal Deadline: None

Abstract: Current regulations allow otherwise prohibited fruits and vegetables from foreign sources to be shipped, under certain conditions, through the continental United States in transit to a third country. However, these same types of routes are closed to fruits and vegetables from Hawaii, Puerto Rico, and the Virgin Islands that are prohibited entry into the continental United States. Currently, cargo connections are such that very limited direct flights or shipping routes exist between the locations in question

USDA—APHIS

Completed Actions

and Europe and Canada. The provisions in this rule provide growers and shippers in Hawaii, Puerto Rico, and the Virgin Islands access to cargo routes similar to those available to foreign growers and shippers.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 07/14/92 | 57 FR 31130 |

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM Comment Period End | 08/13/92 | |
| Final Action | 02/11/93 | 58 FR 7953 |

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Agency Contact: Mr. Peter Grosser, Senior Operations Officer, Permit Unit, Port Operations, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Room 632, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8645

RIN: 0579-AA55
BILLING CODE 3410-34-F

DEPARTMENT OF AGRICULTURE (USDA)

Prerule Stage

Cooperative State Research Service (CSRS)

138. HIGHER EDUCATION CHALLENGE GRANTS PROGRAM; ADMINISTRATIVE PROVISIONS

Significance: Agency Priority

Legal Authority: 7 USC 3152

CFR Citation: 7 CFR 3405

Legal Deadline: None

Abstract: Regulation will establish the procedures to be followed annually in the solicitation of proposals, the evaluation of such proposals, and the award of project grants under the Higher Education Challenge Grants Program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jay Jackman, Grants Program Specialist, Department of Agriculture, Cooperative State Research Service, Rm 310E Aerospace Center Building, 14th Street & Independence Ave. SW., Washington, DC 20250-2251, 202 401-1790

RIN: 0524-AA02

139. 1890 INSTITUTION CAPACITY BUILDING GRANTS PROGRAM; ADMINISTRATIVE PROVISIONS

Significance: Agency Priority

Legal Authority: 7 USC 3318

CFR Citation: 7 CFR 3406

Legal Deadline: None

Abstract: Regulation will establish the procedures to be followed annually in the solicitation of proposals, the evaluation of such proposals, and the award of project grants under the 1890 Institution Capacity Building Grants Program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Hood, Grants Program Specialist, Department of Agriculture, Cooperative State Research Service, Rm 310E Aerospace Center, 14th Street & Independence Ave. SW., Washington DC 20250-2251, 202 401-1790

RIN: 0524-AA03

140. ADMINISTRATIVE PROVISIONS FOR RESEARCH GRANTS PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 450i (B); 7 USC 450i (c)(1)(A); 7 USC 3333; 7 USC 5921

CFR Citation: None

Legal Deadline: None

Abstract: Regulation will establish the procedures to be followed annually in the solicitation of proposals, the evaluation of such proposals, and the award of project grants under the National Competitive Research Initiative Grants Program, the Special Research Grants Program, the Rangelands Research Grants Program, and the Biotechnology Risk Assessment Program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pat Shelton, Supervisory Grant Specialist, Department of Agriculture, Cooperative State Research Service, 0322-S Aerospace Building, Washington, DC 20250-2245, 202 401-5050

RIN: 0524-AA07

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Cooperative State Research Service (CSRS)

141. BIOTECHNOLOGY RISK ASSESSMENT RESEARCH GRANTS PROGRAM; ADMINISTRATIVE PROVISIONS

Significance: Agency Priority

Legal Authority: 7 USC 5921

CFR Citation: 7 CFR 3415

Legal Deadline: None

Abstract: Regulation will establish the procedures to be followed annually in the solicitation of proposals, the evaluation of such proposals, and the award of project grants under the

Biotechnology Risk Assessment Research Grants Program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 03/01/93 | 58 FR 11910 |

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Final Rule Stage

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM Comment Period End | 03/31/93 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Terry J. Pacovsky,
 Director, Awards Management Division,
 Department of Agriculture, Cooperative

State Research Service, Rm 322B
 Aerospace Center Building,
 Washington, DC 20250-2200, 202 401-5024
RIN: 0524-AA05

**DEPARTMENT OF AGRICULTURE (USDA)
 Cooperative State Research Service (CSRS)**

Completed Actions

142. RANGELAND RESEARCH GRANTS PROGRAM; ADMINISTRATIVE PROVISIONS
Significance: Agency Priority
CFR Citation: 7 CFR 3401

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 04/23/92 | 58 FR 21852 |

Small Entities Affected: None

Government Levels Affected: None
Agency Contact: Terry J. Pacovsky,
 202 401-5024
RIN: 0524-AA04
BILLING CODE 3410-90-F

**DEPARTMENT OF AGRICULTURE (USDA)
 Extension Service (EXS)**

Prerule Stage

143. • ADMINISTRATIVE MANUAL FOR FEDERAL EXCESS PERSONAL PROPERTY LOANED TO STATE COOPERATIVE RESEARCH ACTIVITIES
Legal Authority: 40 USC 483 (d)(2)(E)
CFR Citation: 7 CFR 3408
Legal Deadline: None
Abstract: This regulation will set forth the procedures to be followed by

Cooperative Research Activities eligible to receive Federal excess personal property loaned by the Cooperative State Research Service and used in the conduct of approved USDA cooperative research projects and programs.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Betty Bolt, Property Utilization Specialist, Department of Agriculture, Extension Service, 3M00 Cotton Annex Building, Ag Box 0993, Washington, DC 20250-0993, 202 401-4502
RIN: 0527-AA01
BILLING CODE 3410-90-F

**DEPARTMENT OF AGRICULTURE (USDA)
 Farmers Home Administration (FmHA)**

Proposed Rule Stage

144. LIQUIDATION, MANAGEMENT, AND DISPOSITION OF REAL PROPERTY WHICH SECURED SINGLE FAMILY HOUSING (SFH) LOANS
Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70
CFR Citation: 7 CFR 1955
Legal Deadline: None

Will avoid "tie-up" of the regulations for one program subject to changes mandated by legislation or court order for another program, such as SFH changes being held up subject to Farmer Program changes being completed, as has frequently been the case.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 02/00/94 | |
| NPRM Comment Period End | 03/00/94 | |

6348 South Building, Washington, DC 20250, 202 720-9744
RIN: 0575-AA03

Abstract: Create a new subpart D to cover liquidation of Single Family Housing (SFH) loans, and management and sale of SFH inventory property; and revise existing subparts A, B, and C to have them apply to all programs other than SFH. Costs to create new subpart and revise and/or amend existing ones is minimal and would enhance all programs' ability to revise and/or amend the regulations with reduced clearances and provide personnel with clearer and simpler regulations to follow and implement.

Small Entities Affected: None
Government Levels Affected: Undetermined
Agency Contact: Chris Goettelmann,
 Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room

145. RECAPTURE OF SECTION 502, RURAL HOUSING SUBSIDY
Significance: Agency Priority
Legal Authority: 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70
CFR Citation: 7 CFR 1951, subpart I
Legal Deadline: None
Abstract: The Farmers Home Administration (FmHA) proposes to revise the regulation for the recapture of subsidy granted on Section 502 Rural Housing Loans. This action is necessary because of an accounting system change resulting from the September 1987 congressionally mandated rural housing asset sale. The intended effect of this action is to adjust the formula to coincide with the revised method of

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Proposed Rule Stage

applying monthly subsidy to interest credit accounts. In addition, this action will also shorten and simplify the recapture process.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| Proposed Rule | 10/25/90 | 55 FR 42987 |
| NPRM | 10/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AA29

146. SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS

Significance: Agency Priority

Legal Authority: 42 USC 1480; 7 CFR 2.23; 7 CFR 2.70; 7 USC 1989; 7 USC 301

CFR Citation: 7 CFR 1944 subpart A; 7 CFR 1910 subpart A; 7 CFR 1965 subpart C; 7 CFR 1951 subpart G; 7 CFR 1944 subpart J; 7 CFR 1924 subpart C; 7 CFR 1930 Subpart C; 7 CFR 1941 Subpart A; 7 CFR 1944 Subpart D; 7 CFR 1944 Subpart N; 7 CFR 1951 Subpart M; 7 CFR 1951 Subpart S; 7 CFR 1955 Subpart B

Legal Deadline: None

Abstract: Major revision on single family housing loan making regulation including elimination of housing restrictions and new concept of modest housing, revised method of granting interest credit, use of ratios for determining repayment ability, changes in application processing and changes in maximum loan limits.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 04/28/92 | 57 FR 17858 |
| ANPRM Comment | 05/28/92 | 57 FR 17858 |
| Period End | | |
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AA35

147. REAL PROPERTY INSURANCE

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 148C; 5 USC 301

CFR Citation: 7 CFR 1806

Legal Deadline: None

Abstract: Revisions to bring FmHA into compliance with current industry standards. Also, to incorporate provisions for obtaining and monitoring flood insurance.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 02/00/94 | |
| NPRM Comment | 04/00/94 | |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AA53

148. DENY CREDIT TO APPLICANTS DELINQUENT ON ANY FEDERAL DEBT

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1910(a); 7 CFR 1941(a); 7 CFR 1943(a); 7 CFR 1945(d); 7 CFR 1980(b); 7 CFR 1943(b); 7 CFR 1823; 7 CFR 1942-A; 7 CFR 1942-C; 7 CFR 1942-G; 7 CFR 1942-H; 7 CFR 1942-I; 7 CFR 1942-J; 7 CFR 1942-K; 7 CFR 1944-A

Legal Deadline: None

Abstract: OMB Circular A-129 dated November 25, 1988, recommends that the processing of applications for

Federal direct loans be suspended and require private lenders to suspend processing of loan guarantee applications when an applicant is found to be delinquent on a Federal debt. The Federal Debt Collections Procedures Act of 1990 also requires that credit be denied if an outstanding judgment lien obtained by the United States in a Federal Court (other than the United States Tax Court), which has been recorded, is found.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| NPRM Comment | 00/00/00 | |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: Item 7 (Cont.) 1944-D, E, and J; 1948-B and C; 1951-E; 1980-E, G, and I

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AA66

149. CIVIL RIGHTS COMPLIANCE REQUIREMENTS—1940-D

Significance: Agency Priority

Legal Authority: PL 100-259; PL 88-352; 42 USC 2000d et seq; PL 90-284; 42 USC 3601 to 3619; PL 100-430; PL 92-318; 20 USC 1681 et seq; PL 93-112; 29 USC 749; PL 94-135; 42 USC 6101 et seq; PL 94-239; 15 USC 1601 et seq; EO 11246

CFR Citation: 7 CFR 15; 12 CFR 202; 28 CFR 42; 45 CFR 90; 41 CFR 60 to 64; 24 CFR 14

Legal Deadline: None

Abstract: Will effectuate a comprehensive civil rights regulation implementing the following laws: The Equal Credit Opportunity Act (ECOA); Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (The Fair Housing Act); section 504 Federally conducted programs, Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975, and programs and activities; Amendments of 1972; the Age Discrimination Act of

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1975; and Executive Order 11246. The revised regulations will provide detailed guidelines for field offices for improved enforcement and compliance with these laws which heavily impact FmHA's programs. Mechanisms for monitoring compliance by field offices and recipients of FmHA's financial assistance at all levels will decrease the Agency's vulnerability due to noncompliance with recently enacted Civil Rights legislation. Also includes section 504 of the Rehabilitation Act of 1973.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 00/00/00 | |
| Interim Final Rule | 00/00/00 | |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AA83

150. PLANNING AND PERFORMING SITE DEVELOPMENT WORK

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1924-C

Legal Deadline: None

Abstract: Under HR 5334 the Secretary is authorized to accept locally approved subdivisions. This regulation will be amended to no longer require approval of individual subdivisions before FmHA loans are approved within the subdivision. Instead, there will be individual site approval requirements. The cost of implementing the changes would include procedure development, training, and development of forms. The benefits would be that FmHA site requirements would be consistent with HUD and VA.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment | 02/00/94 | |
| Period End | | |
| Final Action | 09/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AA88

151. HOUSING FOR RURAL HOMELESS AND MIGRANT FARMWORKERS; POLICIES, PROCEDURES, AND AUTHORIZATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 1486

CFR Citation: 7 CFR 1944-H (New)

Legal Deadline: Final, Statutory, March 28, 1991.

Abstract: This regulation provides for the eligibility of the rural homeless and migrant farmworkers under Section 516 Farm Labor Housing Program. Regulations are being drafted to implement this provision of the law which will provide short term occupancy housing for these individuals.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment | 02/00/94 | |
| Period End | | |
| Final Action | 08/00/94 | |
| Final Action Effective | 09/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB14

152. RURAL HOUSING GUARANTEED LOANS

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1980 subpart D; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: Revise existing Guaranteed Loan Regulations to make minor corrections and additions for clarification purposes.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 04/28/92 | 57 FR 17858 |
| ANPRM Comment | 05/28/92 | 57 FR 17858 |
| Period End | | |
| NPRM | 09/03/93 | 58 FR 46889 |
| NPRM Comment | 11/02/93 | 58 FR 46889 |
| Period End | | |
| Final Action | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB15

153. DISPOSITION OF INTERESTS IN INDIAN TRUST LAND

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1955; 7 CFR 1965

Legal Deadline: None

Abstract: Incorporate requirements of the Cranston-Gonzalez National Affordable Housing Act, Section 708, into FmHA Instructions 1955-A, 1955-B, 1955-C, 1965-B, and 1965-C. This law prohibits the transfer or sale of FmHA's security interest in Indian Trust Land to anyone except an eligible tribal member, the tribe, or the Indian Housing Authority serving the tribes. These requirements will enhance the opportunity of these specific entities to become homeowners, thereby, serving a previously underserved area.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture,

USDA—FmHA

Proposed Rule Stage

Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB17

154. MANAGEMENT OF HAZARDOUS SUBSTANCES

Significance: Regulatory Program

Legal Authority: PL 96-510; PL 94-580; PL 94-469; PL 92-500

CFR Citation: 40 CFR 300; 40 CFR 260; 40 CFR 700; 40 CFR 400

Legal Deadline: None

Abstract: There are a number of federal environmental statutes which govern the management of hazardous substances, materials and wastes. At the present time, FmHA does not have implementing regulations for these federal statutes. The development of implementation procedures for managing hazardous substances is necessary to insure consistency in compliance with Federal, as well as State environmental statutes, and to develop appropriate "due diligence" policies to limit the Agency's liability with regard to environmental cleanups of hazardous waste in loan making/servicing and property management activities. FmHA has approximately 3,500 inventory properties. FmHA cannot be certain how many of these inventory properties will require hazardous waste cleanup prior to sale.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB18

155. WASTEWATER CIRCUIT RIDER GRANTS

Legal Authority: PL 101-624, sec 2324

CFR Citation: 7 CFR 1942 subpart N

Legal Deadline: Final, Statutory, May 28, 1991.

Abstract: Public Law 101-624, Food, Agriculture, Conservation, and Trade Act of 1990, authorized a new rural wastewater circuit rider program. FmHA proposes to publish a new regulation for this program.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| NPRM Comment | 00/00/00 | |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local

Analysis: Regulatory Flexibility Analysis

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB24

156. GUARANTEED LOAN PROGRAMS; MONITORING LIQUID ACCOUNTS

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1980-A; 7 CFR 1980-B; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: Lenders are currently required to monitor liquidated accounts for five years. This regulation will reduce that period of time to three years. This regulation change only affects the monitoring of guaranteed loan accounts in which a final loss claim has been paid. These accounts will be monitored by lenders for three years following the liquidation for potential future recoveries.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room

6348, South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB29

157. 1980-E BUSINESS AND INDUSTRIAL LOAN PROGRAM—AUDIT REQUIREMENTS

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 7 USC 301

CFR Citation: 7 CFR 1980 subpart E

Legal Deadline: None

Abstract: This action will reduce the burden on business and industry guaranteed loan program borrowers by revising the requirements for financial statements and allowing our borrowers to provide unaudited financial statements instead of audits.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |
| Final Action | 05/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB37

158. HOUSING PRESERVATION GRANTS FOR REPLACEMENT OF HOUSING

Legal Authority: 42 USC 1490m

CFR Citation: 7 CFR 1944 subpart N

Legal Deadline: None

Abstract: The Housing Preservation Grant program will be expanded to include Housing Preservation Grant funds to be used for replacement housing. Funds will be used to provide loans or grants, not to exceed \$15,000 per unit, to owners of single family housing to replace existing housing if repairs or rehabilitation of the housing is not practicable and the owner of the housing is unable to afford a loan under Section 502 for replacement housing.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

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Proposed Rule Stage

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM Comment | 02/00/94 | |
| Period End | | |
| Final Action | 08/00/94 | |
| Final Action Effective | 09/00/94 | |

Small Entities Affected: Organizations
Government Levels Affected: Local
Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 720-9744
RIN: 0575-AB43

159. • LOANS TO INDIAN TRIBES AND TRIBAL CORPORATION

Significance: Agency Priority
Legal Authority: 7 USC 1989; 16 USC 1005; 5 USC 301
CFR Citation: 7 CFR 1942 subpart F; 7 CFR 1823; 7 CFR 2.23; 7 CFR 2.70
Legal Deadline: None
Abstract: It will update the loan making and servicing responsibilities for Indian Land Acquisition loan reserve accounts and loan security issues. Weaknesses identified by OIG in past audits will be addressed.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| NPRM Comment | 00/00/00 | |
| Period End | | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations
Government Levels Affected: None
Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 720-9744
RIN: 0575-AB44

160. • SECTION 14 OF THE AGRICULTURAL CREDIT IMPROVEMENT ACT OF 1992, (GRADUATION) AND SECTIONS 1819 (LOAN ASSESSMENT) AND 1821 (MARKET PLACEMENT) OF THE FACT ACT

Significance: Agency Priority
Legal Authority: 42 USC 1480; 5 USC 301; 7 USC 1989; PL 101-624, sec 1819;

PL 101-624, sec 1821; PL 102-554, sec 14
CFR Citation: 7 CFR 1910; 7 CFR 1924; 7 CFR 1941; 7 CFR 1951; 7 CFR 1980; 7 CFR 2.23; 7 CFR 2.70; 7 CFR 1943; 7 CFR 1945; 7 CFR 1962
Legal Deadline: Final, Statutory, October 1, 1993. Other, Statutory, August 28, 1993.
 Sec. 23 of Pub. L. 102-554, requires that interim regulations be published by April 28, 1993, and final regulations published by October 1, 1993.

Abstract: The objectives of this action are to improve borrowers' prospects for a successful operation. These changes are intended to promote graduation to private credit in conjunction with Loan Assessment and Market Placement regulations. The expected outcome is more rapid borrower progress and greater numbers of borrowers achieving economic viability. The primary focus of the graduation effort will be those borrowers classified "commercial" and "standard". These classifications signify borrowers that possess a financial position that would normally be expected to enable them to obtain private credit.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment | 02/00/94 | |
| Period End | | |
| Final Action | 10/00/94 | |

Small Entities Affected: None
Government Levels Affected: Undetermined
Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 720-9744
RIN: 0575-AB45

161. • ELIMINATION OF CONSOLIDATION OF LOANS

Significance: Agency Priority
Legal Authority: 7 USC 1989
CFR Citation: 7 CFR 1951
Legal Deadline: None
Abstract: This rule is necessary to eliminate consolidation as a servicing action for insured farm loans. This action is taken as a result of the new requirements under the 1990 FACT Bill

regulation and the Federal Credit Reform Act (FCRA) which have made loan consolidation increasingly more difficult and costly. Elimination of consolidation will not eliminate an essential tool for servicing delinquent accounts or reduce program benefits to borrowers.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 720-9744
RIN: 0575-AB46

162. • FARM LABOR HOUSING LOAN AND GRANT POLICIES, PROCEDURES, AND AUTHORIZATIONS

Legal Authority: 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1944, subpart D
Legal Deadline: None

Abstract: The Farmers Home Administration proposes to amend its farm labor housing loan and grant regulations. The intended effect of this proposed rule is to defray costs to nonprofit group or public body for packaging fees. The objective is to use loan/grant funds to reimburse such groups the cost of packaging and/or developing an application for an LH facility and for related technical assistance.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |
| Final Action | 04/00/94 | |
| Final Action Effective | 05/00/94 | |

Small Entities Affected: None
Government Levels Affected: Undetermined
Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room

USDA—FmHA

Proposed Rule Stage

6348, South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB47

163. • COMMUNITY PROGRAMS GUARANTEED LOANS

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1980-I; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: To amend subject regulation to clarify guaranteed loans for community facilities and water and waste disposal systems.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 04/00/94 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB48

164. • 1927-B REAL ESTATE TITLE CLEARANCE AND LOAN CLOSING

Significance: Agency Priority

Legal Authority: 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1927-B; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: Attorney and title companies close FmHA loans, provide title clearances, and disburses FmHA loans funds. In order to protect the security of the government in the execution of these functions, FmHA requires them to have in full force and effect, an acceptable liability insurance policy for errors and omissions, deductible and appropriate level of fidelity coverage in the amount prescribed by FmHA. If the attorney or the title company wishes to close FmHA loans and has a larger deductible or lower insurance liability coverage, the State Director has to obtain authorization or exception from the National Office. The process is

cumbersome and requires a great amount of paperwork and time.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |
| Final Action | 05/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB52

165. • RURAL BUSINESS ENTERPRISE GRANTS AND TV DEMONSTRATION GRANTS TECHNICAL ASSISTANCE AND TRAINING GRANTS NONPROFIT NATIONAL CORPORATIONS LOAN AND GRANT PROGRAM

Significance: Agency Priority

Legal Authority: PL 101-624, sec 2375 (e)

CFR Citation: 7 CFR 1942-G; 7 CFR 1942-J; 7 CFR 1980-G

Legal Deadline: None

Abstract: Amend subject regulations to prohibit duplication of technical assistance grant funding provided by Forest Service (FS).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB53

166. • OFFSETS OF FEDERAL PAYMENTS TO FMHA BORROWERS

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1951-C; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: The Farmers Home Administration (FmHA) proposes to amend its regulations on offsets of Federal payments to FmHA borrowers by removing repetitious directions and ambiguous guidance used by FmHA field offices to determine salary offset feasibility. The intended effect of this action is to add further guidance on salary offset eligibility criteria and to clarify the language of the regulations. The additional guidance provided by these proposed revisions will help to increase delinquent debt collection. If no revisions are made, it could result in reduced collections using administrative, salary and IRS offset.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 00/00/00 | |
| NPRM Comment Period End | 00/00/00 | |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, 14th & Independence Ave SW., Washington, DC 20250, 202 720-9744

RIN: 0575-AB55

167. • 1980-B FARMER PROGRAMS LOANS—FEASIBLE PLAN

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1980; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: This regulation change is to define "Feasible Plan" and to substitute the term "Feasible Plan" for "Positive Cash Flow" for loan servicing purposes. It is intended to benefit borrowers, lenders, and field office personnel and the Government by allowing Farmer Programs Guaranteed Loans to be restructured when the debt service margin exceeds 0 percent but is less than 10 percent.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

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Proposed Rule Stage

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM Comment Period End | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, 14th & Independence Ave SW., Washington, DC 20250, 202 720-9744

RIN: 0575-AB57

168. • IMPLEMENTATION PROCEDURES FOR HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION PROVISIONS OF THE FOOD SECURITY ACT

Legal Authority: PL 101-624; PL 99-198

CFR Citation: 7 CFR 1940

Legal Deadline: None

Abstract: Subtitle B and subtitle C of Title XII of the Food Security Act of 1985, Public Law 99-198, established requirements for the conservation of Wetlands and Highly Erodible Lands. These requirements were subsequently amended by the Food Agriculture Conservation and Trade Act of 1990, Public Law 101-624. The amendments, among other changes, would allow in some cases for graduated payment reductions rather than a complete loss of USDA program benefits to producers who contribute to excess soil erosion or wetland conversion. FmHA proposes to revise existing regulations to reflect the amendments required by Public Law 101-624. In addition, the regulations will be reorganized and supplemented to improve understanding and ease of implementation.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/08/93 | |
| NPRM Comment Period End | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, 14th &

Independence Ave SW., Washington, DC 20250, 202 720-9744

RIN: 0575-AB58

169. • REVISION TO PLANNING AND PERFORMING CONSTRUCTION AND OTHER DEVELOPMENT AND RELATED CONSTRUCTION SECTIONS OF OTHER FMHA REGULATIONS

Significance: Agency Priority

Legal Authority: 42 USC 7701 et seq; PL 95-124; EO 12699

CFR Citation: 7 CFR 1924-A; 7 CFR 1942-A; 7 CFR 1942-C; 7 CFR 1948-C; 7 CFR 1980-E; 7 CFR 1980-G; 7 CFR 1944

Legal Deadline: Final, Statutory, September 15, 1993. Other, Statutory, February 28, 1994.

Executive Order 12699 requires agencies to plan and initiate by February 1, 1993, measures to assure appropriate consideration of Seismic Safety.

Abstract: The Earthquake Hazards Reduction Act of 1977 (PL 95-124, 42 USC 7701 et seq.) was passed to reduce the risk of personal injury and property damage from earthquakes through the establishment and maintenance of an effective earthquake hazards reduction program. Executive Order 12699 (EO) "Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction" requires all Federal agencies to ensure that new Federally assisted buildings are designed and constructed in accord with appropriate seismic design and construction standards. Each agency is responsible for issuing or amending its regulations or procedures, planning for implementation through its own budget process, and regularly reviewing its regulations and procedures. The impact on National economic growth is considered to be negligible. For the typical FmHA/RDA funded new building, the additional cost associated with this requirement (1 to 2 percent of the total construction cost) is expected to be well worth the benefits gained.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/08/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 02/00/94 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB59

170. • ENVIRONMENTAL PROGRAM

Legal Authority: PL 91-190

CFR Citation: 7 CFR 1940

Legal Deadline: None

Abstract: Section 1940.311 of FmHA Instruction 1940-G, Environmental Program, describes certain utility systems which meet the criteria for environmental review using the format for a Class I environmental assessment. There has been some confusion as to what constitutes a "substantial increase" in withdrawal or discharge, and there has also been some confusion as to what criteria should be used when calculating a 50,000 gallon per day withdrawal from surface or groundwater. It is expected that the effect of this action will be eliminate this unnecessary confusion, and reduce documentation and paperwork on the part of FmHA employees in the preparation and review of Class I environmental assessments based on these sections.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/08/93 | |
| NPRM Comment Period End | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB64

171. • ENVIRONMENTAL PROGRAM

Legal Authority: PL 91-190

CFR Citation: 7 CFR 1940

Legal Deadline: None

Abstract: Form FmHA 1940-21, Environmental Assessment for a Class I Action," and pertinent sections of FmHA Instruction 1940-G currently

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Proposed Rule Stage

state that a proposed action, identified as a Class I action, will lose its Class I status, if more than one protected resource will either be affected by the proposal or is located within the project site. In other words, the proposed action must receive a higher level of environmental review, e.g., a Class II assessment. This proposed rule and Form change will increase, from one to three, the number of protected environmental resources necessary for a proposed action to lose its Class I status. Additional changes will be made to clarify the nature of the documentation and analysis that is necessary when Form FmHA 1940-21 is used. It is expected that the effect of this action will be to reduce unnecessary documentation and confusion on the part of FmHA employees in the preparation and review of Class I environmental assessments, thus allowing the employees to concentrate on more complex environmental issues.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB65

172. • ENVIRONMENTAL PROGRAM

Legal Authority: PL 91-190

CFR Citation: 7 CFR 1944

Legal Deadline: None

Abstract: Sec 1940.331 describes the public notice requirements for FmHA environmental reviews. There has been some confusion as to what constitutes individual notification of affected property owners. It is expected that the effect of this action will be to eliminate this confusion. Sec 2 b (3)(b) of Exhibit C to 1940-G, prescribes the length of the public review period for preliminary public notice of a possible impact to an important land resource. The present length of the public review period has caused some delays in the completion of Class I and Class II environmental assessments and consequently delays in processing applications for the agency's services. It is expected that the effect of this action will be to reduce the length of time during which further consideration of an application or proposal must be postponed thereby reducing the delays.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room

6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB66

173. • DEVELOPMENT GRANTS FOR COMMUNITY DOMESTIC WATER AND WASTE DISPOSAL SYSTEMS

Significance: Agency Priority

Legal Authority: Pending legislation

CFR Citation: 7 CFR 1942

Legal Deadline: None

Abstract: The regulation will authorize grants to rural Alaskan villages that lack clean running water and sanitary facilities. The lack of these facilities has led to severe health problems for many of the village residents. The FY 1994 Appropriations Bill earmarked \$15 million in grant funds for rural Alaskan Villages.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB68

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Farmers Home Administration (FmHA)

174. MANAGEMENT AND COLLECTION OF NONPROGRAM (NP) LOANS

Significance: Agency Priority

Legal Authority: 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1951 subpart J

Legal Deadline: None

Abstract: A new instruction to provide policy and guidance for FmHA field office personnel to make, manage, collect and liquidate nonprogram (NP) loans.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 08/17/89 | 54 FR 33906 |
| NPRM Comment | 10/16/89 | 54 FR 33906 |
| Period End | | |
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room

6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AA39

175. SERVICING CASES WHERE UNAUTHORIZED LOAN OR OTHER FINANCIAL ASSISTANCE WAS RECEIVED—MULTIPLE FAMILY HOUSING

Legal Authority: 5 USC 301; PL 93-357; 42 USC 1480; 42 USC 2942

CFR Citation: 7 CFR 1951, subpart N; 7 CFR 2.70

Legal Deadline: None

USDA—FmHA

Final Rule Stage

Abstract: General revision to keep the regulation current with the clarification of policy and incorporation of changes regarding automated processing of payments.

Timetable:

| Action | Date | FR Cite. |
|--------------------------|----------|-------------|
| NPRM: | 11/19/91 | 56 FR 58325 |
| NPRM Comment Period End: | 01/21/92 | 56 FR 58325 |
| Final Action | 10/00/93 | |
| Final Action Effective: | 11/00/93 | |

Small Entities Affected: None.

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AA69

176. ADVERSE DECISIONS AND ADMINISTRATIVE APPEALS; FMHA INSTRUCTION 1900-B

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 2.70

CFR Citation: 7 CFR 1900 subpart B

Legal Deadline: None

Abstract: The Agency published an interim rule amending FmHA Instruction 1900-B to provide for multi-party appeals involving the sale of suitable farmland to eligible applicants and denials of leaseback/buyback and homestead protection rights. These changes were a result of Section 611 of the Agricultural Credit Act of 1987. Subsequently, passage of the 1990 Farm Bill P.L. 101-624 required further changes to appeals involving the sale of inventory property classified as suitable farmland. These changes superseded those made in the interim rule. Those changes were published in the Federal Register as an interim rule on April 30, 1992, Vol 57 No. 84 page 18612 (see RIN 0575-AA91).

Timetable:

| Action | Date | FR Cite. |
|--------------------|----------|-------------|
| Interim Final Rule | 04/30/92 | 57 FR 18612 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 720-9744

RIN: 0575-AA70

177. FARMER PROGRAMS, GUARANTEED INTEREST ASSISTANCE PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1980(a); 7 CFR 1980(b); 7 CFR 1980(d); 7 CFR 1980(e); 7 CFR 1980(g); 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: This regulation will provide for a government subsidy to lenders for interest rates for guaranteed Farmer Programs loans so the borrower will be paying interest rates for guaranteed loans that are similar to insured loans. This should provide an incentive for using the guaranteed loan program. The potential cost to the Government will be reduced as the Government will only pay a lender up to 90 percent of the losses on loans and only part of the interest rate rather than loaning a borrower the full amount of the loan and paying an investor the full cost of the Government borrowing the money for an insured loan. The benefit is that the borrower will be paying an interest rate for guaranteed loans that is comparable to that for insured loans.

Timetable:

| Action | Date | FR Cite. |
|---------------------------------------|----------|------------|
| Interim Final Rule | 02/28/91 | 56 FR 8258 |
| Interim Final Rule Comment Period End | 04/29/91 | 56 FR 8258 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AA80

178. SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS (DEFERRED MORTGAGE PROGRAM)

Significance: Agency Priority

Legal Authority: 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1944-A; 7 CFR 1951-G

Legal Deadline: None

Abstract: This regulation is being amended to include a mortgage payment deferral program to enable the Agency to assist a greater number of very low-income families. The Program is intended to provide additional assistance to those families who can not afford the costs of homeownership with full interest credit benefits.

Timetable:

| Action | Date | FR Cite. |
|--------------------|----------|-------------|
| Interim Final Rule | 08/23/91 | 07 FR 41764 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The effective date of the law is April 1, 1991.

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AA87

179. FARMER PROGRAM ACCOUNT SERVICING POLICIES FOR SECTION 1816 AND OTHER RELATED SECTIONS FOR THE "1990 FACT ACT"

Significance: Regulatory Program

Legal Authority: PL 101-624, Sec 1816; 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1900 subpart B; 7 CFR 1924 subpart B; 7 CFR 1951 subpart S; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: Provisions of the Food, Agriculture, Conservation and Trade Act of 1990, as they affect the Farmers Home Administration's Farmer Programs, plus relevant provisions of the Omnibus Budget Reconciliation Act of 1990.

Timetable:

| Action | Date | FR Cite. |
|--------|----------|-------------|
| NPRM | 10/23/91 | 56 FR 54970 |

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Final Rule Stage

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM Comment Period End | 11/22/91 | 56 FR 54970 |
| Interim Final Rule | 04/30/92 | 57 FR 18612 |
| Final Action | 11/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Chris Goettlmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AA91

180. HOUSING APPLICATION PACKAGING GRANTS

Legal Authority: 42 USC 1479

CFR Citation: 7 CFR 1944 subpart B

Legal Deadline: None

Abstract: Provide grant program for housing application packaging by public and private nonprofits in poor counties and colonias.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/01/92 | 57 FR 39635 |
| NPRM Comment Period End | 11/02/92 | 57 FR 39635 |
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Public Compliance Cost: Initial Cost: \$97,800; Yearly Recurring Cost: \$97,800

Additional Information: The effective date of the law is April 1, 1991.

Agency Contact: Chris Goettlmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AA92

181. AGRICULTURAL RESOURCE CONSERVATION DEMONSTRATION PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1989; 7 USC 4201; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1980, subpart J; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: The FACT Act as amended, authorized a demonstration program to preserve our national farmland resources for future generations. The program provides for Federal guarantees of timely payments of principal and interest due for 10 years and substantial interest assistance on loans made to States and instrumentalities of States. A number of States currently have programs in which the State purchases development rights from farmers so the farmland is not developed. The program was fashioned, to some extent, after several of these programs. States are required to share in this effort by contributing an amount equal to at least half the amount of the loan guaranteed by FmHA. Each eligible State may receive up to \$10 million in guarantees per fiscal year. Loan funds may be invested by the borrower to increase the capital available for farmland preservation.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|------------|
| Interim Final Rule | 02/04/92 | 57 FR 4336 |
| Final Action | 12/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: Published in the Federal Register as an Interim Final Rule (57 FR 4336-4350).

Agency Contact: Chris Goettlmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB01

182. RURAL RENTAL AND RURAL COOPERATIVE HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS

Significance: Agency Priority

Legal Authority: 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1924; 7 CFR 1944

Legal Deadline: None

Abstract: Existing regulations will be revised to provide additional guidance to reduce program vulnerability. Revisions will address program vulnerability issues identified by

FmHA and OIG/GAO audits regarding construction activities. The regulation will rectify identity of interest concerns, provide more guidance on cost containment and cost certification. It also incorporates several provisions of the Housing and Community Development Act of 1992 such as the uniform construction costs regulations, and sharing cost data with state agencies administering tax credits.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/19/92 | 57 FR 27379 |
| NPRM Comment Period End | 08/18/92 | |
| Final Action | 11/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettlmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB08

183. IMPLEMENT SECTION 1818 (BORROWER TRAINING) OF THE FOOD AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990 (FACT ACT)

Significance: Regulatory Program

Legal Authority: PL 101-624, sec 1818

CFR Citation: 7 CFR 1910 subpart A; 7 CFR 1943 subpart B; 7 CFR 1924 subpart B; 7 CFR 1941 subpart A; 7 CFR 1945 subpart D; 7 CFR 1943 subpart A; 7 CFR 1951 subpart S; 7 CFR 1980 subpart B; 7 CFR 1962 subpart A; 7 CFR 1965 subpart A

Legal Deadline: None

Abstract: Regulations are needed to set forth the curriculum and process to train FmHA borrowers.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/25/92 | 57 FR 55473 |
| NPRM Comment Period End | 12/28/92 | 57 FR 55473 |
| Interim Final Rule | 02/00/94 | |
| Final Action | 12/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Chris Goettlmann, Chief, Regulations Analysis and Control

USDA—FmHA

Final Rule Stage

Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB13

184. SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS (INTEREST CREDIT/EARNED INCOME)

Legal Authority: PL 101-508; PL 101-201; 25 USC 1480; 42 USC 1437; EO 12744

CFR Citation: 7 CFR 1944, subpart A

Legal Deadline: None

Abstract: The definition of income is being revised pursuant to the Omnibus Budget Reconciliation Act of 1990. The regulations are being revised to clarify that the interest of individual Indians in trust on restricted land shall not be considered a resource in determining eligibility. Changes are being made to exclude from the Agent Orange settlement fund or any other fund established pursuant to the settlement in Agent Orange liability litigation. Based on a Supreme Court decision FmHA is deleting the public posting that require county supervisors to post on the bulletin board after each selection period a list of those applications selected and notified of the processing of their applications. The county supervisors are also required to review the SFH applicants audited or most recent Federal tax return. The interest credit regulation is being revised to remove previous discrepancies.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-----------|
| NPRM | 01/06/93 | 58 FR 507 |
| NPRM Comment Period End | 03/05/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: \$38,197; Yearly Recurring Cost: \$38,197

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB16

185. • DEBT SETTLEMENT—COMMUNITY AND BUSINESS PROGRAMS

Significance: Agency Priority

Legal Authority: 7 USC 2001; PL 101-624, sec 2384

CFR Citation: 7 CFR 1956

Legal Deadline: None

Abstract: Amend subject regulation to expand debt restructuring servicing authority for hospital and health care facilities.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 01/13/93 | 58 FR 4095 |
| NPRM Comment Period End | 02/12/93 | 58 FR 4095 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB26

186. • PLANNING AND PERFORMING CONSTRUCTION AND OTHER DEVELOPMENT

Legal Authority: 7 USC 1989; 42 USC 1980; 5 USC 301

CFR Citation: 7 CFR 1924-A; 7 CFR 1944-A; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: The proposed regulation would eliminate the use of FmHA's Thermal Standards for new construction in those States that have adopted either the Council of American Building Officials (CABO) 1989 edition of the Model Energy Code (MEC) or any other energy Code/Standard that is equal to or more stringent than the 1989 MEC. The alternatives being considered are adoption of this proposal or continued use of FmHA current thermal standards for new construction. Continued use of FmHA's current thermal standards will result in higher material and labor cost for new unit. Adoption of the proposed rule will require fewer materials and labor because new units will not be custom designed for FmHA.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB27

187. • APPRAISAL OF FARMS AND LEASEHOLD INTERESTS (FIRREA)

Legal Authority: 7 USC 1989; 7 USC 4201 note; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1809; 7 CFR 1901-C; 7 CFR 1922-B; 7 CFR 1922-D; 7 CFR 1922-E; 7 CFR 1941-A; 7 CFR 1943-A; 7 CFR 1943-B; 7 CFR 1944-A; 7 CFR 1944-D; 7 CFR 1944-J; 7 CFR 1945-C; 7 CFR 1945-D; 7 CFR 1951-E; 7 CFR 1951-S

Legal Deadline: None

Abstract: The Office of Management and Budget required all federal credit agencies to adopt similar appraisal requirements and to conduct appraisal reviews in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP). FmHA must act to update its Farmer Program appraisal regulations to address the new appraisal environmental. FmHA's present farm real estate appraisal requirements are not current with the USPAP and private industry standards. Failure to act on this will leave the FmHA vulnerable to losses through weak appraisal requirements currently in place. The savings potential may be very significant over time.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Additional Information: item 7 CFR Citation (Cont.) 1955-A; 1955-B; 1955-C; 1965-A; 1980-B; 1980-C; 1980-F; 2033-A

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control

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Final Rule Stage

Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB30

188. SUPERVISED BANK ACCOUNTS AND MULTIHOUSING RESERVE FUNDS

Significance: Agency Priority

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1902; 7 CFR 1930

Legal Deadline: None

Abstract: Requires reserve accounts to be subject to counter signature by an Agency official before funds can be withdrawn.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/01/92 | 57 FR 39631 |
| NPRM Comment Period End | 11/02/92 | 57 FR 39631 |
| Final Action | 10/00/93 | |
| Final Action Effective | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, D. C. 20250, 202 720-9744

RIN: 0575-AB31

189. FIVE-YEAR APPLICANT LOAN ELIGIBILITY CERTIFICATION BY COUNTY COMMITTEE

Legal Authority: PL 101-554, sec 12

CFR Citation: 7 CFR 1910-A; 7 CFR 1941-A; 7 CFR 1943-A; 7 CFR 1943-B; 7 CFR 1980-B

Legal Deadline: NPRM, Statutory, April 30, 1993.

Abstract: The objective of this action is to extend County Committee eligibility for Farmer Programs loan applications (except emergency loan applications) up to five years. The current policy requires a County Committee determination for each loan application. The proposed action will decrease the paperwork required for loan applications, and reduce the amount of time needed by the County Committee to review loan applications. The proposed action is required by Public Laws 101-554 and 101-624. No

additional costs to the Government or to the public will be incurred as a result of this action. Government costs will be reduced because County Committee members will spend less time reviewing applications.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |
| Final Action | 03/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, 14th & Independence Ave., S.W. - Room 6248-S, Washington, DC 20250, 202 720-9744

RIN: 0575-AB32

190. IMPLEMENTATION OF CERTIFIED LENDER PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1987; 42 USC 1480; 5 USC 301, sec 15 and 18; PL 102-554

CFR Citation: 7 CFR 1980 subpart A; 7 CFR 1980 subpart B; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: Final, Statutory, October 1, 1993. Other, Statutory, April 28, 1993.

Sec 23 of Pub. L. 102-554, requires that interim regulations be published by April 28, 1993, and final regulations published by October 1, 1993.

Abstract: Lenders participating in the Guaranteed Loan Program have cited the excessive amount of paperwork and time required to apply for and receive approval on guaranteed loans as a deterrent to participation in the program. The Agency assembled a Guaranteed Overview Task Force to identify specific forms and regulations that could be eliminated or revised without increasing the risk to the Government. Fewer forms and a streamlined process will reduce operating costs for both FmHA and lenders. Regulations were being drafted when a law was passed requiring a Certified Lender Program, along with a simplified application process for guaranteed loans of \$50,000 or less.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 06/24/93 | 58 FR 34302 |
| Final Action | 03/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: This rule implements section 18 of the Agricultural Credit Improvement Act of 1992 which establishes a Certified Lender Program (CLP). Farm operating loans and farm ownership loans are excluded with the exception of non-farm enterprise activity from the scope of Executive Order 12372, which requires intergovernmental consultation with State and local offices.

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, 14th & Independence Ave., S.W. - Room 6348-S, Washington, DC 20250, 202 720-9744

RIN: 0575-AB33

191. • 1945-D EMERGENCY LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS—WAIVER OF CROP INSURANCE FOR CROPS PLANTED FOR HARVEST IN 1992 AND 1993

Significance: Agency Priority

Legal Authority: 7 USC 1989; 7 USC 301

CFR Citation: 7 CFR 1945-D; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: The Food, Agricultural, Conservation and Trade Act of 1990 (FACT Act) (PL 101-624), as amended, waived the requirement for losses to the 1990 crop, and the Dire Supplemental Appropriations Act waived it again for 1991 crop losses. This action is necessary to implement the provisions of the Supplemental Appropriations, Transfers and Rescissions for the fiscal year ending September 30, 1992, and Other Purposes Act (PL 102-368 1992 Supplemental Appropriations Act).

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 11/17/92 | 57 FR 54172 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room

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6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB38

192. • REQUIREMENT OF A 10 PERCENT CASH DOWN PAYMENT IN CONJUNCTION WITH INSURED AND GUARANTEED FARM OWNERSHIP LOANS, INCLUDING CREDIT SALE, TO PURCHASE FARM REAL ESTATE

Significance: Agency Priority

Legal Authority: 7 USC 1989; PL 102-554

CFR Citation: 7 CFR 1943; 7 CFR 1951; 7 CFR 1955; 7 CFR 1980

Legal Deadline: None

Abstract: Revise the insured and guaranteed farm ownership loan instructions, including credit sales, to require a 10 percent cash downpayment in conjunction with farm land purchase. Previously the Agency did not require a downpayment from eligible applicants when loan funds were used for farm land purchase.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/16/91 | 56 FR 22666 |
| NPRM Comment Period End | 06/17/91 | 56 FR 22666 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB40

193. • INSURED AND GUARANTEED OPERATING AND FARM OWNERSHIP LOAN AND RELATED INSTRUCTIONS TO IMPLEMENT SECTIONS 4, 5, 7, 8, 9, AND 19 OF THE AGRICULTURAL CREDIT IMPROVEMENT ACT OF 1992

Significance: Agency Priority

Legal Authority: PL 102-554

CFR Citation: 7 CFR 1910; 7 CFR 1924; 7 CFR 1941; 7 CFR 1943; 7 CFR 1945; 7 CFR 1980; 7 CFR 1955

Legal Deadline: Final, Statutory, October 1, 1993. Other, Statutory, April 28, 1993.

Sec 23 of Pub. L. 102-554, requires that interim regulations be published by

April 28, 1993, and final regulations published by October 1, 1993.

Abstract: The law was enacted to assist beginning farmers and ranchers in getting started in agriculture. The 1987 Census of Agriculture indicated an increase of 20.7 percent in the number of farmers in the 65 and over age group between 1978 and 1987. During the same period the number of farmers less than 25 years of age declined by 46.2 percent and the number of farmers between 25 and 34 years of age declined by 15 percent. The impact and cost on the farm ownership loan program should be minimal in view of the required 10 percent cash downpayment by beginning farmer applicants. The impact on the operating loan program should be minimal in view of FO loan restrictions during the first 5 years of participation in this program. Applicants have a choice of applying for FO and OL assistance under the new programs or under the existing FO and OL programs.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 09/15/93 | 58 FR 48275 |
| Interim Final Rule Effective | 09/30/93 | 58 FR 48275 |
| Interim Final Rule Comment Period End | 10/15/93 | 58 FR 48275 |
| Final Action | 03/00/94 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB41

194. • FARMER PROGRAM ACCOUNT SERVICING POLICIES—60-DAY DEADLINE FOR REQUESTING BORROWERS LOAN SERVICING

Significance: Agency Priority

Legal Authority: PL 102-554, sec 10; PL 102-554, sec 23

CFR Citation: 7 CFR 1951

Legal Deadline: Final, Statutory, October 1, 1993.

The interim regulations must be issued within 180 days of enactment of the Act.

Abstract: The 60-day time period for submitting an application for Farmer Program loan servicing may be extended by the Farmers Home Administration (FmHA) State Director in certain cases when the State Director determines there has been extraordinary circumstances. This action is required by the Agriculture Credit Improvement Act of 1992. The intended effect is that in certain cases of extraordinary circumstances the State Director may determine that the borrower be allowed additional time to request loan servicing. No alternatives were considered because this regulation was mandated by statute. We do not anticipate any additional costs as the regulation only extends the time limit that a borrower has to apply for a loan if the State Director determines these as extraordinary circumstances.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 03/23/93 | 58 FR 15417 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control, Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Agricultural Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB42

195. • REVISIONS TO THE INSURED AND GUARANTEED OPERATING (OL), FARM OWNERSHIP, (FO), AND SOIL AND WATER LOAN AND RELATED INSTRUCTIONS TO IMPLEMENT SECTIONS 18 AND 22 OF PL 102-554

Significance: Agency Priority

Legal Authority: PL 102-554, sec 18; PL 102-554, sec 22

CFR Citation: 7 CFR 1946; 7 CFR 1980

Legal Deadline: Final, Statutory, October 1, 1993. Other, Statutory, April 28, 1993.

Sec 23 of Pub. L. 102-554, requires that interim regulations be published by April 28, 1993, and final regulations published by October 1, 1993.

Abstract: The objective of this law, as expressed in these changes, is to assist farmers depending on and deserving of FmHA credit by easing credit requirements for guaranteed loans. The

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ratio of operating expenses of State mediation programs matched by FmHA also will rise from 50 to 70 percent. Both changes are mandated by the law.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |
| Final Action | 04/00/94 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB51

196. • EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS

Legal Authority: PL 101-624, sec 2326

CFR Citation: 7 CFR 1942-K

Legal Deadline: Final, Statutory, January 23, 1991.

Public Law 101-624 required that a interim final rule be published by 01/23/91.

Abstract: This regulation is utilized by the Rural Development Administration to provide grants to low-income rural communities who have had a significant decline in quantity or quality of their drinking water or existing system needs emergency repairs. This action will finalize an interim final rule published November 18, 1991, (56 FR 58177). The program is funded at a level of \$10 million in fiscal year 1992. No alternative exist.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 11/18/91 | 56 FR 58177 |
| Final Action | 10/00/93 | |

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, 14th & Independence Ave. SW., Washington, DC 20250, 202 720-9744

RIN: 0575-AB54

197. • IMPLEMENT SECTIONS 11 AND 13 OF THE AGRICULTURE CREDIT IMPROVEMENT ACT 1993 (APPLICATION PROCESSING TIMEFRAME)

Significance: Agency Priority

Legal Authority: PL 102-554

CFR Citation: 7 CFR 1910; 7 CFR 1980

Legal Deadline: Final, Statutory, October 1, 1993. Other, Statutory, April 28, 1993.

Sec 23 of Pub. L. 102-554 requires interim regulations by publish published by April 28, 1993, and final regulations publish by October 1, 1993.

Abstract: The Agricultural Credit Improvement Act of 1992 requires FmHA to change its procedures for notifying applicants for farmer programs loans and loan guarantees when information is needed to complete an application. In addition, County Offices will now be required to report applications that remain pending 45 days after receipt, and the reasons they remain pending. The Agency is also required to report to the Congress every month each application pending more than 60 days after its receipt. In addition, FmHA County Committees are required under the Act to review all applications for direct and guaranteed farmer programs loans not later than 5 days after receipt if there is more than one other complete application pending, and not later than 15 days if there are no other complete applications pending. These changes will ensure more timely and consistent processing of applications. Otherwise, their impact on the Agency should be minimal. Impact on applicants and participating lenders should be favorable, because it will address some of their expressed concerns regarding timeliness in processing.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, 14th & Independence Ave. SW., Washington, DC 20250, 202 720-9744

RIN: 0575-AB56

198. • SECTION 515 NONPROFIT SET-ASIDE FUNDS

Significance: Agency Priority

Legal Authority: 42 USC 1485; 7 USC 1989; 5 USC 301; PL 102-550, Sec 708

CFR Citation: 7 CFR 1940 subpart L; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: Compliance with provisions of the Housing and Community Development Act allowing limited partnerships with a non-profit general partner to participate in set aside. Various other changes regarding available funds and pooling of unused funds.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Final Rule | 07/21/93 | 58 FR 38949 |
| Final Action | 02/00/94 | |
| Final Action Effective | 03/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, 14th & Independence Ave. SW., Washington, DC 20250, 202 720-9744

RIN: 0575-AB60

199. • FMHA INS. 1955-A "LIQUIDATION OF LOAN SECURED BY REAL ESTATE AND ACQUISITION OF REAL AND CHATTEL PROPERTY" FMHA INS. 1955-B "MANAGE. OF PROPERTY" FMHA INS. 1955-C

Significance: Agency Priority

Legal Authority: PL 107-624 FACT Act of 1990; PL 102-554 Agricultural Improvement Act of 1992

CFR Citation: 7 CFR 1943-A; 7 CFR 1955-A; 7 CFR 1955-B; 7 CFR 1955-C

Legal Deadline: Final, Statutory, April 28, 1993.

Abstract: This regulation package is being published as a Final Rule to include comments received on the interim rule of FmHA Instruction 1955 A, B and C published as two separate packages on June 27, 1991, and May 5, 1992. This Final Rule is necessary to amend the definition of a socially

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disadvantaged applicant as required by Section 21 of the Agricultural Improvement Act of 1992. In addition, the Final Rule will also allow minor changes to be made to provide better clarification, correct misspelled words, correct references to incorrect exhibits, and improve sentence structure where needed. There are no suitable alternatives to the publication of this Final Rule. There should be no extra costs as a result of its publication. Both the public and FmHA officials will benefit from the publication of this Final Rule.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB62

200. ● ACQUISITION AND MANAGEMENT OF REAL AND CHATTEL PROPERTY

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 2.23; 7 CFR 2.70; 7 CFR 1955A; 7 CFR 1955C

Legal Deadline: Final, Statutory, April 28, 1993.

Abstract: Provide additional notice to Native Americans to convey property prior to foreclosure, notify tribe of properties value and inform them of the amount of the governments bid at a

foreclosure sale. Allow surplus property to be leased with or without an option to purchase to eligible program applicants. Will implement changes required by the Agricultural Improvement Act of 1992, H.R. 6129, which was signed on October 28, 1992. Will also regulate how properties can be transferred to Indian tribes.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB63

201. ● BID APPLICATION DEADLINE

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 7 USC 301

CFR Citation: 7 CFR 1980

Legal Deadline: None

Abstract: This action removes the deadline for filing applications for Business and Industry Disaster loan guarantees.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 08/03/93 | 58 FR 41171 |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Chris Goettelmann, chief, Regulations Analysis and Control

Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB67

202. ● BUSINESS AND INDUSTRIAL LOAN PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 7 USC 301; PL 103-50

CFR Citation: 7 CFR 1980

Legal Deadline: None

Abstract: This action will implement a provision of Public Law 103-50, which authorizes an interest rate buydown for certain Business and industry loans guaranteed through FY 1994 in areas affected by Hurricanes Andrew and Iniki and Typhoon Omar. Lenders must limit the interest rate charged to prime plus 100 basis points. The Government will pay one percentage point of interest on the loan to the lender, thereby reducing the effective rate paid by the borrower. This action is intended to assist with economic recovery in the disaster areas.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 02/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB69

**DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)**

Completed Actions

203. HOUSING PRESERVATION GRANTS

CFR Citation: 7 CFR 1944, subpart N

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/26/93 | 58 FR 21891 |
| Final Action Effective | 09/01/93 | 58 FR 30102 |

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Chris Goettelmann, 202 720-9744

RIN: 0575-AA18

204. MANAGEMENT AND SUPERVISION OF MULTIPLE FAMILY HOUSING BORROWERS AND GRANT RECIPIENTS

Significance: Agency Priority

CFR Citation: 7 CFR 1930, subpart C; 7 CFR 1944, subpart E; 7 CFR 1951, subpart K; 7 CFR 1965, subpart B; 7 CFR 2.23; 7 CFR 2.70

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Completed Actions

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/30/93 | 58 FR 40862 |
| Final Action Effective | 08/30/93 | 58 FR 40862 |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Chris Goettelmann, 202 720-9744

RIN: 0575-AA49

205. PREPAYMENT AND DISPLACEMENT PREVENTION OF MULTIPLE FAMILY HOUSING LOANS

Significance: Agency Priority

CFR Citation: 7 CFR 1965, subpart E; 7 CFR 1930, subpart C; 7 CFR 1944, subpart D; 7 CFR 1944, subpart E; 7 CFR 1944, subpart L; 7 CFR 1951, subpart E; 7 CFR 1951, subpart N; 7 CFR 1955, subpart A; 7 CFR 1955, subpart C; 7 CFR 1965, subpart B; 7 CFR 1924, subpart A; 7 CFR 1940, subpart L

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/21/93 | 58 FR 38913 |
| Final Action Effective | 08/20/93 | 58 FR 38913 |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Chris Goettelmann, 202 720-9744

RIN: 0575-AA51

206. RURAL RENTAL HOUSING LOAN POLICIES, PROCEDURES AND AUTHORIZATIONS—PROCESSING PREAPPLICATIONS

CFR Citation: 7 CFR 1944 subpart E

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/20/93 | 58 FR 44255 |
| Final Action Effective | 10/01/93 | 58 FR 44255 |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Chris Goettelmann, 202 720-9744

RIN: 0575-AA67

207. DEBT SETTLEMENT

CFR Citation: 7 CFR 1956

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/21/93 | 58 FR 21344 |
| Final Action Effective | 04/21/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, 202 720-9744

RIN: 0575-AB10

208. DISPOSAL OF INVENTORY PROPERTY

Significance: Agency Priority

CFR Citation: 7 CFR 1955 subpart C; 7 CFR 2.23; 7 CFR 2.70

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/21/93 | 58 FR 38948 |
| Final Action Effective | 07/21/93 | 58 FR 38948 |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Chris Goettelmann, 202 720-9744

RIN: 0575-AB21

209. SOLID WASTE MANAGEMENT GRANTS

Completed:

| Reason | Date | FR Cite |
|----------------------|----------|---------|
| Transfer Development | 07/13/93 | |
| to RIN 0570-AA06 | | |

RIN: 0575-AB22

210. TECHNICAL ASSISTANCE AND TRAINING GRANTS

Completed:

| Reason | Date | FR Cite |
|----------------------|----------|---------|
| Transfer Development | 07/13/93 | |
| to RIN 0570-AA07 | | |

RIN: 0575-AB23

211. COMMUNITY FACILITY LOANS—1942A

Significance: Agency Priority

CFR Citation: 7 CFR 1942

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/26/93 | 58 FR 30101 |
| Final Action Effective | 05/26/93 | 58 FR 30101 |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Chris Goettelmann, 202 720-9744

RIN: 0575-AB25

212. 1980-E BUSINESS AND INDUSTRIAL LOAN PROGRAM—FEASIBILITY STUDIES

Significance: Agency Priority

CFR Citation: 7 CFR 1980-E

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 07/27/93 | 58 FR 40039 |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Chris Goettelmann, 202 720-9744

RIN: 0575-AB34

213. • 1980-E BUSINESS AND INDUSTRIAL LOAN PROGRAM—BUSINESS AND INDUSTRY DISASTER LOANS

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 7 USC 301

CFR Citation: 7 CFR 1980 subpart E

Legal Deadline: None

Abstract: This action implements the Dire Emergency Supplemental Appropriations Act of 1992 to provide loan guarantees for costs arising from the consequences of natural disasters such as Hurricanes Andrew and Iniki and Typhoon Omar.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Final Rule | 10/05/92 | 57 FR 45968 |
| Final Rule Comment | 11/04/92 | |
| Period End | | |
| Final Action | 07/21/93 | 58 FR 38951 |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB35

USDA—FmHA

Completed Actions

214. SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES AND AUTHORIZATIONS (APPRAISAL FEE)

Significance: Agency Priority

CFR Citation: 7 CFR 1944-A; 7 CFR 2.23; 7 CFR 2.70

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/15/93 | 58 FR 48300 |
| Final Action Effective | 10/15/93 | 58 FR 48300 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, 202 720-9744

RIN: 0575-AB36

215. • INSURED AND GUARANTEED SOIL AND WATER LOAN

Significance: Agency Priority

Legal Authority: 7 USC 1989; 5 USC 301; 42 USC 1480

CFR Citation: 7 CFR 1943-B; 7 CFR 1951-A; 7 CFR 1980-B7; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: This action implements section 1802 on the Food, Agriculture, Conservation, and Trade Act of 1990, which amended sections 304 and 310 D of the Consolidated Farms and Rural

Development Act (7 USC 1924 and 1934). Section 1851 of the Act repealed the Emergency Agricultural Credit Adjustment Act of 1976 (7 USC Prec 1961).

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/02/91 | 56 FR 30347 |
| NPRM Comment Period End | 08/01/91 | 56 FR 30347 |
| Final Action | 03/19/93 | 58 FR 15071 |
| Final Action Effective | 03/19/93 | 58 FR 15071 |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: Environmental Impact Statement is not required. The Soil and Water Loans Program is subject to the provisions of Executive Order 12372 and FmHA Instruction 1940-J.

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 720-9744

RIN: 0575-AB39

216. • SERVICING AND LIQUIDATION OF CHATTEL SECURITY

Significance: Agency Priority

Legal Authority: 7 USC 1989; 5 USC 301

CFR Citation: 7 CFR 1962-A; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: This revision to FmHA Instruction 1962-A implements the requirement in the Food, Agricultural, Conservation, and Trade Act of 1990, that the County Supervisor will record, in the borrower's case file, any change in the disposition of Chattel securing. The revision also clarifies the difference between "Basic" security and "Normal Income" security and when either type of security can be released.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/01/93 | 58 FR 46074 |
| Final Action Effective | 09/01/93 | 58 FR 46074 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, 14th & Independence Ave. SW., Washington, DC 20250, 202 720-9744

RIN: 0575-AB61

BILLING CODE 3410-07-F

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Federal Crop Insurance Corporation (FCIC)

217. • COMMON CROP INSURANCE REGULATIONS (SINGLE POLICY)

Significance: Agency Priority

Legal Authority: 7 USC 1506; 7 USC 1516

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: This rule provides for a commonality of terms in the General Crop Policy, resulting in an easier understanding of FCIC's program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mari L. Dunleavy, Regulatory Specialist, Regulatory and

Procedural Development Staff, Department of Agriculture, Federal Crop Insurance Corporation, Washington, DC 20250, 202 254-8314

RIN: 0563-AA73

218. • REINSURANCE AGREEMENT—STANDARDS FOR APPROVAL REGULATIONS FOR 1988 AND SUBSEQUENT CONTRACT YEARS

Significance: Regulatory Program

Legal Authority: 7 USC 1501 to 1520

CFR Citation: 7 CFR 400, subpart L

Legal Deadline: None

Abstract: FCIC will revise the standards to implement additional criteria for awarding agreements to private insurance companies.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mari L. Dunleavy, Regulatory Specialist, Regulatory and Procedural Development Staff, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Suite 500, Washington, DC 20037, 202 254-8450

RIN: 0563-AA74

219. • GENERAL ADMINISTRATIVE REGULATIONS; ACTUAL PRODUCTION HISTORY (APH) COVERAGE PROGRAM

Significance: Regulatory Program

USDA—FCIC

Proposed Rule Stage

Legal Authority: 7 USC 1506; 7 USC 1516

CFR Citation: 7 CFR 400

Legal Deadline: None

Abstract: This rule proposes to establish insurance coverage based

upon the insured's Actual Production History (APH).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mari L. Dunleavy, Regulatory Specialist, Regulatory and Procedural Development Staff, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, 202 254-8450

RIN: 0563-AA75

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Federal Crop Insurance Corporation (FCIC)

220. GENERAL ADMINISTRATIVE REGULATIONS; APPEAL PROCEDURES

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 400, subpart J

Legal Deadline: None

Abstract: Establishes the FCIC Appeal Procedures for staffing, authority, and the administrative procedures for complete and independent review of determinations.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/30/91 | 58 FR 67228 |
| NPRM Comment Period End | 01/29/92 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mari L. Dunleavy, Regulatory Specialist, Regulatory and Procedural Development Staff, Department of Agriculture, Federal Crop Insurance Corporation, Washington, DC 20250, 202 254-8314

RIN: 0563-AA63

221. GENERAL ADMINISTRATIVE REGULATIONS; SANCTIONS, CIVIL PENALTIES, SUSPENSION AND DEBARMENT

Significance: Agency Priority

Legal Authority: 7 USC 1501 et seq Federal Crop Insurance Act

CFR Citation: 7 CFR 400, subpart R

Legal Deadline: None

Abstract: Add civil penalties under the Federal Crop Insurance Act as an additional available sanction, and incorporates provisions for implementing departmental regulations for Debarment and Suspension and Program Fraud Civil Remedies Act.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/13/93 | 58 FR 37874 |
| NPRM Comment Period End | 08/13/93 | 58 FR 37874 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mari L. Dunleavy, Regulatory Specialist, Regulatory and Procedural Development Staff, Department of Agriculture, Federal Crop Insurance Corporation, Washington, DC 20250, 202 254-8314

RIN: 0563-AA70

222. GENERAL CROP INSURANCE REGULATIONS; SMALL GRAINS CROP INSURANCE

Significance: Regulatory Program

Legal Authority: 7 USC 1506; 7 USC 1516

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: The new wheat crop provisions rule will provide wheat producers with expanded options in the case of crop failure. Additionally, this rule establishes a single form for small grains crop provisions which will provide consistency in regulations for these crops and provide a standard by which coverage will be administered.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/10/93 | 58 FR 32458 |
| NPRM Comment Period End | 07/12/93 | 58 FR 32458 |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mari L. Dunleavy, Regulatory Specialist, Regulatory and Procedural Development Staff, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, 202 254-8450

RIN: 0563-AA76

DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

Federal Crop Insurance Corporation (FCIC)

223. LATE AND PREVENTED PLANTING ENDORSEMENT

CFR Citation: 7 CFR 400, subpart L

Completed:

| Reason | Date | FR Cite |
|--------------|----------|------------|
| Final Action | 01/08/93 | 58 FR 3202 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mari L. Dunleavy, 202 254-8314

RIN: 0563-AA71

BILLING CODE 3410-08-F

DEPARTMENT OF AGRICULTURE (USDA)
Federal Grain Inspection Service (FGIS)

Proposed Rule Stage

224. A REVIEW OF THE REGULATIONS UNDER THE UNITED STATES GRAIN STANDARDS ACT: PART 800

Legal Authority: 7 USC 71 to 87

CFR Citation: 7 CFR 800

Legal Deadline: None

Abstract: Under the requirements of Executive Order 12291 to periodically review all existing regulations, and USDA Departmental Regulation 1512-1 to conduct each such review within a five-year timeframe, the Federal Grain Inspection Service will review its General Regulations under the United States Grain Standards Act. To simplify and promote a better understanding of policies and procedures, FGIS will be proposing changes to the regulations. Alternatives will be considered after receipt of public comments.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 01/00/94 | |
| Final Action | 04/00/94 | |
| Final Action Effective | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0632 South Building, Box 96454, Washington, DC 20090-6454, 202 720-0292

RIN: 0580-AA08

225. REGULATORY APPLICATION OF WATER TO GRAIN

Legal Authority: 7 USC 71 et seq

CFR Citation: 7 CFR 800.61 (a)(1); 7 CFR 800.61 (a)(2)

Legal Deadline: None

Abstract: FGIS proposes to regulate the application of water to grain. The indiscriminate application of water to grain may adversely impact on the storability of such grain and may detract from the quality of such grain.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/04/93 | 58 FR 41439 |
| NPRM Comment Period End | 12/02/93 | 58 FR 41439 |
| Final Action | 01/00/94 | |
| Final Action Effective | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0632 South Building, Box 96454, Washington, DC 20090-6454, 202 720-0292

RIN: 0580-AA25

226. FEES FOR OFFICIAL INSPECTION AND WEIGHING SERVICES

Legal Authority: 7 USC 71 et seq

CFR Citation: 7 CFR 800.71

Legal Deadline: None

Abstract: The Federal Grain Inspection Service (FGIS) proposes to increase its fees on average by 3.7 percent for Official Inspection and Weighing Services performed in the United States under the United States Grain Standards Act (USGSA), as amended. The USGSA provides for establishment of fees which are to cover the costs for performance of these official services. FGIS's current fee does not generate sufficient revenue to cover any of the approved FY 1992 3.7 percent federal employee raise.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 10/00/93 | |
| Final Action | 12/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0632 South Building, P.O. Box 96454, Washington, DC 20090-6454, 202 720-0292

RIN: 0580-AA27

227. UNITED STATES STANDARDS FOR CORN

Legal Authority: 7 USC 71 et seq

CFR Citation: 7 CFR 810

Legal Deadline: None

Abstract: The Federal Grain Inspection Service proposes to initiate a review of the United States Standards for Corn. Public comments will be requested regarding the adequacy of existing corn

standards: (e.g. tolerances, classification system, language clarity, and other potential improvements). The review is being initiated to meet the requirements of Executive Order 12291 and Departmental Regulation 1521 to conduct periodic reviews of existing regulations. This action is a routine administrative review. Alternatives to the existing standards will be considered as the review schedule progresses and public comments are evaluated.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 01/00/94 | |
| Final Action | 05/00/94 | |
| Final Action Effective | 05/00/95 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: None

Agency Contact: George Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0632 South Building, P.O. Box 96454, Washington, DC 20090-6454, 202 720-0292

RIN: 0580-AA28

228. UNITED STATES STANDARDS FOR BARLEY

Legal Authority: 7 USC 71 et seq

CFR Citation: 7 CFR 810

Legal Deadline: None

Abstract: The Federal Grain Inspection Service proposes to initiate a review of the United States Standards for Barley. Public comments will be requested regarding the adequacy of existing barley standards: (e.g. tolerances, classification system, language clarity, and other potential improvements). The review is being initiated to meet the requirements of Executive Order 12291 and Departmental Regulation 1521 to conduct periodic reviews of existing regulations. This action is a routine administrative review. Alternatives to the existing standards will be considered as the review schedule progresses and public comments are evaluated.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 02/00/94 | |

USDA—FGIS

Proposed Rule Stage

Action **Date** **FR Cite**
 Final Action 05/00/94
 Final Action Effective 04/00/95

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0632 South Building, P.O. Box 96454, Washington, DC 20090-6454, 202 720-0292

RIN: 0580-AA29

229. • FEES FOR OFFICIAL PESTICIDE RESIDUE TESTING

Legal Authority: 7 USC 71
CFR Citation: 7 CFR 800
Legal Deadline: None

Abstract: The Federal Grain Inspection Service is proposing to establish a pesticide residue testing service. The NEW service will provide testing of composite wheat sample for various

pesticide residues using gas chromatography/mass spectrometry.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |
| Final Action | 12/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0628 South Building, P.O. Box 96454, Washington, DC 20090-6454, 202 720-0292

RIN: 0580-AA36

230. • FGIS TO CHANGE PROTEIN REFERENCE METHOD

Legal Authority: 7 USC 71
CFR Citation: 7 CFR 801

Legal Deadline: None

Abstract: FGIS is proposing to change the method by which it determines the protein content in both wheat and soybeans. Specifically, FGIS proposes to adopt the combustion method for determining protein and eliminate the use of the kjeldahl method for official protein inspection.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |
| Final Action | 12/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0628 South Building, P.O. Box 96454, Washington, DC 20090-6454, 202 720-0292

RIN: 0580-AA37

DEPARTMENT OF AGRICULTURE (USDA)
Federal Grain Inspection Service (FGIS)

Final Rule Stage

231. UNITED STATES STANDARDS FOR SOYBEANS

Legal Authority: 7 USC 75a; 7 USC 76
CFR Citation: 7 CFR 810
Legal Deadline: None

Abstract: According to the requirements of Executive Order 12291 and Departmental Regulation 1512-1 regarding periodic reviews of existing regulations, the Federal Grain Inspection Service will review the United States Standards for Soybeans. Public comment will be requested on various aspects of the Standards including tolerances, grading limits, definitions, language clarity and other potential improvements.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| ANPRM | 03/09/90 | 55 FR 8956 |
| ANPRM Comment | 06/07/90 | |
| Period End | | |
| NPRM | 07/02/91 | 56 FR 30342 |
| NPRM Comment | 09/03/91 | 56 FR 30342 |
| Period End | | |
| Final Action | 04/00/94 | |
| Final Action Effective | 09/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0632 South Building, Box 96454, Washington, DC 20090-6454, 202 720-0292

RIN: 0580-AA14

232. UNITED STATES STANDARDS FOR RICE

Legal Authority: 7 USC 1622
CFR Citation: 7 CFR 68
Legal Deadline: None

Abstract: The Federal Grain Inspection Service proposes to initiate a review of the United States Standards for Rice. Public comments will be requested regarding the adequacy of existing rice standards: (e.g., tolerances, classification system, language clarity, and other potential improvements). The review is being initiated to meet the requirements of Executive Order 12291 and Departmental Regulation 1521 to

conduct periodic reviews of existing regulations. Alternatives to the existing standards will be considered as the review schedule progresses and public comments are evaluated.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|------------|
| ANPRM | 01/22/92 | 57 FR 2482 |
| ANPRM Comment | 04/21/92 | |
| Period End | | |
| NPRM | 01/11/93 | 58 FR 3511 |
| NPRM Comment | 04/12/93 | |
| Period End | | |
| Final Action | 10/00/93 | |
| Final Action Effective | 07/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George W. Wollam, Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0632 South Building, P.O. Box 96454, Washington, DC 20090-6454, 202 720-0292

RIN: 0580-AA30
BILLING CODE 3410-EN-F

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Prerule Stage

233. SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS

Significance: Regulatory Program

Legal Authority: PL 99-603

Immigration Reform and Control Act of 1986, sec 121; PL 103-66

CFR Citation: 7 CFR 271; 7 CFR 272; 7 CFR 273; 7 CFR 275; 7 CFR 277

Legal Deadline: Other, Statutory, October 1, 1988.

Provision of PL 103-66 effective 4/1/94 unless State meets hardship definition.

Abstract: This rule establishes procedures for State agencies to use to participate in the Systematic Alien Verification for Entitlements (SAVE) system. As required by IRCA, the Immigration and Naturalization Service (INS) implemented this system. IRCA requires the Food Stamp Program (FSP) and certain other entitlement programs to use SAVE to verify the immigration status of aliens applying for benefits. The rule also provides guidelines for Federal reimbursement of administrative costs and proposes to implement a provision of PL 103-66 which reduces the level of Federal reimbursement for SAVE from 100% to 50%. In addition, the rule implements nondiscretionary provisions of IRCA requiring all household members to

attest to their citizenship or alien status and certain requirements relating to documentation of alien status. (87-009)

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 10/07/88 | 53 FR 39433 |
| Begin Review | 11/00/93 | |
| End Review | 01/00/94 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AA73

234. • CONSIDERATION OF AN ALTERNATE PROTEIN SOURCE, WHEY PROTEIN CONCENTRATE, AS A MEAT ALTERNATE FOR USE IN THE CHILD NUTRITION PROGRAMS

Legal Authority: 42 USC 1751 to 1760; 42 USC 1779; 42 USC 1761; 42 USC 1762a; 42 USC 1765; 42 USC 1766

CFR Citation: 7 CFR 210, app A; 7 CFR 225, app A

Legal Deadline: None

Abstract: The Department has been petitioned to accept whey protein concentrate (WPC) as a meat alternate in the CNP. All interested parties are being encouraged to submit to the Food and Nutrition Service any information that may be of significance to the determination of the acceptance of WPC. The Department will evaluate all information submitted, and based upon this information and its own research, determine whether to propose that current regulations regarding the use of meat alternates in the CNP be modified to accept WPC. (93-004)

Timetable:

| Action | Date | FR Cite |
|---------------|----------|---------|
| ANPRM | 11/00/93 | |
| ANPRM Comment | 02/00/94 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sheri Ackerman, Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB69

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Proposed Rule Stage

235. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): FOOD DELIVERY SYSTEMS

Significance: Regulatory Program

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: A proposed rule addressing WIC Food Delivery Systems was published on December 28, 1990. The Department provided a 120-day comment period for the proposed rule, which closed on April 29, 1991. Nearly 1100 comments were received from a wide variety of sources. Despite the degree of preliminary input to the December 28, 1990 proposed rule, many of the commenters responding during the formal comment period suggested that the Department's food delivery regulations needed to be proposed again, rather than proceeding

directly to a final rule. In addition, several members of Congress requested that the rule be re-proposed in light of its impact on State agency food delivery systems. Therefore, the Department intends to issue a second proposed rule addressing WIC food delivery systems and requirements. This second rule will address all of the provisions contained in the previous rulemaking, but will contain significant modifications to some of the proposed provisions, as well as clarifications to several provisions, which may not have been clearly understood in the earlier rule. (88-512)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/28/90 | 55 FR 53446 |
| NPRM Comment | 04/29/91 | |
| Period End | | |
| NPRM | 12/00/93 | |

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM Comment | 03/00/94 | |
| Period End | | |
| Final Action | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: None

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AA80

236. FOOD STAMP PROGRAM: EMERGENCY ASSISTANCE FOR VICTIMS OF DISASTERS

Legal Authority: 7 USC 2013 (b); 7 USC 2014 (h)

USDA—FNS

Proposed Rule Stage

CFR Citation: 7 CFR 272; 7 CFR 273; 7 CFR 280

Legal Deadline: None

Abstract: This rule would define special eligibility and issuance procedures during disasters. The rule addresses the eligibility and issuance of food stamps by the Food Stamp Program during a disaster. (86-029)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 03/00/94 | |
| Interim Final Rule | 06/00/94 | |
| Final Action Effective | 07/00/94 | |

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AA85

237. FOOD STAMP PROGRAM: STUDENT ELIGIBILITY AND TREATMENT OF EDUCATIONAL ASSISTANCE

Significance: Agency Priority

Legal Authority: 7 USC 2011 to 2032; PL 101-624; PL 100-50; PL 101-392; PL 102-237

CFR Citation: 7 CFR 272; 7 CFR 273

Legal Deadline:

Other, Statutory, October 17, 1986, PL 100-50.

Other, Statutory, July 1, 1991, PL 101-392.

Other, Statutory, October 1, 1991, PL 101-624.

Other, Statutory, February 1, 1992, PL 102-237.

Other, Statutory, October 1, 1992, PL 102-325, sec 1345.

Other, Statutory, July 1, 1993, PL 102-325, sec 479B.

Abstract: This action proposes to implement the provisions of Public Law 101-624 governing student eligibility for the Food Stamp Program and the treatment of educational assistance as excluded income or resources.

This action also proposes to implement provisions of PL 100-50 and PL 101-

392 and PL 102-325 governing the treatment of certain Federal educational assistance as excluded income and/or resources for food stamp purposes. (86-027)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: The provisions of the statutes become effective on the dates of the legal deadlines for the NPRMs whether regulations have been published or not.

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AA90

238. FOOD STAMP PROGRAM: QUALITY CONTROL REVIEW OF NEGATIVE ACTIONS

Legal Authority: 7 USC 2025

CFR Citation: 7 CFR 272.1(g); 7 CFR 275.11; 7 CFR 275.13; 7 CFR 271.2; 7 CFR 275.3; 7 CFR 275.10

Legal Deadline: None

Abstract: This regulatory action will improve the efficiency of Food Stamp Program Quality Control (QC) negative reviews, which measure the accuracy of State agencies' denials and terminations of participation in the Food Stamp Program. This rule will address which negative actions are subject to review, when they will be sampled and how they will be reviewed. It is expected that the revised system will provide broader, more useful information at no higher cost.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 03/00/94 | |
| Final Action | 07/00/94 | |
| Final Action Effective | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB07

239. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): PART 246.10, FOOD PACKAGE III, CHILDREN/WOMEN WITH SPECIAL DIETARY NEEDS

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: Food Package III will be revised to increase the maximum quantity of special formula authorized per month; clarify what formula is; add additional authorized WIC foods to the package; and address tailoring.

Need for Action:

This special dietary package currently provides special formula, juice, and cereal. It was designed specifically to assist low-income women and children who require special formulas due to medical conditions. Without WIC these individuals would have difficulty in obtaining special formulas, which tend to be quite expensive. Program administrators, participants and the National Advisory Council on Maternal, Infant and Fetal Nutrition recognize that current monthly maximum quantity of formula allowed is sometimes not sufficient and recommend that it be increased. They also recognized that there is a nutritional need for additional WIC foods to be made available to participants receiving this package. This is a very infrequently used package and the proposed rule will in no way affect the other WIC food packages. (89-505)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 06/00/94 | |
| Final Action Effective | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department

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of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584—AB09

240. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): MISCELLANEOUS PROVISIONS

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: This proposed rule responds to a variety of program concerns, most of which have been expressed by WIC State agencies. The proposal strengthens the provision of services to participants in the areas of eligibility determination and nutrition education and increases State agency flexibility regarding the age of medical data and the sharing of participant information with other programs. Several minor clarifications and technical corrections are also made. Principal provisions include: (1) mandatory minimum content requirements for nutrition education participant contacts; (2) State agency discretion to accept medical data over 60 days old under certain circumstances; (3) additional flexibility for State agencies to share participant information with related programs; and (4) mandatory eligibility determination within 20 days of initial request of program benefits, whether by phone, letter, or personal appearance.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 03/00/94 | |
| Final Action | 09/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: (89-515)

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584—AB10

241. CHILD AND ADULT CARE FOOD PROGRAM: CHILD NUTRITION AND WIC REAUTHORIZATION ACT AMENDMENTS

Significance: Agency Priority

Legal Authority: 42 USC 1766; PL 101-147

CFR Citation: 7 CFR 226

Legal Deadline: Other, Statutory, July 1, 1990.
PL 101-147

Abstract: Implements certain provisions of PL 101-147, including the provision of expansion funds to family day care home sponsors for rural and low-income area outreach; authority for State agencies to establish an every-other-year sponsor application process; a reduction in the number of required monitoring visits in school-sponsored child care; authority for State governors to designate an alternate State agency to administer the adult day care portion of the Program; and a change in the basis for determining States' Program commodity entitlement from current year to prior year data. (90-508)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 04/00/94 | |
| Final Action | 04/00/95 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584—AB16

242. CHILD AND ADULT CARE FOOD PROGRAM: AUTHORITY TO COLLECT OVERCLAIMS

Significance: Agency Priority

Legal Authority: 42 USC 1766

CFR Citation: 7 CFR 226

Legal Deadline: None

Abstract: Establishes the Department's authority to collect overclaims where participating institutions fail to comply with regulatory recordkeeping requirements. (87-514)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 02/00/94 | |
| NPRM Comment Period End | 05/00/94 | |
| Final Action | 01/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584—AB19

243. CHILD AND ADULT CARE FOOD PROGRAM: PROHIBITION OF INSTITUTIONALIZED ADULTS

Significance: Agency Priority

Legal Authority: 42 USC 1766

CFR Citation: 7 CFR 226

Legal Deadline: None

Abstract: Clarifies the statutory intent of PL 100-175, the Older Americans Act of 1987, by incorporating into regulations a provision under which adults residing in institutions are not eligible for benefits under the Child and Adult Care Food Program.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 04/00/94 | |
| NPRM Comment Period End | 06/00/94 | |
| Final Action | 06/00/95 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584—AB21

244. FOOD DISTRIBUTION PROGRAMS—PAPERWORK REDUCTION

Significance: Agency Priority

Legal Authority: PL 101-147

CFR Citation: 7 CFR 250; 7 CFR 251

Legal Deadline: None

Abstract: This rule will implement the food distribution portion of the

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recommendations of the August 1990 task force on paperwork reduction. These recommendations were included in a report to Congress and included perpetual State/Federal agreements and longer contract duration for warehouses.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 12/00/93 | |
| Final Action | 06/00/94 | |
| Final Action Effective | 07/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB27

245. FOOD DISTRIBUTION PROGRAMS—IMPLEMENTATION OF 1990 FARM BILL

Significance: Agency Priority

Legal Authority: PL 101-624

CFR Citation: 7 CFR 250; 7 CFR 251

Legal Deadline: Final, Statutory, July 30, 1992.

Abstract: This rule will implement the following provisions of PL 101-624: (1) revised requirements for evaluation of State warehousing and distribution systems and conversion to commercial systems; (2) procedures for State option contracts (SOCs), including timeframes for States to reimburse USDA for processing costs; and (3) procedures for distribution of soup kitchen commodities to "food pantries." (91-004)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 07/00/94 | |
| Final Action Effective | 08/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB28

246. CHILD AND ADULT CARE FOOD PROGRAM: PAPERWORK REDUCTION REGULATIONS

Significance: Agency Priority

Legal Authority: 42 USC 1766

CFR Citation: 7 CFR 226

Legal Deadline: None

Abstract: Implements certain recommendations made by the Paperwork Reduction Taskforce established under the Child Nutrition and WIC Reauthorization Act Amendments of 1989. These recommendations include (1) a reduction in the number of certain sponsor review requirements, (2) an increase in the overclaim disregard threshold and (3) modifications to the procedures for State verification of free and reduced price applications. (91-016)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| Final Action | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB33

247. CHILD NUTRITION PROGRAMS: REVISION OF INFANT MEAL PATTERNS FOR THE CHILD NUTRITION PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 1758; 42 USC 1766 (g)(1); 42 USC 1733 (e)(1)

CFR Citation: 7 CFR 210; 7 CFR 220; 7 CFR 226

Legal Deadline: None

Abstract: Implements provision in the National School Lunch, School

Breakfast and Child and Adult Care Food Program regulations under which reimbursement would be provided for meals served to infants which contain only breast milk.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 03/00/94 | |
| Final Action | 08/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB34

248. COMMODITY SUPPLEMENTAL FOOD PROGRAM: ELDERLY-ONLY SITES, ADMINISTRATIVE FUNDING, REFERRALS TO HEALTH AND SOCIAL SERVICES, CASELOAD ALLOCATION PROCESS, PRIORITY SYSTEM, AND MISCELLANEOUS

Significance: Agency Priority

Legal Authority: 7 USC 512(c)

CFR Citation: 7 CFR 247

Legal Deadline:

Final, Statutory, October 1, 1990, for funding proviso.

Final, Statutory, October 1, 1991, for all other provis.

Abstract: This rule is being proposed in response to changes brought about by PL 101-624 and to strengthen other program areas. This proposed rule will implement those provisions of PL 101-624 which affect the Commodity Supplemental Food Program (CSFP) and which do not require Departmental discretion. The following list includes those provisions addressed in this rulemaking: (1) authorizes State agencies to operate elderly-only sites; (2) provides administrative funding to agencies not to exceed 20 percent of the annual appropriation; and (3) mandates that State agencies serving women, infants and children: (a) distribute written information on Food Stamps, AFDC, and Child Support Enforcement Programs; (b) provide each local agency with materials showing the income limits according to family size, applicable to pregnant women,

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infants, and children in the Medicaid Program; and (c) distribute written information on and referrals to the Medicaid Program, when appropriate. State agencies serving elderly persons shall ensure that written information is provided on Food Stamps, Supplemental Security Income benefits, and Medicaid. (cont)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment | 03/00/94 | |
| Period End | | |
| Final Action | 09/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: ABSTRACT CONT: This rulemaking is also responsive to a variety of program concerns. The proposal strengthens the provision of services to participants in the area of nutrition education. In addition the rule: revises and simplifies the caseload allocation and priority system processes; increases State agency flexibility in determining the share of administrative funding to be retained at the State level; revises the State Plan requirements; and incorporates an administrative appeals procedure. Several minor clarifications and technical corrections are also made, such as updating the Financial Management requirements. The Department also proposes a reorganization of Program regulations for ease of use. (91-015)

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB37

249. FOOD STAMP PROGRAM: QUALITY CONTROL TECHNICAL AMENDMENTS

Legal Authority: 7 USC 2013; 7 USC 2025

CFR Citation: 7 CFR 275.3; 7 CFR 275.11; 7 CFR 275.23

Legal Deadline: None

Abstract: The Food and Nutrition Service is proposing six technical changes to the Food Stamp Program's Quality Control System. These changes

would reduce the workload on State agencies and improve the efficiency of the quality control system. The six proposed changes would: (1) permit State agencies to reduce their sample sizes; (2) clarify sampling procedures; (3) change the way Federal subsample sizes are calculated; (4) change the way FNS avoids double-billing for non-compliance; (5) change the way State agencies request arbitration; and (6) change the way Federal findings are treated once FNS sends them to the State agencies. (92-006)

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment | 03/00/94 | |
| Period End | | |
| Final Action | 07/00/94 | |
| Final Action Effective | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB38

250. FOOD STAMP PROGRAM: MISCELLANEOUS PROVISIONS OF THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1991 AND EARNED INCOME TAX CREDIT

Legal Authority: 7 USC 2011 to 2032; PL 102-237; PL 101-508

CFR Citation: 7 CFR 273.8; 7 CFR 273.21

Legal Deadline: Other, Statutory, September 1, 1994. PL 103-66, sec 13914 effective date

Abstract: This rule addresses two provisions of the Food, Agriculture, Conservation, and Trade Act of 1991. Pursuant to section 910 of that Act, in cases subject to Monthly Reporting and Retrospective Budgeting (MRRB), the rule prohibits proration during the certification period when a new member is added to the household except for the initial month. Pursuant to section 908 postpones until April 1993, a provision contained in final rules published on 12/04/91 (56 FR 63597) which mandates exclusion of households residing on Indian

reservations from monthly reporting effective 02/02/91. This rule addresses a provision of PL 101-508 which provides that Earned Income Tax Credits are excluded from consideration as a countable resource. This provision was implemented on 01/01/91 by Agency directive. This rulemaking formally incorporates the provision into the Code of Federal Regulations.

This rule also proposes to implement section 13913 of PL 103-66 to exclude from income earned income tax credits for 12 months for certain households. (92-001)

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 02/00/94 | |
| Period End | | |
| Final Action | 07/00/94 | |
| Final Action Effective | 08/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB39

251. FOOD STAMP PROGRAM: RESOURCE PROVISION FROM THE MICKEY LELAND MEMORIAL DOMESTIC HUNGER RELIEF ACT OF 1990 AND THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1991

Legal Authority: 7 USC 2011 to 2032; PL 101-624; PL 102-237

CFR Citation: 7 CFR 273.8

Legal Deadline: None

Abstract: The NPRM was published on August 13, 1991. After full consideration of comments, the Department has decided that a new proposed rulemaking is warranted to take into consideration comments received and recent legislative changes to the provision as a result of PL 102-237.

The new proposed rule will exempt from consideration as a resource, resources which meet three tests. The tests are: (1) the resource is jointly owned by the household and other parties; (2) the household could not

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have access to its share without agreement of the other owners, i.e., the resource is not readily divisible; and (3) the sale of the resource would not yield a significant return or would not yield a significant amount of funds for the support of the household.

"Significant amount of funds" is defined as an amount greater than half the applicable resource limit for the household, in accordance with 7 CFR 273.8, after any expenses of the sale are deducted. (91-020)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 07/00/94 | |
| Final Action Effective | 08/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB40

252. DISTRIBUTION OF EMPLOYMENT AND TRAINING PERFORMANCE-BASED FUNDS

Significance: Agency Priority

Legal Authority: 7 USC 2011 to 2032; PL 102-237

CFR Citation: 7 CFR 273.7

Legal Deadline: None

Abstract: The rule proposes to freeze Federal Employment and Training performance-based grants at the levels the States will receive in fiscal year 1993 in each subsequent fiscal year until outcome-based performance standards are implemented. The proposed action will bring the Food Stamp Program regulations into compliance with certain statutory requirements enacted by the Food, Agriculture, Conservation and Trade Act Amendments of 1991 (PL 102-237). (92-003)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 01/00/94 | |
| Final Action | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB47

253. • REVIEW OF FREE AND REDUCED PRICE APPLICATIONS ON ADMINISTRATIVE REVIEWS OF NATIONAL SCHOOL LUNCH PROGRAM

Significance: Agency, Priority

Legal Authority: PL 101-147

CFR Citation: 7 CFR 210

Legal Deadline: None

Abstract: Currently, State agencies must review all applications for free and reduced price meals on file as part of an administrative review of the school lunch program. Generally it is necessary to review all applications in order to determine whether or not the number of meals claimed, by type, is correct. In some instances, however, this level of review is not necessary due to the small number of errors discovered early in the review. This rulemaking will establish guidelines for curtailing such activity with FNS approval. (92-009)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 03/00/94 | |
| Final Action | 09/00/94 | |
| Final Action Effective | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Office Center, Room 308, Alexandria, VA 22302, 202 305-2760

RIN: 0584-AB50

254. • PROVISIONS OF COMPUTER MATCHING AND PRIVACY PROTECTION ACT OF 1988, AMENDMENTS OF 1990, AND IMPLEMENTATION OF THE DISQUALIFIED RECIPIENT SUBSYSTEM

Significance: Regulatory Program

Legal Authority: 5 USC 552(a) Computer Matching and Privacy Protection Act; 7 USC 2015(b) Food Stamp Act

CFR Citation: 7 CFR 272; 7 CFR 273

Legal Deadline: None

Abstract: In accordance with the Computer Matching and Privacy Protection Act, PL 100-503, and the Computer Matching and Privacy Protection Amendments of 1990, PL 101-508, the Food Stamp Program must extend certain protections to persons whose benefits could be adversely affected by computer matches. These protections include independent verification of computer information, notification to the affected individual and provision of an opportunity to respond to the information before an adverse action becomes effective.

In addition, this proposed rule describes requirements for State agencies to report information on individuals disqualified from the program for intentional program violations to FNS and the related FNS computer matching program known as the Disqualified Recipient Subsystem (DRS). (89-010)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |
| Final Action | 03/00/94 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB51

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255. • SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): HOMELESSNESS/MIGRANCY AS NUTRITIONAL RISK CONDITIONS

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: This regulation incorporates the amendment made to the Child Nutrition Act of 1966 in section 17(b)(8)(d) of PL 102-342 which establishes homelessness and migrancy as predisposing nutritional risk conditions for the Special Supplemental Food Program for Women, Infants and Children (WIC). The major objective of this action is to provide guidelines to State agencies on service to women, infants, and children certified due to homelessness or migrancy. (93-001)

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |
| Final Action | 04/00/94 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584—AB53

256. • EMERGENCY FOOD ASSISTANCE PROGRAM—ADMINISTRATIVE COSTS

Significance: Agency Priority

Legal Authority: PL 98-8, Sec 204

CFR Citation: 7 CFR 251

Legal Deadline: None

Abstract: This proposed rule will permit States to charge allowable indirect costs to the Emergency Food Assistance Program grant.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 01/00/94 | |
| Period End | | |

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 07/00/94 | |
| Final Action Effective | 08/00/94 | |

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Office Center, Room 308, Alexandria, VA 22302, 702 305-2760

RIN: 0584—AB54

257. • FOOD DISTRIBUTION PROGRAMS—DISASTER PROVISIONS

Significance: Agency Priority

Legal Authority: PL 100-707

CFR Citation: 7 CFR 250

Legal Deadline: None

Abstract: This rule will propose to: (1) allow simultaneous distribution of commodities and food stamps during disaster; (2) allow commodity distribution to households during situations of distress. This rule will also define necessary accountability procedures. (90-0001)

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |
| Final Action | 06/00/94 | |
| Final Action Effective | 07/00/94 | |

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584—AB55

258. • FOOD STAMP PROGRAM: MONTHLY REPORTING AND RETROSPECTIVE BUDGETING

Legal Authority: 7 USC 2011 to 2032

CFR Citation: 7 CFR 273; 7 CFR 271

Legal Deadline: None

Abstract: Current regulations do not reflect the optional nature of monthly reporting and retrospective budgeting, are complicated, and organized with a different intent than the current system.

This action proposes to revise, reorganize and simplify 7 CFR 273.21 through a reproposal of the entire section. It would be changed to reflect the optional nature of monthly reporting and retrospective budgeting, to provide greater flexibility to State agencies, and incorporate experience with waivers. (93-005)

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 02/00/94 | |
| Period End | | |
| Final Action | 07/00/94 | |
| Final Action Effective | 08/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584—AB57

259. • FOOD STAMP PROGRAM: PROVISIONS ON ANTICIPATING INCOME, REPORTING REQUIREMENTS, AND ACTION ON CHANGES

Legal Authority: 7 USC 2011 to 2032; PL 103-66

CFR Citation: 7 CFR 273

Legal Deadline: Other, Statutory, September 1, 1994.

Sections 13911 and 13915 of PL 103-66--effective date.

Abstract: This action proposes several revision in Food Stamp Program rules for determining eligibility and benefits of households not required to report changes in their circumstances monthly. The proposed changes are intended to improve the accuracy of benefits provided to households whose income varies from month to month, reduce the number of changes the household must report, and facilitate use of the same procedures in the Food Stamp and Aid to Families with Dependent Children Programs.

This rule also proposes to implement sections 13911 and 13915 of PL 103-66. Section 13911 provides for an income exclusion of the earnings of elementary and high school students under 21 years of age.

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Section 13915 revises the provision on the counting of general assistance vendor payments as income so that only those vendor payments provided to cover housing expenses, exclusive of energy or utility expenses, are counted. (93-008)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 07/00/94 | |
| Final Action Effective | 08/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB58

260. • FOOD STAMP PROGRAM: STANDARD UTILITY ALLOWANCES

Legal Authority: 7 USC 2011 to 2032; PL 103-66

CFR Citation: 7 CFR 273

Legal Deadline: Other, Statutory, September 1, 1994.

Section 13916 of PL 103-66 effective date.

Abstract: This action proposes several changes in Food Stamp Program rules relating to the development and use of standard utility allowances. The changes are proposed to facilitate use of standard amounts rather than actual utility expenses in determining the benefits of food stamp households.

This rule also proposes to implement section 13916 of PL 103-66 to eliminate proration of benefits unless the participant is off the program for more than one month. (93-006)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 07/00/94 | |
| Final Action Effective | 08/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB59

261. • FOOD STAMP PROGRAM: SIMPLIFICATION OF PROGRAM RULES

Legal Authority: 7 USC 2011 to 2032

CFR Citation: 7 CFR 273

Legal Deadline: None

Abstract: This action proposes several changes in Food Stamp Program rules relating to residency, social security numbers, excluded resources, cost-of-living adjustments, contract income, self-employment expenses, certification periods, the notice of adverse action, recertification, and suspension under retrospective budgeting. The changes are proposed to simplify regulatory requirements and increase consistency with procedures in the Aid to Families with Dependent Children Program. (93-006)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 04/00/94 | |
| Final Action | 09/00/94 | |
| Final Action Effective | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB60

262. • FOOD STAMP PROGRAM: PAYMENT OF CERTAIN ADMINISTRATIVE COSTS OF STATE AGENCIES

Legal Authority: 7 USC 2011 to 2032

CFR Citation: 7 CFR 277

Legal Deadline: None

Abstract: State agencies are reimbursed by FNS at the appropriate Federal reimbursement level for all allowable costs incurred in the State's operation of the Food Stamp Program. This proposed rule would limit the time period during which State agencies may file a claim for retroactive funding. (93-010)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 03/00/94 | |
| NPRM Comment Period End | 05/00/94 | |
| Final Action | 01/00/95 | |
| Final Action Effective | 04/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB66

**DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)**

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263. CHILD AND ADULT CARE FOOD PROGRAM—ADULT DAY CARE PROVISION

Legal Authority: 42 USC 1758; 42 USC 1759a; 42 USC 1762a; 42 USC 1765; 42 USC 1766

CFR Citation: 7 CFR 226

Legal Deadline: None

Abstract: The rule amends the Child and Adult Care Food Program (CACFP) regulations by providing program eligibility for certain adult day care centers. It implements a provision of the Older Americans Act (OAA)

Amendments of 1987, which allows these centers to receive cash and commodity assistance available under the CACFP for meals served to eligible enrolled individuals and a provision of the Rural Development, Agriculture and Related Agencies Appropriations Act of

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1989, which provides categorical eligibility for free meals for participants of these centers who receive assistance under Title XVI or XIX in the Social Security Act or are members of a household receiving assistance under the Food Stamp Act and defines the income to be included in determining eligibility for free and reduced-price meal benefits. (FNS 88-502)

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 12/28/88 | 53 FR 52584 |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AA74

264. RULES OF PROCEDURE—ADMINISTRATIVE LAW JUDGES (ALJ)

Legal Authority: PL 100-435, Sec 603; PL 103-66, Sec 13951

CFR Citation: 7 CFR 275; 7 CFR 276; 7 CFR 283

Legal Deadline: NPRM, Statutory, October 1, 1991. Retroactive for Fiscal Year 1986 quality control payment error rate liability claims.

Abstract: This regulatory action is required because the Hunger Prevention Act of 1988 (PL 100-435) and the Mickey Leland Childhood Hunger Relief Act (PL 103-66, sec 13951) revised the Food Stamp Act of 1977, as amended, specifying that Food Stamp Program quality control (QC) payment error rate (PER) liability appeals by State agencies be conducted by Administrative Law Judges. The use of Administrative Law Judges replaces the current appeal process which is conducted by the State Food Stamp Appeals Board. This regulation will delineate the procedures to be followed in these QC appeals. (88-011)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/19/93 | 58 FR 5188 |
| NPRM Comment | 03/19/93 | |
| Period End | | |

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 12/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AA75

265. FOOD STAMP PROGRAM: TREATMENT OF FOSTER CARE INDIVIDUALS AND FOSTER CARE PAYMENTS

Legal Authority: 7 USC 2011 to 2032

CFR Citation: 7 CFR 272; 7 CFR 273

Legal Deadline: None. Retroactive implementation date to date all State agencies directed to implement by FNS memorandum.

Abstract: Expands appeals court decisions on treatment of individuals receiving foster care payments when determining the eligibility and benefit level of households caring for such individuals from the districts covered by the appeals courts to all States so that policy is uniform for entire Food Stamp Program. All State agencies were directed to implement policy by court set date, if in district under jurisdiction of one of the appeals courts or by February 1, 1989. FNS implemented policy through memorandum to preclude further legal action. (88-014)

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 11/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AA93

266. FOOD STAMP PROGRAM: INCOME EXEMPTION FOR HOMELESS HOUSEHOLDS IN TRANSITIONAL HOUSING FROM THE MICKEY LELAND CHILDHOOD HUNGER RELIEF ACT

Significance: Agency Priority

Legal Authority: 7 USC 2011 to 2032; PL 103-66

CFR Citation: 7 CFR 272; 7 CFR 273

Legal Deadline: Final, Statutory, September 1, 1994.

Abstract: This rule implements section 13914 of PL 103-66 which allows an income exclusion for the total amount of a vendor payment for shelter for households residing in transitional housing. (90-007)

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action Effective | 10/01/90 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AA96

267. FOOD STAMP PROGRAM: RESOURCE EXEMPTION FOR PUBLIC ASSISTANCE AND SUPPLEMENTAL SECURITY INCOME RECIPIENTS

Significance: Agency Priority

Legal Authority: 7 USC 2011 to 2032; PL 101-624; PL 102-237

CFR Citation: 7 CFR 272; 7 CFR 273

Legal Deadline: Final, Statutory, October 1, 1991.

Provision becomes effective and must be implemented first day of the month 120 days after publication. Must be promulgated no later than October 1, 1991.

Abstract: Final rule to implement a provision of PL 101-624 which allows the exemption of resources for food stamps for certain individuals receiving public assistance or Supplemental Security Income. This provision increases conformance between food stamps, supplemental security, and public assistance. (90-007)

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Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Final Rule | 05/20/91 | 58 FR 23203 |
| Final Action Effective | 02/01/92 | |
| Final Action | 11/00/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Local, State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB00

268. MISCELLANEOUS FARM BILL PROVISIONS RELATING TO THE AUTHORIZATION OF RETAIL FIRMS AND WHOLESALE FOOD CONCERNS

Significance: Agency Priority**Legal Authority:** 7 USC 2011 to 2031; PL 101-624**CFR Citation:** 7 CFR 271; 7 CFR 272; 7 CFR 274; 7 CFR 278**Legal Deadline:** Final, Statutory, October 1, 1991.

Effective 120 days from publication of implementing rules.

Abstract: This rule would implement three provisions of the 1990 Farm Bill (PL 101-624, 104 stat 3359) which revise the Food Stamp Act of 1977, as amended (7 USC 2011 et seq.). The first provision would amend the definition of "food" to include meals sold to the homeless program participants by restaurants approved by State agencies for this purpose. Such restaurants must contract with the State and must be authorized by the Food and Nutrition Service to provide meals at concessional prices to homeless participants. The second provision would allow a periodic reauthorization of retail food stores and wholesale food concerns to participate in the Food Stamp Program. The third provision prohibits a firm which is primarily in the business of selling food at wholesale from being authorized as a retail food store unless failure to authorize such a firm as a retail food store would cause hardship to food stamp households. (91-003)

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 10/23/91 | 58 FR 54799 |

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM Comment | 11/22/91 | |
| Period End | | |
| Final Action | 11/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB02

269. FOOD STAMP PROGRAM: DISCRETIONARY RETAILER WHOLESALER CHANGES

Legal Authority: 7 USC 2011 to 2031**CFR Citation:** 7 CFR 271; 7 CFR 276; 7 CFR 278; 7 CFR 279**Legal Deadline:** None

Abstract: The proposed rule clarifies the Department of Agriculture's policy on authorizing and educating retail grocers who take part in the Food Stamp Program. In addition, the rule sets forth changes in assigning penalties to retailers who violate program rules. The regulations clarify and emphasize the full and ongoing responsibility of retailers for their actions and the actions of their employees. Under the proposed regulations, the severity of the penalty would not be affected by any warning received by the retailer prior to an investigation. The penalty would be based on the seriousness of the violations committed during the investigation and the level of responsibility for store operations of persons who committed the violations. (87-017)

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-------------|
| NPRM | 03/28/91 | 56 FR 12857 |
| NPRM Comment | 05/28/91 | |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB03

270. RECIPIENT CLAIMS AND AUTOMATED DATA PROCESSING (ADP) FUNDING REQUIREMENTS FROM THE MICKEY LELAND MEMORIAL DOMESTIC HUNGER RELIEF ACT

Significance: Agency Priority**Legal Authority:** 7 USC 2011 to 2032; PL 101-624; PL 102-237**CFR Citation:** 7 CFR 272; 7 CFR 273; 7 CFR 276; 7 CFR 277**Legal Deadline:**

NPRM, Statutory, October 1, 1990, The provisions of PL legal deadline wheth. NPRM, Statutory, October 1, 1991, The provisions of PL legal deadline wheth.

Abstract: This rule implements three provisions from PL 101-624 that affect Food Stamp recipient claims and ADP funding. For recipient claims, effective October 1, 1990, the timeframe for household election of a repayment method for intentional Program violation (IPV) claims was reduced from 30 to zero days. Also, effective October 1, 1990 for a five-year period, retention rates for collections of recipient claims for State agencies were reduced from 50 to 25 percent for IPV claims and from 25 to 10 percent for inadvertent household errors. Finally, effective October 1, 1991, the enhanced funding rate for costs of planning, designing, developing or installing ADP and information retrieval systems was reduced from 75 to 63 percent. These provisions will increase amounts of recipient claims collected and returned to the Federal Government and decrease Federal Government administrative costs. This rule will also implement a provision of PL 102-237 which concerns the timeframe for timely electing a repayment method for inadvertent household error (IHE) claims, effective December 13, 1991. (91-013)

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 09/10/91 | 56 FR 46127 |
| NPRM Comment | 10/10/91 | |
| Period End | | |
| Final Action | 11/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** Local, State, Federal

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition

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Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB08

271. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): FOOD COST CONTAINMENT REQUIREMENTS

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: Final, Statutory, March 10, 1991.

Abstract: This regulation implements the mandates of PL 101-147, enacted November 10, 1989, relative to food cost containment in WIC. In order to achieve further savings in the cost of WIC Program foods, principally the cost of infant formula, this rule implements two major legislative provisions. First, it restates and extends into future years the provisions of PL 100-460, which mandated that in order to receive its grant allocation a State agency must examine the feasibility of cost containment systems by 8/30/89 and implement a cost containment system where feasible. Second, the rule requires all WIC State agencies using a retail food delivery system, except certain Indian State agencies, to employ one of two infant formula rebate procurement methods. These two methods are the competitive method (single-supplier contract) and the comparative method, where the State agency fairly compares the cost savings of any alternative form of infant formula cost containment it may wish to implement. The rebate system generating the greatest savings of those compared must then be implemented. This rule establishes specific factors to be considered in the analysis of the systems after (cont)

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|------------|
| Interim Final Rule | 03/15/90 | 55 FR 9709 |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Additional Information: ABSTRACT CONT: completing the cost comparison under comparative method. If the State agency can justify to FNS that the cost containment method resulting in the greatest total savings would cause demonstrable harm to the efficient and effective operation of the WIC Program, a waiver will be granted. Timelines are established in the rule for compliance based on the present rebate contract situation of experiencing unavoidable delays related to the procurement process that prevent the State agency from meeting the implementing timeframes established in the rule. (90-503)

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB11

272. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): COORDINATION RULE MANDATES OF THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 1989

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: Final, Statutory, July 1, 1990.

Abstract: This rule amends regulations governing the WIC Program to comply with mandates of Sections 123 and 213 of the Child Nutrition and WIC Reauthorization Act of 1989 (P.L. 101-147) which are not related to the allocation and use of program funds. The following major areas of WIC Program Operation are addressed in this rulemaking: adjunct income eligibility, program access, dissemination of program information, and breastfeeding promotion activities. This rule also expands State agencies' discretion to mail food instruments to participants and reduces the frequency in which all States must review their local agencies from annual to biennial. A number of minor mandates of PL 101-147 are also addressed in this rulemaking.

Finally, this rule incorporates into the WIC Program regulations by reference the following departmentwide rules: Uniform Administrative Requirements for Grants and Cooperative Agreements

to State and Local Governments, 7 CFR 3016; and governmentwide Department and (cont)

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/09/90 | 55 FR 28033 |
| NPRM Comment Period End | 08/08/90 | 55 FR 28033 |
| Final Action | 10/00/93 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: ABSTRACT CONT: Suspension (Non-Procurement) and governmentwide requirements for a drug-free workplace (Grants), 7 CFR part 3017. This rule also provides guidelines for the allocation of WIC program funds, including changes in the administrative funding structure, breastfeeding targets, and conversion of food funds to administrative funds. The revised funding structure eliminates the 20 percent limit on administrative and program services funds and bases such funding on a national administrative grant per person. State agencies must also spend their proportionate shares of at least \$8 million for breastfeeding promotion in addition to the current 1/6 nutrition education requirement. Curtailment of vendor abuse activities that enable States to convert food funds to cover administrative expenses. Finally, any State using a cost containment measure may temporarily borrow 1st quarter funds to pay a previous year's 4th quarters expenses. Timelines for the allocation and reallocation of program funds are also established by this rule. (89-521)

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB13

273. DETERMINATION OF ELIGIBILITY FOR FREE MEALS BY SUMMER FOOD SERVICE PROGRAM SPONSORS AND FREE AND REDUCED PRICE MEALS BY CHILD AND ADULT CARE FOOD PROGRAM INSTITUTION

Significance: Agency Priority

Legal Authority: 42 USC 1758; PL 101-147

CFR Citation: 7 CFR 225; 7 CFR 226

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Legal Deadline: Final, Statutory, July 1, 1990.

Abstract: Implements certain provisions of PL 101-147, including a requirement that applicants for free or reduced price meals need only provide the Social Security Number of the household member who signs the application and a requirement that the Program sponsor rather than the applicant total the income information provided. (90-510)

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 12/00/93 | |
| Final Action | 02/00/95 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB17

274. SUMMER FOOD SERVICE PROGRAM: CHILD NUTRITION AND WIC REAUTHORIZATION ACT AMENDMENTS

Significance: Agency Priority

Legal Authority: 42 USC 1761

CFR Citation: 7 CFR 225

Legal Deadline: None

Abstract: Implements certain provisions of the Child Nutrition and WIC Reauthorization Act of 1989 including the readmission of certain private, nonprofit sponsors to the Program, the eligibility of food service sites that serve homeless children and the availability of the Program to colleges and universities that operate the National Youth Sports Program during the school year. (89-517)

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Final Rule | 04/10/90 | 55 FR 13454 |
| Final Action | 01/00/94 | |
| Final Action Effective | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room

308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB20

275. FOOD DISTRIBUTION PROGRAMS—IMPLEMENTATION OF THE HUNGER PREVENTION ACT OF 1988

Significance: Agency Priority

Legal Authority: PL 100-435

CFR Citation: 7 CFR 250; 7 CFR 251

Legal Deadline: None

Abstract: This rule addresses the Hunger Prevention Act of 1988 including: Increasing the funding for Emergency Feeding Organizations from 20 percent to 40 percent; the distribution of additional commodities for use by Emergency Feeding Organizations (\$120 million) and soup kitchens (\$32 million); and procedures for the distribution of the additional commodities. (90-516F)

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 04/06/90 | 55 FR 12838 |
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB25

276. TECHNICAL AMENDMENTS TO THE STATE PROCESSING PROGRAM AND THE NATIONAL COMMODITY PROCESSING PROGRAM

Significance: Agency Priority

Legal Authority: PL 101-624

CFR Citation: 7 CFR 250; 7 CFR 252

Legal Deadline: None

Abstract: This proposed rule amends the Food Distribution Program regulations to strengthen provisions concerning the processing of donated food and to increase uniformity between provisions governing State processing activities in 7 CFR part 250 and those governing the national

commodity processing program in 7 CFR part 252. (88-516)

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/25/93 | 58 FR 29985 |
| NPRM Comment Period End | 07/26/93 | |
| Final Action | 12/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB30

277. STATE ADMINISTRATIVE EXPENSE FUNDS: NATIONAL SCHOOL LUNCH PROGRAM, SPECIAL MILK PROGRAM, SCHOOL BREAKFAST PROGRAM, CHILD AND ADULT CARE FOOD PROGRAMS, FOOD DISTRIBUTION PROGRAM

Significance: Agency Priority

Legal Authority: PL 101-147

CFR Citation: 7 CFR 210; 7 CFR 215; 7 CFR 220; 7 CFR 235

Legal Deadline: Final, Statutory, October 1, 1991.

Abstract: Implements provisions of PL 101-147, Child Nutrition and WIC Reauthorization Act of 1989, which affected State Administrative Expense funding. Specifically, limits the amount of funds a State may carry over from one fiscal year to the next, specifies how funds returned by the State are to be redistributed and authorizes direct payments to alternate agencies operating the audit component of the Child and Adult Care Food Program. (89-519)

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/06/91 | 56 FR 63882 |
| NPRM Comment Period End | 02/04/92 | |
| Final Action | 12/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: State

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Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB31

278. BENEFIT DELIVERY RULE

Significance: Agency Priority

Legal Authority: 7 USC 2011 to 2032; PL 101-624; PL 100-435; PL 102-237; PL 103-11

CFR Citation: 7 CFR 272; 7 CFR 274; 7 CFR 273

Legal Deadline: Final, Statutory, February 1, 1992. Other, Statutory, January 31, 1994. See Abstract.

Abstract: This rule makes final two provisions from PL 101-624 which must be implemented by February 1, 1992: aggregate (combined) allotment of benefits to households applying after the 15th of the month, and mail issuance in rural areas where households may experience transportation difficulties obtaining benefits. This rule delays the implementation of staggered issuance on Indian reservations (PL 101-624) until January 31, 1994, in accordance with PL 103-11. This rule also makes final the combined allotment provision from an interim rule published June 7, 1989, at 54 FR 24518, and makes technical changes to current regulatory provisions considered appropriate to clarify and improve issuance. (91-009)

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| ANPRM | 05/20/91 | 56 FR 23027 |
| ANPRM Comment | 06/19/91 | |
| Period End | | |
| Final Action | 07/00/94 | |
| Final Action Effective | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB32

279. PERMANENT AGREEMENTS/DIRECT CERTIFICATION IN NATIONAL SCHOOL LUNCH, SCHOOL BREAKFAST, AND SPECIAL MLK PROGRAMS

Significance: Agency Priority

Legal Authority: PL 101-147

CFR Citation: 7 CFR 210; 7 CFR 215; 7 CFR 220; 7 CFR 245

Legal Deadline: None

Abstract: The Child Nutrition and WIC Reauthorization Act of 1989 made the agreement between the school and the State agency to operate the school nutrition programs a permanent document to be amended as necessary. This law also authorized schools to certify children as eligible for free meals using information obtained directly from food stamp/AFDC offices attesting that these children are receiving food stamps or AFDC benefits. This rule implements these statutory provisions. (89-520)

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 05/28/91 | 56 FR 24033 |
| NPRM Comment | 07/29/91 | |
| Period End | | |
| Final Action | 06/00/94 | |
| Final Action Effective | 07/00/94 | |

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB35

280. FOOD STAMP PROGRAM: TECHNICAL AMENDMENTS CONCERNING DISABLED IN GROUP HOMES AND INCOME EXCLUSIONS FOR PLANS FOR ACHIEVING SELF-SUPPORT (PASS)—PUBLIC LAW 102-237

Legal Authority: 7 USC 2011 to 2032; PL 102-237

CFR Citation: 7 CFR 273.9

Legal Deadline: None

Abstract: This rulemaking addresses sections 901 and 903 of PL 102-237. Section 901 expands eligibility to

receive food stamps and to use them to purchase meals prepared by certain group living arrangements to all individuals who meet the definition of disabled in the Food Stamp Act and reside in certain group homes. This rulemaking resolves an inequity under which persons receiving disability or blindness payments under certain sections of the Social Security Act were eligible to use food stamps to purchase meals prepared and served by these homes while other persons considered disabled under the Food Stamp Act but not receiving disability or blindness payments under the Social Security Act were not eligible to use food stamp to purchase such meals. Section 903 adds an additional income exclusion. Certain recipients of Supplemental Security Income can have a Plan for Achieving Self-Support (PASS). Amounts held in PASS accounts to fulfill this Plan are currently excluded as a resource. Under this rulemaking, PASS amounts will also be excluded from income for food stamp purposes. (92-005)

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 12/21/92 | 57 FR 60489 |
| Final Action | 12/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB41

281. PROVISIONS OF THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT AND A PROVISION OF THE FOOD SECURITY ACT OF 1985

Legal Authority: PL 100-77, as amended by PL 101-220; PL 99-198

CFR Citation: 7 CFR 273

Legal Deadline: None

Abstract: This rulemaking places into final form an interim rule published on 9/29/87. The interim rule implemented all provisions of the Stewart B. McKinney Homeless Assistance Act and one provision of the Food Security Act of 1985. The majority of the provisions are intended to help

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homeless individuals obtain food stamp eligibility and benefits. The rule: 1) defines a homeless household; 2) allows for Federal funding of State outreach aimed at informing the homeless about the Program; 3) allows an income exclusion for certain housing assistance payments; 4) requires expedited service to households whose monthly rent/mortgage and utilities are more than its income and resources and to households in which all members are homeless; 5) allows certain parents with minor children to be considered a separate household from others they live with; 6) excludes from income public and general assistance vendor payments for medical and child care, energy assistance and special emergency assistance. (87-013)

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Final Rule | 09/29/87 | 52 FR 36390 |
| Final Action | 11/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584—AB42

282. WIC FARMERS' MARKET NUTRITION PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 1786(m)

CFR Citation: 7 CFR 248

Legal Deadline: None

Abstract: This rulemaking would propose implementing regulations for the establishment of the WIC Farmers' Market Nutrition Program (FMNP) as mandated by PL 102-314. The FMNP is designed to provide fresh nutritious unprepared foods (such as fruits and vegetables) to WIC participants. The foods would be provided by farmers' markets and would also serve to expand the awareness and use of farmers' markets and to increase sales at such markets. The proposed rule would establish criteria for allocating grants to State agencies and for their operation of the FMNP (93-002)

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 12/00/93 | |
| Final Action | 06/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584—AB43

283. NATIONAL SCHOOL LUNCH PROGRAM, SPECIAL MILK PROGRAM FOR CHILDREN, AND SCHOOL BREAKFAST PROGRAM: COORDINATED REVIEW EFFORT

Significance: Agency Priority

Legal Authority: PL 101-147

CFR Citation: 7 CFR 210; 7 CFR 215; 7 CFR 220

Legal Deadline: None

Abstract: This regulation will modify the existing Coordinated Review Effort (CRE) to give State Agencies larger measure of flexibility when they conduct reviews, take fiscal action, and withhold payments under CRE. The final CRE, published on July 17, 1991, was perceived by some to be unnecessarily rigid in its methodology. Its requirements for overclaims based on incorrectly determined applications and/or improper counting of meals were also seen to be potentially harmful to local programs, as was the requirement that, if a school does not take effective corrective action, all program payments must be withheld until the school does take corrective action. This new regulation would limit the scope of review in those situations where preliminary findings indicate no problems. Fiscal action would be limited to the review period in most instances. States would have the authority to withhold only a portion of program payments when it is considered to be in the best interests of the program to do so. Finally, this regulation initiates an appeal procedure for schools. (92-009)

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 08/26/92 | 57 FR 38579 |

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 06/00/94 | |
| Final Action Effective | 07/00/94 | |

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Public Compliance Cost: Initial Cost: \$0; Yearly Recurring Cost: \$0

Additional Information: This regulation represents an agreement negotiated with Congressional staff and representatives of State and local officials affected by the July 17, 1992, regulation. It will result in an overall reduction in burden on State and local programs and some monetary savings at both levels.

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584—AB44

284. ADMINISTRATIVE IMPROVEMENT AND SIMPLIFICATION PROVISIONS FROM THE HUNGER PREVENTION ACT OF 1988

Significance: Agency Priority

Legal Authority: 7 USC 2011 to 2032; PL 100-435

CFR Citation: 7 CFR 271; 7 CFR 272; 7 CFR 273

Legal Deadline: Final, Statutory, July 1, 1989.

Abstract: The regulation will put in final form the provisions of an interim Food Stamp Program rule published on June 7, 1989. The interim rule amended food stamp regulations to implement several food stamp program provisions contained in the Hunger Prevention Act of 1988. The provisions of that act addressed in this rule are: (1) verification; (2) expanded definition of disabled; (3) optional training for volunteer and nonprofit organizations; (4) program information for low-income households; (5) expanding hardship criteria for waiving in-office interviews; (6) simplified applications; (7) joint applications; (8) federally authorized cash-out benefits in other assistance programs; (9) simplified procedures for claiming the excess medical deductions; (10) telephone access to certification offices in order to receive

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program information or to report changes; (11) annualizing self-employment income and expenses from farming; (12) resource exclusions for farm households in transition from farming. (88-007)

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Final Rule | 06/07/89 | 54 FR 24518 |
| Final Action | 12/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB45

285. FOOD STAMP PROGRAM: PERFORMANCE STANDARDS FOR THE EMPLOYMENT AND TRAINING PROGRAM

Legal Authority: PL 102-237

CFR Citation: 7 CFR 273

Legal Deadline: None

Abstract: The Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (PL 102-237) mandate that the performance standard for the Food Stamp Employment and Training Program shall not exceed 10 percent in fiscal years 1992 and 1993, and 15 percent in fiscal years 1994 and 1995. The rule proposes a performance standard of 10 percent through fiscal year 1994 with an increase to 15 percent in fiscal year 1995. (92-004)

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB46

286. • SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): INFANT FORMULA PROCUREMENT ACT OF 1992

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: Final, Statutory, April 24, 1993.

PL 102-512 requires that the mandates of these provisions be implemented within 180 days of enactment.

Abstract: This regulation is to amend the Child Nutrition Act of 1966 to encourage multi-State bidding for infant formula rebate contracts for the Special Supplemental Food Program for Women, Infants and Children (WIC), and for other purposes. The major objective of this action is to provide guidelines for the U.S Department of Agriculture, Food and Nutrition Service national office to: (1) solicit bids on behalf of interested State agencies for a cost-containment contract to be entered into by infant formula manufacturers and the WIC State agencies; and (2) disqualify and/or impose civil penalties of up to \$100 million per year for infant formula manufacturers that price-fix or engage in related anti-competitive activities. (92-013)

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 09/07/93 | 58 FR 47015 |
| Interim Final Rule Effective | 09/07/93 | 58 FR 47015 |
| Interim Final Rule Comment Period End | 01/05/94 | 58 FR 47015 |
| Final Action | 04/00/94 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Additional Information: Under the law, USDA must develop procedures to solicit bids for a cost containment contract to be entered into by infant formula manufacturers and interested WIC State agencies who elect to have USDA perform their bid solicitation and selection process. If two or more

States are interested, USDA will solicit bids and select the winning bidder for a cost containment contract. USDA will, in consultation with interested State agencies, divide State agencies into one or more groups and solicit bids for group contracts. This regulation will encourage States to engage in multi-State bidding which is expected to generate an even greater savings to the WIC program, and will ultimately enable the program to significantly increase participation.

Need for Action: To set forth guidelines within 180 days of enactment, for solicitation of infant formula rebate contracts for two or more States or groups in an interim final rule.

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB52

287. • FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS—OKLAHOMA WAIVER AUTHORITY

Significance: Agency Priority

Legal Authority: PL 97-98, Sec 1338; PL 95-113

CFR Citation: 7 CFR 254

Legal Deadline: None

Abstract: This interim rule will extend the Department's authority to grant waivers to serve urban places in excess of 10,000 people. This authority expired on September 30, 1985.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |
| Final Action | 01/00/94 | |
| Final Action Effective | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB56

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288. • FOOD STAMP PROGRAM: MAXIMUM ALLOTMENTS FOR ALASKA, HAWAII, GUAM, AND THE VIRGIN ISLANDS**Significance:** Agency Priority**Legal Authority:** 7 USC 2012(o)(1); 7 USC 2012(o)(2); 7 USC 2012(o)(3); 7 USC 2012(o)(11)**CFR Citation:** 7 CFR 273**Legal Deadline:** Other, Statutory, October 1, 1993.

Effective date for new allotment levels.

Abstract: Notice announces the fiscal year 1994 Cost-of-Living adjustments to the maximum allotments for Alaska, Hawaii, Guam, and the Virgin Islands. (93-012)**Timetable:**

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action Effective | 10/01/93 | |
| Final Action | 11/00/93 | |

Small Entities Affected: Businesses**Government Levels Affected:** Local, State**Agency Contact:** Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760**RIN:** 0584-AB61**289. • FOOD STAMP PROGRAM: MAXIMUM ALLOTMENTS FOR THE 48 STATES AND DC, AND INCOME ELIG. STDS. AND DEDUCTIONS FOR THE 48 STATES AND DC, ALASKA, HAWAII, GUAM, AND THE VIRGIN ISLANDS****Significance:** Regulatory Program**Legal Authority:** 7 USC 2012(o)(1); 7 USC 2012(o)(11); 7 USC 2014(c); 7 USC 2014(e)(4)**CFR Citation:** 7 CFR 273**Legal Deadline:** Other, Statutory, October 1, 1993.

Effective date for cost-of-living adjustments.

Abstract: The notice announces the fiscal year 1994 cost-of-living adjustments to allotments in the 48 States and D.C., Alaska, Hawaii, Guam, and the Virgin Islands. (93-011)**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 11/00/93 | |

Small Entities Affected: Businesses**Government Levels Affected:** Local, State**Analysis:** Regulatory Impact Analysis**Agency Contact:** Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760**RIN:** 0584-AB62**290. • NATIONAL SCHOOL LUNCH PROGRAM, STATE ADMIN. EXPENSE FUNDS AND DETERMINING ELIG. FOR FREE AND REDUCED PRICE MEALS AND FREE MILK IN SCHOOLS: TECH. CORRECTIONS TO COORDINATED REVIEW EFFORT RULE****Legal Authority:** PL 101-147**CFR Citation:** 7 CFR 210; 7 CFR 235; 7 CFR 245**Legal Deadline:** None**Abstract:** This final rule corrects a number of provisions contained in the regulations governing the National School Lunch Program which implemented the unified monitoring system of the Child Nutrition and WIC Reauthorization Act of 1989. These changes are technical in nature and do not make substantive changes to the Program. (92-009)**Timetable:**

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 02/00/94 | |
| Final Action Effective | 03/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760**RIN:** 0584-AB63**291. • SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): 15 PERCENT CAPPING PROVISION WAIVER****Legal Authority:** 42 USC 1786(m)**CFR Citation:** 7 CFR 246**Legal Deadline:** None**Abstract:** This rule will remove the regulatory provision that currently

limits any State agency to a 15-percent increase in food funding. State agencies most in need of food funds will benefit from the revision. All funds applied to the food funds allocation formula will be subject to this revision. (93-013)

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/30/93 | 58 FR 40755 |
| NPRM Comment Period End | 08/30/93 | |
| Final Action | 12/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: None**Government Levels Affected:** Local, State, Federal**Agency Contact:** Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760**RIN:** 0584-AB64**292. • FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS: DEFINITION OF INDIAN TRIBAL HOUSEHOLD****Significance:** Agency Priority**Legal Authority:** PL 88-525; PL 97-98, sec 1338; PL 95-113**CFR Citation:** 7 CFR 253; 7 CFR 254**Legal Deadline:** None**Abstract:** This interim final rule will amend part 253 to permit households containing a Native American living in "near areas" to participate in the Food Distribution Program on Indian Reservations (FDPIR) regardless of the Native American's tribal affiliation or age. It will also amend part 254 to permit households containing a Native American to participate in FDPIR in Oklahoma regardless of the Native American's age. (82-217)**Timetable:**

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| NPRM | 10/20/87 | 52 FR 39158 |
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** State**Agency Contact:** Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room

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Final Rule Stage

308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB67

293. • ALTERNATE FOODS FOR MEALS: ENRICHED MACARONI PRODUCTS WITH FORTIFIED PROTEIN

Legal Authority: 42 USC 1751 to 1760; 42 USC 1779

CFR Citation: 7 CFR 210, app A

Legal Deadline: None

Abstract: FNS is replacing the Protein Efficiency Ratio (PER) method of determining protein quality with the Protein Digestibility-Corrected Amino Acid Score method. Amendment of the regulations is necessary to alter the

protein quality test since the current regulation requires the PER test and allows for no alternatives. This change in the regulation accepts the most accurate, efficient and a less costly method for use in measuring protein quality of this food product used in the National School Lunch Program. This change will allow food companies to minimize costs, thereby allowing them to provide quality products at the lowest cost possible.

This regulation deletes reference to the Food and Drug Administration Standard of Identify (21 CFR 139.117) which has been stayed and clarifies that protein quality is to be determined on the dried cooked food in order to comply with Official Methods of Analytical Chemist. The rule also

requires manufacturers of enriched macaroni with fortified protein to notify the agency if there is change in the protein portion of their product since the original testing. (93-003)

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 01/00/94 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheri Ackerman, Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22304 oom 308, 703 305-2760

RIN: 0584-AB68

DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

Food and Nutrition Service (FNS)

294. OUTCOME-BASED PERFORMANCE STANDARDS FOR FOOD STAMP EMPLOYMENT AND TRAINING PROGRAMS

Significance: Regulatory Program

CFR Citation: 7 CFR 271; 7 CFR 273

Completed:

| Reason | Date | FR Cite |
|---|----------|---------|
| Withdrawn awaiting HHS action-work not exp. to resume for vr or more. | 08/19/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheri Ackerman, 703 305-2760

RIN: 0584-AA82

Agency Contact: Sheri Ackerman, 703 305-2760

RIN: 0584-AB15

296. ADULT MEAL PATTERN FOR THE CHILD AND ADULT CARE FOOD PROGRAM

Significance: Agency Priority

CFR Citation: 7 CFR 226

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/14/93 | 58 FR 37847 |
| Final Action Effective | 08/13/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheri Ackerman, 703 305-2760

RIN: 0584-AB18

Agency Contact: Sheri Ackerman, 703 305-2760

RIN: 0584-AB24

298. FOOD DISTRIBUTION PROGRAMS—COMMODITY DISTRIBUTION REFORM

Significance: Agency Priority

CFR Citation: 7 CFR 250; 7 CFR 240

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/22/93 | 58 FR 39113 |
| Final Action Effective | 08/23/93 | |

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: State

Agency Contact: Sheri Ackerman, 703 305-2760

RIN: 0584-AB26

295. NUTRITION EDUCATION AND TRAINING (NET) PROGRAM CHANGED ADMINISTRATIVE REQUIREMENTS

CFR Citation: 7 CFR 227

Completed:

| Reason | Date | FR Cite |
|---|----------|---------|
| Withdrawn pending NET Program Reauthorization | 08/17/93 | |

Small Entities Affected: None

Government Levels Affected: None

297. MEAL SUPPLEMENTS IN THE NATIONAL SCHOOL LUNCH PROGRAM

Significance: Agency Priority

CFR Citation: 7 CFR 210

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/10/93 | 58 FR 42483 |
| Final Action Effective | 09/09/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

299. • SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): EMERGENCY FUNDING RULE

Significance: Agency Priority

Legal Authority: 42 USC 1786(m)

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: This rule, effective through September 30, 1993, implements an emergency revision to the food funds

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allocation formula for the WIC Program, to allow the allocation of additional funds to certain WIC State agencies which can utilize such funds to serve additional Program participants who would otherwise not be served in fiscal year 1993. For the remainder of FY 1993 only, this rule will waive the regulatory and statutory provisions which limit any State agency to a 15-percent increase in food funding. This

waiver will apply to certain residual funds remaining after application of the current food funds allocation formula. (93-014)

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action Effective | 06/30/93 | |
| Final Action | 07/13/93 | 58 FR 37633 |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, 703 305-2760

RIN: 0584-AB65
BILLING CODE 3410-30-F

DEPARTMENT OF AGRICULTURE (USDA)

Prerule Stage

Food Safety and Inspection Service (FSIS)

300. DETERMINING THE AMENABILITY OF BIRDS TO MANDATORY FEDERAL INSPECTION

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 362; 9 CFR 381

Legal Deadline: None

Abstract: This advance notice of proposed rulemaking would solicit comments and recommendations regarding criteria to determine the amenability of various species of poultry to Federal inspection. Because

of increasing use of formerly wild species for food purposes and genetic variations of traditional species, the Agency is increasingly in need of a framework for deciding when a specific food animal is subject to inspection laws.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 07/15/93 | 58 FR 38090 |
| ANPRM Comment Period End | 10/13/93 | |
| NPRM | 03/00/94 | |
| NPRM Comment Period End | 05/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Judith A. Segal, Director, Policy Evaluation and Planning Staff, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue SW., Room 3835-South Building, Washington, DC 20250, 202 720-7773

RIN: 0583-AB29

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Food Safety and Inspection Service (FSIS)

301. SODIUM/POTASSIUM LACTATE AS MEANS OF REDUCING CERTAIN PATHOGENIC MICROORGANISMS IN SPECIFIC MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to permit the use of sodium lactate and potassium lactate as means of reducing certain pathogenic microorganisms in cooked meat and poultry products, and would provide for additional protection against the growth and toxin development of *Clostridia botulinum* in these products. FSIS has received a petition from Oscar Mayer Foods Corporation, Madison, Wisconsin, to use these substances in various cooked meat and poultry products at levels not

to exceed 4.8 percent of the formulation.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 00/00/00 | |
| NPRM Comment Period End | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Charles Edwards, Director, Product Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 254-2565

RIN: 0583-AA83

302. ANTE-MORTEM INSPECTION OF DISABLED ANIMALS ON TRANSPORT VEHICLES

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 320

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit an alternate method of ante-mortem inspection of disabled animals. This method would allow a transport vehicle to be an extension of an official establishment's premises for purposes of ante-mortem inspection of disabled animal(s) that are within the vehicle. FSIS received a request from the Western States Meat Association, Oakland, California, to allow ante-mortem inspection of disabled animals to be performed on a transport vehicle. This proposed rule would (1) specify establishment responsibilities for maintaining control over the transport vehicle, for providing proper ante-mortem inspection facilities, for complying with the veterinary disposition, and for providing assistance to the veterinary Medical Officer when performing the ante-mortem inspection; (2) prescribe the facility requirements needed for

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Proposed Rule Stage

safe ante-mortem inspection of disabled animals; and (3) provide the requirements for the written request for this inspection.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/22/90 | 55 FR 42578 |
| NPRM Comment | 12/21/90 | |
| Period End | | |

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William O. James, Director, Slaughter Inspection Standards & Procedures Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 202-Cotton Annex Building, Washington, DC 20250, 202 720-3219

RIN: 0583-AA98

303. FOOD ADDITIVES AND GRAS SUBSTANCES USED AS INGREDIENTS IN MEAT FOOD AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to simplify the procedures by which FSIS approves food additives and Generally Recognized as Safe (GRAS) substances to be used as ingredients in meat food products and poultry products. The proposed rule will be developed in cooperation with the Food and Drug Administration to make the Federal regulation of food additives and other substances that may be used as ingredients in meat food and poultry products more efficient and uniform.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Judith A. Segal, Director, Policy Evaluation and Planning Staff, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue

SW., Room 3835-South Building, Washington, DC 20250, 202 720-7773
RIN: 0583-AB02

304. POULTRY POST-MORTEM INSPECTION SYSTEM

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the poultry products inspection regulations as a consequence of the Agency's ongoing review of its poultry post-mortem inspection regulations to simplify the regulations for all classes of poultry.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William O. James, Director, Slaughter Inspection Standards & Procedures Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 202-Annex Building, Washington, DC 20250, 202 720-3219

RIN: 0583-AB03

305. EXPORT CERTIFICATION PROCEDURES

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 322; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to provide electronic export certification of all meat and poultry products exported to foreign countries. Domestic inspectors would continue to certify that the product is USDA inspected and passed. Exporters would be required to certify that all foreign requirements have been met. In 1988, the Agency conducted a pilot test to determine the feasibility of streamlining export certification procedures by centralizing controls; utilizing contemporary communications technology; establishing plant review criteria; and modifying stamping requirements. FSIS is reviewing the current regulations to

determine what, if any, changes should be made to accommodate electronic issuance of export certificates.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Fetzner, Director, Export Coordination Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue SW., Washington, DC 20250, 202 720-9051

RIN: 0583-AB04

306. USE OF COMPRESSED AIR IN BONING OPERATIONS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 310; 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit the use of compressed air or other gases such as nitrogen and carbon dioxide in boning operations as requested by several establishments. Tests indicate that this would facilitate the separation of muscle tissue from the fat tissue and bone of carcasses and parts without affecting the wholesomeness of the product.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 02/00/94 | |
| NPRM Comment | 04/00/94 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jesse Majkowski, Director, Processed Products Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 447-2383

RIN: 0583-AB13

307. USE OF ASCORBIC ACID, ERYTHORBIC ACID, CITRIC ACID, SODIUM CITRATE, AND SODIUM ASCORBATE IN FRESH BEEF AND LAMB

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit the use of ascorbic acid, erythorbic acid, citric acid, sodium citrate, and sodium ascorbate, to maintain the color in fresh beef and lamb. FSIS received a petition from Wilson Foods Corporation, Oklahoma City, OK, to allow the use of these substances on beef and lamb cuts.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/04/93 | 58 FR 51581 |
| NPRM Comment | 11/03/93 | 58 FR 51581 |
| Period End | | |
| Final Action | 04/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles Edwards, Director, Product Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 254-2565

RIN: 0583-AB15

308. NOTIFICATION OF RESIDUE VIOLATORS AND TESTING OF SUBSEQUENT SHIPMENTS OF ANIMALS

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 310; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to provide the authority needed to permit FSIS to notify those entities determined to have marketed livestock or poultry with violative levels of residues and to test subsequent shipments of livestock or poultry marketed by the violators. These actions would not establish new policy in these areas but would, instead, permit the Agency to enforce current policy.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment | 03/00/94 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Leese, Director, Residue Operations Staff, Inspection Operations, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue SW., Washington, DC 20250, 202 720-3311

RIN: 0583-AB32

309. REQUIREMENTS FOR IMPORTED POULTRY PRODUCTS

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the poultry products inspection regulations by defining the phrase "the same as" and by replacing the phrase "at least equal to" with the phrase "the same as" wherever it appears. The proposal could be the result of pending litigation and Congressional clarification as to the meaning of "the same as" as it applies to certified foreign establishments producing poultry products for export to the United States.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Wilson S. Horne, Deputy Administrator, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue SW., Room 341-E, Administration Building, Washington, DC 20250, 202 720-3473

RIN: 0583-AB42

310. PRIOR LABEL APPROVAL PROCESS

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to streamline the labeling process. It could eliminate the need for manufacturers to submit final label applications, provided sketch applications of such labels have been approved by the Agency. It could also expand the types of labels eligible for generic approval. This would result in significant savings for manufacturers, as well as FSIS, while continuing to provide consumers with useful and truthful information on product labels.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 03/25/92 | 57 FR 10300 |
| ANPRM Comment | 04/24/92 | |
| Period End | | |
| NPRM | 10/00/93 | |
| NPRM Comment | 01/00/94 | |
| Period End | | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Cheryl Wade, Acting Director, Food Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 254-2590

RIN: 0583-AB50

311. SUBSTITUTE PRODUCTS IDENTIFIED BY STANDARDIZED TERMS AND NUTRIENT CONTENT CLAIMS

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 319; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to establish standards of composition for meat and poultry products such as "low fat" and "low cholesterol," in conjunction with a standardized name. This action stems from the current nutrition labeling rulemaking proceeding which allows modified versions of certain standardized products.

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Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 01/00/94 | |
| Period End | | |

Small Entities Affected: Businesses

Government Levels Affected:
Undetermined

Agency Contact: Charles Edwards, Director, Product Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 254-2565

RIN: 0583-AB51

312. LICENSE OR OTHER AUTHORIZATION FOR FEDERAL POULTRY INSPECTION

Legal Authority: 21 USC 451

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the poultry products inspection regulations to remove the requirement for the licensing or other authorization of State employees to perform inspection in official poultry establishments. Assurance that only qualified employees are assigned to such establishments will now be covered under terms to be prescribed in Talmadge-Aiken or other cooperative agreements. This action is possible because of expanded training and certification requirements for veterinarians and food inspectors employed by the States under agreements to be concluded between the States and FSIS.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: Lester Nordyke, Director, Federal-State Relations, Inspection Operations, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue SW., Washington, DC 20250, 202 720-6313

RIN: 0583-AB54

313. USE OF CARBON DIOXIDE IN THE HUMANE SLAUGHTER OF SWINE

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 308

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit the use of carbon dioxide to induce death in swine. Current regulations governing the humane slaughter of swine permit carbon dioxide to be used to render the animals unconscious, with death resulting from the bleeding operation. The proposed amendment is based on scientific research that shows the use of carbon dioxide to induce death in swine to be an effective and humane slaughtering method.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/10/93 | 58 FR 47673 |
| NPRM Comment | 11/08/93 | 58 FR 47673 |
| Period End | | |
| Final Action | 04/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: William O. James, Director, Slaughter Inspection Standards and Procedures Division, S&T, Department of Agriculture, Food Safety and Inspection Service, 14th and Independence Avenue SW., Room 202, Cotton Annex Building, Washington, DC 20250, 202 720-3219

RIN: 0583-AB57

314. UNITED STATES-CANADA MEAT AND POULTRY REINSPECTION

Significance: Regulatory Program

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: FSIS plans to initiate discussions with its counterparts in Agriculture Canada which will focus on reducing or eliminating existing barriers that may now impede the import/export of meat and poultry products. FSIS has developed several discussion points concerning the trade of meat and poultry products. If agreement is reached in any or all of the discussion points, amendments to the regulations may be needed. Once the discussions are concluded, FSIS

will examine the need for regulatory changes to accommodate any such agreements.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: Mark Manis, Director, Import Inspection Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue SW., Room 0114-South Building, Washington, DC 20250, 202 720-2952

RIN: 0583-AB61

315. • PROCEDURES FOR APPEALING MEAT AND POULTRY PRODUCT RETENTIONS

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to (1) require establishments to document appeals above the circuit supervisor level related to disposition of retained meat or poultry products, (2) provide that an establishment has 20 days to (a) appeal a retention, (b) recondition or rework product, or (c) properly dispose of the product, and (3) establish procedures to ensure appropriate disposition of product immediately after a decision has been reached on an appeal. The proposal also provides procedures for accumulating retained product for the purpose of re-examination with specialized detection equipment.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 01/00/94 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: Dr. Craig A. Reed, Deputy Administrator, Inspection Operations, Department of Agriculture, Food Safety and Inspection Service,

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Room 344-E, Administration Building,
Washington, DC 20250, 202 720-5190

RIN: 0583-AB62

316. • NUTRITION LABELING: HEALTH CLAIMS ON MEAT AND POULTRY PRODUCTS

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq;
21 USC 451 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to permit the use of health claims that characterize the relationship of a substance to a disease-related or health-related condition on labeling of meat and poultry products. The proposal would also establish a labeling application process for such health claims. This action stems from a proposed rule titled "Nutrition Labeling of Meat and Poultry Products" published November 27, 1991, which was made final on January 6, 1993.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: Charles Edwards,
Director, Product Assessment Division,
Regulatory Programs, Department of
Agriculture, Food Safety and Inspection
Service, Washington, DC 20250, 202
254-2565

RIN: 0583-AB64

317. • TRISODIUM PHOSPHATE AS A POST-CHILL ANTIMICROBIAL TREATMENT FOR RAW POULTRY

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the poultry products inspection regulations to permit the use of trisodium phosphate as a post-chill antimicrobial treatment for inspected and passed raw poultry products. FSIS has received a petition from Rhone-Poulenc, Inc., Cranbury, New Jersey, to use this substance as a processing aid

in post-chill poultry slaughter
operations.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 01/00/94 | |
| Final Action | 03/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: William O. James,
Director, Slaughter Inspection
Standards and Procedures Division,
Department of Agriculture, Food Safety
and Inspection Service, Science and
Technology, Room 202, Cotton Annex
Building, Washington, DC 20250, 202
720-3219

RIN: 0583-AB65

318. • USE OF SODIUM CITRATE AS A TRIPE DENUING AGENT

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit the use of sodium citrate as a tripe denuding agent, alone or in combination with other approved agents, in an amount sufficient to accomplish the intended effect. FSIS received a petition from Birko Corporation, Westminster, Colorado, to use this substance in tripe processing.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 06/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: William O. James,
Director, Slaughter Inspection
Standards and Procedures Division,
Department of Agriculture, Food Safety
and Inspection Service, Science and
Technology, Room 202, Cotton Annex
Building, Washington, DC 20250, 202
720-3219

RIN: 0583-AB66

319. • LABELING OF POULTRY PRODUCT PRODUCED BY MECHANICAL DEBONING AND PRODUCTS IN WHICH SUCH POULTRY PRODUCT IS USED

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the poultry products inspection regulations to establish labeling requirements for poultry products produced by mechanical deboning and products in which such poultry product is used. FSIS's current regulations do not contain labeling provisions for such product produced by mechanical deboning. An advanced notice of proposed rulemaking was published on June 15, 1993, soliciting comments, information, scientific data, and recommendations concerning the need for rulemaking to establish regulations on the labeling of poultry products produced by mechanical deboning. All comments received in response to this notice will be addressed in the proposed regulations.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 06/15/93 | 58 FR 33040 |
| ANPRM Comment Period End | 08/16/93 | |
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: John W. McCutcheon,
Deputy Administrator, Regulatory
Programs, Department of Agriculture,
Food Safety and Inspection Service,
Room 350-E, Administration Building,
Washington, DC 20250, 202 720-2709

RIN: 0583-AB68

320. • MANDATORY HACCP PROGRAMS

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq;
21 USC 451 et seq

CFR Citation: 9 CFR 320; 9 CFR 326;
9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would require all official establishments to

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develop and maintain a Hazard Analysis and Critical Control Point (HACCP) System. HACCP identifies and controls the points throughout the food production process that are critical in producing safe, wholesome food. FSIS believes that HACCP would provide increased food protection for consumers.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mark Manis, Director, Import Inspection Division, Department of Agriculture, Food Safety and Inspection Service, International Programs, Room 0114-South Building, Washington, DC 20250, 202 720-2952

RIN: 0583-AB69

321. • RECORDKEEPING AND PRODUCTION CODE REQUIREMENTS FOR MEAT AND POULTRY ESTABLISHMENTS

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 320; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to require that all official establishments maintain certain records to identify all the sources of meat, poultry, and nonmeat and nonpoultry ingredients intended for use and used in meat and poultry products. The records maintained would track the slaughtering, processing and distribution of incoming poultry or poultry products, or livestock or carcasses or parts thereof, meat or meat food products, and any other ingredients used to prepare or process

poultry or meat food products in official establishments. Additionally, the Federal meat inspection regulations would be amended to require the date of production or similar coding on the immediate or shipping container of all meat or meat food products prepared in official establishments.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 01/00/94 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patrick Clerkin, Acting Assistant Deputy Administrator, Compliance Program, Department of Agriculture, Food Safety and Inspection Service, Regulatory Programs, Washington, DC 20250, 202 254-2537

RIN: 0583-AB70

**DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)**

Final Rule Stage

322. REQUIREMENTS FOR FOREIGN COUNTRY IMPORT CERTIFICATION AND LIVE ANIMAL IMPORTATION

Significance: Agency Priority

Legal Authority: PL 99-198

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This rule will respond to amendments to the Federal Meat Inspection Act by the Food Security Act of 1985. The amendments require that FSIS periodically certify residue control programs submitted by foreign countries desiring to export meat and poultry products to the United States. The amendments also provide the Secretary with the authority to issue an order prohibiting the importation of livestock for immediate slaughter that have been administered a drug or antibiotic banned for use in the United States.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/26/88 | 53 FR 27998 |
| NPRM Comment | 09/26/88 | |
| Period End | | |
| Reproposal | 03/09/90 | 55 FR 8956 |

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Reproposal Comment | 04/09/90 | |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence Skinner, Director, Foreign Programs Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, Room 0038, South Building, 14th & Independence Avenue SW., Washington, DC 20250, 202 720-6933

RIN: 0583-AA47

323. INCREASE IN USE LEVELS OF SODIUM CITRATE AS AN ANTICOAGULANT

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This rule will amend the Federal meat inspection regulations to increase the level of sodium citrate allowed to be used as an anticoagulant in blood from 0.2 percent to 0.5 percent. FSIS has been petitioned by American Meat Protein Corporation,

Ames, Iowa, to approve an increased use level of this substance as an anticoagulant in blood to 0.5 percent to facilitate the cleaning of equipment and the separation of red blood cells from plasma, as well as to improve sanitation.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 10/18/91 | 56 FR 52218 |
| NPRM Comment | 12/17/91 | |
| Period End | | |
| Final Action | 11/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Charles Edwards, Director, Product Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 254-2565

RIN: 0583-AA76

324. USE OF SORBITOL AS A FLAVORING AGENT IN SPECIFIC MEAT PRODUCTS

Legal Authority: 21 USC 601 et seq

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CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This rule will amend the Federal meat inspection regulations to permit the use of sorbitol to reduce charring in pizza toppings and other cured meat products subject to severe heat treatment. FSIS was petitioned by Quality Sausage Company, Inc., Dallas, Texas, to approve the use of sorbitol at a level of 2.0 percent of the product formula.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/10/92 | 57 FR 35505 |
| NPRM Comment Period End | 10/09/92 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Charles Edwards, Director, Product Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 254-2565

RIN: 0583-AA79

325. PFF FOR TURKEY HAM

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This rule will amend the poultry products inspection regulations to permit the use of added water in turkey ham. The new standard provides for several categories of products that are delineated according to the protein content on a fat-free basis. FSIS was petitioned by the National Turkey Federation, Reston, Virginia, to establish protein fat-free values for turkey ham to promote product standardization and permit producers of turkey ham to compete more equitably with pork producers. This rule will replace the current provision which limits the amount of added water and other substances contained in turkey ham products by requiring the weight of the finished product to be no more than the original weight of the turkey thigh meat used prior to curing.

Timetable:

| Action | Date | FR Cite |
|--------|----------|------------|
| NPRM | 02/21/89 | 54 FR 7434 |

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM Comment Period End | 04/18/89 | |
| Final Action | 10/00/93 | |
| Final Action Effective | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jesse Majkowski, Director, Processed Products Inspection Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, 14th and Independence Avenue SW., Washington DC 20250, 202 447-2383

RIN: 0583-AA84

326. IMPORTED CANADIAN PRODUCT; PROVISION FOR "STREAMLINED" INSPECTION PROCEDURES; EXEMPTION FROM OFFICIAL MARK OF INSPECTION

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This rule amended the Federal meat and poultry products inspection regulations to provide "streamlined" inspection procedures for the reinspection of Canadian meat and poultry products and to exempt Canadian meat and poultry products offered for importation from the requirement that such product and/or containers of product be marked with the official mark of inspection once they are passed for entry into the United States. These actions stemmed from the Canada-United States Free Trade Agreement Implementation Act of 1988, Pub. L. 100-449. These actions specifically responded to one goal of the Agreement whereby both countries are charged with liberalizing agriculture trade practices by seeking ways to eliminate technical or procedural requirements which now may serve to impede trade in agricultural products.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Interim Final Rule | 01/05/89 | 54 FR 273 |
| Interim Final Rule Reopening of Comment Period | 03/16/89 | 54 FR 10621 |
| Interim Final Rule Comment Period End | 04/12/89 | |

| Action | Date | FR Cite |
|----------------------------------|----------|-------------|
| Interim Final Rule Correction | 06/22/89 | 54 FR 26186 |
| Interim Final Rule Withdrawal | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mark Manis, Director, Import Inspection Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue SW., Room 0114-South Building, Washington, DC 20250, 202 720-2952

RIN: 0583-AA99

327. USE OF TRICALCIUM PHOSPHATE AS A SEQUESTRANT IN MECHANICALLY DEBONED CHICKEN

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This rule will amend the poultry products inspection regulations to permit the use of tricalcium phosphate in mechanically deboned chicken during the dehydration process to preserve the color of such products. Use of tricalcium phosphate at a proposed level not to exceed 2 percent would sequester the iron present in the blood of mechanically deboned chicken during the dehydration process, thus preventing discoloration (browning) of the product. The regulation is in response to a petition submitted by Henningsen Foods, Inc., Omaha, NE.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/25/92 | 57 FR 38450 |
| NPRM Comment Period End | 10/26/92 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Charles Edwards, Director, Product Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 254-2565

RIN: 0583-AB09

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Final Rule Stage

328. POLICY FOR DIFFERENTIATING BETWEEN CALVES AND ADULT CATTLE

Significance: Agency Priority
Legal Authority: 21 USC 601 et seq
CFR Citation: 9 CFR 309; 9 CFR 310
Legal Deadline: None

Abstract: This rule will amend the Federal meat inspection regulations to define the term "calf" for inspection purposes, as a young bovine animal whose weight does not exceed 750 pounds live, or whose dressed carcass weight does not exceed 450 pounds. In addition, the rule will provide that certain indicators of maturity, such as teeth and bone formation, be used in conjunction with weight to determine if the animal is a "calf."

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| NPRM | 06/06/90 | 55 FR 23100 |
| NPRM Comment Period End | 08/06/90 | |
| Second NPRM | 08/27/93 | 58 FR 45296 |
| Second NPRM Comment Period End | 09/27/93 | 58 FR 45296 |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Agency Contact: Craig Reed, Deputy Administrator, Inspection Operations, Department of Agriculture, Food Safety and Inspection Service, Room 344-E, Administration Building, 14th and Independence Avenue SW., Washington, D. C. 20250, 202 720-5190
RIN: 0583-AB18

329. USER FEES FOR LABORATORY ACCREDITATION

Significance: Agency Priority
Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq; PL 101-624
CFR Citation: 9 CFR 318; 9 CFR 381; 9 CFR 391
Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to provide for user fees for FSIS laboratory accreditation. The Agency's accredited laboratory program was established in response to the demand by the meat

and poultry industry for acceptable alternate facilities (other than FSIS-operated laboratories) for chemical analysis of official samples. Under technical amendments to the 1990 Farm Bill, FSIS is authorized to collect user fees to offset the cost of its Accredited Laboratory Program. Under FSIS's program, laboratories may be accredited for food chemistry analysis and/or specific chemical residue analysis, including chlorinated pesticide residues, of official samples collected for meat and poultry inspection purposes. It should be noted that FSIS's Accredited Laboratory Program is different from the Department's Accredited Laboratory Program. The Department's Program was established by the 1990 Farm Bill. The Department's Program would also be funded by user fees and would accredit laboratories to conduct residue testing of various agricultural products.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/19/93 | 58 FR 44236 |
| NPRM Comment Period End | 09/20/93 | 58 FR 44236 |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Agency Contact: Dr. Richard L. Ellis, Director, Chemistry Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Room 603, Cotton Annex Building, Washington, DC 20250, 202 205-0623

RIN: 0583-AB49

330. PROMINENT LABELING DISCLOSURES ON MEAT AND POULTRY PRODUCTS

Significance: Agency Priority
Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq
CFR Citation: 9 CFR 317; 9 CFR 318; 9 CFR 319; 9 CFR 381
Legal Deadline: None

Abstract: This rule will amend the Federal meat and poultry products inspection regulations to eliminate the requirement that the names and use of certain substances added to specific meat and poultry products be prominently disclosed on the product label as qualifiers to the product name.

FSIS believes that qualifying phrases can be eliminated because they duplicate information provided in ingredients statements.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/04/92 | 57 FR 52596 |
| NPRM Comment Period End | 01/04/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Cheryl Wade, Acting Director, Food Labeling Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 254-2590

RIN: 0583-AB53

331. NUTRITION LABELING: USE OF "HEALTHY" AND SIMILAR TERMS ON MEAT AND POULTRY PRODUCT LABELING

Significance: Agency Priority
Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq
CFR Citation: 9 CFR 317; 9 CFR 381
Legal Deadline: None

Abstract: This rule will amend the Federal meat and poultry products inspection regulations to permit the use of the term "healthy" or any other derivative of the term "healthy," such as "healthful" or "healthier," on the labeling of meat and poultry products. On January 6, 1993, FSIS published a proposed rule soliciting comments on the appropriateness and usefulness of the term "healthy" on the labeling of meal-type products, and requested specific information on the criteria for the use of such term. This action was the result of a proposed rule titled "Nutrition Labeling of Meat and Poultry Products" published November 27, 1991, which was made final on January 6, 1993.

Timetable:

| Action | Date | FR Cite |
|----------------------------------|----------|------------|
| NPRM | 01/06/93 | 58 FR 688 |
| NPRM Comment Period End | 02/05/93 | |
| NPRM Reopening of Comment Period | 02/16/93 | 58 FR 8560 |
| Comment Period End | 03/18/93 | |
| Final Action | 01/00/94 | |

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Final Rule Stage

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined
Agency Contact: Charles Edwards, Director, Product Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 254-2565
RIN: 0583-AB63

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to make safe-handling instructions mandatory on the labeling of all raw or not-fully-cooked meat and poultry products. The instructions would cover safe storage of raw product, prevention of cross-contamination, suggested cooking temperatures, indications of doneness, and proper handling of leftovers. This action would inform consumers on what actions to take to reduce the risk of illness from possible bacterial contamination of raw meat and poultry products.

| Action | Date | FR Cite |
|---|----------|---------|
| Interim Rule | 09/15/93 | |
| Comment Period End | | |
| Effective Date | 10/14/93 | |
| Delayed 6 Months for Majority of Products | | |
| Interim Rule Effective | 10/15/93 | |
| Final Action | 10/00/93 | |
| Small Entities Affected: None | | |
| Government Levels Affected: State, Federal | | |
| Agency Contact: Patrick Clerkin, Acting Assistant Deputy Administrator, Compliance Program, Department of Agriculture, Food Safety and Inspection Service, Regulatory Programs, Washington, DC 20250, 202 254-2537 | | |
| RIN: 0583-AB67 | | |

332. • MANDATORY SAFE-HANDLING STATEMENTS ON LABELING OF RAW MEAT AND POULTRY PRODUCTS
Significance: Agency Priority
Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq
CFR Citation: 9 CFR 317; 9 CFR 381
Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 08/16/93 | 58 FR 43478 |

DEPARTMENT OF AGRICULTURE (USDA)
 Food Safety and Inspection Service (FSIS)

Completed Actions

333. SULFONAMIDE AND ANTIBIOTIC RESIDUES IN YOUNG VEAL CALVES; REVISED TESTING PROGRAM
Significance: Agency Priority
CFR Citation: 9 CFR 309; 9 CFR 310
Completed:

| Reason | Date | FR Cite |
|--|----------|---------|
| Withdrawn - No further action necessary. | 07/29/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Dr. Tari Kindred, 202 205-0007
RIN: 0583-AA68

Agency Contact: Jesse Majkowski, 202 447-2383
RIN: 0583-AA81

335. PROCESSING, DISTRIBUTION, STORAGE, AND RETAIL HANDLING OF READY-TO-EAT, UNCURED, PERISHABLE MEAT AND POULTRY PRODUCTS PACKAGED IN SEALED CONTAINERS
Significance: Agency Priority
CFR Citation: 9 CFR 308; 9 CFR 318; 9 CFR 320; 9 CFR 381
Completed:

Small Entities Affected: None
Government Levels Affected: Local, State
Agency Contact: Charles Edwards, 202 254-2565
RIN: 0583-AB20

| Reason | Date | FR Cite |
|--|----------|---------|
| Withdrawn - No Further Action Necessary. | 06/24/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Jesse Majkowski, 202 447-2383
RIN: 0583-AB14

337. USE OF TOCOPHEROLS AS ANTIOXIDANTS AND CITRIC ACID AS A SYNERGIST IN VARIOUS MEAT PRODUCTS
CFR Citation: 9 CFR 318
Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/27/93 | 58 FR 45240 |
| Final Action Effective | 09/27/93 | 58 FR 45240 |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Charles Edwards, 202 245-2565
RIN: 0583-AB25

334. HEAT PROCESSING PROCEDURES, COOKING INSTRUCTIONS, AND COOLING, HANDLING, AND STORAGE REQUIREMENTS FOR UNCURED MEAT PATTIES
CFR Citation: 9 CFR 318; 9 CFR 381
Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/02/93 | 58 FR 41138 |
| Final Action Effective | 09/01/93 | |

Small Entities Affected: None
Government Levels Affected: Local, State

336. USE OF CITRIC ACID AS A COLOR PRESERVATIVE ON THE SURFACE OF CURED MEAT CUTS
CFR Citation: 9 CFR 318
Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/27/93 | 58 FR 45238 |
| Final Action Effective | 09/27/93 | 58 FR 45238 |

338. SMOKE FLAVORINGS AND ARTIFICIAL SMOKE FLAVORINGS
CFR Citation: 9 CFR 317; 9 CFR 318; 9 CFR 381
Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/09/93 | 58 FR 42188 |
| Final Action Effective | 09/08/93 | 58 FR 42188 |

Small Entities Affected: None

USDA—FSIS

Completed Actions

Government Levels Affected: None
Agency Contact: Charles Edwards, 202 254-2565
RIN: 0583-AB36

339. LISTING OF MINOR INGREDIENTS IN OTHER THAN ORDER OF PREDOMINANCE
CFR Citation: 9 CFR 317; 9 CFR 381
Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/15/93 | 58 FR 38046 |
| Final Action Effective | 08/16/93 | |

Small Entities Affected: None
Government Levels Affected: Local, State
Agency Contact: Cheryl Wade, 202 254-2590
RIN: 0583-AB37
BILLING CODE 3410-DM-F

DEPARTMENT OF AGRICULTURE (USDA)
Foreign Agricultural Service (FAS)

Prerule Stage

340. REPORTING REQUIREMENTS RELATED TO TOBACCO EXPORTS
Significance: Regulatory Program
Legal Authority: 7 USC 509; PL 101-624, sec 1557
CFR Citation: 7 CFR 1525
Legal Deadline: None
Abstract: Exporters/manufacturers of unmanufactured tobacco, cigarettes and cigarette-ready tobacco are required to maintain records and submit reports

pertaining to such records on tobacco content related to crop year, grade, type, country of origin, and poundage to the Secretary of Agriculture. Submitted information will be provided to Congress. Annual cost to the Government is established at \$100,000.
Timetable: Next Action Undetermined
Small Entities Affected: Businesses
Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis
Agency Contact: Barry D. Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, 14th Street & Independence Avenue SW., Washington, DC 20250, 202 720-6713
RIN: 0551-AA32

DEPARTMENT OF AGRICULTURE (USDA)
Foreign Agricultural Service (FAS)

Proposed Rule Stage

341. PROPOSED REGULATIONS GOVERNING IMPLEMENTATION OF THE COOPERATOR MARKET DEVELOPMENT PROGRAM OVERSEAS
Legal Authority: 7 USC 1704
CFR Citation: 7 CFR 1550
Legal Deadline: None
Abstract: These regulations are promulgated to provide minimum requirements and criteria for parties interested in participating in the cooperator Market Development program, as authorized in Section 601 of the Agricultural Act of 1954 (PL 480), and how they may apply and participate.
Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Barry D. Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South

Building, Washington, DC 20250, 202 720-6713
RIN: 0551-AA26
342. SECTION 22 IMPORT QUOTAS
Significance: Agency Priority
Legal Authority: EO 3019
CFR Citation: 7 CFR 6.20 to 6.34
Legal Deadline: None
Abstract: Provides for quotas for certain dairy products to prevent material interference with the domestic price support program for milk. Controls are administered through a licensing procedure so that the quotas may be allocated in a fair and equitable manner among importers and users. A fee is charged for each license issued to recover the costs of administering the licensing system.
Timetable: Next Action Undetermined
Small Entities Affected: Businesses
Government Levels Affected: None
Agency Contact: Barry D. Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South

Building, Washington, D. C. 20250, 202 720-6713
RIN: 0551-AA27
343. FOREIGN DONATION OF AGRICULTURAL COMMODITIES
Legal Authority: 7 USC 1431(b); 7 USC 1736(o)
CFR Citation: 7 CFR 1499
Legal Deadline: None
Abstract: This proposed rule would establish regulations governing the foreign donation of agricultural commodities by Commodity Credit Corporation pursuant to Section 416 (b) of the Agricultural Act of 1949, or the Food for Progress Act of 1985.
Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Organizations
Government Levels Affected: Federal
Agency Contact: Barry Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building,

USDA—FAS

Proposed Rule Stage

Washington DC 20250-1000, 202 720-6713

RIN: 0551-AA38

DEPARTMENT OF AGRICULTURE (USDA)
Foreign Agricultural Service (FAS)

Final Rule Stage

344. REGULATIONS GOVERNING IMPLEMENTATION OF THE MARKET PROMOTION PROGRAM (MPP) OVERSEAS

Significance: Regulatory Program

Legal Authority: 7 USC 1485

CFR Citation: 7 CFR 1736; 7 CFR 1485

Legal Deadline: None

Abstract: These regulations are promulgated to provide minimum requirements and criteria for parties interested in participating in the Market Promotion Program (MPP) as authorized by the Agricultural Trade Act of 1978, as amended, and how they may apply and participate.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| NPRM | 04/26/90 | 55 FR 17618 |
| NPRM Comment Period End | 06/26/90 | |
| Interim Final Rule | 08/16/91 | 56 FR 40745 |
| Interim Final Rule Comment Period End | 10/15/91 | 56 FR 40745 |
| Second Interim Final Rule | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry D. Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, Washington, DC 20250, 202 720-6713

RIN: 0551-AA24

345. CCC EXPORT CREDIT GUARANTEE PROGRAM (GSM-102) AND CCC INTERMEDIATE EXPORT CREDIT GUARANTEE PROGRAM (GSM-103)

Significance: Agency Priority

Legal Authority: 15 USC 714(b); 15 USC 714(f); 7 USC 5602; 7 USC 5622; 7 USC 5661; 7 USC 5663; 7 USC 5664; 7 USC 5676

CFR Citation: 7 CFR 1493

Legal Deadline: None

Abstract: Revision of the regulations for the GSM-102 and GSM-103 programs to improve and update the current regulations and incorporate material required by the Agricultural Trade Act of 1978, as amended by section 1531 of the Food, Agriculture, Conservation, and Trade Act of 1990.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 06/06/91 | 56 FR 25998 |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, Washington, DC 20250, 202 720-6713

RIN: 0551-AA30

346. PROGRAM CRITERIA FOR THE SUNFLOWERSEED OIL ASSISTANCE PROGRAM (SOAP) AND THE COTTONSEED OIL ASSISTANCE PROGRAM (COAP)

Significance: Agency Priority

Legal Authority: PL 101-624, sec 1531; 7 USC 5663

CFR Citation: 7 CFR 1570

Legal Deadline: NPRM, Statutory, May 31, 1991.

Abstract: This regulation establishes the criteria to evaluate and approve proposals for country and commodity initiatives under the SOAP and COAP. The establishment of criteria for these programs is mandated under Section 403(a) of the Agricultural Trade Act of 1978, as amended in Section 1531 of the Food, Agriculture, Conservation, and Trade Act of 1990.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 08/27/91 | 56 FR 42222 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Barry D.

Abromovage, Regulatory Coordinator, Compliance Review Staff, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, Washington, DC 20250, 202 720-6713

RIN: 0551-AA31

347. SUNFLOWERSEED OIL ASSISTANCE PROGRAM OPERATIONS (SOAP) AND COTTONSEED OIL ASSISTANCE PROGRAM OPERATIONS (COAP)

Legal Authority: 7 USC 1464, sec 201(b)(2)(A); PL 101-624, sec 1541 A5 amends 7 USC 1464, sec 201 (b)(2)

CFR Citation: 7 CFR 1570 subpart B; 7 CFR 1570 subpart C

Legal Deadline: None

Abstract: Title 7, part 1570, subpart B will establish operational regulations for the Sunflowerseed Oil Assistance Program (SOAP). Title 7, part 1570, subpart C will establish operational regulations for the Cottonseed Oil Assistance Program (COAP). These programs have been previously administered by the Foreign Agricultural Service through the issuance of announcements and invitations for offers. The regulations will replace the issued announcements for SOAP and COAP.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 02/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Barry Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, 14th Street & Independence Ave SW., Washington, DC 20250, 202 720-6713

RIN: 0551-AA33

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Final Rule Stage

348. DIRECT CREDIT PROGRAMS (GSM-5, GSM-201, GSM-301) REGULATIONS

Legal Authority: 15 USC 714(c) to 714(f); 07 USC 17070; 07 USC 5602; 07 USC 5621; 07 USC 5661; 07 USC 5662; 07 USC 5676

CFR Citation: 7 CFR 1487; 7 CFR 1488; 7 CFR 1491; 7 CFR 1492

Legal Deadline: None

Abstract: This final rule effects the regulations of the Commodity Credit Corporation (CCC) regarding the use of "direct credit." The CCC is issuing this final rule which deletes the regulations for the noncommercial risk assurance programs (GSM-101) and amends the regulations for financing of sales of agricultural commodities (GSM-5), the CCC intermediate credit export sales program for breeding animals (GSM-201) and the CCC intermediate credit export sales program for foreign market development facilities (GSM-301). The amendments to the GSM-5, GSM-201 and GSM-301 Programs are made to incorporate material required by provisions of the Agricultural Trade Act of 1978, as amended by the Food, Agriculture, Conservation, and Trade Act of 1990 (P.L. 101-624).

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 07/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, 14th Street & Independence Avenue

SW., Washington, DC 20250, 202 720-6713

RIN: 0551-AA34

349. EMERGING DEMOCRACIES AGRICULTURAL FACILITY GUARANTEE PROGRAM

Legal Authority: 7 USC 5622 (b)

CFR Citation: 7 CFR 17; 7 CFR 1493

Legal Deadline: None

Abstract: The regulations will provide the terms and conditions of obtaining a Commodity Credit Corporation Export Credit Guarantee for agricultural facility establishment or improvement in emerging democracies that will primarily promote the export of U.S. agricultural commodities.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 03/01/93 | 58 FR 11786 |
| Interim Final Rule Effective | 03/01/93 | |
| Interim Final Rule Comment Period End | 06/01/93 | |
| Final Action | 10/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Barry Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, 14th & Independence Ave SW., Washington, DC 20250, 202 720-6713

RIN: 0551-AA35

350. REGULATIONS GOVERNING THE FINANCING OF COMMERCIAL SALES OF AGRICULTURAL COMMODITIES (P.L. 480 TITLE I PROGRAM)

Legal Authority: 7 USC 1701 to 1705; 7 USC 1736 (a); 7 USC 1736 (c); 7 USC 5676; EO 12220

CFR Citation: 7 CFR 17

Legal Deadline: None

Abstract: The proposed rule would clarify the interim rule published Feb. 1, 1991 in response to the 1990 Food, Agriculture, Conservation, and Trade Act; it would change the basis for demurrage/despatch computations and the distribution of despatch; and it would limit brokerage payments to country agents and expand U.S. Government access to records. These actions would reduce the possibility of conflicts of interest, expedite loading of commodities, increase competition for ocean transportation and reduce ocean freight expenditures under the PL 480 Title I program.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/12/92 | 57 FR 53607 |
| NPRM Comment Period End | 01/13/93 | |
| Final Action | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Barry D. Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, 14th & Independence Ave SW., Washington, DC 20250, 202 720-6713

RIN: 0551-AA36
BILLING CODE 3410-10-F

DEPARTMENT OF AGRICULTURE (USDA)

Prerule Stage

Forest Service (FS)

351. RANGELAND MANAGEMENT AND LIVESTOCK USE

Legal Authority: 7 USC 1011; 16 USC 472; 16 USC 551; 16 USC 572; 16 USC 580g; 16 USC 580h; 16 USC 5801; 16 USC 1600 et seq; 31 USC 9701; 43 USC 1901 to 1903; 43 USC 1751; 43 USC 1752

CFR Citation: 36 CFR 222, subpart A

Legal Deadline: None

Abstract: This rulemaking seeks to strengthen management of National Forest System rangelands by revising provisions for livestock grazing, improving program efficiency, and clarifying regulatory language. Rulemaking is being closely coordinated with the Bureau of Land Management. It will address a variety of subjects, including ecosystem management, livestock management prescriptions, grazing permit provisions

to promote good stewardship, unauthorized use, grazing permit grant policy, minimum permit size, fees for processing charges, debarment, and national goals and objectives.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/16/88 | 53 FR 30954 |
| NPRM Comment Period End | 10/17/88 | 53 FR 30954 |
| ANPRM | 08/13/93 | 58 FR 43202 |

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| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM Comment Period End | 10/20/93 | 58 FR 43202 |
| NPRM - Second | 01/00/94 | |
| NPRM Comment Period End | 03/00/94 | |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: On August 16, 1988, a proposed rule was published in 53 FR 30954. In response to comments received, a second proposed rule is being issued. The dates projected are for proposed and final rules revising 36 CFR 222, subpart A -- grazing and livestock use.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596-AA35

352. WHISKEYTOWN-SHASTA-TRINITY NATIONAL RECREATION AREA

Legal Authority: 16 USC 472; 16 USC 551

CFR Citation: 36 CFR 292, subpart B

Legal Deadline: None

Abstract: The rules at 36 CFR 292, subpart B govern joint administration of the Shasta and Clair Engle-Lewiston

units of the National Recreation Area by the Forest Service and the Bureau of Reclamation. The rules also set forth standards for defining compatible private land uses within the National Recreation Area to govern decisions by local zoning authorities, or in the absence of such authorities, decisions on land uses by the Secretary of Agriculture. The review has focused on experience under the rules and whether they still serve the public interest in ensuring that development and management of the NRA meet congressional intent.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Begin Review | 03/01/88 | |
| End Review | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596-AA68

353. RETENTION OF DOWNPAYMENT ON TIMBER SALE CONTRACTS

Legal Authority: 16 USC 472(a); 16 USC 618

CFR Citation: 36 CFR 223.49

Legal Deadline: None

Abstract: The Federal Timber Sale Contract Payment Modification Act directs the Forest Service to require purchasers to make downpayments and periodic payment on timber sales. The objective of these requirements is to discourage speculative bidding on National Forest System timber sales. This rule will identify the requirements to hold downpayments until the timber sale contract is substantially completed and will establish criteria to determine speculative bidding.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|---------|
| ANPRM | 11/00/93 | |
| ANPRM Comment Period End | 12/00/93 | |
| NPRM | 02/00/94 | |
| NPRM Comment Period End | 03/00/94 | |
| Final Action | 07/00/94 | |
| Final Action Effective | 07/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Public Compliance Cost: Initial Cost: \$10,000; Yearly Recurring Cost: \$0

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AB28

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Forest Service (FS)

354. PROHIBITION ON MECHANICAL TRANSPORT AND OTHER ACTIVITIES IN WILDERNESS

Legal Authority: 16 USC 113 to 136; 16 USC 528 to 531; 16 USC 577 to 577c; 16 USC 1133

CFR Citation: 36 CFR 293.6(a); 36 CFR 261

Legal Deadline: None

Abstract: Except where specifically provided for, the Wilderness Act (16 USC 1133) prohibits both motorized equipment and mechanical transport. Mechanical transport includes devices such as bicycles, hang gliders, wheeled carts, and other items designed to carry people or supplies and powered by either "nonliving" or "living" power sources. The objective of this action is

to clarify the definition of mechanical transport in 36 CFR 293.6(a) and to make corollary revisions to the prohibitions applicable to wilderness use, including prohibiting competitive events and expanding the definition of aircraft to include hang gliders, parachutes and parasails. (FS 86-009)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box

96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596-AA39

355. APPLICATION PROCEDURES AND FEES FOR HYDROELECTRIC USES ON NATIONAL FOREST SYSTEM LANDS

Legal Authority: 16 USC 551; 43 USC 1761

CFR Citation: 36 CFR 251.54; 36 CFR 251.57

Legal Deadline: None

Abstract: A revision of Agency procedures is needed to reduce confusion regarding the role of the Forest Service in permitting hydroelectric uses on National Forest

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System lands. The goal of the directives will be to establish procedures, compatible with the procedures of the Federal Energy Regulatory Commission (FERC) for obtaining various approvals and involvement of the Forest Service in a timely manner.

In addition, the directives will establish a fee system for hydroelectric uses as required by Title V, Section 501 of the Federal Land Policy and Management Act of 1976. A Notice of Proposed Policy was published 6/8/84 and comments were received. The proposed policy will take those comments into account.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 01/00/94 | |
| Final Action | 04/00/94 | |
| Final Action Effective | 05/00/94 | |

Small Entitles Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596-AA47

356. LOCATABLE MINERALS

Significance: Agency Priority

Legal Authority: 16 USC 478; 16 USC 551; 43 USC 1701 et seq

CFR Citation: 36 CFR 228, subpart A

Legal Deadline: None

Abstract: Since the regulations were promulgated in 1974, certain legal requirements have changed due to the provisions of the Wilderness Act and recent court decisions; some sections of the regulations no longer apply and revisions and updating are necessary. Major changes proposed will specifically address the requirements for wilderness operations and, secondly, will clarify the mechanism for administering locatable mineral activities not conducted on mining claims but which are nevertheless authorized by the 1872 mining law.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 06/00/94 | |
| NPRM Comment Period End | 12/00/94 | |

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596-AA49

357. NATIONAL FOREST PROHIBITIONS; LAW ENFORCEMENT SUPPORT ACTIVITIES

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 683; 7 USC 1011(f); 16 USC 1246(e); 16 USC 1133(c) to 1133(d)(1); 16 USC 559(a)

CFR Citation: 36 CFR 261; 36 CFR 262

Legal Deadline: None

Abstract: The rules at 36 CFR part 261 declare the range of unacceptable public behavior when visiting or using National Forest System lands. Among topics covered are prohibitions on setting campfires in certain areas, unlawful cutting of trees, and other unlawful uses of resources and property of the National Forest System. Violations of these prohibitions carry legal penalties. The rules at 36 CFR part 262 address impoundment of property and rewards for information leading to arrest.

Review has examined the adequacy of the rules for administration of the National Forest System and whether changes in conditions, laws, or other factors require revision. The Agency has completed its review and is now preparing a proposed rule to revise the prohibitions.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| Begin Review | 10/01/87 | |
| End Review | 08/01/88 | |
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 04/00/94 | |
| Final Action | 06/00/94 | |

Small Entitles Affected: None

Government Levels Affected: None

Additional Information: RIN 0596-AA65 was combined with RIN 0596-AA75

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596-AA75

358. REVISE SMALL TRACTS ACT REGULATIONS

Significance: Agency Priority

Legal Authority: 16 USC 521(c) to 521(i)

CFR Citation: 36 CFR 254, subpart C

Legal Deadline: None

Abstract: Implementation of the Agency's Small Tracts regulations has revealed an inadvertent inconsistency between the regulations at 36 CFR 254.35(f) and 254.41(a) and the legislative history of the Small Tracts Act of January 12, 1983. The regulations imply that the disposal of mineral fractions by sale can only be made in response to an application from an abutting landowner, thus discouraging the conveyance by sale to the public. The Act clearly authorizes sale of mineral fractions to the public through public sale, as well as individual applications, provided that certain conditions are met. The revisions will clarify the application of the Act to ensure that both individual applications and public sale are permissible means of disposing of qualifying tracts.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 01/00/94 | |
| Final Action | 04/00/94 | |
| Final Action Effective | 05/00/94 | |

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596-AA79

359. ISOLATED CABIN POLICY

Legal Authority: 16 USC 477 to 482; 16 USC 551

CFR Citation: 36 CFR 251

Legal Deadline: None

Abstract: Agency policy is to terminate isolated cabin authorizations on National Forest System land that were constructed without advance authorization and subsequently authorized by special use permit. These cabins are used for part or full-time occupancy. These cabins differ from

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recreation residences which were established in tracts specific for this purpose and built with Agency approval and supervision. Isolated cabins originated in several ways, including encroachment and mining claims. They restrict management of the surrounding National Forest land and deprive the public from the use and enjoyment of the land actually occupied and the surrounding area. The action proposed is to see input from the public as to whether the present policy should be continued, or whether it should be revised so as to examine each isolated occupancy and determine whether, in the interest of fairness and equity, the cabin should be converted to a recreation residence. This proposal to revise current policy was originally included in proposed policy on recreation residences (RIN No. 0596-AB06). Reconsideration of the issues involved led to the decision (cont)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 02/00/94 | |
| NPRM Comment Period End | 04/00/94 | |
| Final Action | 07/00/94 | |
| Final Action Effective | 08/00/94 | |
| Interim Final Rule | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT (cont): to treat each issue separately.

The expectation of a final reformulated recreation residence policy by 9/1/93 makes it essential that isolated cabin use be treated promptly.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AA85

360. HELLS CANYON NATIONAL RECREATION AREA—PRIVATE LANDS

Legal Authority: PL 94-199, Sec 10(a)

CFR Citation: 36 CFR 292, subpart E (New)

Legal Deadline: None

Abstract: The Forest Service proposes to issue regulations concerning use of private lands in the Hells Canyon National Recreation Area (HCNRA) on the Oregon-Idaho border, as required in

Pub. L. 94-199. The intended effect of this action is to establish standards for use and development of privately owned lands within the HCNRA.

The standards are intended to achieve the following management objectives for the Recreation Area: (1) conservation and continuance of forest land for forest uses and farm land for farm uses; (2) maintenance and protection of the free flowing nature of rivers within the HCNRA; (3) conservation of scenic, wilderness, cultural, scientific, and other values contributing to the public benefit; (4) preservation, especially in the area generally known as Hells Canyon, of all features and peculiarities believed to be biologically unique; (5) protection and maintenance of fish and wildlife habitat; (6) protection of archaeological and paleontological sites; (7) preservation of historic sites associated with and typifying the economic and social history of the region (cont)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 03/00/94 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local

Additional Information: ABSTRACT CONT: and the American West; and (8) continuation of traditional uses.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596-AA88

361. • SOLID WASTE DISPOSAL POLICY

Significance: Regulatory Program

Legal Authority: 16 USC 497; 43 USC 931(c)

CFR Citation: 36 CFR 251

Legal Deadline: None

Abstract: Solid waste disposal sites (sanitary landfills) on National Forest System lands present the potential for resource degradation, hazardous waste dumping, and future liability. A proposal for solid waste disposal is being developed to reflect changes which have occurred as a result of the Resource and Conservation Recovery

Act, the Comprehensive Environmental Response, Compensation, and Liability Act, and an increased knowledge of solid waste disposal. The proposal would prohibit the authorization of new sites and provide for the phase out of existing sites. During the phase out period authorizations would be amended to provide resource protection and limit the Government's potential liability. Adoption of this policy would reduce administrative costs associated with administration of solid waste disposal sites, limit future liability, and protect the resources of the National Forest System lands. The proposal would impact 110 sites currently authorized.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| ANPRM | 06/26/90 | 55 FR 25990 |
| ANPRM Withdrawn | 07/10/90 | 55 FR 28258 |
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 03/00/94 | |
| Interim Final Rule | 07/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AA92

362. IRREVOCABLE LETTER OF CREDIT

Significance: Agency Priority

Legal Authority: 16 USC 472a; 16 USC 528 to 531; 16 USC 1600 et seq; 12 USC 1 et seq

CFR Citation: None

Legal Deadline: None

Abstract: In a 1987 court decision, a letter of credit issued in lieu of surety bond was found to be unenforceable because the person who signed the letter of credit did not have authority to do so and because the bank had violated State law in regard to limits of liability. Others were invalid because they exceeded the expiration date. To remedy this problem, the Forest Service is proposing to issue a requirement that the bank president certify as to the authority of the person signing the letter of credit and the conformance

USDA—FS

Proposed Rule Stage

with State and Federal statutes. An automatic extension of the expiration date would also be required.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596-AA93

363. DISPOSAL OF QUARTZ MINERALS ON THE OUACHITA NATIONAL FOREST

Legal Authority: PL 100-446, Sec 323; 30 USC 601; 30 USC 603

CFR Citation: 36 CFR 228, subpart C

Legal Deadline: None

Abstract: This regulation is a direct response to the direction in Section 323 of Public Law 100-446 which classified quartz mineral on the Ouachita National Forest in Arkansas as no longer subject to location under the General Mining Law of 1872. These materials are now to be managed in the same manner as common varieties of mineral materials under regulations prescribed by the Secretary of Agriculture. Publication of this proposal is being delayed until publication of the final rule defining common variety mineral materials (RIN 0596-AA44).

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596-AB01

364. PRE-AWARD INFORMATION REQUIREMENTS

Legal Authority: 16 USC 472(a); 16 USC 618

CFR Citation: 36 CFR 223.101

Legal Deadline: None

Abstract: Recently, as the number of timber sale defaults has increased, the number of debarred purchasers has increased, and the Government has initiated a policy of only doing business with responsible parties, it is becoming commonplace for bidders to form new affiliates in order to continue to be awarded Forest Service timber sale contracts. Unless the bidder voluntarily identifies affiliates, the Agency must make the determination through a time consuming process prior to award, prior to determining if double downpayment rules apply, and prior to taking debarment action. This rule would require bidders to disclose, prior to award of sales, all affiliates, and to certify that none are suspended or debarred. Filing a false certification would be cause for contract cancellation and debarment action.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596-AB03

365. HELLS CANYON NATIONAL RECREATION AREA—USE OF NATIONAL FOREST LANDS

Significance: Agency Priority

Legal Authority: 16 USC 460(gg) Hells Canyon National Recreation Area

CFR Citation: 36 CFR 292, subpart F (New)

Legal Deadline: None

Abstract: In Oregon Natural Resource Council v Lyng, the 9th Circuit Court of Appeals ruled that the Secretary must promulgate regulations as required by the Hells Canyon National Recreation Act (HCNRA) governing federal and private land uses in the

HCNRA. The Department had argued that such rules were discretionary and the Agency's comprehensive management plan for the NRA, which was prepared as required by the Act, was sufficient to guide management of the area. As a result of the court's ruling, the risk of litigation to halt ongoing activities, particularly timber sales, is high. Accordingly, there is an urgent need to promulgate an interim rule governing management of the federal lands in the HCNRA. While many existing regulations governing National Forest System lands remain applicable to the Hells Canyon NRA, pending projects and plans are vulnerable to continued litigation until final rules are effective. An interim rule is the most expeditious way to effect rules. Public comment will be invited on the interim rule and will be considered in development of the final rule. (cont)

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Interim Final Rule | 10/05/89 | 54 FR 41089 |
| Interim Final Rule Comment Period End | 12/04/89 | |
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The only alternative to the court ruling to promulgate rules is to publish a proposed rule rather than interim rules. This is unacceptable because of the potential for disruption to management of the area and the regulatory void that would be created by the longer timeframes involved in going through a Notice of Proposed Rulemaking.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596-AB08

366. EXPANDED USE OF PROSPECTING PERMITS AND PREFERENCE RIGHT SALES FOR MINERAL MATERIALS

Legal Authority: 30 USC 601 et seq

CFR Citation: 36 CFR 228, subpart C

Legal Deadline: None

USDA—FS

Proposed Rule Stage

Abstract: Currently rules pertaining to prospecting permits and preference right negotiated sales apply only to minerals on acquired National Forest lands. This limitation is felt to encourage parties to locate mining claims on other National Forest lands under the mining laws of 1872, when it would be more appropriate to apply for a sale of mineral materials. This proposed rule would expand the use of prospecting permits to other National Forest System lands and responds to a recent change in the definition of mineral materials and clarification of those minerals that are subject to mining claims and those that are subject to sale.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 03/00/94 | |
| NPRM Comment Period End | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596-AB12

367. CLARIFICATION AND REVISION OF APPEALABLE DECISIONS UNDER 36 CFR PART 251, SUBPART C

Legal Authority: 16 USC 472; 16 USC 551

CFR Citation: 36 CFR 251, subpart C

Legal Deadline: None

Abstract: The current rules at 36 CFR part 251 subpart C provide appeal procedures for holders of or certain applicants for land use and occupancy authorizations. Experience under this rule indicates a need to revise the rule as to purpose and scope and appealable decision. Questions have arisen on whether terms and conditions of the permit and routine administration of the permit by the Forest Service are appealable. In addition, the rule is silent on administrative review of decisions regarding recomputation of timber volume shares for small timber purchasers and decisions related to determination for the need for structural changes in a market area under the Small Business Timber Set Aside program. This rulemaking will seek to address the problems.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 09/00/94 | |
| NPRM Comment Period End | 10/00/94 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington DC 20090-6090, 703 235-1488

RIN: 0596-AB17

368. LAND AND RESOURCE MANAGEMENT PLANNING

Significance: Agency Priority

Legal Authority: 16 USC 1600 et seq; 5 USC 301

CFR Citation: 36 CFR 219

Legal Deadline: None

Abstract: This rulemaking will revise the regulations governing forest land and resource management planning to reflect agency experience in preparing initial forest plans as required by the National Forest Management Act. The rule will articulate and clarify the forest planning and decisionmaking process, propose ways to streamline plan amendment and revision, and, in general, adjust and fine tune the rule and its requirements to make the planning process more realistic, meaningful, and efficient.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| ANPRM | 02/15/91 | 56 FR 6508 |
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington DC 20090-6090, 703 235-1488

RIN: 0596-AB20

369. GOVERNMENT CANCELLATION OF TIMBER SALE CONTRACTS

Significance: Agency Priority

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 223.40; 36 CFR 223.116

Legal Deadline: None

Abstract: Current regulations governing cancellation of National Forest timber sale contracts do not adequately protect the Government's financial interests in the event the Forest Service is forced to cancel contracts due to events beyond its control arising from compliance with environmental statutes. This rulemaking would remove an unworkable compensation of damages formula, remove limits applicable to length of contract term, and establish a termination for environmental protection clause in timber sale contracts, a standard in most Federal procurement contracts.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 12/00/93 | |
| Final Action | 02/00/94 | |
| Final Action Effective | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596-AB21

370. CHANGE EMPHASIS AWAY FROM RESIDUAL VALUE APPRAISAL TO TRANSACTION EVIDENCE APPRAISAL AS THE PRIME METHOD OF APPRAISING NATIONAL FOREST TIMBER

Legal Authority: 16 USC 1600

CFR Citation: 36 CFR 223.60

Legal Deadline: None

Abstract: The emphasis will be changed in 36 CFR 223.60 away from the Residual Value Appraisal method of appraising National Forest timber to the Transaction Evidence Appraisal method. The basic procedure will be the Transaction Evidence Appraisal system, except in Region 10 where, Residual Value appraising will continue to be used in light of the two long-term contracts that are currently in place. Other uses of the Residual Value and other appraisal systems may be used subject to approval from the Chief of the Forest Service.

USDA—FS

Proposed Rule Stage

The present 36 CFR 223.60 leans heavily to the Residual Value Appraisal System. National direction has been given to convert to the Transaction Evidence Appraisal system by October 1, 1992; thus the emphasis in the CFR needs to be changed.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AB26

371. SPECIES SURPLUS TO DOMESTIC MANUFACTURING NEEDS

Legal Authority: 16 USC 620 et seq

CFR Citation: 36 CFR 223.200

Legal Deadline: None

Abstract: This proposed rule would amend subpart F, part 223 of title 36 of the Code of Federal Regulations, section 223.200, to list species proposed to be surplus to domestic manufacturing needs.

This proposed rule would implement a portion of section 489(b) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 USC 620 et seq). Section 489(a) of the Act provides that no person who acquires unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 States may export such timber from the United States, or sell, trade, exchange or otherwise convey such timber from the United States, unless such timber has been determined under subsection (b) to be surplus to the needs of timber manufacturing facilities in the United States. Section 489(b) of the Act provides that the prohibition contained in subsection (a) shall not apply to specific quantities of grades and species of unprocessed timber originating in Federal lands which the Secretary concerned determines to be surplus to domestic manufacturing needs, issued in accordance with section 553 of title 5, USC.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 12/00/93 | |
| Final Action | 02/00/94 | |
| Final Action Effective | 02/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AB27

372. PROPOSED POLICY NATIONAL FOREST SYSTEM LAND AND RESOURCE MANAGEMENT PLANNING FOREST SERVICE MANUAL (FSM 1920)

Significance: Agency Priority

Legal Authority: 16 USC 1600 et seq

CFR Citation: None

Legal Deadline: None

Abstract: The proposed manual policy would incorporate all direction for land and resource management planning into one Forest Service Manual chapter (FSM 1920). The proposed policy would clarify how the revised land and resource management planning regulations at 36 CFR 219 will be implemented. The proposal will focus on implementation of forest plans: monitoring, evaluation, amendment, and revision of forest plans; and clarifying the relationship between forest planning and project decisionmaking. The agency plans to make this policy available for review during the comment period on the proposed revised rule (see entry for 0596-AB20).

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 05/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box

96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AB31

373. USE OF FIXED ANCHORS FOR ROCK CLIMBING IN WILDERNESS

Significance: Agency Priority

Legal Authority: 16 USC 1121; 16 USC 1131 to 1136

CFR Citation: 36 CFR 261.16; 36 CFR 293.9

Legal Deadline: None

Abstract: The sport of rock climbing is often accomplished by using fixed, rather than removable, metal bolts and anchors. These bolts are considered permanent improvements when installed. These improvements may detract from the wilderness experience and are not always compatible with management of the wilderness resource. The Forest Service proposes to reduce impacts on the wilderness resource by regulating use of fixed anchors for rock climbing in wilderness administered by the agency so that rock climbing occurs in a manner compatible with wilderness management. Alternatives to the proposed action are to prohibit all use of fixed anchors in wilderness, or permit unrestricted use of fixed anchors.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: \$0; Yearly Recurring Cost: \$1,000; Base Year for Dollar Estimates: 1992

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AB33

374. • COLLECTION OF REIMBURSABLE COSTS FOR PROCESSING SPECIAL-USE APPLICATIONS AND ADMINISTRATION OF SPECIAL-USE AUTHORIZATIONS

Significance: Regulatory Program

USDA—FS

Proposed Rule Stage

Legal Authority: 43 USC 1764; 30 USC 181

CFR Citation: 36 CFR 251

Legal Deadline: None

Abstract: The objective of this proposal is to incorporate into regulation the authority contained in the Mineral Leasing Act and the Federal Land Policy and Management Act to reimburse the United States for reasonable administrative costs associated with the issuance and administration of special-uses on National Forest System lands.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 01/00/94 | |
| Interim Final Rule | 03/00/94 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: Cost Reimbursement for processing special-use applications and administration of special-use authorizations was originally included under RIN 0596-AA36. The cost reimbursement section was suspended from RIN 0596-AA36 on 01/01/92 (57 51110); the remaining sections pertaining to the special-use application and administration process were included in RIN 0596-AB35.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AB36

375. • EXERCISE OF OUTSTANDING MINERAL RIGHTS

Significance: Regulatory Program

Legal Authority: 16 USC 478; 16 USC 1613; 30 USC 181; 30 USC 228; 43 USC 1740

CFR Citation: 36 CFR 228, subpart F

Legal Deadline: NPRM, Statutory, December 24, 1992.

Abstract: This subpart will set forth the rules by which the Forest Service will carry out its statutory responsibilities for the management oil and gas operations involving outstanding mineral rights on National Forest System lands within the Allegheny National Forest. These rules will, as

required by the energy bill, PL 102-486, identify that information an owner of outstanding mineral rights must submit to the Forest Service 60 days prior to beginning operations and how the Forest Service will review such information.

The Forest Service did not consider other alternatives because these regulations are mandated by law. Public costs are insignificant but public benefits could be substantial in that Forest Service and industry cooperation should be enhanced.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |
| Interim Final Rule | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AB38

376. • SMITH RIVER NATIONAL RECREATION AREA

Significance: Regulatory Program

Legal Authority: 16 USC 460bbb(6); 16 USC 478; 16 USC 551

CFR Citation: 36 CFR 292, subpart G

Legal Deadline: None

Abstract: This subpart will set forth the rules by which the Forest Service will carry out its statutory responsibilities for the management of mineral operations on National Forest System lands within the Smith River National Recreation Area, Six Rivers National Forest. These rules will, as required by the Smith River National Recreation Area Act (PL 102-612), promote and protect the recreation opportunities but still allow for mineral operations to take place. The Forest Service did not consider other alternatives because these regulations are mandated by law. Public costs are insignificant, but the public benefits could be substantial in that the Forest Service and industry cooperation should be enhanced.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM Comment Period End | 01/00/94 | |
| Interim Final Rule | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AB39

377. • MARKET-RELATED TERM ADDITIONS

Significance: Agency Priority

Legal Authority: 16 USC 618(b)

CFR Citation: 36 CFR 233.52 (Revision)

Legal Deadline: None

Abstract: Based on General Accounting Office Testimony Report Number, T-RCED-92-58, 04/28/92, the Secretary of Agriculture agreed to reexamine the use of the Bureau of Labor Statistics unadjusted indices to determine whether wood product prices showed a drastic decline. The Secretary of Agriculture indicated the Forest Service would develop and publish for comment a proposed rule to use an alternative method to determine whether wood prices have drastically declined and warrant granting of a Market-Related Contract Term Addition. The proposed rulemaking will propose using seasonally adjusted producer price indices, adjusted to a constant dollar base, where available, to determine whether a drastic reduction in wood product prices occurred.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 06/00/94 | |
| Final Action Effective | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AB40

USDA—FS

Proposed Rule Stage

378. • MARKET RELATED TERM ADDITIONS

Significance: Agency Priority
Legal Authority: 16 USC 618(b)
CFR Citation: 36 CFR 223.50 (Revision); 36 CFR 223.53 (New)
Legal Deadline: None

Abstract: This proposed rule will provide for extension of certain National Forest System (NFS) timber sale contracts to allow upon request harvest of damaged timber located on other public or private lands which are in need of urgent removal because of catastrophic events beyond the control of the landowner. Catastrophic event which may result in the need for urgent removal of damaged timber include, but are not limited to, fire, flood, insect and disease infestations, drought, and windthrow. This proposed rule will also change Title 36 Code of Federal Regulations (CFR) 223.50, to provide for adjusting periodic payment determination dates that have not been reached when an urgent removal extension is granted.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 06/00/94 | |
| Final Action Effective | 06/00/94 | |

Small Entities Affected: Undetermined
Government Levels Affected: None
Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488
RIN: 0596-AB41

379. • 36 CFR 222 RANGE MANAGEMENT, SUBPART C GRAZING FEES

Significance: Regulatory Program
Legal Authority: 16 USC 551; 31 USC 483A; 43 USC 1901; EO 12548; 7 USC 1011(c)
CFR Citation: 36 CFR 222.50; 36 CFR 222.51; 36 CFR 222.52
Legal Deadline: None

Abstract: The rulemaking seeks to address public concern about the level of fees charged for livestock grazing on National Forest System lands in the Western United States. The current rule will be revised to apply to national forests, land utilization projects, and national grasslands in: Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; and in addition for grazing on the national grasslands in the states of Kansas, Oklahoma, and Texas. The same fee will be proposed by the Bureau of Land

Management of the United States Department of Interior for public domain lands in the same general area.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action Effective | 05/00/94 | |
| Begin Review | 07/00/94 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; EIS 10/00/93

Additional Information: This action is closely coordinated with the Bureau of Land Management, United States Department of Interior. The Forest Service has joined the Bureau of Land Management's environmental impact statement as a cooperating agency for the purpose of establishing a new grazing fee. The fee will be implemented simultaneously.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AB42

DEPARTMENT OF AGRICULTURE (USDA) Forest Service (FS)

Final Rule Stage

380. IMPROVING FINANCIAL SECURITY OF TIMBER SALE CONTRACTS

Significance: Regulatory Program; Agency Priority
Legal Authority: 16 USC 472a
CFR Citation: None
Legal Deadline: None

Abstract: The Forest Service proposes to strengthen the Government's contract financial position by: the elimination of the \$500,000 performance bond ceiling; increasing the bid guarantee to 10 percent of the advertised value; assessing damages for contract repudiation based on resale value; and conditions. In addition, the Forest Service is proposing to increase the amount of contract security to deter

speculative bidding, decrease the potential for contract defaulting, and provide additional guarantee for payment in the event of default damage claims. Following notice and comment, these changes will be issued in the form of instruction to agency contracting officers in the Forest Service Directive System.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/07/90 | 55 FR 50647 |
| NPRM Comment Period End | 01/07/91 | |
| Final Action | 11/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None
Government Levels Affected: None

Additional Information: This action separates the rule making issues from the policy proposals contained in RIN-AA33, as listed in the April 1990 Agenda.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington DC 20090-6090, 703 235-1488

RIN: 0596-AA33

381. LAND EXCHANGES

Significance: Agency Priority
Legal Authority: 16 USC 485; 16 USC 486; 16 USC 516; 7 USC 1011; 16 USC 555a; 43 USC 1715; 43 USC 1716 102 Stat 1086

USDA—FS

Final Rule Stage

CFR Citation: 36 CFR 254, subpart A

Legal Deadline: Final, Statutory, August 20, 1989.

Abstract: Changes in existing regulations are needed to implement provisions of the Federal Land Exchange Facilitation Act of August 20, 1988, as well as to correct errors, delete obsolete portions, update to reflect current authorities, and clarify ambiguities. Upon consideration of public comment and further coordination with the Bureau of Land Management which is also developing rules to implement the Act, the Agency has decided to issue a new proposed rule.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| NPRM | 08/18/89 | 54 FR 34368 |
| NPRM Comment Period End | 10/02/89 | |
| Extension of Comment Period | 12/01/89 | 54 FR 41849 |
| NPRM | 10/02/91 | 56 FR 49948 |
| NPRM Comment Period End | 12/02/91 | |
| Final Action | 11/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596-AA42

382. INDIAN ALLOTMENTS ON NATIONAL FOREST SYSTEM LANDS

Significance: Agency Priority

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603; 43 USC 1740; 25 USC 337

CFR Citation: 36 CFR 254, subpart D (New)

Legal Deadline: None

Abstract: Objectives are to set forth Forest Service procedures and role in the regulation of Indian allotments on National Forest System land. The Indian Allotment Act, as amended, authorizes the Secretary of the Interior to make allotments of National Forest System lands to Indians for homesteading and agricultural and grazing purposes. The Forest Service has relied upon USDI rules and procedures at 43 CFR 2533 to govern

its involvement in Indian allotment cases. Litigation and a decision by the Interior Board of Land Appeals indicate the need for the Forest Service to set forth its own regulations when the Forest Service determines that lands are not chiefly valuable for agricultural and grazing purposes.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/22/87 | 52 FR 23473 |
| NPRM Comment Period End | 07/22/87 | |
| Final Action | 11/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596-AA52

383. REVISE RULES GOVERNING SPECIAL USES OF NATIONAL FOREST SYSTEM LANDS AND RESOURCES AT 36 CFR 251 TO REMOVE AMBIGUITIES REGARDING FIRST AMENDMENT RIGHTS

Significance: Agency Priority

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1134; 16 USC 3210; 30 USC 185; 43 USC 1740; 43 USC 1761 to 1771

CFR Citation: 36 CFR 251, subpart A; 36 CFR 251, subpart B; 36 CFR 251, subpart E (New); 36 CFR 251, subpart F (New)

Legal Deadline: None

Abstract: A Federal District Court has ruled that existing regulations discriminate against groups who wish to gather on National Forests to exercise their first amendment rights of assembly and free speech. The proposed rule will seek to remove ambiguities regarding these first amendment rights.

The Agency is reviewing the rules of other Federal land managing agencies for possible approaches and is considering establishing separate rules for authorizing short-term, noncommercial uses of National Forests.

There will be no additional costs as a result of the proposed rule change. The

benefit will be that the Forest Service will be able to adequately regulate large group use on the National Forests in a manner that ensures protection of the public health and safety and National Forest resources.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/06/93 | 58 FR 26940 |
| NPRM Comment Period End | 08/04/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596-AA80

384. SURETY BOND FORM REVISION

Significance: Agency Priority

Legal Authority: 31 USC 9301 to 9309; 31 USC 223 to 225

CFR Citation: None

Legal Deadline: None

Abstract: Following a period of high-priced timber sales bid prior to 1982, the Forest Service experienced a number of contract defaults on these sales. Subsequently, the Forest Service has had difficulty collecting from some sureties on the bonds guaranteeing performance on these sales. As part of a financial security initiative affecting future sales, the Forest Service is proposing to revise the payment and performance bonds to clarify surety's obligation in regard to what is being guaranteed, when payment is due in case of default, what additional charges will be assessed if payment is not made when due and when collection action may be suspended. Other alternatives include eliminating surety bonds as a form of security, reducing surety guarantee to mid-point and periodic payment and retention of current bond forms. Upon adoption the final revised bond forms will be issued for use by Forest Service Contracting and Fiscal Officers for future timber sale contracts.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 01/17/89 | 54 FR 1742 |
| NPRM Comment Period End | 03/20/89 | |

USDA—FS

Final Rule Stage

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 12/00/93 | |
| Final Action Effective | 02/00/94 | |

Small Entities Affected: None
Government Levels Affected: None
Additional Information: Final action on this entry has been delayed to obtain advice of the Comptroller General.
Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488
RIN: 0596-AA84

385. FEDERAL CAVE RESOURCES PROTECTION
Significance: Agency Priority
Legal Authority: PL 100-691
CFR Citation: 36 CFR 290, subpart A (New)
Legal Deadline: Final, Statutory, August 18, 1989.
Abstract: These regulations will implement the Federal Cave Resources Protection Act of 1988, which requires that the rules define what is a significant cave for purposes of this Act. The Act also requires that the rules address an inventory of cave resources, provide for confidentiality of information concerning the nature and location of caves on Federal land, and permits for collection and removal of cave resources. The regulations are being developed in concert with agencies of the U.S. Department of the Interior as required by the act.
Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 03/03/89 | 54 FR 9066 |
| ANPRM Comment Period End | 04/03/89 | |
| NPRM | 12/23/91 | 56 FR 66388 |
| NPRM Comment Period End | 03/23/92 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488
RIN: 0596-AB02

386. RECREATION RESIDENCE AUTHORIZATION POLICY
Significance: Agency Priority
Legal Authority: 16 USC 497
CFR Citation: 36 CFR 251
Legal Deadline: None
Abstract: The policy for administering recreation residences on National Forest lands was adopted August 16, 1988 (53 FR 30924) and subsequently appealed under the administrative appeal process (36 CFR 211.18). In rendering his decision on the appeal the Assistant Secretary of Agriculture for Natural Resources and Environment suspended certain provisions related to tenure and the offering of in-lieu sites; designated the remaining features interim policy; and directed the Chief of the Forest Service to review and reconsider the entire policy (54 FR 23499: June 1, 1989). The policy is being reformulated and consideration given to public comments received. The purpose of the policy is to improve the administration of recreation residence permits and implement a revised fee schedule that obtains fair market value for the use. The policy affects about 15,800 permittees.
Timetable:

| Action | Date | FR Cite |
|-------------------------------|----------|-------------|
| ANPRM | 09/20/89 | 54 FR 38700 |
| ANPRM Comment Period End | 11/20/89 | |
| ANPRM Comment Period Extended | 01/19/90 | 54 FR 48666 |
| NPRM | 10/10/91 | 56 FR 51260 |
| NPRM Comment Period End | 03/08/92 | |
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488
RIN: 0596-AB06

387. FEDERAL TIMBER EXPORT AND SUBSTITUTION RESTRICTIONS (COMPREHENSIVE REVISION)
Significance: Agency Priority
Legal Authority: 16 USC 620 to 620j
CFR Citation: 36 CFR 223, subpart B; 36 CFR 223, subpart C; 36 CFR 223,

subpart D; 36 CFR 223, subpart F; 36 CFR 261, subpart A
Legal Deadline: Final, Statutory, May 20, 1991.
Abstract: These rules are necessary to carry out the restrictions placed on the export of unprocessed timber from Federal lands and the restrictions on the direct and indirect purchasing of Federal logs to be used in substitution for the export of unprocessed timber originating from private lands. The rules are mandated by the Forest Resources Conservation and Shortage Relief Act of August 20, 1990. The Act calls for various rules to be issued. The agency anticipates several rulemakings to achieve implementation of the act. See RIN 0596-AB25 for related rulemaking.
Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|--------------|
| Interim Final Rule | 11/20/90 | 55 FR 48572 |
| Interim Rule Effective | 11/20/90 | |
| Comprehensive | | |
| NPRM | 01/29/91 | (56 FR 3354) |
| NPRM Comment Period End | 03/15/91 | |
| Final Action | 12/00/93 | |
| Final Action Effective | 12/00/93 | |
| Limited Scope | | |
| NPRM | 01/29/91 | (56 FR 3375) |
| NPRM Comment Period End | 02/05/91 | |
| Final Action | 12/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: Undetermined
Government Levels Affected: None
Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, 202 235-1488
RIN: 0596-AB22

388. BELOW-COST TIMBER SALE PROGRAM POLICY AND GUIDELINES
Significance: Agency Priority
Legal Authority: 43 USC 1764
CFR Citation: None
Legal Deadline: None
Abstract: The Forest Service is proposing a policy and implementing guidelines to address below-cost timber sale programs on individual National Forests. The policy would be issued to Forest Service field employees, would address the costs and revenues associated with the management of National Forest timber sale programs, and would require use of the Timber Sale Program Information Reporting

USDA—FS

Final Rule Stage

System to assess each National Forest timber sale program.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 04/16/91 | 56 FR 15323 |
| NPRM Comment Period End | 06/17/91 | 56 FR 15323 |
| Final Action | 11/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596-AB24

389. NATIONAL FOREST SYSTEM NOTICE; COMMENT AND APPEALS PROCEDURES

Legal Authority: 16 USC 551; 16 USC 472

CFR Citation: 36 CFR 215

Legal Deadline: None

Abstract: This rule responds to Public Law 102-381, section 322, Forest Service Decisionmaking and Appeals Reform. This rule establishes procedures to require public notice and opportunity to comment on certain Forest Service actions for which environmental documentation is required. This rule establishes new appeal procedures in accord with those specified in Pub. L. 102-381, for certain actions which implement forest land and resource management plans. In addition, this rule recodifies the agency's administrative appeal process at 36 CFR part 217 for appeals of approvals or amendments of regional guides, and approval, significant amendment, and revision of forest land resource management plans to 36 CFR part 215, subpart C. The intended effect is to comply with the new law, expand opportunities for pre-decisional involvement of the public in Forest Service decisionmaking, and to minimize delay in providing a stable supply of resources to society.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 03/26/92 | 57 FR 10444 |
| NPRM Comment Period End | 04/27/92 | |
| NPRM | 04/14/93 | 58 FR 19369 |

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM Comment Period End | 04/29/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: This rule substitutes for a previous regulatory action using the same RIN number. Before the previous rule could be finalized, Pub. L. 102-381 was enacted specifying changes to the agency public notice and comment process and the appeals process for actions implementing Forest Service land and resource management plans.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AB30

390. STATE AND PRIVATE FORESTRY ASSISTANCE STEWARDSHIP INCENTIVE PROGRAM

Significance: Agency Priority

Legal Authority: 16 USC 2101 et seq

CFR Citation: 36 CFR 230

Legal Deadline: None

Abstract: This final rule would incorporate any changes resulting from public comments on the interim rule published December 4, 1991. The interim rule established the interim procedures for administration of the Stewardship Incentive Program. The Program is intended to encourage private landowners, through cost-share assistance, to manage their forest lands for economic, environmental, and social benefits. Only two alternatives were considered in detail: (1) to implement the Program in accordance with 16 USC 2101, et seq, and (2) not to implement the Program, in which case there would be no accelerated program for multiple resource management on nonindustrial private forest lands. The overall effects of the Program over time will be environmentally beneficial by enhancing wetlands, wildlife habitat, forest health, forest productivity, and recreation. The Program will help meet future demand for commodity and noncommodity forest resources. There

are no potential negative impacts anticipated for the Program.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Interim Final Rule | 12/04/91 | 56 FR 63581 |
| Interim Final Rule Public Comment Period End | 01/21/92 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596-AB32

391. SPECIAL-USE APPLICATIONS AND ADMINISTRATION OF SPECIAL-USE AUTHORIZATIONS

Significance: Agency Priority

Legal Authority: 43 USC 1764; 31 USC 483(a); 30 USC 181 Mineral Leasing Act; 16 USC 551

CFR Citation: 36 CFR 251(b)

Legal Deadline: None

Abstract: The Forest Service proposes to amend the regulations governing the use and occupancy of National Forest System lands to minimize application expenses, streamline and make more efficient environmental analysis of special use proposals, provide the ability to use one-time payments for easements as presently used in the market place, limit certain liability requirements to amounts determined by a risk assessment, make certain definitions more explicit, and clarify direction on renewal of existing special use regulations. The intended effect is to reduce costs to proponents and the agency, expedite decisionmaking, and administer authorizations in a more "user friendly" manner by removing certain requirements deemed unnecessary and/or outdated.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/14/92 | 57 FR 36618 |
| NPRM Comment Period End | 09/28/92 | |
| Final Action | 10/00/93 | |
| Final Action Effective | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

USDA—FS

Final Rule Stage

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596—AB35

392. • REVISE LAND STATUS REGULATIONS

Significance: Agency Priority

Legal Authority: 5 USC 552; 16 USC 4721; 16 USC 521; 16 USC 1603

CFR Citation: 36 CFR 200.12

Legal Deadline: None

Abstract: Regulations adopted at 36 CFR 200.12 in 1991 (56 FR 29181) have resulted in confusion and possible conflict with regulations of the Bureau of Land Management, USDI, pertaining to public land records. The final rule would revise the 1991 regulations to clarify the relationship between the Forest Service's Land Status Records System and the Bureau of Land Management's Public Lands Record System. The intended effect of the regulations is to expedite the process of authenticating records in court proceedings and to provide adequate notice to the public of the content and availability of the records.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 11/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596—AB37

BILLING CODE 3410-11-F

DEPARTMENT OF AGRICULTURE (USDA)

Prerule Stage

Office of Finance and Management (OFM)

393. AUDITS OF STATE, LOCAL, AND INDIAN TRIBAL GOVERNMENTS

Significance: Agency Priority

Legal Authority: 5 USC 301; 31 USC 7505

CFR Citation: 7 CFR 3015; 7 CFR 3016; 7 CFR 3050

Legal Deadline: None

Abstract: Consolidates and revises USDA's policy for audits of State, local and Indian Tribal Governments.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| ANPRM | 10/00/93 | |
| ANPRM Comment Period End | 11/00/93 | |
| Final Action | 12/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Larry Wilson, Director, Department of Agriculture, Office of Finance and Management, Rm 4094 South Building, 14th & Independence Ave SW., Washington DC 20250, 202 720-8345

RIN: 0505—AA09

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Office of Finance and Management (OFM)

394. AUDITS OF INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT ORGANIZATIONS

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 7 CFR 3015; 7 CFR 3051

Legal Deadline: None

Abstract: Sets forth USDA's policy for audits of institutions of higher education and other nonprofit

institutions and implements OMB's Circular A-133.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 04/11/91 | 56 FR 4654 |
| NPRM Comment Period End | 05/11/91 | |
| Final Action | 12/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Larry Wilson, Director, Department of Agriculture, Office of Finance and Management, Rm 4094 South Building, 14th & Independence Ave SW., Washington DC 20250, 202 720-8345

RIN: 0505—AA07

BILLING CODE 3410-90-F

DEPARTMENT OF AGRICULTURE (USDA)

Prerule Stage

Office of the Secretary (AgSEC)

395. SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE DEPARTMENT OF AGRICULTURE

Significance: Agency Priority

Legal Authority: PL 101-194 Ethics Reform Act; EO 12674 Ethical Conduct for Government Officers and Employees

CFR Citation: 05 CFR 2635

Legal Deadline: None

Abstract: The regulations will supplement Government-wide ethical conduct regulations issued by the Office of Government Ethics (OGE) in August 1992. The OGE must approve USDA's supplementation.

USDA—AgSEC

Prerule Stage

Timetable: Next Action Undetermined
 Small Entities Affected: None
 Government Levels Affected: Federal

Agency Contact: Donald Downing,
 Director, Employee Relations Division,
 Department of Agriculture, Office of the
 Secretary, Room 47W Administration

Building, 14th and Independence Ave.
 SW., Washington, DC 20250, 202 720-
 3327
 RIN: 0503-AA05

DEPARTMENT OF AGRICULTURE (USDA)
 Office of the Secretary (AgSEC)

Proposed Rule Stage

**396. FOOD STAMP PROGRAM:
 FORFEITURE AND DENIAL OF
 PROPERTY RIGHTS**

Significance: Agency Priority
 Legal Authority: 7 USC 2024(g)
 CFR Citation: 7 CFR 271.5
 Legal Deadline: None

Abstract: The USDA Office of Inspector
 General is proposing this rule to
 implement section 15(g) of the Food
 Stamp Act of 1977, as amended by
 section 124 of the Food Stamp Act
 Amendments of 1980, Public Law 96-
 249, which authorizes the Secretary of
 Agriculture to subject to forfeiture and

denial of property rights any nonfood
 items, moneys, negotiable instruments,
 securities, or other things of value that
 are furnished or intended to be
 furnished by any person in exchange
 for food coupons, authorization cards,
 or other program benefit instruments or
 access devices in any manner not
 authorized by the Act or regulations
 issued pursuant to the Act, 7 USC
 2024(g). The proposed rule would
 establish procedures concerning the
 handling of forfeited property to be
 followed by the Inspector General and
 other Federal Law enforcement
 officials. Violations of the Food Stamp
 Act may cause the Government to

acquire property subject to forfeiture
 and denial of property rights.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Tom Martin, Senior
 Special Agent, Program Investigations
 Division, Department of Agriculture,
 Office of the Secretary, Room 418-A
 Administration Building, Washington,
 DC 20250, 202 720-4401

RIN: 0503-AA07

DEPARTMENT OF AGRICULTURE (USDA)
 Office of the Secretary (AgSEC)

Final Rule Stage

**397. • UNIFORM ADMINISTRATIVE
 REQUIREMENTS FOR GRANTS AND
 COOPERATIVE AGREEMENTS TO
 STATE AND LOCAL GOVERNMENTS**

Legal Authority: 5 USC 301
 CFR Citation: 7 CFR 3016
 Legal Deadline: None

Abstract: This notice updates the
 common rule which provides uniform

fiscal and administrative requirements
 applicable to all types of grants and
 cooperative agreements to State and
 local governments.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local,
 State

Agency Contact: Gerald Miske,
 Supervisory Program Analyst,
 Department of Agriculture, Office of the
 Secretary, Room 3031 South Building,
 14th and Independence Ave SW.,
 Washington, DC 20250, 202 720-1553

RIN: 0503-AA08

BILLING CODE 3410-90-F

DEPARTMENT OF AGRICULTURE (USDA)
 Packers and Stockyards Administration (P&SA)

Proposed Rule Stage

**398. • REGULATIONS AND
 STATEMENTS OF GENERAL POLICY
 UNDER THE PACKERS AND
 STOCKYARDS ACT (GROUP 1)**

Legal Authority: 7 USC 204; 7 USC 228
 CFR Citation: 9 CFR 201.1; 9 CFR
 201.17; 9 CFR 201.39; 9 CFR 201.44;
 9 CFR 201.45; 9 CFR 201.61; 9 CFR
 201.81; 9 CFR 201.82; 9 CFR 201.86;
 9 CFR 201.94; 9 CFR 201.95; 9 CFR
 201.96; 9 CFR 203.5; 9 CFR 203.12; 9
 CFR 203.17; ...

Legal Deadline: None

Abstract: All regulations and
 statements of general policy issued
 under the provisions of the Packers and
 Stockyards Act are being reviewed to
 determine which sections should be
 retained in their present form and
 which sections should be modified or
 removed. A notice will be published
 which will identify and propose to
 retain, modify, or remove each section
 in this group.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| ANPRM | 09/15/92 | 57 FR 42515 |

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM Comment Period End | 11/16/92 | 57 FR 42515 |
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 04/00/94 | |
| Final Action Effective | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Calvin W. Watkins,
 Deputy Administrator, Department of
 Agriculture, Packers and Stockyards
 Administration, Room 3039 South

USDA—P&SA

Proposed Rule Stage

Building, Washington, DC 20250-2800,
202 720-7063
RIN: 0590-AA08

399. • REGULATIONS AND STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT (GROUP 2)

Legal Authority: 7 USC 204; 7 USC 228

CFR Citation: 9 CFR 201.49; 9 CFR 201.53; 9 CFR 201.55; 9 CFR 201.69; 9 CFR 201.70; 9 CFR 201.71; 9 CFR 201.73; 9 CFR 201.76; 9 CFR 201.98; 9 CFR 201.100; 9 CFR 201.108(1); 9 CFR 201.200; 9 CFR 203.4; 9 CFR 203.18; 9 CFR 203.19; ...

Legal Deadline: None

Abstract: All regulations and statements of general policy issued under the provisions of the Packers and Stockyards Act are being reviewed to determine which sections should be retained in their present form and which sections should be modified or removed. A notice will be published which will identify and propose to retain, modify, or remove each section in this group.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| ANPRM | 09/15/92 | 57 FR 42515 |

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| ANPRM Comment | 11/16/92 | 57 FR 42515 |
| Period End | | |
| NPRM | 12/00/93 | |
| NPRM Comment | 02/00/94 | |
| Period End | | |
| Final Action | 06/00/94 | |
| Final Action Effective | 07/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Calvin W. Watkins, Deputy Administrator, Department of Agriculture, Packers and Stockyards Administration, Room 3039 South Building, Washington, DC 20250-2800, 202 720-7063

RIN: 0590-AA09

400. • REGULATIONS AND STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT (GROUP 3)

Legal Authority: 7 USC 204; 7 USC 228

CFR Citation: 9 CFR 201.10; 9 CFR 201.27; 9 CFR 201.28; 9 CFR 201.29; 9 CFR 201.30; 9 CFR 201.31; 9 CFR 201.32; 9 CFR 201.33; 9 CFR 201.34

Legal Deadline: None

Abstract: All regulations and statements of general policy issued under the provisions of the Packers and

Stockyards Act are being reviewed to determine which sections should be retained in their present form and which sections should be modified or removed. A notice will be published which identifies each section and proposes to either retain, modify, or remove the section. The sections included in this document pertain to the registration and bonding requirements under the provisions of the Packers and Stockyards Act.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| ANPRM | 09/15/92 | 57 FR 42515 |
| ANPRM Comment | 11/16/92 | 57 FR 42515 |
| Period End | | |
| NPRM | 02/00/94 | |
| NPRM Comment | 04/00/94 | |
| Period End | | |
| Final Action | 08/00/94 | |
| Final Action Effective | 09/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Calvin W. Watkins, Deputy Administrator, Department of Agriculture, Packers and Stockyards Administration, Room 3039 South Building, Washington, DC 20250-2800, 202 720-7063

RIN: 0590-AA10

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Packers and Stockyards Administration (P&SA)

401. • REGULATIONS AND STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

Legal Authority: 7 USC 204; 7 USC 228

CFR Citation: 9 CFR 201.56; 9 CFR 201.64; 9 CFR 201.66; 9 CFR 201.72(1); 9 CFR 201.78(1); 9 CFR 201.106(1); 9 CFR 201.106(2); 9 CFR 203.14; 9 CFR 201.42; 9 CFR 201.43; 9 CFR 201.67; 9 CFR 201.72; 9 CFR 201.97; 9 CFR 201.99; 9 CFR 203.10; ...

Legal Deadline: None

Abstract: The Agency has proposed removal of sections 201.64 and 201.66 which prohibit specified business getting and employment practices of

selling agencies. Structural changes in the livestock marketing industries have reduced the importance of these regulations. The Agency proposes to remove sections 201.72(1), 201.78(1), 201.106(1) and 201.106(2) which provide outdated procedures for testing scales. Section 201.56 will be amended to improve clarity and user friendliness by removing examples concerning advertising and promotion allowances which create confusion. Eight other sections (201.11, 201.42, 201.43, 201.67, 201.72, 201.97, 201.99 and 203.10) have been reviewed and it has been determined that they should be retained in their present form.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 09/30/92 | 57 FR 45005 |
| NPRM Comment | 11/30/92 | 57 FR 45005 |
| Period End | | |
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Calvin W. Watkins, Deputy Administrator, Department of Agriculture, Packers and Stockyards Administration, Room 3039 South Building, Washington, DC 20250-2800, 202 720-7063

RIN: 0590-AA07

BILLING CODE 3410-90-F

DEPARTMENT OF AGRICULTURE (USDA)
Rural Development Administration (RDA)

Proposed Rule Stage

402. • ALCOHOL FUELS CREDIT IMPLEMENTING REGULATIONS

Legal Authority: 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1980, subpart A; 7 CFR 1980, subpart E

Legal Deadline: None

Abstract: This action is to implement a new program provided for in PL 102-341. The program will provide guaranteed lines of credit, where an emergency has been declared, for the purchase of grain for the production of alcohol fuel at cooperative facilities as necessary to meet deliveries under contract. The legislation provides for a program level of \$30,000,000 to remain available until expended but not beyond Fiscal Year 2009. Plans are to implement the program through a revision of the existing regulations for the Business and Industry (B&I) Guaranteed loan program, using the forms and procedures of the B&I program to the extent that they are appropriate.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/28/94 | |
| NPRM Comment | 02/28/94 | |
| Period End | | |
| Final Action | 12/09/94 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Public Compliance Cost: Initial Cost: \$0; Yearly Recurring Cost: \$0

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0570-AA01

403. • RURAL TECHNOLOGY DEVELOPMENT GRANTS

Legal Authority: 7 USC 1989; 16 USC 1005; 5 USC 301

CFR Citation: 7 CFR 4284; 7 CFR 1940; 7 CFR 1951; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: Other, Statutory, May 28, 1991.

The Extension Service had \$1 million for the prog. in its FY '93 budget and has funds for FY '94.

Abstract: The Rural Development Administration proposes this action to

add a new regulation implementing a grant program to fund the establishment and operation of centers for rural technology or cooperative development. Grants will be available to public bodies and nonprofit organizations. This action is necessary to comply with PL 101-624. An aim of this program is to stimulate nonfederal participation in economic development activities and allow grant funds to reach a broad range of rural economic development efforts.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local

Additional Information: In order to implement this program, both funds and regulations must exist. The ES has funds for this program in its FY 1993 budget. The RDA will administer the program starting in FY 1994.

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0570-AA02

404. • LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS

Legal Authority: 7 USC 1989; 7 USC 1926

CFR Citation: 7 CFR 4284; 7 CFR 1951; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: Other, Statutory, May 28, 1991.

Statutory date for implementation of program. In order to implement, both funds and regulations must exist. This program has not yet been funded.

Abstract: The Rural Development Administration (RDA) proposes this action to add a new regulation implementing a grant program to fund local technical assistance and planning activities in rural areas for the purpose of improving economic conditions in the areas. Grants will be available to public bodies and nonprofit organizations. This action is necessary

to comply with P.L. 101-624. Grants may be used for technical assistance and training for small businesses, identifying and analyzing business opportunities in rural areas, establishing business support centers, conducting local or multi-county economic development planning, coordination of economic development activities, and leadership development training of local government officials. RDA proposes to fund up to 75 percent of any project funded and require at least a 25 percent matching share from the applicant.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| NPRM Comment | 00/00/00 | |
| Period End | | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0570-AA05

405. SOLID WASTE MANAGEMENT GRANTS

Legal Authority: PL 101-624, sec 2325

CFR Citation: 7 CFR 4284 subpart I; 7 CFR 1942 Subpart J

Legal Deadline: None

Abstract: FmHA implemented this authority by adding it to the existing Technical Assistance grant program for water and waste disposal facilities. In order to prevent confusion and to further refine the requirements of the program, FmHA is proposing to publish a separate regulation for two programs.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |
| Final Action | 07/00/94 | |

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture,

USDA—RDA

Proposed Rule Stage

Farmers Home Administration, 6348 South Building, Washington, DC 20250, 202 720-9744
RIN: 0570-AA06

406. TECHNICAL ASSISTANCE AND TRAINING GRANTS

Legal Authority: PL 99-198, sec 1304
CFR Citation: 7 CFR 4284 subpart C; 7 CFR 1942 Subpart J
Legal Deadline: None

Abstract: Under current regulations, FmHA administers two separate technical assistance grant programs that have similar requirements. In order to avoid confusion for the public because of differences in eligibility and purposes of the two programs, FmHA proposes to rewrite the existing regulation to separate the two programs.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 12/00/93 | |
| Final Action | 07/00/94 | |

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0570-AA07

407. • RURAL BUSINESS ENTERPRISE GRANTS AND TELEVISION DEMONSTRATION GRANTS

Significance: Agency Priority
Legal Authority: PL 102-552; 7 USC 1927; 7 USC 1939 (C)
CFR Citation: 7 CFR 1942-G; 7 CFR 4284-B

Legal Deadline: None

Abstract: The provision of technical assistance and training to rural communities for the purpose of improving passenger transportation services or facilities; to revise the

definition for small and emerging private business enterprise to agree with the program size standards established by the Small Business Administration; to clarify certain administrative regulatory guidelines in order to effect improved program administration; and also authorizes grants for educational purposes and distance learning networks.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 00/00/00 | |
| NPRM Comment Period End | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Development Administration, 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0570-AA08

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Rural Development Administration (RDA)

408. • LIQUIDATION OF LOANS AND ACQUISITION, MANAGEMENT AND DISPOSAL OF SECURITY PROPERTY

Legal Authority: 7 USC 1989; 42 USC 1480; 16 USC 1005; 5 USC 301
CFR Citation: 7 CFR 4287-A; 7 CFR 4287-B; 7 CFR 1951-E; 7 CFR 1955-A; 7 CFR 1955-B; 7 CFR 1955-C; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: Farmers Home Administration (FmHA) regulations are amended to remove references to the Programs administered by the Rural Development Administration (RDA).

This action will provide RDA regulatory guidance for the liquidation of loans that are in non-compliance with loan agreements. As a result of such action, security property may be taken into inventory. The regulation outlines the policies and procedures for the management and disposition of property acquired by the agency. This change will also clarify the processing of over payments, under payments and refunds, subordinations, and releases from liability.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Interim Final Rule | 00/00/00 | |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Farmers Home Administration, 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0570-AA03

DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

Rural Development Administration (RDA)

409. • SECTION 306C WWD LOANS AND GRANTS

Significance: Agency Priority
Legal Authority: PL 101-624, sec 2327
CFR Citation: 7 CFR 4284, subpart E

Legal Deadline: Final, Statutory, May 28, 1991.

Abstract: New regulation to provide loans and grants to low income rural residents without access to or are not served by a water or waste disposal

facility. Preference is given to residents of rural subdivisions commonly referred to as "Colonias". The fiscal year 1993 appropriations bill earmarked \$25 million in grant funds for the colonias located along the U.S./Mexico border.

USDA—RDA

Completed Actions

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 01/22/93 | 58 FR 5564 |
| Final Action | 08/11/93 | 58 FR 42637 |

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control

Branch, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 720-9744

RIN: 0570-AA00
BILLING CODE 3410-07-F

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Rural Electrification Administration (REA)

410. LOAN SECURITY DOCUMENTS—TELEPHONE PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1744, subpart D

Legal Deadline: None

Abstract: This new rule provides information on the loan security documents borrowers are required to execute and includes as appendixes REA's standard forms of loan contract, note, and mortgage.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 01/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA30

411. WHOLESALE CONTRACTS FOR THE PURCHASE AND SALE OF ELECTRIC POWER AND ENERGY

Legal Authority: 7 USC 901 et seq; PL 99-591

CFR Citation: 7 CFR 1717.300 to 1717.349

Legal Deadline: None

Abstract: This regulation revises REA policies and procedures relating to wholesale power contracts.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/21/90 | 55 FR 38930 |
| NPRM Comment | 11/20/90 | |
| Period End | | |

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA41

412. REVISION OF TELECOMMUNICATION POLICIES AND PROCEDURES FOR APPROVAL OF STANDARDS, SPECIFICATIONS, CONTRACT FORMS, AND DRAWINGS

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1755

Legal Deadline: None

Abstract: This regulation will update, consolidate, and clarify REA policies and procedures relating to approvals of REA standards, specifications, equipment contract forms, manual selections, and drawings, and REA acceptances of materials and equipment for use on REA-financed telephone facilities.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 01/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234

South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA45

413. ELECTRIC SYSTEM CONSTRUCTION POLICIES AND PROCEDURES—ELECTRIC MATERIALS AND CONSTRUCTION

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1726, subparts A to F; 7 CFR 1726, subparts J to K

Legal Deadline: None

Abstract: This rule will codify and update Agency policies and procedures for the construction of electrical systems of REA borrowers.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 01/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA47

414. ELECTRIC SYSTEM PLANNING AND DESIGN—POLICIES AND PROCEDURES

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1724

Legal Deadline: None

Abstract: This rule will codify and update Agency policies and procedures for the planning and design of electrical systems of REA borrowers.

USDA—REA

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment | 02/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA48

415. MARGIN STABILIZATION PLANS AND REVENUE AND EXPENSE DEFERRALS

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1767, subpart E

Legal Deadline: None

Abstract: This rule will set forth procedures that borrowers must follow to obtain approval of margin stabilization plans and revenue and expense deferrals. The rule will implement provisions of Statement of Financial Accounting Standards No. 71, Accounting for the Effects of Certain Types of Regulation.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: An Advance Notice of Proposed Rulemaking on this subject was published November 7, 1988, at 53 FR 44887 as 7 CFR part 1718. As part of REA's project to simplify and clarify Agency regulations, it has been redesignated as shown above.

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA50

416. SPECIFICATION FOR FIBER OPTIC SPLICE CLOSURES

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1755

Legal Deadline: None

Abstract: REA proposes to issue a specification for fiber optic splice closures which would describe the mechanical and electrical requirements that ensure safe, reliable, and cost effective closures for REA telephone borrowers. Specific references to appropriate industry standards would be incorporated. Detailed product evaluation procedures will be covered where industry specifications are not available.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 04/00/94 | |
| NPRM Comment | 06/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA62

417. REA SPECIFICATION FOR MECHANICAL FIBER OPTIC SPLICES

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1755

Legal Deadline: None

Abstract: REA proposes to issue a specification for mechanical fiber optic splices which describes the mechanical and electrical requirements that insure safe, reliable, and cost effective splices for use by REA telephone borrowers. Specific references to industry standards will be incorporated. Product evaluation procedures will be specified where industry specifications are not available.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment | 02/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA64

418. ELECTRIC STANDARDS AND SPECIFICATIONS FOR MATERIALS AND CONSTRUCTION

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1728

Legal Deadline: None

Abstract: This regulation provides REA borrowers and the public with specifications for material and equipment as a complement to the list of construction standards and specifications incorporated by reference.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA67

419. PRE-LOAN POLICIES AND PROCEDURES FOR INSURED ELECTRIC LOANS

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1710; 7 CFR 1714; 7 CFR 1785

Legal Deadline: None

Abstract: This regulation contains the administrative policies, requirements and procedures of the REA electric program for applicants seeking insured loan funds from REA to furnish electric service in rural areas.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |

USDA—REA

Proposed Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA69

420. POST-LOAN POLICIES AND PROCEDURES COMMON TO INSURED AND GUARANTEED ELECTRIC LOANS

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1717, subparts A. to F; 7 CFR 1717, subparts J to K

Legal Deadline: None

Abstract: This regulation will codify most basic post-loan policies and procedures common to insured and guaranteed electric loans.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment | 02/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA71

421. REA PERFORMANCE SPECIFICATION FOR LINE CONCENTRATORS

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1755

Legal Deadline: None

Abstract: REA is proposing to revise the specification to reflect the latest technical advancements in line concentrator performance. REA is also proposing to rescind Bulletin 345-185 (REA Form 397g) from section 1755.97, Incorporation By Reference of Telephone Standards. REA proposes to codify the revised Bulletin as 7 CFR 1755.397.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA72

422. REA BUY AMERICAN REQUIREMENT

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1792, subpart B

Legal Deadline: None

Abstract: This proposed rule would provide borrowers, material and equipment manufacturers, and the public with proposed rules for compliance with a Buy American requirement in connection with the expenditure of loan, grant, or guaranteed funds. This action will codify the requirements of the Buy American Act and Executive Order 10582. REA Bulletin 43-9:344-3 "Buy American" will be rescinded upon publication of the final rule.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment | 03/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA73

423. ELECTRIC SYSTEMS OPERATIONS AND MAINTENANCE

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1730

Legal Deadline: None

Abstract: The Rural Electrification Administration proposes to codify and clarify REA policy concerning operation and maintenance of borrower electric systems. In addition, it is proposed to add REA policies relating to the review and evaluation of borrower systems and facilities financed with loans from REA. These policies are presently contained in REA Bulletin 161-5 which will be rescinded upon publication of the final rule.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA74

424. CIVIL RIGHTS POLICIES APPLICABLE TO REA BORROWERS

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1790

Legal Deadline: None

Abstract: This action provides REA borrowers with access to the requirements of Title VI, Section 504, and the Age Discrimination Act, which apply directly to the operation of their programs and activities. REA Bulletin 20-19:320-19, entitled Nondiscrimination Among Beneficiaries of REA Programs will be rescinded upon publication of the final rule.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA75

USDA—REA

Proposed Rule Stage

425. LOAN DOCUMENTS—BANK PROGRAM

Legal Authority: 7 USC 941 et seq

CFR Citation: 7 CFR 1620

Legal Deadline: None

Abstract: REA proposes to add a new part 1620 which provides information on loan documents which telephone borrowers are required to execute. New part 1620 will also include Rural Telephone Bank standard forms of loan contract, note, and mortgage. Bulletin 402-1, Mortgage Restrictions on Dividends and Other Distributions - Telephone Borrowers, will be rescinded upon publication of the final rule.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 01/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA76

426. DEPRECIATION RATES AND PROCEDURES

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1767

Legal Deadline: None

Abstract: The Rural Electrification Administration proposes to add a new subpart to 7 CFR 1767 that codifies current policy on depreciation rates and procedures. Revisions are being proposed to the existing policy that will require continuing records to be maintained on a vintage year basis, and that set forth requirements for utilizing depreciation rates that vary from those that are prescribed in this subpart. Current REA policy is set forth in Bulletin 183-1, which will be rescinded upon publication of the final rule.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA80

427. SPECIFICATION FOR FILLED FIBER OPTIC CABLES

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1755

Legal Deadline: None

Abstract: The Rural Electrification Administration proposes to amend 7 CFR 1755.97 by rescinding Bulletin 345-90 and codifying the revised specification at 7 CFR 1755.900. The revised specification allows the use of dispersion-shifted single mode fibers, allows the use of 62.5/125 micrometer multimode fibers, includes a section on self supporting aerial fiber optic cable, and establishes end product requirements associated with the options stated above.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/01/93 | 58 FR 46097 |
| NPRM Comment | 10/01/93 | 58 FR 46097 |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA82

428. SPECIFICATION FOR POLE LINE HARDWARE

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1728

Legal Deadline: None

Abstract: The Rural Electrification Administration proposes specifications for hardware used on electric utility poles. The organization performing the secretariat function for pole line hardware has withdrawn and ceased to

operate, and all existing standards will expire in five years.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment | 02/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA83

429. ELECTRIC SYSTEM CONSTRUCTION POLICIES AND PROCEDURES

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1726

Legal Deadline: None

Abstract: The Rural Electrification Administration proposes to allow borrowers to modify its standard forms of electric contracts by revising the provision relating to indemnification of the owner by the contractor.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment | 02/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA84

430. RURAL TELEPHONE BANK AND TELEPHONE PROGRAM POLICIES, PROCEDURES, AND REQUIREMENTS

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; 7 USC 941 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1610; 7 CFR 1735

Legal Deadline: None

USDA—REA

Proposed Rule Stage

Abstract: REA is proposing to amend its regulation concerning general policies for telephone loans to provide for an increase in the Times Interest Earned Ratio (TIER) requirement when considering making either a concurrent REA - Rural Telephone Bank (Bank) loan or a 100 percent Bank loan. The primary objective of this proposed rule is to ensure that available funds are allocated equitably among borrowers. By increasing the TIER requirement for eligible Bank loans, REA expects to achieve maximum use of REA and Bank funds available.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9559

RIN: 0572-AA85

431. • REA FIDELITY AND INSURANCE REQUIREMENTS FOR ELECTRIC AND TELEPHONE BORROWERS

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1788

Legal Deadline: None

Abstract: The Rural Electrification Administration (REA) is considering revising its regulations concerning the fidelity and insurance requirements for electric and telephone borrowers.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 04/28/93 | 58 FR 25786 |
| ANPRM Comment | 06/28/93 | |
| Period End | | |
| NPRM | 10/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th &

Independence Avenue SW., Room 2234, South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA86

432. • RURAL ECONOMIC DEVELOPMENT LOAN AND GRANT PROGRAM: GRANTS

Legal Authority: 7 USC 901 et seq; 7 USC 950 aaa et seq

CFR Citation: 7 CFR 1703, subpart B

Legal Deadline: None

Abstract: REA is proposing to amend its Rural Economic Development Loan and Grant Program in order to reflect additional information for the grant portion of the regulation. Previously, changes to the loans portion of this regulation had been published as a final rule on September 25, 1992. The amendment would add and revise procedures for approving and administering grants and would clarify eligible uses of grant funds, supplemental funds requirements, and administrative requirements for grant funds.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234, South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA87

433. • EQUITY DEVELOPMENT PLANS FOR ELECTRIC BORROWERS

Legal Authority: 7 USC 901 to 950(b); PL 99-591

CFR Citation: 7 CFR 1710.116

Legal Deadline: None

Abstract: The Rural Electrification Administration (REA) proposes to amend its pre-loan regulations for electric loans to clarify the requirement that as a condition for obtaining a loan or loan guarantees, certain borrowers prepare and follow an equity development plan.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234, South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA88

434. • TITLE EVIDENCE POLICIES AND PROCEDURES

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1710; 7 CFR 1735

Legal Deadline: None

Abstract: The Rural Electrification Administration (REA) is considering a revision to its title policy to change REA policies and procedures regarding the submittal of title evidences in connection with real property and right-of-way acquisitions by its borrowers.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 04/23/93 | 58 FR 21661 |
| ANPRM Comment | 05/24/93 | |
| Period End | | |
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234, South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA90

435. • TELEPHONE PROGRAM LOAN POLICIES, TYPES, AND REQUIREMENTS

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1735.46

Legal Deadline: None

USDA—REA

Proposed Rule Stage

Abstract: The Rural Electrification Administration (REA) proposes to amend its regulation concerning general policies for telephone loans to make consistent for all telephone borrowers the adjusted net worth to assets requirement set forth in the mortgage between REA and its borrowers. The proposed rule would establish at 10 percent, the percentage of adjusted assets used in determining both the borrower's allowable distribution of capital and certain reporting requirements. This percentage would be incorporated into mortgages and would also apply to borrowers with outstanding loans regardless of the percentage stated in their existing mortgages.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234, South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA91

436. • PRESERVATION OF RECORDS ACCOUNTING REQUIREMENTS FOR REA ELECTRIC BORROWERS

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1767, subpart D

Legal Deadline: None

Abstract: The Rural Electrification Administration (REA) proposes to amend its regulation by adding a new subpart on Preservation of Records. Current REA policy on this subject is set forth in REA Bulletin 180-2, Manual for Preservation of Borrower's Records.

In addition to codifying these policies and procedures, revisions are being proposed to the existing policy that will establish the proper record media forms for record retention. Once the final is effective, REA Bulletin 180-2 will be rescinded.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234, South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA92

437. • POLICY ON AUDITS OF REA BORROWERS

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1773

Legal Deadline: None

Abstract: The Rural Electrification Administration (REA) amends its regulations on audits of REA borrowers. This proposed rule revises and clarifies a provision of the current regulation that requires a certified public accountant (CPA) to state whether an electric borrower has complied with certain provisions of its loan and security instruments. This proposed rule also incorporates the illustrative management letter issued by the American Institute of Certified Public Accountants in a Technical Practice Aid dated November 11, 1992.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/23/93 | 58 FR 49442 |
| NPRM Comment Period End | 11/22/93 | 58 FR 49442 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234, South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA93

438. • DISCOUNTED PREPAYMENTS ON REA ELECTRIC LOANS

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1786, subpart F

Legal Deadline: None

Abstract: The Rural Electrification Administration (REA) proposes to add a new subpart F to part 1786 to allow electric borrowers to prepay their REA notes at a discounted present value. The new Subpart establishes policies and procedures to implement the provisions of Public Law 102-428 cited as the "Rural Electrification Administration Improvement Act of 1992" and will provide application guidelines to REA borrowers who wish to prepay REA loans at a discounted present value.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/16/93 | 58 FR 48465 |
| NPRM Comment Period End | 10/19/93 | 58 FR 48465 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234, South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA94

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Rural Electrification Administration (REA)

439. REA FORM 525: CENTRAL OFFICE EQUIPMENT CONTRACT (INCLUDING INSTALLATION)

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1755

Legal Deadline: None

Abstract: The purpose of revising 7 CFR part 1755 is to announce a general revision of REA Contract Form 525, Central Office Equipment Contract (Including Installation).

USDA—REA

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/25/89 | 54 FR 43429 |
| Correction | 11/01/89 | 54 FR 46187 |
| NPRM Comment Period End | 12/26/89 | 54 FR 43429 |
| NPRM | 03/14/91 | 56 FR 10827 |
| NPRM Comment Period End | 05/13/91 | |
| Final Action | 01/00/94 | |
| Final Action Effective | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA20

440. ACCOUNTING REQUIREMENTS FOR REA ELECTRIC BORROWERS—UNIFORM SYSTEM OF ACCOUNTS

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1767, subpart B

Legal Deadline: None

Abstract: To codify the policy and procedures currently set forth in REA Bulletin 181-1, Uniform System of Accounts Prescribed for Electric Borrowers of the Rural Electrification Administration and REA Bulletin 181-3, Accounting Interpretation for REA Electric Borrowers. In addition to codifying, revisions are being proposed to the existing policy that will update REA's accounting guidelines.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/17/90 | 55 FR 36936 |
| NPRM Comment Period End | 11/06/90 | |
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA23

441. REA SPECIFICATION FOR FILLED BURIED WIRES

Legal Authority: 7 USC 1921 et seq

CFR Citation: 7 CFR 1755

Legal Deadline: None

Abstract: REA proposes to revise 7 CFR 1755.97 by rescinding Bulletin 345-86, REA Specification for Filled Buried Service Wire, and incorporating by Reference new Bulletin 1753F-206(PE-86). The new Bulletin implements the use of 24 AWG conductor sizes and 3 pair wire designs, includes raw material requirements for insulation and jacket compounds, and establishes end product requirements associated with these standards.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/31/92 | 57 FR 62490 |
| NPRM Comment Period End | 02/01/93 | |
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA57

442. PRE- AND POST-LOAN POLICIES AND PROCEDURES FOR GUARANTEED ELECTRIC AND TELEPHONE LOANS

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1712; 7 CFR 1719; 7 CFR 1739; 7 CFR 1746

Legal Deadline: None

Abstract: REA is finalizing policies and procedures for a new program authorized by Section 314 of the Rural Electrification Act. It provides 90 percent guarantees for loans from private lenders.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Final Rule | 08/27/91 | 56 FR 42460 |
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA59

443. REA SOFTWARE LICENSE AGREEMENT

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1753; 7 CFR 1755

Legal Deadline: None

Abstract: REA proposes to establish a uniform software license agreement to be attached to all REA-financed central office equipment contracts as an addendum.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/20/93 | 58 FR 29363 |
| NPRM Comment Period End | 07/19/93 | |
| Final Action | 11/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA63

444. LOAN ACCOUNT COMPUTATIONS, POLICIES, AND PROCEDURES

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1785; 7 CFR 1786, subpart A

Legal Deadline: None

Abstract: REA proposes to codify, consolidate, and update the policies and procedures currently contained in REA Bulletin 20-9:320-12.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 04/07/93 | 58 FR 18043 |
| NPRM Comment Period End | 05/07/93 | |
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

USDA—REA

Final Rule Stage

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: F. Lamont Hepppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550
RIN: 0572-AA65

445. RESCISSION OF REA BULLETINS 345-13, 345-29, 345-75, AND 345-178—TELEPHONE PROGRAM REGULATIONS

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq
CFR Citation: 7 CFR 1755
Legal Deadline: None
Abstract: REA withdraws and rescinds two specifications for telephone materials and equipment which are obsolete due to innovations in technology.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 11/01/89 | 54 FR 46071 |
| NPRM Comment | 01/02/90 | |
| Period End | | |
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: F. Lamont Hepppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA66

446. PRE- AND POST-LOAN POLICIES AND PROCEDURES FOR GUARANTEED ELECTRIC AND TELEPHONE LOANS

Legal Authority: 7 USC 901 et seq; PL 99-591
CFR Citation: 7 CFR 1712, subparts C to D; 7 CFR 1719, subparts C to D; 7 CFR 1739, subparts C to D; 7 CFR 1746, subparts C to D

Legal Deadline: None

Abstract: This regulation will consolidate, update and clarify policies and requirements contained in various REA publications by stating

requirements specific to guaranteed loans authorized under section 306 of the Rural Electrification Act. It provides 100 percent guarantees for loans from private lenders.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 08/27/91 | 56 FR 42496 |
| NPRM Comment | 10/28/91 | |
| Period End | | |
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: F. Lamont Hepppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA68

447. POST-LOAN POLICIES AND PROCEDURES COMMON TO INSURED AND GUARANTEED ELECTRIC LOANS—LIEN ACCOMMODATIONS AND SUBORDINATIONS

Legal Authority: 7 USC 901 et seq
CFR Citation: 7 CFR 1717, subpart O; 7 CFR 1717, subpart P; 7 CFR 1717, subpart R; 7 CFR 1717, subpart S

Legal Deadline: None

Abstract: This regulation will codify most basic post-loan policies and procedures common to insured and guaranteed electric loans.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 03/05/93 | 58 FR 12552 |
| NPRM Comment | 05/04/93 | |
| Period End | | |
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: F. Lamont Hepppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA70

448. BORROWER INVESTMENTS—TELEPHONE LOAN PROGRAM

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1744

Legal Deadline: None

Abstract: The Rural Electrification Administration proposes to add a new subpart E to 7 CFR 1744 describing the types of investments REA telephone borrowers may make without prior approval of the Administrator. REA also proposes to add the procedure for the treatment of investments in rural development projects when determining a borrowers allowable distribution of capital. This proposed rule should promote economic growth in communities served by REA telephone borrowers by making available additional sources of funding for rural economic development projects.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 09/01/92 | 57 FR 39628 |
| NPRM Comment | 11/02/92 | |
| Period End | | |
| Final Action | 12/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: F. Lamont Hepppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA78

449. • LONG-RANGE FINANCIAL FORECASTS OF ELECTRIC BORROWERS

Legal Authority: 7 USC 901 to 950(b); PL 99-591

CFR Citation: 7 CFR 1710, subpart G

Legal Deadline: None

Abstract: The Rural Electrification Administration (REA) proposes to amend its pre-loan regulations for electric loans to clarify and revise the requirement that borrowers submit to REA a long-range financial forecast as part of an application for a loan, loan guarantee, lien accommodation. This proposed rule is intended to strengthen credit practices and to assist borrowers

USDA—REA

Final Rule Stage

in preparing, and REA staff in reviewing loan applications.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 08/20/93 | 58 FR 44288 |

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM Comment Period End | 09/20/93 | 58 FR 44288 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Electrification Administration, 14th & Independence Avenue SW., Room 2234, South Building, Washington, DC 20250, 202 720-9550

RIN: 0572-AA89

**DEPARTMENT OF AGRICULTURE (USDA)
Rural Electrification Administration (REA)**

Completed Actions

450. REA SPECIFICATION FOR FILLED TELEPHONE CABLES

CFR Citation: 7 CFR 1755

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/20/93 | 58 FR 29336 |
| Final Action Effective | 06/21/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, 202 720-9550

RIN: 0572-AA55

452. GENERAL SPECIFICATION FOR DIGITAL, STORED, PROGRAM CONTROLLED CENTRAL OFFICE EQUIPMENT

CFR Citation: 7 CFR 1755

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/28/93 | 58 FR 30937 |
| Final Action Effective | 06/28/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, 202 720-9550

RIN: 0572-AA58

454. STANDARDS AND SPECIFICATIONS FOR TIMBER PRODUCTS ACCEPTABLE FOR USE ON REA FINANCED ELECTRIC AND TELEPHONE SYSTEMS

CFR Citation: 7 CFR 1728; 7 CFR 1755

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/03/93 | 58 FR 41394 |
| Final Action Effective | 09/02/93 | 58 FR 41394 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, 202 720-9550

RIN: 0572-AA77

451. REA SPECIFICATION FOR FILLED TELEPHONE CABLES WITH EXPANDED INSULATION

CFR Citation: 7 CFR 1755

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/20/93 | 58 FR 29327 |
| Final Action Effective | 06/21/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, 202 720-9550

RIN: 0572-AA56

453. LOAN PAYMENT DEFERMENTS FOR ECONOMIC DEVELOPMENT PROGRAMS

CFR Citation: 7 CFR 1703, subpart E

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/23/93 | 58 FR 21637 |
| Final Action Effective | 05/24/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, 202 720-9550

RIN: 0572-AA60

455. SEISMIC SAFETY OF NEW BUILDING CONSTRUCTION

CFR Citation: 7 CFR 1792, subpart C

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/10/93 | 58 FR 32438 |
| Final Action Effective | 07/12/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, 202 720-9550

RIN: 0572-AA81

BILLING CODE 3410-15-F

**DEPARTMENT OF AGRICULTURE (USDA)
Soil Conservation Service (SCS)**

Proposed Rule Stage

456. FARMLAND PROTECTION POLICY ACT

Significance: Agency Priority

Legal Authority: 7 USC 4201

CFR Citation: 7 CFR 658

Legal Deadline: None

Abstract: This proposed rule amends part 658 of title 7 of the Code of Federal Regulations, which implements the Farmland Protection Policy Act (FPPA), 7 USC 4201-4209. Congress amended the FPPA through section 1255 of the Food Security Act of 1985, Pub. L. 99-198. The proposed

amendments contained in this proposed rule will: (1) Remove definitions from the existing rule that restated the act; (2) remove the applicability and exemption section that restated the Act; (3) remove the "Technical Assistance" section that restated the requirements of the Act; (4)

USDA—SCS

Proposed Rule Stage

require Federal agencies to return a copy of the "Farmland Impact Rating Form AD-1006," to USDA once the final decision is made on a proposed conversion, and inform USDA of progress in reviewing and revising their policy and procedures to protect farmland. This information will be used to make the annual report to Congress as required in the 1985 amendments to FPPA. Since the elimination of these sections of the existing rule was not included in the 1987 proposed rule,

and the fact that almost 4 years have passed since the proposed rule, this proposed rule is being published for additional public comments.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: \$0; Yearly Recurring Cost: \$0; Base Year for Dollar Estimates: 1987

Sectors Affected: None

Agency Contact: Michael F. King, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, Room 6016 South Building, 14th & Independence Ave. SW., Washington, DC 20250, 202 447-4811

RIN: 0578-AA14

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Soil Conservation Service (SCS)

457. SOIL SURVEYS

Legal Authority: PL 74-46 The Soil Conservation and Domestic Allotment Act; PL 89-560 Soil Surveys for Resource Planning and Development; 42 USC 3271; 42 USC 3274

CFR Citation: 7 CFR 611

Legal Deadline: None

Abstract: Prescribes the policy on soil survey operations including cooperative relationships with State agencies,

standards, guidelines and plans on survey operations, distribution of soil survey information, and cartographic operations services furnished. (SCS 83-006)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| End Review | 12/31/86 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Michael F. King, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, Room 6016 South Building, 14th & Independence Ave. SW., Washington, DC 20250, 202 447-4811

RIN: 0578-AA00

BILLING CODE 3410-99-F

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Office of Operations (OO)

458. AGRICULTURE ACQUISITION REGULATION

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 401 to 453 (Revision)

Legal Deadline: None

Abstract: This rule anticipates miscellaneous changes to the Department of Agriculture Acquisition Regulation.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 05/00/94 | |
| Final Action Effective | 06/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: Multiple

Procurement: This is a procurement-related action for which there is no statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

Agency Contact: Larry Schreier, Procurement Analyst, Department of Agriculture, Office of Operations, Rm 1550 South Building, Washington, DC 20250, 202 720-8924

RIN: 0599-AA00

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Office of Operations (OO)

459. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 5 USC 301; 31 USC 1352

CFR Citation: 7 CFR 3018

Legal Deadline: None

Abstract: Prescribes USDA policy and procedures for compliance with section 319 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 USC 1352). Imposes restrictions and disclosure requirements on payments to persons for influencing activities in connection with contracts (excluding contracts

subject to the Federal Acquisition Regulation), grants, cooperative agreements, loans, or commitments to insure or guarantee loans.

Timetable:

| Action | Date | FR Cite |
|--------------------|--------------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 6736 |
| Next Action | Undetermined | |

USDA—OO

Final Rule Stage

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Joseph J. Daragan, Procurement Analyst, Department of Agriculture, Office of Operations, Rm 1550 South Building, 14th & Independence Avenue SW., Washington, DC 20250, 202 720-5729

RIN: 0599-AA01

Legal Deadline: None

Abstract: Policies and procedures governing the installation of vending machines to be operated by licensed blind persons on Federal property in accordance with the Randolph-Sheppard Vending Stand Act, as amended, were published in 34 CFR 395 in 1977. As a result, this subpart governing the installation and operation of vending facilities by licensed blind persons on Department controlled property became obsolete. The final rule will delete the provisions of this subpart from 7 CFR.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: None

Additional Information: This change is proposed to bring 7 CFR 1.91, 1.92, 1.93, and 1.94 up to date and into compliance with changes made to Randolph-Sheppard by P.L. 93-516, P.L. 93-651, P.L. 96-88 and policy changes in the Department of Agriculture.

Agency Contact: William Kiley, Realty Specialist, Real Property Management Division, Department of Agriculture, Office of Operations, 14th and Independence Ave. SW., Washington, DC 20250, 202 720-5001

RIN: 0599-AA02

[FR Doc. 93-22923 Filed 10-22-93; 8:45 am]

BILLING CODE 3410-90-F

460. VENDING FACILITIES OPERATED BY BLIND PERSONS IN USDA-CONTROLLED BUILDINGS

Significance: Regulatory Program

Legal Authority: 5 USC 301

CFR Citation: 7 CFR 1.91 to 1.94

Federal Register

Monday
October 25, 1993

Part IV

**Department of
Commerce**

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE (DOC)

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX, XI, XII

19 CFR Ch. III

37 CFR Chs. I, IV, and V

48 CFR Ch. 13

50 CFR Chs. II, III, and VI

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: October 1993 regulatory agenda.

SUMMARY: In compliance with Executive Order (E.O.) 12291 entitled "Federal Regulation" and the Regulatory Flexibility Act (Pub. L. 96-354), the Department of Commerce, in April and October of each year, publishes in the Federal Register an agenda of the rulemaking actions covered by section 1 of E.O. 12291 that the Department plans to conduct or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, and rulemaking actions completed since the April 1993 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

The Department's October 1993 regulatory agenda includes regulatory activities that are expected to be conducted during the period October 1, 1993, through September 30, 1994.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Michael A. Levitt, Assistant General Counsel for

Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230; telephone: 202-482-0846.

SUPPLEMENTARY INFORMATION: E.O. 12291 requires all executive agencies to publish semiannually an agenda of those regulations that are under consideration pursuant to this order. By memorandum of June 14, 1993, the Office of Management and Budget (OMB) issued guidelines and procedures for the preparation and publication of the October 1993 Unified Agenda of Federal Regulations. The Regulatory Flexibility Act, 5 U.S.C. 602(a), requires agencies to publish, in April and October of each year, a regulatory flexibility agenda which contains a brief description of the subject area of any rule which is likely to have a significant economic impact on a substantial number of small entities.

Explanation of Information Contained in the Agenda

Within the Department, the Office of the Secretary and various operating units may issue regulations. Operating units, such as the Economic Development Administration, the Bureau of Export Administration, the International Trade Administration, the National Institute of Standards and Technology (NIST), the National Oceanic and Atmospheric Administration (NOAA), and the Patent and Trademark Office, issue the greatest share of the Department's regulations.

A large number of regulatory actions reported in the agenda are proposed or final Federal Information Processing Standards (FIPS) issued by NIST under Public Law 100-235. FIPS consist of standards and guidelines to improve Federal Government use and management of computers and information technology. The standards, while often of great use to industry and the public, apply only to the Federal Government. In developing the standards and guidelines and in providing technical guidance and coordination to Federal agencies, NIST works closely with private industry standard-setting organizations.

Another large number of regulatory actions reported in the agenda deal with

fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS programs, a section on "Explanation of Information Contained in NMFS Regulatory Entries" is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*) (Act) governs the management of fisheries within the Exclusive Economic Zone (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. Fishery Management Plans (FMPs) are to be prepared for fisheries which require conservation and management measures. Regulations implementing these FMPs regulate domestic fishing and foreign fishing where permitted. Foreign fishing can be conducted in a fishery for which there is no FMP only if a preliminary fishery management plan has been issued to govern that foreign fishing. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs or amendments to FMPs for fisheries within their respective areas. In the development of such plans or amendments and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance and timing of some regulatory actions under consideration by the Councils at the time the semiannual regulatory agenda is published.

The DOC October 1993 regulatory agenda follows.

Dated: August 25, 1993.

Carol C. Darr,
Acting General Counsel.

DOC

Office of the Secretary—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 461 | Contract Clauses and Solicitation Provisions for the Commerce Automated Solicitation System | 0690-AA08 |
| 462 | Source Evaluation Procedures and Miscellaneous Revisions to the Commerce Acquisition Regulation | 0690-AA13 |
| 463 | Modify Requirement in the Commerce Acquisition Regulation To Publish Presolicitation Notices in the Commerce Business Daily for DOC Procurements Which Will Be Performed in Foreign Countries | 0690-AA18 |
| 464 | Modify the Commerce Acquisition Regulation To Use a Deviation Version of a Federal Acquisition Regulation Clause on the Buy American Trade Agreement Acts | 0690-AA19 |

Office of the Secretary—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 465 | Referral of Debts to the IRS for Tax Refund Offset | 0690-AA20 |

Bureau of Economic Analysis—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 466 | Benchmark Survey of U.S. Direct Investment Abroad—1994 | 0691-AA22 |

Bureau of Economic Analysis—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 467 | Change in Long-Form Exemption Level for BE-15, Annual Survey of Foreign Direct Investment in the United States | 0691-AA21 |

Bureau of Economic Analysis—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 468 | Change in Reporting Requirements for Foreign-Owned Banks Reporting on Quarterly Report Forms BE-605 and BE-606B | 0691-AA20 |

Bureau of the Census—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 469 | Revision of Foreign Trade Statistics Regulations | 0607-AA10 |
| 470 | Change in the Definition of "General Use" Software From Technical Data to Commodity | 0607-AA18 |

Bureau of the Census—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 471 | Requirement That Shippers' Export Declarations (SEDs) for Shipments From the United States to Puerto Rico Be Collected in Puerto Rico | 0607-AA15 |

DOC

Economic Development Administration—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 472 | Review of Regulations for Economic Development Administration—Department of Commerce | 0610-AA47 |
| 473 | Special Economic Development and Adjustment Assistance Grants | 0610-AA48 |

Economic Development Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 474 | General Requirements for Financial Assistance—Design, Construction of Buildings To Accommodate the Physically Handicapped | 0610-AA05 |
| 475 | General Requirements for Financial Assistance: Employment of Expeditors or Administrative Employees; Compensation of Persons Engaged by or on Behalf of Applicants | 0610-AA18 |
| 476 | Protection of EDA's Interest in Facilities Acquired, Built, or Improved With EDA Grant Funds | 0610-AA35 |
| 477 | Public Works—Industrial Parks and Sites | 0610-AA40 |
| 478 | General Requirements for Financial Assistance—Electric and Gas Facilities | 0610-AA43 |
| 479 | Overall Economic Development Program—Progress Report | 0610-AA44 |
| 480 | Public Works and Development Facilities Program—Specific Types of Projects—Skill Training Center Facilities | 0610-AA51 |

Economic Development Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 481 | Economic Development Districts, District Organization; Civil Rights Requirements | 0610-AA38 |

General Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 482 | Nonprocurement Debarment and Suspension | 0605-AA02 |

General Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 483 | Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments | 0605-AA04 |
| 484 | New Restrictions on Lobbying | 0605-AA06 |

International Trade Administration—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 485 | Antidumping Duties | 0625-AA29 |
| 486 | Antidumping Duties; Methodology for Assessment Instructions | 0625-AA36 |
| 487 | Antidumping Duties; Calculation of Weighted Average Dumping Margin | 0625-AA39 |
| 488 | Antidumping Duties; Period of Investigation | 0625-AA41 |
| 489 | Procedures for Imposing Sanctions for Providing False Certifications in an Antidumping or Countervailing Duty Proceeding | 0625-AA42 |
| 490 | Procedures for Imposing Sanctions for Violation of an Antidumping or Countervailing Duty Protective Order | 0625-AA43 |

DOC

International Trade Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 491 | Countervailing Duties | 0625-AA31 |
| 492 | Limit on Duty-Free Insular Watches in Calendar Year 1994 | 0625-AA40 |

International Trade Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 493 | Antidumping Duties; Countervailing Duties | 0625-AA32 |
| 494 | Short Supply Procedures for ITA | 0625-AA34 |
| 495 | Antidumping and Countervailing Duties; Significant Ministerial Errors | 0625-AA35 |

International Trade Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 496 | Limit on Duty-Free Insular Watches in Calendar Year 1993 | 0625-AA06 |

Bureau of Export Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 497 | Defense Priorities and Allocations System (DPAS) | 0694-AA02 |
| 498 | Revision of Foreign Boycott Provisions of Export Administration Regulations | 0694-AA11 |
| 499 | Transfer of Dual-Use Items From U.S. Munitions List to the Commerce Control List | 0694-AA52 |
| 500 | Special License Procedures; Revisions to the Eligibility Requirements for Computers | 0694-AA61 |
| 501 | Exports to Iran; Revision of Foreign Policy Controls | 0694-AA62 |
| 502 | Commerce Control List; Items Controlled for Nuclear Nonproliferation Reasons | 0694-AA66 |

Bureau of Export Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 503 | Revisions to Short Supply Regulations | 0694-AA01 |
| 504 | Conversion to the Metric System | 0694-AA50 |
| 505 | Expansion of Foreign Policy Controls on Chemical Weapon Precursors | 0694-AA53 |
| 506 | Administrative Exceptions and Favorable Consideration Treatment for Country Group W; Telecommunications Equipment for Country Groups Q & Y; Revisions and Clarifications to the CCL | 0694-AA63 |
| 507 | Revisions to the Commerce Control List: Equipment Related to the Production of Biological Weapons | 0694-AA64 |
| 508 | Exports of Certain Petroleum and Petroleum Products From the Naval Petroleum Reserves | 0694-AA65 |

National Institute of Standards & Technology—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 509 | FIPS for POSIX System Administration | 0693-AA71 |
| 510 | FIPS for IRDS Export/Import File Format | 0693-AA76 |
| 511 | Proposed Revision of FIPS 71, Advanced Data Communication Control Procedures (ADCCP) | 0693-AA88 |
| 512 | Proposed FIPS for ODA Raster DAP | 0693-AB12 |
| 513 | Revision of FIPS 177, Initial Graphics Exchange Specification (IGES) | 0693-AB13 |
| 514 | Proposed FIPS for Administration Standards for the Telecommunications Infrastructure of Federal Buildings | 0693-AB14 |

DOC

National Institute of Standards & Technology—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 515 | National Voluntary Laboratory Accreditation Program | 0693-AB15 |
| 516 | National Voluntary Conformity Assessment Systems Evaluation | 0693-AB17 |
| 517 | Proposed Revision of FIPS 173, Spatial Data Transfer Standard (SDTS) | 0693-AB18 |
| 518 | FIPS for Open Document Architecture (ODA), Interchange Format, Language, and Associated Profiles | 0693-AB21 |

National Institute of Standards & Technology—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 519 | Revision of FIPS 140, General Security Requirements for Equipment Using the Data Encryption Standard | 0693-AA68 |
| 520 | FIPS for POSIX Shell and Utility Application Interface for Computer Operating Systems Environments | 0693-AA70 |
| 521 | FIPS for Digital Signature Standard | 0693-AA86 |
| 522 | Fastener Quality | 0693-AA90 |
| 523 | FIPS for Automated Password Generator | 0693-AA94 |
| 524 | Proposed FIPS for ISDN | 0693-AA96 |
| 525 | Proposed FIPS for Standard Security Label Format for GOSIP | 0693-AA99 |
| 526 | Procedures for Registering Computer Security Objects | 0693-AB02 |
| 527 | FIPS for Standard Page Description Language | 0693-AB03 |
| 528 | FIPS for Integration Definition for Function Modeling (IDEF0) and Integration Definition for Information Modeling (IDEF1X) | 0693-AB07 |
| 529 | Proposed Reaffirmation of FIPS 46-1, Data Encryption Standard (DES) | 0693-AB09 |
| 530 | Proposed Revision of FIPS 158, the User Interface Component of the Applications Portability Profile | 0693-AB10 |
| 531 | Advanced Technology Program | 0693-AB16 |
| 532 | A Proposed FIPS for an Escrowed Encryption Standard (EES) | 0693-AB19 |
| 533 | Withdrawal of FIPS 30 and FIPS 53 Which Provided Standard Forms for Describing Computer Programs and Computer Magnetic Tape | 0693-AB20 |

National Institute of Standards & Technology—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 534 | FIPS 128-1, Computer Graphics Metafile (CGM) | 0693-AA93 |
| 535 | FIPS 180, Secure Hash Standard (SHS) | 0693-AA97 |
| 536 | FIPS 125-1, MUMPS (Massachusetts General Hospital Utility Multi-Programming System) | 0693-AB00 |
| 537 | FIPS 151-2, Portable Operating System Interface (POSIX)—System Application Program Interface (C Language) .. | 0693-AB01 |
| 538 | FIPS 127-2, Database Language SQL | 0693-AB05 |

National Oceanic and Atmospheric Administration—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 539 | U.S. Standards for Grades of Fresh and Frozen Fish Fillets | 0648-AD53 |
| 540 | Use of Information Collected by Voluntary Fishery Data Collectors in Enforcement Proceedings | 0648-AE40 |
| 541 | Screening of Water Diversions To Protect Sacramento River Winter-Run Chinook Salmon | 0648-AF80 |
| 542 | Proposed Regulations for the Key Largo National Marine Sanctuary | 0648-AA33 |
| 543 | Proposed Regulations for the Looe Key National Marine Sanctuary | 0648-AB64 |
| 544 | The Monitor National Marine Sanctuary | 0648-AC78 |
| 545 | Regional Marine Research Program | 0648-AF20 |
| 546 | Guidelines for the Processing of Applications for Nondiscretionary Financial Assistance From NOAA | 0648-AF59 |
| 547 | National Weather Service Modernization Criteria | 0648-AF72 |

DOC

National Oceanic and Atmospheric Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 548 | Scientific Research—Domestic and Foreign Fishing | 0648-AC61 |
| 549 | Amendment 4 to the Fishery Management Plan for the Atlantic Sea Scallop Fishery | 0648-AC99 |
| 550 | Revised Regulations Governing Permits for the Taking and Importing of Marine Mammals for Scientific Research and Public Display | 0648-AD11 |
| 551 | Amendment 5 to the Fishery Management Plan for the Northeast Multispecies Fishery | 0648-AD33 |
| 552 | Procedure for Setting Quotas on Removal of Atlantic Bottlenose Dolphins From the Waters of the Gulf of Mexico and Florida's East Coast | 0648-AD39 |
| 553 | Amendment 27 to the FMP for Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Amendment 30 to the FMP for the Groundfish Fishery of the Gulf of Alaska | 0648-AD80 |
| 554 | Fishery Management Plan for the Queen Conch Fishery of Puerto Rico and the U.S. Virgin Islands | 0648-AD91 |
| 555 | Certificate of Legal Origin for Anadromous Fish Products | 0648-AD93 |
| 556 | Amendment 11 to the FMP for Commercial and Recreational Salmon Fisheries off the Coast of Washington, Oregon, and California | 0648-AE05 |
| 557 | Secretarial Amendment to the FMP for Atlantic Swordfish | 0648-AE09 |
| 558 | Amendment 7 to the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region | 0648-AE35 |
| 559 | General Provisions for Domestic Fisheries | 0648-AE39 |
| 560 | Fishery Management Plan for Corals and Associated Invertebrates of Puerto Rico and the U.S. Virgin Islands | 0648-AE47 |
| 561 | Fishery Management Plan for Atlantic Herring | 0648-AE50 |
| 562 | Amendment 6 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic | 0648-AE51 |
| 563 | Amendment 7 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic | 0648-AE52 |
| 564 | Sea Turtle Monitoring and Conservation Measures for Nonshrimp Fisheries | 0648-AE54 |
| 565 | Amendment 5 to the Gulf of Mexico Reef Fish Fishery Management Plan | 0648-AE58 |
| 566 | Amendment 23 to the FMP for BSAI Groundfish, Amendment 28 to the FMP for GOA Groundfish, and Amendment 2 to the FMP for the Commercial King and Tanner Crab Fisheries in the BSAI | 0648-AE62 |
| 567 | Regulatory Amendment To Revise Requirements for Reporting and Recordkeeping | 0648-AE63 |
| 568 | Regulatory Amendment on Interactive Communications in the Groundfish Fisheries of the GOA and BSAI | 0648-AE78 |
| 569 | Regulatory Amendment for Groundfish of the Gulf of Alaska and Bering Sea and Aleutian Islands To Revise IFQ Transfer Provisions To Require Transfer of "Blocks" | 0648-AE79 |
| 570 | Regulatory Amendment To Define Pelagic Trawl in the Alaska Groundfish Fisheries | 0648-AE81 |
| 571 | Amendment 21B to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands | 0648-AE97 |
| 572 | Amendment 7 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic | 0648-AE98 |
| 573 | Amendment 7 to the Northern Anchovy Fishery Management Plan | 0648-AE99 |
| 574 | Amendment 5 to the Fishery Management Plan for Atlantic Mackerel, Squid, and Butterfish | 0648-AF01 |
| 575 | Amendment 21A to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands To Prohibit Bottom Trawling Adjacent to the Pribilof Islands | 0648-AF02 |
| 576 | Regulatory Amendment To Define Legal Gear Types in the Groundfish Fisheries of the GOA and BSAI | 0648-AF15 |
| 577 | Amendment 25 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands | 0648-AF17 |
| 578 | Proposed Rule To Require Certain Fish From Mexico To Retain Heads and Tails Intact in Order To Protect the Endangered Totoaba | 0648-AF32 |
| 579 | Regulatory Amendment—Northeast Region General Fisheries Permit and Reporting Procedures | 0648-AF33 |
| 580 | Amendment 4 to the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic | 0648-AF37 |
| 581 | Regulatory Amendment Implementing Groundfish Gear Changes in the Pacific Coast Groundfish Fishery | 0648-AF38 |
| 582 | Amendment 5 to the FMP for American Lobster | 0648-AF39 |
| 583 | Secretarial Amendment (Amendment 9) to the FMP for Atlantic Surf Clams and Ocean Quahogs | 0648-AF41 |
| 584 | Amendment To Enhance Data on Bycatch and Establish a Pilot Program for Donation of Atlantic Swordfish | 0648-AF42 |
| 585 | Amendment 31 to the FMP for the Groundfish Fishery of the Gulf of Alaska | 0648-AF43 |
| 586 | Amendment 26 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands and Amendment 29 to the FMP for the Groundfish Fishery of the Gulf of Alaska | 0648-AF44 |
| 587 | Amendment 32 to the Fishery Management Plan for the Groundfish Fishery of the Gulf of Alaska | 0648-AF45 |
| 588 | Amendment 24 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands | 0648-AF47 |
| 589 | Take of Marine Mammals by the U.S. Navy Incidental to Activities in Southern California Bight | 0648-AF49 |
| 590 | Taking of Marine Mammals Incidental to Fisheries-Related Research | 0648-AF50 |
| 591 | Regulatory Amendment—Changes to Directed Fishing Regulations | 0648-AF53 |
| 592 | Regulatory Amendment to the Domestic Groundfish Observer Program | 0648-AF54 |
| 593 | Regulatory Amendment To Reduce Directed Fishing Standards for Groundfish | 0648-AF55 |
| 594 | Regulatory Amendment Regarding Mesh Size in Trawls in the Alaska Groundfish Fisheries | 0648-AF57 |

DOC

National Oceanic and Atmospheric Administration—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 595 | Regulatory Amendment To Modify Permit Application Requirements for All Fishery Management Plans in the Western Pacific Region | 0648-AF62 |
| 596 | Regulatory Amendment for Atlantic Sharks To Enhance Data Collection, Management, and Enforcement | 0648-AF63 |
| 597 | Regulatory Amendment for Red Snapper Management in 1994 Under the Gulf of Mexico | 0648-AF64 |
| 598 | Regulatory Amendment To Place Restrictions on Vessels and Processors Affiliated with Donut Hole Operations | 0648-AF65 |
| 599 | Regulatory Amendment on Total Weight Measurements for the Bering Sea and Aleutian Islands Area Community Development Quota Fisheries | 0648-AF66 |
| 600 | Regulatory Amendment To Establish the Bering Sea and Aleutian Islands "A" Season Framework | 0648-AF67 |
| 601 | Regulatory Amendment To Provide Authority To Publish Vessel Names and Observed Salmon Bycatch | 0648-AF68 |
| 602 | Regulatory Amendment To Implement Measures in the North Pacific Anadromous Stocks Act of 1992 | 0648-AF69 |
| 603 | Regulatory Amendment To Establish Federal Reporting Requirements for the Northwestern Hawaiian Islands Fishery in the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific | 0648-AF71 |
| 604 | Regulatory Amendment To Require Bluefin Tuna Statistical Documents | 0648-AF74 |
| 605 | Regulatory Amendment To Establish Permit Consolidation Procedures Under the Pacific Coast Groundfish FMP Limited Entry Program | 0648-AF76 |
| 606 | Regulatory Amendment To Establish a Vessel Monitoring System Within the Pelagic Fisheries of the Western Pacific Region | 0648-AF77 |
| 607 | Regulatory Amendment for Other Species of Reef Fish in the Gulf of Mexico—Red Grouper, Red Porgy, Amberjack, and Gag Grouper | 0648-AF78 |
| 608 | Designated Critical Habitat; Johnson's Seagrass | 0648-AF79 |
| 609 | Fishery Management Plan for the North Pacific Scallop Fisheries | 0648-AF81 |
| 610 | Amendment 8 to the Fishery Management Plan for Crustacean Fisheries of the Western Pacific Region | 0648-AF82 |
| 611 | Amendment 7 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico | 0648-AF83 |
| 612 | Amendment 7 to the FMP for the Reef Fish Fishery of the Gulf of Mexico | 0648-AF84 |
| 613 | Amendment 2 to the FMP for Coral and Coral Reefs of the Gulf of Mexico and South Atlantic | 0648-AF85 |
| 614 | Fishery Management Plan for Atlantic Tunas | 0648-AF86 |
| 615 | Fishery Management Plan for Tilefish | 0648-AF87 |
| 616 | Amendment 1 to the Fishery Management Plan for Atlantic Billfish | 0648-AF88 |
| 617 | Amendment 1 to the Fishery Management Plan for Atlantic Sharks | 0648-AF89 |
| 618 | Amendment 8 to the Pacific Coast Groundfish Fishery Management Plan To Implement Individual Quotas for Sebastes and Pacific Halibut | 0648-AF90 |
| 619 | Regulatory Amendment To Establish the 1994 Allocation of Pacific Whiting | 0648-AF95 |
| 620 | Proposed Regulations for the Fagatele Bay National Marine Sanctuary | 0648-AA74 |
| 621 | Proposed Regulations for the Channel Islands National Marine Sanctuary | 0648-AC03 |
| 622 | Proposed Regulations for the Gulf of the Farallones National Marine Sanctuary | 0648-AC05 |
| 623 | Proposed Regulations for the Northwest Straits National Marine Sanctuary | 0648-AC91 |
| 624 | Proposed Regulations for the Norfolk Canyon National Marine Sanctuary | 0648-AC92 |
| 625 | Proposed Regulations for the Florida Keys National Marine Sanctuary | 0648-ADB5 |
| 626 | Thunder Bay National Marine Sanctuary | 0648-AE41 |
| 627 | Gray's Reef National Marine Sanctuary | 0648-AE42 |
| 628 | National Marine Sanctuary Program Regulations | 0648-AE68 |
| 629 | National Marine Sanctuary Program, Site Evaluation List | 0648-AF23 |
| 630 | Licensing of Private Remote-Sensing Space Systems | 0648-AC64 |
| 631 | Natural Resource Damage Assessment and Restoration Regulations | 0648-AE13 |

National Oceanic and Atmospheric Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 632 | Processed Fishery Products, Processed Products Thereof & Certain Other Processed Food Products: U.S. Standards for Grades of Frozen Fish Blocks & Products Made Therefrom, Etc | 0648-AA36 |
| 633 | U.S. General Standards for Grades of Shrimp | 0648-AA47 |
| 634 | Endangered Fish and Wildlife; Approaching Humpback Whales in Hawaiian Waters | 0648-AB79 |
| 635 | Fishermen's Protective Act | 0648-AC73 |
| 636 | Performance Standards for Tuna Vessel Operators | 0648-ADD3 |
| 637 | Prohibition of the Use of Explosives in the Yellowfin Tuna-Dolphin Fishery | 0648-ADD8 |
| 638 | Secretarial Fishery Management Plan for Sharks of the Atlantic Ocean | 0648-AD12 |

DOC

National Oceanic and Atmospheric Administration—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 639 | Amendment 15 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Amendment 20 to the FMP for the Groundfish Fishery of the Gulf of Alaska | 0648-AD19 |
| 640 | Regulations Governing the Take of Dolphins Incidental to Removing Oil and Gas Platforms in the Gulf of Mexico .. | 0648-AD25 |
| 641 | Regulatory Amendment—U.S. Nationals Fishing in Russian Fisheries | 0648-AD29 |
| 642 | Foreign Fishing; Health and Safety Standards | 0648-AD35 |
| 643 | Regulatory Amendment—Standard Product Recovery Rates for Alaska Groundfish and Limitations on Proportions of Retained Pollock Roe | 0648-AD44 |
| 644 | Fishery Management Plan for the Shrimp Fishery of the South Atlantic | 0648-AD86 |
| 645 | U.S. Standards for Grades of Frozen Fish Portions | 0648-AD92 |
| 646 | Regulatory Amendment To Implement Permit, Reporting, and Recordkeeping and Observer Requirements for Processing Vessels Over 125 Feet and Their Catcher Vessels; Pacific Coast Groundfish | 0648-AE01 |
| 647 | Regulatory Amendment—South Pacific Tuna Fisheries | 0648-AE18 |
| 648 | Amendment 2 to the Fishery Management Plan for Shallow-Water Reef Fish of Puerto Rico and the U.S. Virgin Islands | 0648-AE53 |
| 649 | U.S. Standards for Grades of Whole or Dressed Fish | 0648-AE69 |
| 650 | U.S. Standards for Grades of North American Freshwater Catfish and Products Made Therefrom | 0648-AE70 |
| 651 | U.S. Standards for Grades of Fish Fillets | 0648-AE71 |
| 652 | Process for the Management of Atlantic Ocean Highly Migratory Species | 0648-AE72 |
| 653 | Total Allowable Catch (TAC) Determination for Atlantic Swordfish for 1993 | 0648-AE82 |
| 654 | Designated Critical Habitat for Eastern Seaboard Northern Right Whale (<i>Eubalaena glacialis</i>) | 0648-AF06 |
| 655 | Taking and Importing of Marine Mammals; Dolphin Mortality Limits During Purse Seine Sets on Marine Mammals in the Eastern Tropical Pacific | 0648-AF07 |
| 656 | Taking and Importing of Marine Mammals; "Dolphin-Safe" Tuna Labeling | 0648-AF08 |
| 657 | Designation of Critical Habitat for Snake River Sockeye Salmon, Snake River Spring/Summer Chinook Salmon, and Snake River Fall Chinook Salmon | 0648-AF19 |
| 658 | Fishing Vessel Capital Construction Fund Procedures—Eligibility for Safety Improvements | 0648-AF22 |
| 659 | Designate Critical Habitat for Steller Sea Lions | 0648-AF34 |
| 660 | Fishing Vessel Obligation Guarantee Program | 0648-AF48 |
| 661 | CEMP Sites of Special Scientific Interest | 0648-AF51 |
| 662 | 1994 Management Measures for Commercial, Recreational, and Treaty Indian Salmon Fisheries off the Coasts of Washington, Oregon, and California | 0648-AF61 |
| 663 | Technical Amendment To Modify Longline Fishery Regulations To Close Waters Between Two Northwestern Hawaiian Islands | 0648-AF70 |
| 664 | Criteria for Obtaining Dolphin Mortality Limits | 0648-AF91 |
| 665 | Automated Broker Interface System in Lieu of the Paper NOAA Form 370 for Entry of Certain Fish Products | 0648-AF92 |
| 666 | Regulatory Amendment to the FMP for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic | 0648-AF93 |
| 667 | Regulatory Amendment To Redefine Pollock Roe Stripping | 0648-AF94 |
| 668 | Final Regulations for the Olympic Coast National Marine Sanctuary | 0648-AC93 |
| 669 | Final Regulations for the Stellwagen Bank National Marine Sanctuary | 0648-AC94 |
| 670 | Implementation of Coastal Zone Management Act Appeal Fees | 0648-AD83 |
| 671 | Technical Conforming Changes to Existing NOAA Regulations To Implement 1990 Reauthorization of the Coastal Zone Management Act | 0648-AE11 |
| 672 | Amendments to the National Marine Sanctuary Regulations To Conform Them With Changes to the Marine Protection, Research, and Sanctuaries Act (MPRSA) | 0648-AF75 |
| 673 | Modernization of the National Weather Service | 0648-AE73 |

National Oceanic and Atmospheric Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 674 | Interim Exemption Governing the Incidental Taking of Marine Mammals During Commercial Fishing Operations | 0648-AC65 |
| 675 | Depletion of the Coastal-Migratory Stock of Bottlenose Dolphins in the U.S. Mid-Atlantic | 0648-AD02 |
| 676 | Approaching Marine Mammals | 0648-AD30 |
| 677 | Nontrawl Sablefish Season Regulatory Amendment Under the Pacific Coast Groundfish FMP | 0648-AE07 |
| 678 | Amendment 5 to the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region | 0648-AE20 |

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National Oceanic and Atmospheric Administration—Completed Actions (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 679 | Amendment 2 to the Fishery Management Plan for the Summer Flounder Fishery..... | 0648-AE21 |
| 680 | Regulatory Amendment Prohibiting Landing of Surf Clams and Ocean Quahogs on the Same Trip and Requiring Trip Notification | 0648-AE27 |
| 681 | Regulatory Amendment To Implement Seasonally Expanded Trawl Fishery Closure Around Ugamak Island, Alaska | 0648-AE45 |
| 682 | Amendment 6 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico | 0648-AE49 |
| 683 | Regulatory Amendment To Establish 1993 Allocation of Pacific Whiting | 0648-AE55 |
| 684 | Regulatory Amendment for Red Snapper Management in 1993 Under the Gulf of Mexico Reef Fish Fishery Management Plan | 0648-AE57 |
| 685 | Seafood Inspection | 0648-AE76 |
| 686 | Sea Turtle Monitoring and Conservation Measures for Nonshrimp Trawlers | 0648-AE77 |
| 687 | Atlantic Bluefin Tuna Permit and Reporting Requirements, Certificate of Origin Requirements, and Other Regulatory Provisions | 0648-AE83 |
| 688 | Regulatory Amendment for Mutton Snapper in the Gulf of Mexico | 0648-AE84 |
| 689 | Regulatory Amendment to the Fishery Management Plan for American Lobster | 0648-AE87 |
| 690 | Regulatory Amendment To Add South Carolina SMCs Under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic | 0648-AE88 |
| 691 | Regulatory Amendment to the FMP for the Snapper-Grouper Fishery of the South Atlantic To Allow Multiple Gears | 0648-AE91 |
| 692 | Amendment 7 to the Pacific Coast Groundfish Fishery Management Plan | 0648-AE93 |
| 693 | Regulatory Amendment To Require Vessel Operators and Relief Operators With Mau Zone Bottomfishing Permits To Attend a Protected Species Workshop | 0648-AE94 |
| 694 | Amendment 3 to the Fishery Management Plan for the Summer Flounder Fishery | 0648-AE96 |
| 695 | Regulatory Amendment To Require Offloading of Prohibited Species Caught Seaward of the EEZ; Groundfish Fisheries of the GOA and BSAI | 0648-AF00 |
| 696 | Regulatory Amendment To Reduce Halibut Bycatch Mortality Rates in the Hook-and-Line Fisheries for Groundfish in the Gulf of Alaska and the Bering Sea and Aleutian Islands Area | 0648-AF05 |
| 697 | Regulatory Amendment Requiring Marking of Longline Gear Under the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region | 0648-AF12 |
| 698 | Regulatory Amendment to the FMP for Groundfish of the BSAI To Delay the Pollock Non-Roe Season | 0648-AF13 |
| 699 | Regulatory Amendment To Establish Pacific Halibut Bycatch Mortality Limits for Trawl and Non-trawl Gear | 0648-AF21 |
| 700 | Regulatory Amendment To Change the Gulf of Alaska Groundfish Trawl Season Opening Date | 0648-AF25 |
| 701 | Regulatory Amendment To Establish Minimum Quota Shares for Groundfish in the Gulf of Alaska and Bering Sea and Aleutian Islands Under IFQ | 0648-AF26 |
| 702 | Regulatory Amendment—1994 Changes to Recordkeeping and Reporting Requirements in Alaska Groundfish Fisheries | 0648-AF27 |
| 703 | Regulatory Amendment To Establish "Fair Start" in the Gulf of Alaska Hook-and-Line Sablefish Fishery | 0648-AF28 |
| 704 | Pacific Halibut Regulations for 1993 | 0648-AF29 |
| 705 | Designated Critical Habitat for Sacramento River Winter-Run Chinook Salmon | 0648-AF30 |
| 706 | Regulatory Amendment to the FMP for Groundfish of the Bering Sea and Aleutian Islands To Incorporate Community Development Quota Criteria | 0648-AF31 |
| 707 | Regulatory Amendment To Establish a Minimum Size for Opakapaka Taken in the Bottomfish Fishery off Hawaii | 0648-AF35 |
| 708 | Regulatory Amendment To Designate as "Routine" the Trip Landing and Frequency Limits for Pacific Whiting in the Pacific Coast Groundfish Fishery | 0648-AF36 |
| 709 | Regulatory Amendment to the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic | 0648-AF40 |
| 710 | Amendment 28 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Management Area | 0648-AF46 |
| 711 | Regulatory Amendment To Delay the Second Quarter Pollock Opening in the Gulf of Alaska | 0648-AF52 |
| 712 | Regulatory Amendment To Seasonally Apportion Pacific Cod in the Bering Sea and Aleutian Islands | 0648-AF56 |
| 713 | Pacific Coast Groundfish Fishery: Restriction of Fishing Operations in the Pacific Whiting Fishery To Protect Salmon off the Coasts of Washington, Oregon, and California | 0648-AF58 |
| 714 | Marine Mammals; Subsistence Taking of Northern Fur Seals | 0648-AF60 |
| 715 | Regulatory Amendment To Remove Federal Regulations Governing Foreign Longline Fishing for Pelagic Species, Other Than Tuna, in the Pacific EEZ | 0648-AF73 |
| 716 | Proposed Regulations for the National Estuarine Reserve Research Program | 0648-AB68 |

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National Telecommunications and Information Administration—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 717 | Establishment of the Telecommunications and Information Infrastructure Grant Program | 0660-AA04 |
| 718 | Transfer of Spectrum From the Federal Government to the FCC | 0660-AA05 |

National Telecommunications and Information Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 719 | Notice of Availability—National Endowment for Children's Educational Television (1994) | 0660-AA06 |

National Telecommunications and Information Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 720 | Notice of Availability—National Endowment for Children's Educational Television (1993) | 0660-AA03 |

Patent and Trademark Office—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 721 | Patent Application Electronic Submission Rules | 0651-AA50 |

Patent and Trademark Office—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 722 | Variety Denomination Requirements for Plant Patent Applications | 0651-AA12 |
| 723 | Trademark Procedures | 0651-AA46 |
| 724 | Patent Term Extension Application Requirements | 0651-AA52 |
| 725 | Changes in Computer Program Listings Filed in Patent Applications | 0651-AA58 |
| 726 | Procedures for Amending Patent Applications | 0651-AA62 |
| 727 | Changes in Patent and Trademark Assignment Practice | 0651-AA64 |
| 728 | Establishing Prior Invention To Overcome Cited Patent | 0651-AA67 |
| 729 | Revision of Patent and Trademark Fees | 0651-AA68 |
| 730 | Revision of Certain Patent and Trademark Automation Fees | 0651-AA69 |

Patent and Trademark Office—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 731 | Miscellaneous Changes in Patent Practice | 0651-AA94 |
| 732 | Patent Interference Practice | 0651-AA58 |
| 733 | Changes in Signature and Filing Requirements for Papers Filed in the Patent and Trademark Office | 0651-AA55 |
| 734 | Revision of Patent and Trademark Fees | 0651-AA61 |
| 735 | Cross Appeals in PTO Disciplinary Proceedings | 0651-AA65 |
| 736 | Patent Interference Practice; Patentability of Claims | 0651-AA66 |

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Patent and Trademark Office—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 737 | Drawing Changes in Patent Cases | 0651-AA44 |
| 738 | Changes in Revival of Patent Applications and Reinstatement of Patents | 0651-AA57 |
| 739 | Patent Interference Practice; Burden of Proof | 0651-AA63 |

Technology Administration—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 740 | Licensing of Government-Owned Inventions | 0692-AA04 |

Technology Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 741 | Administration of a Uniform Patent Policy With Respect to Domestic Rights in Inventions Made by Government Employees | 0692-AA05 |

Technology Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 742 | Transfer of Federally Funded Information | 0692-AA12 |

United States Travel and Tourism Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 743 | Guidelines and Procedures To Provide Financial Assistance to Cooperative Tourism Marketing Programs for International Tourism Trade Development | 0644-AA02 |

DEPARTMENT OF COMMERCE (DOC)
Office of the Secretary (OS)

Proposed Rule Stage

461. CONTRACT CLAUSES AND SOLICITATION PROVISIONS FOR THE COMMERCE AUTOMATED SOLICITATION SYSTEM

Legal Authority: 41 USC 251 et seq;
PL 98-369; PL 98-577

CFR Citation: 48 CFR 1301 to 1353

Legal Deadline: None

Abstract: The Department of Commerce is currently reviewing standardized contract clauses and solicitation provisions for inclusion in a planned departmentwide automated solicitation system. A proposed amendment to the Commerce Acquisition Regulation

(CAR) would illustrate and incorporate these standardized clauses and provisions. This should ultimately be less burdensome to Department contractors and potential contractors, since the clauses and provisions would be used uniformly throughout the Department.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no

paperwork burden associated with this action.

Agency Contact: Hugh L. Brennan, Acting Director, Office of Procurement, Department of Commerce, Office of the Secretary, 14th Street and Constitution Avenue NW., Washington, DC 20230, 202 482-1200

RIN: 0690-AA08

462. SOURCE EVALUATION PROCEDURES AND MISCELLANEOUS REVISIONS TO THE COMMERCE ACQUISITION REGULATION

Legal Authority: 41 USC 251 et seq

DOC-OS

Proposed Rule Stage

CFR Citation: 48 CFR 1301 to 1353
Legal Deadline: None
Abstract: The proposed amendment will revise the CAR to incorporate references to the Department's Acquisition Manual chapter on formal source selection procedures and will also add agency procedures in those areas of the CAR where the FAR specifies that agency procedures are required. In addition, the proposed amendment will update the CAR to conform with the latest policies and procedures of the FAR.
Timetable: Next Action Undetermined
Small Entities Affected: Undetermined
Government Levels Affected: Undetermined.

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.
Agency Contact: Hugh L. Brennan, Acting Director, Office of Procurement, Department of Commerce, Office of the Secretary, 14th Street and Constitution Avenue NW., Washington, DC 20230, 202 482-1200
RIN: 0690-AA13

463. MODIFY REQUIREMENT IN THE COMMERCE ACQUISITION REGULATION TO PUBLISH PRESOLICITATION NOTICES IN THE COMMERCE BUSINESS DAILY FOR DOC PROCUREMENTS WHICH WILL BE PERFORMED IN FOREIGN COUNTRIES

Legal Authority: 41 USC 251 et seq
CFR Citation: 48 CFR 1305
Legal Deadline: None

Abstract: Revise the Commerce Acquisition Regulation, part 5, to reflect class deviation that presolicitation Commerce Business Daily notices are not required for foreign procurements. The current procedures are burdensome and delay the procurements needlessly. Most of the potential sources are foreign firms and publishing the presolicitation notices does not achieve Government goals of increasing competition among U.S. firms. The revised regulation will require notices to be provided if there are a significant number of U.S. firms doing business in the location and these firms are able to provide the required supplies or services.
Timetable: Next Action Undetermined
Small Entities Affected: None
Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.
Agency Contact: Hugh L. Brennan, Acting Director, Office of Procurement, Department of Commerce, Office of the Secretary, 14th Street and Constitution Avenue NW., Washington, DC 20230, 202 482-1200
RIN: 0690-AA18

464. MODIFY THE COMMERCE ACQUISITION REGULATION TO USE A DEVIATION VERSION OF A FEDERAL ACQUISITION REGULATION CLAUSE ON THE BUY AMERICAN TRADE AGREEMENT ACTS

Legal Authority: 41 USC 251 et seq

CFR Citation: 48 CFR 1325; 48 CFR 1352
Legal Deadline: None
Abstract: Revise the Commerce Acquisition Regulation to authorize the use of a contract clause which deviates from the FAR Clause at 52.225-9 "Buy American Act-Trade Agreements Act-Balance of Payments Program" and the provision at 52.225-7 "Buy American Act-Trade Agreement Act-Balance of Payment Program Certificate." The revision will permit the case of a provision and clause which does not give U.S. firms a disadvantage against foreign firms. Recently the FAR provision and clause were found to be in violation of the Trade Agreement Act. The proposed CAR Regulation will remain in effect only until the FAR is revised to correct this problem. The rule is in accord with the governmentwide policies established by the Office of Federal Procurement Policy.

Timetable: Next Action Undetermined
Small Entities Affected: None
Government Levels Affected: Undetermined
Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Hugh L. Brennan, Acting Director, Office of Procurement, Department of Commerce, Office of the Secretary, 14th Street and Constitution Avenue NW., Washington, DC 20230, 202 482-1200
RIN: 0690-AA19

**DEPARTMENT OF COMMERCE (DOC)
 Office of the Secretary (OS)**

Final Rule Stage

465. REFERRAL OF DEBTS TO THE IRS FOR TAX REFUND OFFSET
Legal Authority: 31 USC 3720A
CFR Citation: 15 CFR 19
Legal Deadline: None
Abstract: The Department of Commerce, as a participant in the Federal Tax Refund Offset Program, issues regulations to govern the referral of delinquent debts to the Internal

Revenue Service for offset against the income tax refunds of persons owing money to the Department of Commerce.
Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 07/26/93 | 58 FR 39652 |
| Final Action | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: Federal

Agency Contact: Roger J. Mallet, Director, Office of Financial Policies and Procedures, Department of Commerce, Office of the Secretary, 14th Street and Constitution Avenue NW., Washington, DC 20230, 202 482-4593
RIN: 0690-AA20

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Proposed Rule Stage

466. • BENCHMARK SURVEY OF U.S. DIRECT INVESTMENT ABROAD—1994

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806

Legal Deadline: None

Abstract: This action will amend rule 15 CFR 806.16 to provide for the conduct of the BE-10, Benchmark Survey of U.S. Direct Investment Abroad—1994, as required by the International Investment and Trade in

Services Survey Act, 22 USC 3101 to 3108 (see especially section 4(b) of the Act). The existing rule covers a similar survey for 1989 which has been completed and which the new survey will update. Changes to the rule for the 1994 survey—e.g., to change the exemption levels—will be considered.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 07/00/94 | |
| NPRM Comment | 09/00/94 | |
| Period End | | |

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

Final Action 11/00/94
Final Action Effective 12/00/94

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty L. Barker, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, Room 7006, BE-50, Washington, DC 20230, 202 606-9800

RIN: 0691-AA22

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Final Rule Stage

467. CHANGE IN LONG-FORM EXEMPTION LEVEL FOR BE-15, ANNUAL SURVEY OF FOREIGN DIRECT INVESTMENT IN THE UNITED STATES

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806

Legal Deadline: None

Abstract: This action will amend existing rule 15 CFR 806.15 to raise the exemption level for reporting on the

long form in the BE-15, Annual Survey of Foreign Direct Investment in the United States, to \$50 million, from \$20 million. The exemption level is being raised to conform with the exemption level proposed for reporting on the long form in the 1992 BE-12, Benchmark Survey of Foreign Direct Investment in the United States.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/16/93 | 58 FR 38324 |
| NPRM Comment | 08/30/93 | 58 FR 38324 |
| Period End | | |

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

Final Action 11/00/93
Final Action Effective 12/00/93

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty L. Barker, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, Room 7006, BE-50, Washington, DC 20230, 202 606-9800

RIN: 0691-AA21

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Completed Actions

468. CHANGE IN REPORTING REQUIREMENTS FOR FOREIGN-OWNED BANKS REPORTING ON QUARTERLY REPORT FORMS BE-605 AND BE-606B

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806

Legal Deadline: None

Abstract: This action will amend existing rule 15 CFR 806.15 to bring reporting by foreign-owned banks in the United States on quarterly report

forms BE-605, Transactions of U.S. Affiliate, Except an Unincorporated Bank, With Foreign Parent, and BE-606B, Transactions of U.S. Banking Branch or Agency With Foreign Parent into conformity with new reporting requirements under consideration for banks on the BE-12, Benchmark Survey of Foreign Direct Investment in the United States--1992.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 03/08/93 | 58 FR 12912 |

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

NPRM Comment 04/22/93
Period EndFinal Action 07/16/93 58 FR 38289
Final Action Effective 08/16/93 58 FR 38290

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty L. Barker, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, Room 7006, BE-50, Washington, DC 20230, 202 606-9800

RIN: 0691-AA20

DEPARTMENT OF COMMERCE (DOC)
Bureau of the Census (CENSUS)

Proposed Rule Stage

469. REVISION OF FOREIGN TRADE STATISTICS REGULATIONS

Legal Authority: 13 USC 301 to 307

CFR Citation: 15 CFR 30.1 to 30.92

Legal Deadline: None

Abstract: Review of 15 CFR 30 for changes to conform to the harmonized system for imports and exports as mandated by the Omnibus Trade and Competitiveness Act of 1988. This review will combine elements of housekeeping changes, updating obsolete information, clarification, conforming to the harmonized system (including metric measurements), and bringing the system in line with current reporting practices. There should be no added burden or costs to the public because there are no additional information or reporting requirements.

The benefits of these changes will be to allow direct comparisons between U.S. imports and exports and to allow comparisons between trade balances of the United States and its major trading partners.

Additionally, section 30.54 will be revised to raise the exemption from Shipper's Export Declaration filing requirements for exports by mail from \$500 to \$2500. This will reduce the

reporting burden on the public, particularly small shippers.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 07/00/94 | |
| NPRM Comment Period End | 10/00/94 | |
| Final Action | 10/00/95 | |
| Final Action Effective | 01/01/96 | |

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: All

Agency Contact: Harold Blyweiss, Chief, Regulations Branch, Foreign Trade Division, Department of Commerce, Bureau of the Census, Washington, DC 20233, 301 763-5310

RIN: 0607-AA10

470. CHANGE IN THE DEFINITION OF "GENERAL USE" SOFTWARE FROM TECHNICAL DATA TO COMMODITY

Legal Authority: 13 USC 301 to 307

CFR Citation: 15 CFR 30.1

Legal Deadline: None

Abstract: The Census Bureau proposes to change the definition of "General Use" software from technical data to

commodity. This will involve changes to the Foreign Trade Statistics Regulations. "General Use" software as a commodity will be valued on the transaction value and will be included in the merchandise trade statistics.

This will complement data collected in surveys by the Bureau of Economic Analysis on software as a service transaction. There will be some increase in reporting burden on exporters.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 07/00/94 | |
| NPRM Comment Period End | 10/00/94 | |
| Interim Final Rule | 10/00/95 | |
| Final Action | 10/01/96 | |

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: All

Agency Contact: Harold L. Blyweiss, Chief, Regulations Branch, Foreign Trade Division, Department of Commerce, Bureau of the Census, Washington, DC 20233, 301 763-5310

RIN: 0607-AA16

DEPARTMENT OF COMMERCE (DOC)
Bureau of the Census (CENSUS)

Completed Actions

471. REQUIREMENT THAT SHIPPERS' EXPORT DECLARATIONS (SEDS) FOR SHIPMENTS FROM THE UNITED STATES TO PUERTO RICO BE COLLECTED IN PUERTO RICO

Legal Authority: 13 USC 301 to 307

CFR Citation: 15 CFR 30.20 to 30.24

Legal Deadline: None

Abstract: The Census Bureau proposes to change the Foreign Trade Statistics Regulations to require the collection of SEDs for shipments from the United States to Puerto Rico in Puerto Rico. In addition, the U.S. Customs Service will revise their regulations in order to implement this change. In order to

ensure compliance with the new regulations, the Puerto Rico Planning Board will fund positions in the Census Bureau Office and the U.S. Customs Service Office in Puerto Rico.

Data users will benefit through improved quality and completeness of the data for shipments from the United States to Puerto Rico. The Census Bureau does not anticipate any change in reporting burden from these revisions or any significant cost impact on the exporting community.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 11/30/92 | 57 FR 56531 |

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM Comment Period End | 01/29/93 | 57 FR 56531 |
| Final Action | 08/04/93 | 58 FR 41422 |
| Final Action Effective | 10/01/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: All

Agency Contact: Harold L. Blyweiss, Chief, Regulations Branch, Foreign Trade Division, Department of Commerce, Bureau of the Census, Washington, DC 20233, 301 763-5310

RIN: 0607-AA15

DEPARTMENT OF COMMERCE (DOC)
Economic Development Administration (EDA)

Prerule Stage

472. REVIEW OF REGULATIONS FOR ECONOMIC DEVELOPMENT ADMINISTRATION—DEPARTMENT OF COMMERCE

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR ch III

Legal Deadline: None

Abstract: EDA is in the process of reviewing its regulations to update and streamline those in need of revision.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development

Administration, Herbert C. Hoover Bldg., Room 7001, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-4687

RIN: 0610-AA47

473. SPECIAL ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE GRANTS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 308

Legal Deadline: None

Abstract: EDA intends to initiate regulatory action to revise the rules governing the use of loan funds under its Revolving Loan Fund (RLF) program. The proposed regulatory action is contingent upon legislation being enacted which would provide

that EDA funds lose their Federal character after the first round of grant funds has been loaned out. The legislation would also provide for its retroactive application.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., Room 7001, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-4687

RIN: 0610-AA48

DEPARTMENT OF COMMERCE (DOC)
Economic Development Administration (EDA)

Final Rule Stage

474. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE—DESIGN, CONSTRUCTION OF BUILDINGS TO ACCOMMODATE THE PHYSICALLY HANDICAPPED

Legal Authority: 42 USC 4151 to 4156; 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.14

Legal Deadline: None

Abstract: These regulations will be changed to conform to the recently amended DOC rule at 15 CFR part 8b.18 (55 FR 29318, July 18, 1990), to include references to Uniform Federal Accessibility Standards (UFAS).

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Interim Final Rule | 01/00/94 | |
| Final Action | 04/00/94 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th Street & Constitution Avenue NW., Room 7001, Washington, DC 20230, 202 482-5441

RIN: 0610-AA05

475. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE: EMPLOYMENT OF EXPEDITERS OR ADMINISTRATIVE EMPLOYEES; COMPENSATION OF PERSONS ENGAGED BY OR ON BEHALF OF APPLICANTS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None

Abstract: This rule amends EDA's general requirements regulation--employment of expeditors or administrative employees--concerning EDA positions involving discretion, to conform to the reorganization of EDA pursuant to Department of Commerce Organization Order 45-1. Old positions which are no longer in existence are deleted. New comparable positions are listed in the amended regulations.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|----------|
| Interim Final Rule | 05/20/85 | 50 FR 97 |
| Final Action | 03/00/94 | |
| Final Action Effective | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of

Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-5441

RIN: 0610-AA18

476. PROTECTION OF EDA'S INTEREST IN FACILITIES ACQUIRED, BUILT, OR IMPROVED WITH EDA GRANT FUNDS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Legal Deadline: None

Abstract: EDA intends to initiate regulatory action to protect its interests by enabling EDA to expend funds to care for property acquired by virtue of its lien interest in property purchased or improved with EDA grant funds, including liquidation, litigation, or any other necessary action. The proposed regulatory action is contingent upon legislation being enacted which authorizes EDA to expend funds and take other actions to protect its ownership rights in property purchased or improved with EDA grant funds.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

DOC—EDA

Final Rule Stage

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-4687

RIN: 0610-AA35

477. PUBLIC WORKS—INDUSTRIAL PARKS AND SITES

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 305

Legal Deadline: None

Abstract: The requirement for a property value agreement from the owner of a private industrial park or site will be less restrictive, so that such an agreement will only be required where there is an apparent or actual incidence of the private owner's failure to deal at arm's length, or if the Assistant Secretary chooses for any other reason to impose the requirements for such an agreement.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Interim Final Rule | 01/00/94 | |
| Final Action | 03/00/94 | |
| Final Action Effective | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-4687

RIN: 0610-AA40

478. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE—ELECTRIC AND GAS FACILITIES

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.4

Legal Deadline: None

Abstract: EDA will amend its rule on financing gas or electrical facilities to omit references to primary or secondary functions, to be consistent with PWEDA (42 USC 3214(e)).

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Final Rule | 05/03/90 | 55 FR 18594 |
| Final Action | 12/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-4687

RIN: 0610-AA43

479. OVERALL ECONOMIC DEVELOPMENT PROGRAM—PROGRESS REPORT

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 304.8

Legal Deadline: None

Abstract: EDA will amend its reporting requirements for Overall Economic Development Program (OEDP) periodic revisions to coincide with the previous project's final report, and the time of submission of the next grant period work program and application. This change applies to EDA's planning grant recipients.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Interim Final Rule | 02/00/94 | |
| Final Action | 04/00/94 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-4687

RIN: 0610-AA44

480. PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM—SPECIFIC TYPES OF PROJECTS—SKILL TRAINING CENTER FACILITIES

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 305.45

Legal Deadline: None

Abstract: The purpose of the amendment to 13 CFR 305.45 is to clarify EDA's policies on skill training programs and sheltered workshops. Projects involving bona fide training are to be encouraged when they provide education for workers who can then move into the private sector. Projects involving sheltered workshops should also be encouraged because they provide jobs often to long-term unemployed, which are comparable to those in the private sector.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Final Rule | 04/07/92 | 57 FR 11674 |
| Final Action | 12/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., Room 7001, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-4687

RIN: 0610-AA51

DEPARTMENT OF COMMERCE (DOC)

Completed Actions

Economic Development Administration (EDA)

481. ECONOMIC DEVELOPMENT DISTRICTS, DISTRICT ORGANIZATION; CIVIL RIGHTS REQUIREMENTS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended
CFR Citation: 13 CFR 303; 13 CFR 311

Legal Deadline: None

Abstract: At the request of the Department of Justice, the Economic Development Administration (EDA) is

revising our Civil Rights Regulations at 13 CFR 303 and 311. The specific changes involve minority representation on District Boards funded by EDA and Affirmative Action requirements, as well as a few minor changes in terminology.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|---------|
| No longer under consideration. | 08/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-4687

RIN: 0810-AA38

DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

General Administration (ADMIN)

482. NONPROCUREMENT DEBARMENT AND SUSPENSION

Legal Authority: EO 12549, Debarment and Suspension; EO 12689; 5 USC 301

CFR Citation: 15 CFR 26

Legal Deadline: None

Abstract: Executive Order 12689, signed August 18, 1989, calls for agency debarment and suspension

actions under procurement or nonprocurement activities to have reciprocal governmentwide effect. The common rule will be amended to reflect the requirements contained in the Executive order.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Lambis, Director, Office of Federal Assistance, Ofc. of Fed. Asst. & Management Support, Department of Commerce, Office of Administration, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-5817

RIN: 0605-AA02

DEPARTMENT OF COMMERCE (DOC)

Final Rule Stage

General Administration (ADMIN)

483. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: 5 USC 301

CFR Citation: 15 CFR 24

Legal Deadline: None

Abstract: On June 9, 1987, a notice of a proposed rule establishing governmentwide administrative requirements for grants and cooperative agreements to States and local governments was published in the Federal Register (52 FR 21820-21862). On March 11, 1988, a final rule was published in the Federal Register (53 FR 8033-8103) and was made effective October 1, 1988. Subsequently, a November 4, 1988, NPRM was published in the Federal Register (53 FR 44715-44819) that proposed to amend the common rule to incorporate requirements for grantees that are universities or nonprofit organizations. Based on comments received in response to the NPRM, however, OMB published a notice (55 FR 45289-45290) cancelling plans for such changes.

Currently, an interagency task force is now in the process of updating and revising the requirements for States and local governments, and Commerce regulations published at 15 CFR 24 will be amended to accommodate these modifications.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Barbara Lambis, Director, Office of Federal Assistance, Ofc. of Fed. Asst. & Management Support, Department of Commerce, Office of Administration, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-5817

RIN: 0605-AA04

484. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 31 USC 1352; PL 101-121, sec 319; 5 USC 301

CFR Citation: 15 CFR 28

Legal Deadline: None

Abstract: The interim final rule is in response to section 319 of PL 101-121. Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, cooperative agreement, loan, or a Federal commitment to insure or guarantee a loan, must disclose lobbying.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 6736 |
| Interim Final Rule | 04/27/90 | |
| Comment Period | | |
| End | | |
| Next Action Undetermined | | |

Small Entities Affected: None

DOC—ADMIN

Final Rule Stage

Government Levels Affected: Local, State

Agency Contact: Barbara Lambis, Director, Office of Federal Assistance, Ofc. of Fed. Asst. & Management Support, Department of Commerce.

Office of Administration, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-5817
RIN: 0605-AA06

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Prerule Stage

485. ANTIDUMPING DUTIES

Significance: Regulatory Program

Legal Authority: 19 USC 1673 et seq

CFR Citation: 19 CFR 353

Legal Deadline: None

Abstract: Revisions will codify existing administrative practice with respect to the identification and measurement of dumping. Revisions also will account for statutory amendments made by the Omnibus Trade and Competitiveness Act of 1988. The revisions will improve administrative efficiency and make the antidumping law more accessible to the public.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 02/01/89 | 54 FR 05092 |
| ANPRM Comment Period End | 03/20/89 | |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Counsellor to the Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-4224

RIN: 0625-AA29

486. ANTIDUMPING DUTIES;
METHODOLOGY FOR ASSESSMENT
INSTRUCTIONS

Significance: Regulatory Program

Legal Authority: 19 USC 1673 et seq

CFR Citation: 19 CFR 353

Legal Deadline: None

Abstract: The ITA is considering initiating a rulemaking proceeding in order to: (1) change existing administrative practice to simplify and streamline the collection of estimated antidumping duties and the assessment of antidumping duties; and (2) codify

existing administrative practice, to the extent that such codification is consistent with the first objective.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 12/05/91 | 56 FR 63696 |
| ANPRM Comment Period End | 02/03/92 | 56 FR 63696 |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John D. McInerney, Acting Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room H3622, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-5589

RIN: 0625-AA36

487. • ANTIDUMPING DUTIES;
CALCULATION OF WEIGHTED
AVERAGE DUMPING MARGIN

Legal Authority: 19 USC 1673 et seq

CFR Citation: 19 CFR 353.2(f)(2)

Legal Deadline: None

Abstract: The antidumping law requires that in a calculating dumping margins the Department make an addition to U.S. price for taxes which are rebated, or not collected, on merchandise exported to the United States. The Department's existing methodology ensures that this adjustment neither inflates nor deflates a simple (or absolute) dumping margin. However, in the case of a weighted-average dumping margin, which is used for a variety of purposes, the Department has found that under its current methodology, as set forth in 19 CFR 353.2(f)(2), the tax adjustment distorts the calculation. Specifically, because a weighted-average dumping margin is calculated by dividing aggregated dumping margins by aggregated U.S. prices, the inclusion of home market taxes in the denominator distorts the calculation. To correct this problem, the Department is considering

an alternative pursuant to which such taxes would be subtracting from the denominator (aggregated U.S. prices) when calculating the weighted-average dumping margin. This alternative would result in more accurate weighted-average dumping margins at virtually no cost to the Department or private parties.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dean A. Pinkert, Attorney, Office of the Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3618, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-1096

RIN: 0625-AA39

488. • ANTIDUMPING DUTIES;
PERIOD OF INVESTIGATION

Legal Authority: 19 USC 1673 et seq

CFR Citation: 19 CFR 353.42(b)

Legal Deadline: None

Abstract: 19 CFR 353.42(b) currently requires that in an antidumping investigation the Department normally examine sales occurring during a period of at least 150 days prior to and 30 days after the first day of the month during which an antidumping petition is filed or, absent the receipt of a petition, an investigation initiated. Because this time period often does not coincide with the time periods used by firms for purposes of their own accounting records, the application of the current regulation often requires additional work on the part of all parties concerned, as well as the Department. Therefore, the Department is considering amending section 353.42(b) so that the standard investigatory period would be the two calendar quarters preceding the date on which a petition is filed (or investigation initiated). The Department believes that the efficiency and fairness of the antidumping law will be

DOC—ITA

Prerule Stage

enhanced at no additional cost to the Department or the private parties involved.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diane M. McDevitt, Senior Counsel, Office of the Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3621, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-0834

RIN: 0625-AA41

489. • PROCEDURES FOR IMPOSING SANCTIONS FOR PROVIDING FALSE CERTIFICATIONS IN AN ANTIDUMPING OR COUNTERVAILING DUTY PROCEEDING

Legal Authority: 5 USC 301; 19 USC 1677e(a)

CFR Citation: 19 CFR ch III

Legal Deadline: None

Abstract: Section 776(a) of the Tariff Act of 1930, as amended, requires any person providing factual information in an antidumping or countervailing duty proceeding to certify that the information is accurate and complete to the best of that person's knowledge. Since the enactment of section 776(a), the Department has encountered instances in which false certifications arguably have been made, but the Department has not had a system in place for dealing with such false

certifications. Therefore, the Department is considering promulgating regulations that would set out the standards for finding a certification to be false, the sanctions that may be imposed, and the procedures for imposing sanctions. The Department believes that the efficiency of the antidumping and countervailing duty laws as a remedy against unfair trading practices would be enhanced, at little additional cost, by creating an effective deterrent against false submissions of data.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marguerite E. Trossevin, Attorney, Office of the Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3627, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-5593

RIN: 0625-AA42

490. • PROCEDURES FOR IMPOSING SANCTIONS FOR VIOLATION OF AN ANTIDUMPING OR COUNTERVAILING DUTY PROTECTIVE ORDER

Legal Authority: 5 USC 301; 19 USC 1677f

CFR Citation: 19 CFR 354

Legal Deadline: None

Abstract: The Department needs to enhance the administrative efficiency of its investigations of alleged violations

of administrative protective orders (APOs) and of the process for imposing sanctions for violations, as well as the fairness of the procedures to all concerned parties. The Department is considering (1) expedited procedures for certain APO violations that are uncontested, inadvertent, and technical; (2) providing for warnings to be issued where a finding of a violation would lead to unjustifiably harsh sanctions; (3) where warranted, permitting the agency to dismiss a charge without prejudice without the appointment or approval of an administrative law judge; (4) providing for a sunset provision that is fairer to past violators and that eases the administrative burden; and (5) permitting a private reprimand as a sanction without requiring as a precondition that parties engage in settlement discussions. The Department expects to benefit from gains in administrative efficiency and fairness without incurring any additional costs.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lisa B. Koteen, Senior Attorney, Office of the Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3618, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-0836

RIN: 0625-AA43

DEPARTMENT OF COMMERCE (DOC) International Trade Administration (ITA)

Proposed Rule Stage

491. COUNTERVAILING DUTIES

Significance: Regulatory Program

Legal Authority: 19 USC 1303; 19 USC 1671 et seq

CFR Citation: 19 CFR 355

Legal Deadline: None

Abstract: Current countervailing duty regulations will be revised to codify existing administrative practice with respect to the identification and measurement of subsidies. Revisions also will take into account statutory amendments made by the Omnibus Trade and Competitiveness Act of 1988. The revisions will improve administrative efficiency and will make

the countervailing duty law more accessible to the public.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/31/89 | 54 FR 23366 |
| NPRM Comment Period End | 09/05/89 | 54 FR 33238 |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Counsellor to the Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th Street

& Constitution Avenue NW., Washington, DC 20230, 202 482-4224

RIN: 0625-AA31

492. • LIMIT ON DUTY-FREE INSULAR WATCHES IN CALENDAR YEAR 1994

Legal Authority: 19 USC 1202, Note

CFR Citation: 15 CFR 303

Legal Deadline: None

Abstract: This amendment to the watch duty regulations establishes the total quantity and respective shares of insular watches and watch movements which will be allowed to enter the United States free of duty during calendar year 1994.

DOC—ITA

Proposed Rule Stage

Timetable: Next Action Undetermined
Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Faye Robinson,
 Statutory Import Programs Staff,
 Department of Commerce, International
 Trade Administration, Room 4211, 14th
 Street & Constitution Avenue NW.,
 Washington, DC 20230, 202 482-1660
RIN: 0625-AA40

DEPARTMENT OF COMMERCE (DOC)
 International Trade Administration (ITA)

Final Rule Stage

**493. ANTIDUMPING DUTIES;
 COUNTERVAILING DUTIES**
Significance: Regulatory Program
Legal Authority: 19 USC 1671 et seq;
 19 USC 1673 et seq
CFR Citation: 19 CFR 353; 19 CFR 355
Legal Deadline: None

Abstract: Revisions to the current
 antidumping duty and countervailing
 duty regulations are needed in order to
 conform those regulations to certain
 statutory amendments made by the
 Omnibus Trade and Competitiveness
 Act of 1988. Those amendments deal
 with (1) downstream product
 monitoring; (2) consultations with the
 International Trade Commission on
 certain scope rulings; (3) procedures for
 administrative protective orders; (4)
 correction of ministerial errors; and (5)
 effective dates. The revisions will
 enable the Department to apply the
 new statutory provisions in an orderly
 and efficient basis.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|------------|
| Interim Final Rule | 03/09/90 | 55 FR 9046 |
| Next Action Undetermined | | |

Small Entities Affected: None
Government Levels Affected: None
Sectors Affected: Multiple
Agency Contact: William D. Hunter,
 Counsellor to the Chief Counsel for
 Import Administration, Department of
 Commerce, International Trade

Administration, Room 3622, 14th Street
 & Constitution Avenue NW.,
 Washington, DC 20230, 202 482-4224
RIN: 0625-AA32

**494. SHORT SUPPLY PROCEDURES
 FOR ITA**

Legal Authority: PL 101-221

CFR Citation: 19 CFR 357

Legal Deadline: None

Abstract: The authority for this
 program expired on March 31, 1992,
 when the steel voluntary restraint
 agreements terminated. Accordingly,
 the regulations will be withdrawn.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|------------|
| Interim Final Rule | 01/12/90 | 55 FR 1348 |
| Final Action | 12/00/93 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: William D. Hunter,
 Counsellor to the Chief Counsel for
 Import Administration, Department of
 Commerce, International Trade
 Administration, Room 3622, 14th Street
 & Constitution Avenue NW.,
 Washington, DC 20230, 202 482-4224
RIN: 0625-AA34

**495. ANTIDUMPING AND
 COUNTERVAILING DUTIES;
 SIGNIFICANT MINISTERIAL ERRORS**

Legal Authority: 19 USC 1303; 19 USC
 1671 et seq; 19 USC 1673 et seq

CFR Citation: 19 CFR 353; 19 CFR 355

Legal Deadline: None

Abstract: Regulations are needed to set
 forth the circumstances in which the
 ITA will correct significant ministerial
 errors made in preliminary
 antidumping and countervailing duty
 determinations. Regulations also will
 establish the procedures to be used by
 private parties in requesting the
 correction of significant ministerial
 errors.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 01/10/92 | 57 FR 1131 |
| NPRM Comment Period End | 03/10/92 | 57 FR 1131 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William D. Hunter,
 Counsellor to the Chief Counsel for
 Import Administration, Department of
 Commerce, International Trade
 Administration, Room 3622, 14th Street
 & Constitution Avenue NW.,
 Washington, DC 20230, 202 482-4224
RIN: 0625-AA35

DEPARTMENT OF COMMERCE (DOC)
 International Trade Administration (ITA)

Completed Actions

**496. LIMIT ON DUTY-FREE INSULAR
 WATCHES IN CALENDAR YEAR 1993**

Legal Authority: 19 USC 1202, Note

CFR Citation: 15 CFR 303

Legal Deadline: None

Abstract: This amendment to the watch
 duty regulations establishes the total
 quantity and respective shares of
 insular watches and watch movements
 which will be allowed to enter the
 United States free of duty during
 calendar year 1993. This amendment
 also removes two unnecessary

provisions. Sections 303.10 and 303.14
 are amended to remove the minimum
 average wage input per watch
 movement as a condition for duty-free
 treatment. Present minimum wage
 requirements and applicable minimum
 assembly requirements make this
 condition unnecessary. Also being

DOC—ITA

Completed Actions

removed is the provision in section 303.14 which required complete assembly in the territory of the setting mechanism and train assemblies for a watch to qualify for duty-free treatment. This provision is being removed so as not to discourage assembly operations which do, in fact, involve substantial labor input (e.g., chronographs).

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 01/19/93 | 58 FR 4947 |
| NPRM Comment Period End | 02/18/93 | 58 FR 4947 |
| Final Action | 04/21/93 | 58 FR 21347 |
| Final Action Effective | 04/21/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Creel, Director, Statutory Import Programs Staff, Department of Commerce, International Trade Administration, Room 4211, 14th Street & Constitution Avenue NW., Washington, DC 20230, 202 482-1660

RIN: 0625-AA06

DEPARTMENT OF COMMERCE (DOC)

Final Rule Stage

Bureau of Export Administration (BXA)

497. DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM (DPAS)

Legal Authority: 50 USC app 2061 et seq; 50 USC app 468; EO 10480; EO 12148; EO 12742

CFR Citation: 15 CFR 700

Legal Deadline: None

Abstract: The Defense Priorities and Allocations System (DPAS) implements the priorities and allocations authority of title I of the Defense Production Act of 1950, as amended, and the priorities authority of section 18 of the Selective Service Act of 1948. The DPAS was published as a final rule on July 30, 1984. Based on the findings and recommendations of an interagency sponsored study concerning the controlled materials program, and comments from both defense agency and industry users, this proposed rule would amend the DPAS to remove the controlled materials provisions and make certain revisions to its procedural requirements. These amendments will have no costs associated with them, would reduce the regulatory and information reporting burden on industry and make the DPAS more effective and efficient, and would result in cost savings for defense contractors.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Richard V. Meyers, DPAS Program Manager, Department of Commerce, Bureau of Export Administration, Office of Industrial Resources Admin., National Security Preparedness Div., Room 3878, Washington, DC 20230, 202 482-3834

RIN: 0694-AA02

498. REVISION OF FOREIGN BOYCOTT PROVISIONS OF EXPORT ADMINISTRATION REGULATIONS

Legal Authority: 50 USC 1701 et seq; 50 USC app 2401 et seq; EO 12002; EO 12058; EO 12214; EO 12730; EO 12735

CFR Citation: 15 CFR 769

Legal Deadline: None

Abstract: The Department proposes to revise the foreign boycott provisions of the Export Administration Regulations. The revisions would clarify the application of: (1) the intent provision to the reporting requirement; (2) the jurisdictional requirements relating to the implementation of letters of credit; (3) the furnishing information prohibitions to information about the nationality of directors and about blacklisted persons; (4) the shipping requirement exception to refusals to use blacklisted vessels; and (5) the import and shipping document exception to information about the nationality of carriers and residence of manufacturers or suppliers. The revisions are intended to clarify areas of confusion. In addition, the proposal would remove many references and provisions dealing with effective dates and grace periods that are no longer applicable.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/26/89 | 54 FR 39415 |
| NPRM Comment Period End | 10/26/89 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Arvin, Director, Compliance Policy Division, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 482-4550

RIN: 0694-AA11

499. TRANSFER OF DUAL-USE ITEMS FROM U.S. MUNITIONS LIST TO THE COMMERCE CONTROL LIST

Significance: Regulatory Program

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466c; EO 11912; EO 12058; EO 12730; EO 12735; ...

CFR Citation: 15 CFR 799.1

Legal Deadline: None

Abstract: The COCOM Industrial List (IL) controls so-called dual-use items, which have both civil and military uses. There is not a direct correspondence between the IL and BXA's Commerce Control List (CCL) because some IL items are controlled by the State Department in the U.S. munitions list.

In his November 15, 1990, memorandum of disapproval of H.R. 4653, the President determined that, "By June 1, 1991, the United States will remove from the U.S. munitions list all items contained on the COCOM dual-use list unless significant U.S. national security interests would be jeopardized." This rule will implement BXA controls through the CCL on those items removed from the U.S. munitions list as a result of the President's decision.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Transfer of Communications Satellites | 10/23/92 | 57 FR 48312 |
| Navigation and Avionics | 06/23/93 | 58 FR 34211 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

OC—BXA

Final Rule Stage

Agency Contact: Jerold Beiter, Electronics Engineer, Office of Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 482-1641
RIN: 0694-AA52

500. SPECIAL LICENSE PROCEDURES; REVISIONS TO THE ELIGIBILITY REQUIREMENTS FOR COMPUTERS

Legal Authority: 18 USC 2510 et seq; 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 50 USC app 2401 et seq; EO 12002; EO 12214; EO 12058; EO 12730; EO 12735

CFR Citation: 15 CFR 773; 15 CFR 778

Legal Deadline: None

Abstract: The Distribution License (DL) is a special license issued to approximately 100 exporters, allowing exports of pre-approved goods without regard for quantity or value. This procedure allows firms that are willing to adopt rigorous control regimes to supply their regular customers without the burden of repetitively applying for export licenses. The Distribution License places limits on the export of computers (one of the main products shipped under the Distribution License) which may vary with the destination. On May 1, 1992, the Bureau of Export Administration published a rule (57 FR 18815) that expanded substantially the ability of Distribution License holders to export computers, to the extent that supercomputers may now be exported to 12 countries. To further implement the President's directive to revise eligibility level thresholds under the Distribution License, this rule raises the computer levels that may be exported under the DL to most countries listed in Supplement No. 3 to part 773 of the Export Administration Regulations, with more modest increases for certain other destinations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 00/00/00 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 482-4479

RIN: 0694-AA61

501. EXPORTS TO IRAN; REVISION OF FOREIGN POLICY CONTROLS

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466c; EO 11912; EO 12058; EO 12730; EO 12735; ...

CFR Citation: 15 CFR 771; 15 CFR 785; 15 CFR 799

Legal Deadline: None

Abstract: This interim rule amends the Export Administration Regulations by revising the special country policies and provisions, consistent with the National Defense Authorization Act (NDAA) of 1992, to establish a policy of denial for all items that require a validated license for Iran, except items subject to short supply controls.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 482-2440

RIN: 0694-AA62

502. • COMMERCE CONTROL LIST; ITEMS CONTROLLED FOR NUCLEAR NONPROLIFERATION REASONS

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC

2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12730; EO 12735; ...

CFR Citation: 15 CFR 771; 15 CFR 772; 15 CFR 773; 15 CFR 774; 15 CFR 778; 15 CFR 786; 15 CFR 787; 15 CFR 799

Legal Deadline: None

Abstract: The Bureau of Export Administration (BXA) maintains the Commerce Control List (CCL), which identifies those items subject to the Department of Commerce export controls. The items on the CCL that are subject to nuclear nonproliferation controls are referred to as the Nuclear Referral List (NRL). This interim rule amends a number of Export Control Classification Numbers (ECCNs) on the CCL in order to make the NRL conform with the items contained in the Annex to the "Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology" (the Annex) published by the International Atomic Energy Agency and adhered to by the United States and other subscribing governments. The subscribing governments have agreed to establish export licensing procedures for the transfer of items identified on the Annex. This rule also establishes a new General License-GNSG that permits certain items subject to nuclear nonproliferation controls to be exported under general license to a number of countries whose governments have subscribed to the Annex.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 482-4479

RIN: 0694-AA66

DEPARTMENT OF COMMERCE (DOC)
Bureau of Export Administration (BXA)

Completed Actions

503. REVISIONS TO SHORT SUPPLY REGULATIONS

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466c; EO 11912; EO 12058; EO 12730; EO 12735; ...

CFR Citation: 15 CFR 771; 15 CFR 777; 15 CFR 799

Legal Deadline: None

Abstract: On July 12, 1985, the Export Administration Amendments Act of 1985 (PL 99-64) extended and amended the Export Administration Act of 1979 (50 USC app 2401, et seq.) (EAA). Certain changes were made to the Short Supply provisions of section 7 of the EAA. Accordingly, revision of the Short Supply provisions (15 CFR 777) and related licensing requirements (15 CFR 771 and 799) of the Export Administration Regulations (15 CFR 730-799) is necessary. An interim final rule was issued which included (1) elimination of the validated licensing requirement for exports of refined petroleum products so as to permit their export with certain restrictions under a general license; (2) a new definition of "crude oil" for purposes of the regulation; and (3) certain technical and housekeeping changes. There are no costs associated with this action which would promote the export of decontrolled products.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 10/09/85 | 50 FR 41131 |
| Withdrawn | 07/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 482-4479

RIN: 0694-AA01

504. CONVERSION TO THE METRIC SYSTEM

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 15 USC 205b; 15 USC 205j-1; 46 USC 466c; EO 12730; EO 12735; ...

CFR Citation: 15 CFR 768 to 799

Legal Deadline: None

Abstract: The Bureau of Export Administration is amending the Export Administration Regulations to convert units of weight and measure to the metric system. This brings BXA into compliance with the 1988 Omnibus Trade and Competitiveness Act, which amends the Metric Conversion Act of 1975 to authorize the conversion of the weights and measures of "all U.S. trade and commerce" and all Federal agencies to the metric system. It also reflects the current situation of international trade, which is conducted almost exclusively in the metric system. Much of this was accomplished by the publication of the Core list in the fall of 1991.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/18/93 | 58 FR 33509 |
| Final Action Effective | 06/18/93 | 58 FR 33509 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy Crowe, Regulations Branch, Office of Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 482-3856

RIN: 0694-AA50

505. EXPANSION OF FOREIGN POLICY CONTROLS ON CHEMICAL WEAPON PRECURSORS

Significance: Agency Priority

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466c; EO 11912; EO 12058; EO 12730; EO 12735; ...

CFR Citation: 15 CFR 776; 15 CFR 799

Legal Deadline: None

Abstract: In support of U.S. policies opposing the proliferation and use of chemical weapons the Department expanded foreign policy controls on the export of certain chemical precursors (i.e., chemicals that can be used in the manufacture of chemical weapons). On March 13, 1991 (56 FR 10756), the Department expanded the number of countries for which a validated license is required for 39 precursor chemicals. These chemicals require a validated license for export to all destinations,

except countries participating in the Australia Group. On December 18, 1992 (57 FR 60122), the Department imposed the same validated export license requirements on 4 additional precursor chemicals.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 12/18/92 | 57 FR 60122 |
| Final Action Effective | 12/18/92 | 57 FR 60122 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 482-4479

RIN: 0694-AA53

506. ADMINISTRATIVE EXCEPTIONS AND FAVORABLE CONSIDERATION TREATMENT FOR COUNTRY GROUP W; TELECOMMUNICATIONS EQUIPMENT FOR COUNTRY GROUPS Q & Y; REVISIONS AND CLARIFICATIONS TO THE CCL

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466c; EO 11912; EO 12730; EO 12735; EO 12058; ...

CFR Citation: 15 CFR 771; 15 CFR 785; 15 CFR 786; 15 CFR 799

Legal Deadline: None

Abstract: This final rule amends the Commerce Control List (CCL) by adding a number of Advisory Notes that provide administrative exceptions treatment or favorable consideration treatment for exports to Country Group W (Czechoslovakia and Poland). These Advisory Notes significantly increase the number of items eligible for such treatment to these countries. This rule also expands the administrative exceptions treatment for the People's Republic of China. This rule adds new administrative exceptions procedures for the export of certain Category 5 Telecommunications items to Country Groups QWY. In addition this rule makes various revisions, certifications, and corrections to the CCL. Finally, this rule revises the instructions for completing the Shipper's Export Declaration (SED) by requiring exporters to designate the Export Control Classification Number on the

DOC—BXA

Completed Actions

SED when shipping under General Licenses GFW, GCT, and GLR.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 12/24/92 | 57 FR 61259 |
| Final Action Effective | 12/24/92 | 57 FR 61259 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy Crowe, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 482-4819

RIN: 0694-AA63

507. REVISIONS TO THE COMMERCE CONTROL LIST: EQUIPMENT RELATED TO THE PRODUCTION OF BIOLOGICAL WEAPONS

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3701 et seq; 42 USC 2139a; 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466c; EO 11912; EO 12058; EO 12730; EO 12735; ...

CFR Citation: 15 CFR 799

Legal Deadline: None

Abstract: This final rule amends the Export Administration Regulations (EAR) by describing changes to the U.S. List to conform U.S. Controls on dual-

use biological equipment (Export Control Classification Number 1B71) to the list being considered for adoption by the countries participating in the Australia Group. On September 14, 1992, the Bureau of Export Administration published in the Federal Register (57 FR 41894) a proposed rule that described certain changes to the U.S. List being considered for adoption by the Australia Group. This final rule revises the Commerce Control List by adopting the Australia Group's list of biological equipment.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/26/93 | 58 FR 21925 |
| Final Action Effective | 04/26/93 | 58 FR 21925 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 482-2440

RIN: 0694-AA64

508. EXPORTS OF CERTAIN PETROLEUM AND PETROLEUM PRODUCTS FROM THE NAVAL PETROLEUM RESERVES

Legal Authority: 50 USC 2401 et seq

CFR Citation: 15 CFR 730 to 799

Legal Deadline: None

Abstract: This rule adds an exclusion to General License GIT that prohibits export of controlled chemical weapons precursors under this general license, removes the affidavit requirement for shipments under General License G-NNR of petroleum products produced from a Naval Petroleum Reserve, and adds New Zealand to the list of countries eligible to receive crime control and detection instruments under General License GCG.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/07/93 | 58 FR 47049 |
| Final Action Effective | 09/07/93 | 58 FR 47049 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy Crowe, Regulations Branch, Office of Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 482-4819

RIN: 0694-AA65

DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

National Institute of Standards & Technology (NIST)

509. FIPS FOR POSIX SYSTEM ADMINISTRATION

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt a set of specifications on an interim basis to provide functional system administration requirements for POSIX operating system implementations. Actual utility names and options for system administration will be specified in a future revision to this FIPS. This standard will facilitate the interchange of computer programs among different vendor systems and architectures.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA71

510. FIPS FOR IRDS EXPORT/IMPORT FILE FORMAT

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard being developed by Standards Committee X3H4. The standard will specify the precise format of files used to exchange

information between IRDSs. The specification will complete the IRD-IRD Interface, the functionality of which is specified in FIPS PUB 156.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA76

DOC—NIST

Proposed Rule Stage

511. PROPOSED REVISION OF FIPS 71, ADVANCED DATA COMMUNICATION CONTROL PROCEDURES (ADCCP)

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This revision will adopt revised international standards for data communications control procedures. This revision will facilitate the transfer and control of information across telecommunications links and improve interoperability between different equipment and systems.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA98

512. PROPOSED FIPS FOR ODA RASTER DAP

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will specify an interchange format suitable for the transfer of raster images between systems designed for raster graphics applications. The standard will enable users to transfer documents between different equipment designed for raster processing.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151

Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AB12

513. REVISION OF FIPS 177, INITIAL GRAPHICS EXCHANGE SPECIFICATION (IGES)

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This revision will update FIPS 177 by adopting revised voluntary industry specifications for IGES. The revision will enable the Federal Government to maintain compatibility with industry practices for the representation and exchange of product definition data used in computer-aided design and computer-aided manufacturing systems.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AB13

514. PROPOSED FIPS FOR ADMINISTRATION STANDARDS FOR THE TELECOMMUNICATIONS INFRASTRUCTURE OF FEDERAL BUILDINGS

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt ANSI/TIA/EIA-606-1992, Administration Standard for the Telecommunications Infrastructure of Commercial Buildings. The standard will provide the administrative requirements for the telecommunications equipment spaces, cable pathways, grounding, wiring, and termination hardware that support the distribution of information within a new, existing, or renovated office building or campus.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AB14

515. NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM

Legal Authority: 15 USC 271 et seq

CFR Citation: 15 CFR 7; 15 CFR 285

Legal Deadline: None

Abstract: The NVLAP procedures will be redesignated as part 285 of title 15 of the Code of Federal Regulations and revised to: expand the procedures to include accreditation of calibration laboratories; update the procedures for compatibility with conformity assurance and assessment concepts; assure consistency with relevant International Organization for Standardization (ISO) documents (e.g., ISO guides 25, 38, 43, 58, and 9000); and facilitate and promote acceptance of calibration and test results between countries to avoid barriers to trade. Provisions in this regard will facilitate cooperation between laboratories and other bodies to assist in the exchange of information and experience, harmonize standards and procedures, and establish the basis for bilateral and multilateral agreements.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/27/93 | 58 FR 40087 |
| NPRM Comment Period End | 10/12/93 | 58 FR 40087 |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Albert Tholen, Chief, NVLAP, Department of Commerce, National Institute of Standards &

Technology, TRF Bldg., Room A162,
Gaithersburg, MD 20899, 301 975-4017
RIN: 0693-AB15

516. NATIONAL VOLUNTARY CONFORMITY ASSESSMENT SYSTEMS EVALUATION

Legal Authority: 15 USC 271 et seq
CFR Citation: 15 CFR 286
Legal Deadline: None

Abstract: The National Institute of Standards and Technology (NIST) will propose to establish the National Voluntary Conformity Assessment System Evaluation (NVCASE) Program. The program will enable the Department of Commerce, acting through NIST, to evaluate and recognize competently conducted conformity assessment activities. The results of NIST evaluations will provide a basis for the U.S. Government to assure foreign governments that qualified conformity assessment bodies are competent to satisfy their regulatory requirements. The program is complementary to those of other Federal agencies and is intended, together with those programs, to provide the basis for U.S. Government negotiations with foreign governments to gain their recognition of U.S.-based conformity assessment bodies as providing results acceptable for regulatory purposes. The program is intended to cover organizations engaged in product sample testing, product certification, and quality system registration and, most especially, their accreditors. NIST will offer its evaluations, based on publicly developed requirements, on a fee-for-service basis and will provide those meeting the requirements (cont)

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/23/93 | 58 FR 39486 |
| NPRM Comment Period End | 10/06/93 | 58 FR 39486 |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined
Government Levels Affected: None
Sectors Affected: Multiple

Additional Information: ABSTRACT CONT: with a certificate of recognition. NIST will maintain lists of all recognized organizations and, in the case of recognized accreditation bodies, lists of conformity assessment bodies accredited by them.

Agency Contact: Stanley Warshaw, Director, Office of Standards Services, Department of Commerce, National Institute of Standards & Technology, Administration Building, Room A603, Gaithersburg, MD 20899, 301 975-4000
RIN: 0693-AB17

517. PROPOSED REVISION OF FIPS 173, SPATIAL DATA TRANSFER STANDARD (SDTS)

Legal Authority: PL 100-235
CFR Citation: None
Legal Deadline: None

Abstract: This proposed revision to FIPS 173, Spatial Data Transfer Standard (SDTS), adds a Topological Vector Profile (TVP). The TVP is a limited subset of SDTS specifications for the transfer of vector data. FIPS 173 currently consists of three parts and provides specifications for the organization and structure of digital spatial data transfer, definition of spatial features and attributes, and data transfer encoding. The purpose of this standard is to promote and facilitate the transfer of digital spatial data between dissimilar computer systems. This proposed revision will supersede FIPS PUB 173 in its entirety.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/26/93 | 58 FR 39792 |
| NPRM Comment Period End | 10/25/93 | 58 FR 39792 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal
Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AB18

518. FIPS FOR OPEN DOCUMENT ARCHITECTURE (ODA), INTERCHANGE FORMAT, LANGUAGE, AND ASSOCIATED PROFILES

Legal Authority: PL 100-235
CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will adopt International Organization for Standardization (ISO) 8613-1988 and the Stable On-going Implementation Agreements for Open Systems Interconnection Protocols developed by the NIST Workshop for Implementors of Open System Environments (OSE). This standard will promote the interchange of electronic documents between different document and text processing systems.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal
Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AB21

DEPARTMENT OF COMMERCE (DOC)

Final Rule Stage

National Institute of Standards & Technology (NIST)

519. REVISION OF FIPS 140, GENERAL SECURITY REQUIREMENTS FOR EQUIPMENT USING THE DATA ENCRYPTION STANDARD

Legal Authority: PL 100-235

CFR Citation: None
Legal Deadline: None

Abstract: This revision will bring the standard up to date to cover new encryption applications and new

policies for testing for conformance to the standard.

DOC—NIST

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 12/09/88 | 53 FR 49722 |
| ANPRM Comment Period End | 03/09/89 | 53 FR 49722 |
| NPRM | 01/08/91 | 56 FR 681 |
| NPRM Comment Period End | 04/08/91 | 56 FR 681 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA68

520. FIPS FOR POSIX SHELL AND UTILITY APPLICATION INTERFACE FOR COMPUTER OPERATING SYSTEMS ENVIRONMENTS

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt, on an interim basis, Draft 9 of the Institute of Electrical and Electronics Engineers (IEEE) Standard for Shell and Application Utility Interface for Computer Operating Systems Environments (IEEE 1003.2/POSIX Shell and Tools). This standard will extend the functionality of the POSIX standard by providing an interactive interface for users to control processing.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/07/89 | 54 FR 24375 |
| NPRM Comment Period End | 09/05/89 | 54 FR 24375 |
| Repeated NPRM | 06/13/90 | 55 FR 23959 |
| NPRM Comment Period End | 09/11/90 | |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151

Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA70

521. FIPS FOR DIGITAL SIGNATURE STANDARD

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will specify a Digital Signature algorithm appropriate for digital signature applications. The standard will enable users to verify the integrity of the data and the origin of messages sent between computers and to verify the integrity of data and programs that are stored in computers.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/30/91 | 56 FR 42980 |
| NPRM Comment Period End | 02/28/92 | 56 FR 61231 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal
Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA86

522. FASTENER QUALITY

Significance: Regulatory Program

Legal Authority: PL 101-592

CFR Citation: 15 CFR 280

Legal Deadline: NPRM, Statutory, May 15, 1991.

Abstract: This rule will implement the Fastener Quality Act. In 1990, Congress enacted the Fastener Quality Act (the Act) to protect public safety, deter introduction of nonconforming fasteners into commerce, improve traceability of fasteners used in critical applications, and provide customers with greater assurance that fasteners meet stated specifications. The Act requires that certain fasteners sold in commerce conform to the specifications to which they are represented to be manufactured; provides for accreditation of laboratories engaged in fastener testing; and requires the

inspection, testing, and certification (in accordance with standardized methods) of fasteners used in critical applications.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/17/92 | 57 FR 37032 |
| NPRM Comment Period End | 11/02/92 | 57 FR 37032 |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Stanley Warshaw, FQA Program Manager, Office of Standards Services, Department of Commerce, National Institute of Standards & Technology, Room A603 Administration, Gaithersburg, MD 20899, 301 975-4000

RIN: 0693-AA90

523. FIPS FOR AUTOMATED PASSWORD GENERATOR

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will provide an algorithm that will be implemented in software systems. The algorithm will generate pronounceable passwords for authenticating users of an ADP system or for authorizing access to system resources.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/08/92 | 57 FR 40894 |
| NPRM Comment Period End | 12/07/92 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA94

524. PROPOSED FIPS FOR ISDN

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will define the generic protocols necessary to establish transparent Integrated Services Digital Network (ISDN) connections among Government networks and between Government and conformant common carrier networks. This standard will facilitate the interconnection of Federal telecommunications systems to standard ISDN services.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/13/92 | 57 FR 1255 |
| NPRM Comment | 04/13/92 | 57 FR 1255 |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA96

525. PROPOSED FIPS FOR STANDARD SECURITY LABEL FORMAT FOR GOSIP

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will specify the format for security labels to be used with the Government Open Systems Interconnection Profile (GOSIP). Security labels will facilitate the institution of controls to prevent accidental or intentional disclosure, modification, or destruction of data.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/21/92 | 57 FR 37948 |
| NPRM Comment | 11/19/92 | |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151

Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA99

526. PROCEDURES FOR REGISTERING COMPUTER SECURITY OBJECTS

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This register will specify names that uniquely identify Computer Security Objects (CSOs), which will be used to support secure communication of data between systems. The unique names will be used to reference objects during the negotiation of security services for a transaction or application. The register will also be a repository of parameters associated with the registered object.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/11/92 | 57 FR 35787 |
| NPRM Comment | 11/09/92 | |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AB02

527. FIPS FOR STANDARD PAGE DESCRIPTION LANGUAGE

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt the International Standards Organization International Electrotechnical Commission Standard Page Description Language (SPDL), ISO/IEC/DIS 10180, which defines a device-independent format for representing documents in their final fully formatted form, to printers or other presentation processes. It combines the image description technology of modern page description languages with a document structure which enables efficient processing and page image management.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/04/92 | 57 FR 19111 |
| NPRM Comment | 08/03/92 | 57 FR 19111 |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AB03

528. FIPS FOR INTEGRATION DEFINITION FOR FUNCTION MODELING (IDEFO) AND INTEGRATION DEFINITION FOR INFORMATION MODELING (IDEF1X)

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: Two FIPS will adopt nonproprietary IDEF modeling techniques developed by Government and industry for use in the analysis and development of information systems. The first FIPS will adopt the IDEFO modeling methodology which produces a structured representation of the processes and functions carried out by an information system. The second FIPS will adopt the IDEF1X modeling methodology which produces an information model of the structure and semantics of the information used by a system.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|-------------|
| NPRM | 12/14/92 | 57 FR 59081 |
| Correction Notice | 12/29/92 | 57 FR 61967 |
| NPRM Comment | 03/15/93 | 57 FR 59081 |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: The December 14, 1992, Federal Register notice incorrectly listed RIN 0693-AB11 as the RIN for this action.

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of

DOC—NIST

Final Rule Stage

Standards & Technology, B151
Technology, Gaithersburg, MD 20899,
301 975-2833

RIN: 0693-AB07

529. PROPOSED REAFFIRMATION OF FIPS 46-1, DATA ENCRYPTION STANDARD (DES)

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: A review will be conducted of Federal Information Processing Standard 46, Data Encryption Standard, which provides an algorithm to be implemented in electronic hardware devices and used for the cryptographic protection of computer data. The standard, which was issued in 1977 and reviewed in 1983 and 1987, will be reviewed again to assess the continued adequacy of the standard to protect computer data.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/11/92 | 57 FR 41727 |
| NPRM Comment Period End | 12/10/92 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AB09

530. PROPOSED REVISION OF FIPS 158, THE USER INTERFACE COMPONENT OF THE APPLICATIONS PORTABILITY PROFILE

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This revision will adopt the X Protocol, Xlib Interface, Xt Intrinsic and Bitmap Distribution Format Specifications of the X Window System, Version 11, Release 5 (X Window System is a trademark of the Massachusetts Institute of Technology (MIT)). This standard will assist computing professionals involved in

system and application software development and implementation.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/20/92 | 57 FR 47839 |
| NPRM Comment Period End | 01/19/93 | 57 FR 47839 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AB10

531. ADVANCED TECHNOLOGY PROGRAM

Legal Authority: 15 USC 278n

CFR Citation: 15 CFR 295

Legal Deadline: None

Abstract: The American Technology Preeminence Act of 1992 (Public Law 102-245), made changes in the legal authority for the Advanced Technology Program that must be incorporated into the ATP program procedures. Changes address: (1) participation by foreign companies in ATP; (2) the establishment of a patent policy different from the governmentwide policy set out by the Bayh-Dole Act; and (3) a new requirement that "joint research and development ventures" be industry-led. Further, requirements for royalty-sharing by ATP recipients with the Federal Government for inventions funded under ATP have been repealed by the Act and are thus to be removed from the regulations. Similarly, ATP authority to provide direct funding to independent research organizations has been repealed, and appropriate revisions to the regulations are needed. Also, changes not required by the Act will be proposed, including changes to simplify and clarify the selection criteria and to streamline the internal operations of ATP, including the selection process.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/02/93 | 58 FR 41069 |
| NPRM Comment Period End | 09/01/93 | 58 FR 41069 |

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| NPRM Comment Period Extended | 09/03/93 | 58 FR 46919 |
| NPRM Comment Period End | 09/16/93 | 58 FR 46919 |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: George Uriano, Director, Advanced Technology Program, Department of Commerce, National Institute of Standards & Technology, Administration Bldg., Room A403, Gaithersburg, MD 20899, 301 975-5187

RIN: 0693-AB16

532. • A PROPOSED FIPS FOR AN ESCROWED ENCRYPTION STANDARD (EES)

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will adopt specifications for a symmetric key encryption (and decryption) algorithm and a Law Enforcement Access Field (LEAF) method to be implemented in electronic devices. The standard will provide encryption protection for sensitive unclassified telecommunications data and allow for decryption of encrypted telecommunications when interception of the telecommunications is lawfully authorized.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/30/93 | 58 FR 40791 |
| NPRM Comment Period End | 09/28/93 | 58 FR 40791 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AB19

DOC—NIST

Final Rule Stage

533. • WITHDRAWAL OF FIPS 30 AND FIPS 53 WHICH PROVIDED STANDARD FORMS FOR DESCRIBING COMPUTER PROGRAMS AND COMPUTER MAGNETIC TAPE

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: FIPS 30, Software Summary for Describing Computer Programs, and FIPS 53, Transmittal Form for

Describing Computer Magnetic Tape File Properties, provided standard forms for describing computer programs and computer magnetic tape. These FIPS are being withdrawn because the standard forms are obsolete and no longer stocked by the General Services Administration.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AB20

DEPARTMENT OF COMMERCE (DOC)

Completed Actions

National Institute of Standards & Technology (NIST)

534. FIPS 128-1, COMPUTER GRAPHICS METAFILE (CGM)

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This revised FIPS adopts the redesignated version of the CGM standard, known as ANSI/ISO 8632-1-4:1992, and adds a requirement for the use of profiles. A profile defines the options, elements, and parameters of ANSI/ISO 8632 necessary to accomplish a particular function and to maximize the probability of interchange between systems implementing the profile. The revised FIPS adopts MIL-D-28003A, Computer-Aided Acquisition and Logistics Support (CAL), as the first CGM Application Profile.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| NPRM | 11/26/91 | 56 FR 59928 |
| NPRM Comment Period End | 02/24/92 | 56 FR 59928 |
| Second NPRM | 05/26/92 | 57 FR 21961 |
| Second NPRM Comment Period End | 07/10/92 | 57 FR 21961 |
| Final Action | 05/11/93 | 58 FR 27710 |
| Final Action Effective | 10/15/93 | 58 FR 27710 |

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA93

535. FIPS 180, SECURE HASH STANDARD (SHS)

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard adopts an algorithm which provides a formula for producing a numeric value (called a "message digest") of a message (or any digital information). This standard is used whenever a secure hash algorithm is needed to provide a mechanism to check the integrity of data.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 01/31/92 | 57 FR 3747 |
| NPRM Comment Period End | 04/30/92 | 57 FR 3747 |
| Final Action | 05/11/93 | 58 FR 27712 |
| Final Action Effective | 10/15/93 | 58 FR 27712 |

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA97

536. FIPS 125-1, MUMPS (MASSACHUSETTS GENERAL HOSPITAL UTILITY MULTI-PROGRAMMING SYSTEM)

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This revision adopts American National Standard for MUMPS, ANSI/MDC X11.1-1990. This revision facilitates the interchange of application programs among different computer systems and improves the productivity of computer programmers.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/26/92 | 57 FR 21963 |
| NPRM Comment Period End | 08/24/92 | 57 FR 21963 |
| Final Action | 06/10/93 | 58 FR 32518 |
| Final Action Effective | 12/10/93 | 58 FR 32518 |

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AB00

537. FIPS 151-2, PORTABLE OPERATING SYSTEM INTERFACE (POSIX)—SYSTEM APPLICATION PROGRAM INTERFACE (C LANGUAGE)

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This revision adopts International Standard ISO/IEC 9945-1: 1990, Information Technology - Portable Operating System Interface (POSIX) - Part 1: System Application Program Interface (API) (C Language), which defines a C programming

DOC—NIST

Completed Actions

language source interface to an operating system environment. This standard facilitates the portability of application programs among different computer systems.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/29/92 | 57 FR 28829 |
| NPRM Comment Period End | 09/28/92 | 57 FR 28829 |
| Final Action | 05/12/93 | 58 FR 27995 |
| Final Action Effective | 10/15/93 | 58 FR 27995 |

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of

Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AB01

538. FIPS 127-2, DATABASE LANGUAGE SQL

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This revision to FIPS 127-1, Database Language SQL, adopts the American National Standard: Database Language SQL (X3.135-1992). This revision to FIPS 127-1 provides a substantial, upward-compatible enhancement of Database Language SQL.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/09/92 | 57 FR 41126 |
| NPRM Comment Period End | 12/08/92 | 57 FR 41126 |
| Final Action | 06/02/93 | 58 FR 31364 |
| Final Action Effective | 12/03/93 | 58 FR 31364 |

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Computer Specialist, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AB05

DEPARTMENT OF COMMERCE (DOC)

Prerule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

539. U.S. STANDARDS FOR GRADES OF FRESH AND FROZEN FISH FILLETS

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 263 subparts A to E

Legal Deadline: None

Abstract: The purpose of this notice is to invite written comments to evaluate national interest in the deletion of the current five (5) Fillet Standards for Grades and the development of a new U.S. General Standard for Grades of Fresh and Frozen Fish Fillets that would be applicable to all species.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, 508 281-9319

RIN: 0648-AD53

540. USE OF INFORMATION COLLECTED BY VOLUNTARY FISHERY DATA COLLECTORS IN ENFORCEMENT PROCEEDINGS

Legal Authority: 16 USC 1853(f)

CFR Citation: 15 CFR 904; 50 CFR 11; 50 CFR 12

Legal Deadline: None

Abstract: Problem: The National Marine Fisheries Service requires scientific data about the state of various fisheries in order to provide better management. In the past, much of this data has been collected by voluntary fishery data collectors placed aboard private vessels by NMFS. Owners and operators of these vessels have expressed concern that information collected by these voluntary fishery data collectors might be used against them in a subsequent enforcement proceeding, thereby affecting their willingness to take on these collectors. Solution: The newly enacted statute "restricts" the use of data obtained by voluntary fishery data collectors in subsequent enforcement proceedings brought pursuant to the Magnuson Fishery Conservation and Management Act, 16 USC 1801, the Marine Mammal Protection Act, 16 USC 1361, and the Endangered Species Act, 16 USC 1531.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: Regulations will likely appear at 15 CFR part 905.

Agency Contact: Joel LaBissonniere, Attorney, Office of General Counsel-Enforcement and Litigation, Department of Commerce, National Oceanic and Atmospheric Administration, 8484 Georgia Avenue, Fourth Floor, Silver Spring, MD 20910, 301 427-2202

RIN: 0648-AE40

541. • SCREENING OF WATER DIVERSIONS TO PROTECT SACRAMENTO RIVER WINTER-RUN CHINOOK SALMON

Significance: Regulatory Program

Legal Authority: 16 USC 1533 et seq

CFR Citation: 50 CFR 227; 50 CFR 222

Legal Deadline: None

Abstract: NMFS is considering proposing regulations under the Endangered Species Act that would establish screening requirements for water diversions from the Sacramento River and Delta to protect a listed species, the winter-run chinook salmon. There are over 2,000 unscreened diversions along the River and Delta. NMFS is concerned that these unscreened diversions may cause substantial losses of juvenile salmon.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 10/00/93 | |

DOC—NOAA

Prerule Stage

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined
Agency Contact: Margaret C. Lorenz, Protected Species Management, Department of Commerce, National Oceanic and Atmospheric Administration, Room 8249 - SSMCI, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2322
RIN: 0648-AF80

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

542. PROPOSED REGULATIONS FOR THE KEY LARGO NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434
CFR Citation: 15 CFR 929
Legal Deadline: None

Abstract: These regulations are being revised to implement the Florida Keys National Marine Sanctuary Protection Act (Pub. L. 101-605) by incorporating the Key Largo Sanctuary into the Florida Keys National Marine Sanctuary management plan and regulations.

Timetable: Next Action Undetermined
Small Entities Affected: None
Government Levels Affected: None

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Capt. Francesca Cava, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM2), Silver Spring, MD 20910, 301 713-3125

RIN: 0648-AA33

543. PROPOSED REGULATIONS FOR THE LOOE KEY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 et seq
CFR Citation: 15 CFR 937
Legal Deadline: None

Abstract: These regulations are being revised to implement the Florida Keys National Marine Sanctuary Protection Act (Pub. L. 101-605) by incorporating the Looe Key Sanctuary into the Florida

Keys National Marine Sanctuary management plan and regulations.

Timetable: Next Action Undetermined
Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Capt. Francesca Cava, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM2), Silver Spring, MD 20910, 301 713-3125

RIN: 0648-AB64

544. THE MONITOR NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 et seq
CFR Citation: 15 CFR 924
Legal Deadline: None

Abstract: These regulations are being revised to update site management provisions.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| ANPRM | 12/00/93 | |
| NPRM | 02/00/94 | |
| NPRM Comment Period End | 04/00/94 | |
| Final Action | 09/00/94 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Capt. Francesca Cava, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM2), Silver Spring, MD 20910, 301 713-3125

RIN: 0648-AC78

OFFICE OF THE ADMINISTRATOR

545. REGIONAL MARINE RESEARCH PROGRAM

Legal Authority: 16 USC 1447 et seq; PL 101-593
CFR Citation: Not yet determined
Legal Deadline: None

Abstract: Regulations will state Regional Boards structure, proposed review process for plans, and research proposals.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| ANPRM | 01/00/94 | |
| ANPRM Comment Period End | 01/00/94 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: William Graham, Chief, Environmental Studies, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2451

RIN: 0648-AF20

546. ● GUIDELINES FOR THE PROCESSING OF APPLICATIONS FOR NONDISCRETIONARY FINANCIAL ASSISTANCE FROM NOAA

Legal Authority: PL 102-567
CFR Citation: None
Legal Deadline: None

Abstract: NOAA is issuing guidelines to ensure that applications for financial assistance under nondiscretionary assistance programs will be processed and approved or disapproved within 75 days after submission of the application, that applicants will be notified within 14 days whether their application is complete, and that nondiscretionary assistance may be provided on a sole source basis.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: David Litton, Chief, Policy & Planning Branch, Grants Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, Room 5440, 1325 East-West Highway, Silver Spring, MD 20910, 301 713-0942

RIN: 0648-AF59

547. ● NATIONAL WEATHER SERVICE MODERNIZATION CRITERIA

Legal Authority: PL 102-567; 15 USC 313
CFR Citation: 15 CFR 947

Legal Deadline: Final, Statutory, October 29, 1993.

DOC—NOAA

Prerule Stage

Abstract: The Secretary of Commerce shall contract with the National Research Council, who shall review the scientific and technical modernization criteria for proposed certification actions to close, consolidate, automate, or relocate field offices of the National Weather Service.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|---------|
| ANPRM | 01/00/94 | |
| ANPRM Comment | 02/00/94 | |
| Period End | | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Nicholas Scheller, Implementation Manager, Department of Commerce, National Oceanic and Atmospheric Administration, Room 17146, 1325 East-West Highway, Silver Spring, MD 20910, 301 713-0454

RIN: 0648-AF72

DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

548. SCIENTIFIC RESEARCH—DOMESTIC AND FOREIGN FISHING

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 611; 50 CFR 620

Legal Deadline: None

Abstract: The rule would define scientific research under the Magnuson Act and would add several prohibitions to the general regulations governing domestic fisheries.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 05/00/94 | |
| NPRM Comment | 06/00/94 | |
| Period End | | |
| Final Action | 08/00/94 | |
| Final Action Effective | 09/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Marilyn Luipold, Staff Attorney, Department of Commerce, National Oceanic and Atmospheric Administration, 8484 Georgia Ave., Silver Spring, MD 20910, 301 427-2202

RIN: 0648-AC61

549. AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR THE ATLANTIC SEA SCALLOP FISHERY

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 650

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt of the amendment from the fishery management council.

Abstract: This amendment would: (1) Impose a moratorium on Federal scallop vessel permits; (2) provide a 7-year reduction program to limit days at sea; (3) set a maximum crew size of nine; (4) require permits for operators and dealers; (5) prohibit shucking and sorting machines; (6) maintain minimum shell height of 3-1/2 inches; (7) prohibit at-sea transfer of scallops; (8) allow non-qualifying vessels with a general scallop permit to land small quantities of scallops; (9) require data reporting by vessels and dealers; (10) monitor effort by requiring use of vessel transponders or sign-in/sign-out procedures; (11) limit the size of trawls in terms of maximum sweep and minimum mesh; (12) limit gear dredge width, chafing gear, and top twine; and (13) specify minimum ring size.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 09/02/93 | 58 FR 46606 |
| NPRM Comment | 10/14/93 | |
| Period End | | |
| Final Action | 11/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648-AC99

550. REVISED REGULATIONS GOVERNING PERMITS FOR THE TAKING AND IMPORTING OF MARINE MAMMALS FOR SCIENTIFIC RESEARCH AND PUBLIC DISPLAY

Significance: Regulatory Program

Legal Authority: 16 USC 1361 et seq, Marine Mammal Protection Act; 16 USC 1531 et seq, Endangered Species Act; 16 USC 1151 et seq, Fur Seal Act

CFR Citation: 50 CFR 216; 50 CFR 215; 50 CFR 222

Legal Deadline: None

Abstract: The National Marine Fisheries Service has recently concluded the first comprehensive examination of its permit program for scientific research and public display since passage of the Marine Mammal Protection Act of 1972 and Endangered Species Act of 1973 and the issuance of permit regulations in 1974 (50 CFR 216 and 222). The review encompassed all aspects of permit program policy, procedures, and management concerning protected species (i.e., marine mammals and endangered or threatened species) under the authority of the Marine Mammal Protection Act, the Endangered Species Act, and the Fur Seal Act. The National Marine Fisheries Service will issue proposed revised regulations governing permits for the taking, import, export, or conduct of an otherwise prohibited activity involving protected species for purposes of scientific research, public display, or enhancement.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Art Jeffers, Chief, Public Display and Education Branch,

Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2289
RIN: 0648-AD11

551. AMENDMENT 5 TO THE FISHERY MANAGEMENT PLAN FOR THE NORTHEAST MULTISPECIES FISHERY

Significance: Regulatory Program
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 651
Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the New England Fishery Management Council.

Abstract: Amendment 5 to the Northeast Multispecies Fishery Management Plan will establish significantly tighter effort controls to allow rebuilding of groundfish stocks, especially cod, haddock, and yellowtail flounder. It will also address the percent maximum spawning potential targets established by the FMP as defining overfishing. The timeframe and rebuilding strategy to achieve targets will be established by Amendment 5. Emphasis will be on an overall reduction in fishing effort.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |
| Final Action | 12/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: Undetermined
Government Levels Affected: Federal
Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648-AD33

552. PROCEDURE FOR SETTING QUOTAS ON REMOVAL OF ATLANTIC BOTTLENOSE DOLPHINS FROM THE WATERS OF THE GULF OF MEXICO AND FLORIDA'S EAST COAST

Legal Authority: 16 USC 1361
CFR Citation: 50 CFR 216

Legal Deadline: None

Abstract: Regulations will establish a procedure for setting and revising quotas to govern the removal of Atlantic bottlenose dolphins (*Tursiops truncatus*) from the Gulf of Mexico and Florida's east coast. Regulations will be supported by an EIS that will provide a comprehensive review of the status of stocks of bottlenose dolphins in the southeast region and the validity of the 2 percent rule for determining the allowable take to the extent reliable data are available. These regulations and quotas will take into account other types of taking such as those that may occur incidentally to commercial fisheries.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 05/31/90 | 55 FR 22042 |
| ANPRM Comment | 07/02/90 | |
| Period End | | |
| NPRM | 03/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Action to be taken will be reevaluated in the context of the Marine Mammal Protection Act as reauthorized in late 1994.

Agency Contact: Katherine Wang, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2289

RIN: 0648-AD39

553. AMENDMENT 27 TO THE FMP FOR GROUND FISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS AREA; AMENDMENT 30 TO THE FMP FOR THE GROUND FISH FISHERY OF THE GULF OF ALASKA

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 672; 50 CFR 675; 50 CFR 677

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 60 days and final action effective 165 days after receipt from the North Pacific Fishery Management Council.

Abstract: These amendments promote management, conservation, and scientific understanding of groundfish, halibut, and crab resources off Alaska.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 01/00/94 | |
| Period End | | |
| Final Action | 02/00/94 | |
| Final Action Effective | 03/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AD80

554. FISHERY MANAGEMENT PLAN FOR THE QUEEN CONCH FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: Not yet determined

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This FMP will establish management measures to rebuild the queen conch resource, including size and bag limits (for personal harvest).

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 04/00/94 | |
| NPRM Comment | 05/00/94 | |
| Period End | | |
| Final Action | 07/00/94 | |
| Final Action Effective | 08/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AD91

DOC—NOAA

Proposed Rule Stage

555. CERTIFICATE OF LEGAL ORIGIN FOR ANADROMOUS FISH PRODUCTS

Legal Authority: PL 101-627, sec 801; Fishery Conservation Amendments of 1990

CFR Citation: 50 CFR 247

Legal Deadline: Final, Statutory, May 27, 1991.

Final regulations are required by PL 101-627, section 801(d) within 180 days of November 28, 1990, provided an agreement is in place with another country under section 801(a) of PL 101-627.

Abstract: The regulation will provide for the issuance of Certificates of Legal Origin for anadromous fish and anadromous fish products legally harvested by vessels of the United States. The certificates will be issued pursuant to agreements between the United States and other countries negotiated under section 801(a) of PL 101-627.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: These regulations cannot be put into effect until the United States enters into an agreement with another country under section 801(a) of PL 101-627. The Department of State has not yet negotiated such an agreement. Accordingly, there is no timetable for implementing these regulations.

Agency Contact: Alan Mager, Special Agent, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, Office of Enforcement, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2300

RIN: 0648-AD93

556. AMENDMENT 11 TO THE FMP FOR COMMERCIAL AND RECREATIONAL SALMON FISHERIES OFF THE COAST OF WASHINGTON, OREGON, AND CALIFORNIA

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 661

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 11 will do one or more of the following: (1) Establish independent management of the Columbia River subarea; (2) revise the Oregon coastal natural coho spawning escapement goal and provide for coho quotas off California; and (3) revise the Klamath River fall chinook spawning escapement goal to provide deficit accounting procedures when escapement falls below the 35,000 floor.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 04/00/94 | |
| Final Action Effective | 05/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rolland A. Schmitt, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way, NE., Bldg. 1, Seattle, WA 98115, 206 526-6150

RIN: 0648-AE05

557. SECRETARIAL AMENDMENT TO THE FMP FOR ATLANTIC SWORDFISH

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 630

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after beginning of review.

Abstract: PL 101-627 (signed into law November 7, 1990) transferred full responsibility for the management of swordfish, including preparation of fishery management plans and amendments, from the regional fishery management councils to the Secretary of Commerce. The Secretary will prepare an amendment to the FMP for Atlantic swordfish that will reduce fishing mortality, prevent overfishing, rebuild an overexploited resource, and

be consistent with conservation measures recommended by the International Commission for the Conservation of Atlantic Tunas. The existing FMP management measures remain in effect until superseded by Secretarial actions.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 12/00/93 | |
| Final Action | 02/00/94 | |
| Final Action Effective | 03/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2334

RIN: 0648-AE09

558. AMENDMENT 7 TO THE FISHERY MANAGEMENT PLAN FOR THE PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 685

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will replace an existing moratorium on new entry into the longline fishery based in Hawaii. The amendment may include a new limited entry program for the Hawaii-based longline fishery, authority for the NMFS Regional Director to require longline vessels to carry observers to collect scientific data, and permit and reporting requirements for other tuna and billfish fishing vessels in the EEZ.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 01/00/94 | |
| Final Action | 03/00/94 | |
| Final Action Effective | 04/00/94 | |

DOC-NOAA

Proposed Rule Stage

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Agency Contact: Gary Matlock, Acting Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001

RIN: 0648-AE35

559. GENERAL PROVISIONS FOR DOMESTIC FISHERIES

Legal Authority: 16 USC 1801-81 Magnuson Act

CFR Citation: 50 CFR 620

Legal Deadline: None

Abstract: The amendments to the Magnuson Act of November 14, 1990, added several new prohibitions such as the ban on large-scale driftnet fishing and the prohibition on assaulting observers. The regulations at 50 CFR 620 contain the prohibitions that apply generally to domestic fishing regulated under the Magnuson Act. The regulations must be amended to reflect the recent amendments to the Magnuson Act and to update and improve current language generally. The alternative would be to leave the regulatory language as it is now. This would be unacceptable because it would leave the regulation out of date and inconsistent with the current statutory language. The benefits would be to improve the current regulations and to clarify the scope of the new statutory language. There are no potential costs identified.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia Kraniotis, Staff Attorney, Department of Commerce, National Oceanic and Atmospheric Administration, Office of General Counsel, 8484 Georgia Avenue, Room 400, Silver Spring, MD 20910, 301 427-2202

RIN: 0648-AE39

560. FISHERY MANAGEMENT PLAN FOR CORALS AND ASSOCIATED INVERTEBRATES OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS

Legal Authority: 16 USC 1801 et seq

CFR Citation: Not yet determined

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from a regional fishery management council.

Abstract: This fishery management plan will contain measures to protect and rebuild the coral resources that include: (1) prohibition on the collection of certain species; (2) habitat protection; (3) prohibition of diving and other activities on the coral reef tract; (4) setting aside coral reefs for a natural reserve; (5) gear restrictions; (6) prohibition on the use of drugs and explosives in the fishery; and (7) reporting requirements.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |
| Final Action | 01/00/94 | |
| Final Action Effective | 02/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AE47

561. FISHERY MANAGEMENT PLAN FOR ATLANTIC HERRING

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 648

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the Regional Fishery Management Council.

Abstract: This fishery management plan would implement management measures for Atlantic herring in the EEZ off New England and the Mid-Atlantic States.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment | 03/00/94 | |
| Period End | | |
| Final Action | 04/00/94 | |
| Final Action Effective | 05/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard B. Roe, Director, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648-AE50

562. AMENDMENT 6 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 646

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from a regional fishery management council.

Abstract: This amendment would address: (1) specifications of allowable gear; (2) Federal permit requirements for dealers; (3) permits for charterboats, headboats; and (4) commercial permits to sell fish.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |
| Final Action | 01/00/94 | |
| Final Action Effective | 02/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AE51

DOC—NOAA

Proposed Rule Stage

563. AMENDMENT 7 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

Significance: Regulatory Program
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 646

Legal Deadline: NPRM, Statutory. Final, Statutory.
 NPRM 15 days and final action 110 days after receipt from a regional fishery management council.

Abstract: This amendment would evaluate the establishment of a four-part ITQ system to be grouped as follows: (1) deep-water groupers; (2) amberjack; (3) shallow-water groupers and other species north of Cape Canaveral; (4) shallow-water species south of Cape Canaveral; and (5) Individual Transferrable Quotas for snowy groupers and tilefish.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 09/00/94 | |
| NPRM Comment Period End | 10/00/94 | |
| Final Action | 12/00/94 | |
| Final Action Effective | 01/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141
RIN: 0648-AE52

564. SEA TURTLE MONITORING AND CONSERVATION MEASURES FOR NONSHRIMP FISHERIES

Significance: Agency Priority
Legal Authority: 16 USC 1531 et seq
CFR Citation: 50 CFR 217; 50 CFR 222; 50 CFR 227

Legal Deadline: None

Abstract: NMFS proposes to protect sea turtles through the implementation of sea turtle conservation measures on nonshrimp fisheries. Bottom trawlers in the mid-Atlantic take sea turtles when not using turtle excluder devices (TEDs) and may jeopardize the continued existence of endangered sea turtles. NMFS proposes to require TEDs

in all bottom trawlers operating from North Carolina through Delaware. Other nonshrimp fisheries using tow lines, gill nets, or other gear probably take significant numbers of sea turtles. In order to better quantify that level of take, NMFS proposes to require observers in all fisheries suspected of taking turtles in all U.S. waters.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 07/10/92 | 57 FR 30709 |
| ANPRM Comment Period End | 08/08/92 | |
| Interim Final Rule | 02/16/93 | 58 FR 8554 |
| NPRM | 10/00/93 | |
| Final Action | 11/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Public Compliance Cost: Initial Cost: \$25,000; Yearly Recurring Cost: \$12,500; Base Year for Dollar Estimates: 1992

Analysis: Regulatory Flexibility Analysis

Agency Contact: Phil Williams, National Sea Turtle Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1335 East-West Highway, SSMC#1, Silver Spring, MD 20910, 301 713-2319

RIN: 0648-AE54

565. AMENDMENT 5 TO THE GULF OF MEXICO REEF FISH FISHERY MANAGEMENT PLAN

Significance: Regulatory Program
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 641

Legal Deadline: NPRM, Statutory. Final, Statutory.
 NPRM 15 days and final action 110 days after receipt from a regional fishery management council.

Abstract: Amendment 5 to the Gulf of Mexico Reef Fish Fishery Management Plan would (1) modify gear restrictions; (2) modify restricted area boundaries; (3) establish special management areas off Alabama; (4) add a general framework procedure for establishing special management zones in the future by regulatory amendment; and (5) regulate harvest of mutton snapper.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AE58

566. AMENDMENT 23 TO THE FMP FOR BSAI GROUND FISH, AMENDMENT 28 TO THE FMP FOR GOA GROUND FISH, AND AMENDMENT 2 TO THE FMP FOR THE COMMERCIAL KING AND TANNER CRAB FISHERIES IN THE BSAI

Significance: Regulatory Program
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: The amendments establish a moratorium on the entry of new vessels into the groundfish, crab, and halibut fisheries. The objective of the moratorium is to control continued growth in fishing capacity while alternative management measures to address the overcapacity problem are developed.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P. O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AE62

567. REGULATORY AMENDMENT TO REVISE REQUIREMENTS FOR REPORTING AND RECORDKEEPING

Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 672; 50 CFR 675

DOC—NOAA

Proposed Rule Stage

Legal Deadline: None

Abstract: Revises requirements for reporting and recordkeeping for harvesting and processing of groundfish off Alaska; provides authority to collect information with new forms.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P. O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AE63

568. REGULATORY AMENDMENT ON INTERACTIVE COMMUNICATIONS IN THE GROUND FISH FISHERIES OF THE GOA AND BSAI

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: This amendment will determine requirements for interactive communications in the groundfish fisheries of the Gulf of Alaska and Bering Sea and Aleutian Islands area to enhance reporting and recordkeeping.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 04/00/94 | |
| Final Action Effective | 05/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AE78

569. REGULATORY AMENDMENT FOR GROUND FISH OF THE GULF OF ALASKA AND BERING SEA AND ALEUTIAN ISLANDS TO REVISE IFQ TRANSFER PROVISIONS TO REQUIRE TRANSFER OF "BLOCKS"

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: This action provides issuance of Individual Fishing Quotas (IFQ) quota shares in blocks.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 05/00/94 | |
| Final Action Effective | 06/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AE79

570. REGULATORY AMENDMENT TO DEFINE PELAGIC TRAWL IN THE ALASKA GROUND FISH FISHERIES

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: This action would institute a new pelagic trawl definition for the Alaska fisheries to further clarify gear types for enforcement and closure purposes and to ensure that fishermen are certain what gear-type closures apply to them.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AE81

571. AMENDMENT 21B TO THE FMP FOR THE GROUND FISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 675

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment establishes salmon bycatch management measures in the Bering Sea and Aleutian Islands, including a requirement to prohibit the discard of salmon until such time as a NMFS certified observer has had the opportunity to count and biologically sample each salmon retained.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AE97

572. AMENDMENT 7 TO THE FISHERY MANAGEMENT PLAN FOR COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 642

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 7 will (1) change the boundaries for king and Spanish mackerel in the Gulf of Mexico and South Atlantic; (2) establish a trip limit regime to spread out the catch, extend the season, and reduce the risk of fishing over quota; and (3) establish an ITQ system for East Coast Spanish mackerel.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 09/00/94 | |
| NPRM Comment Period End | 10/00/94 | |

DOC—NOAA

Proposed Rule Stage

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 12/00/94 | |
| Final Action Effective | 01/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AE98

573. AMENDMENT 7 TO THE NORTHERN ANCHOVY FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 662

Legal Deadline: NPRM, Statutory. Final, Statutory. NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 7 to the Northern Anchovy Fishery Management Plan would include Pacific mackerel, jack mackerel, and Pacific sardine under the management of this FMP, which would be renamed the Fishery Management Plan for Coastal Pelagics.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 07/00/94 | |
| NPRM Comment Period End | 08/00/94 | |
| Final Action | 09/00/94 | |
| Final Action Effective | 10/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gary Matlock, Acting Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802, 310 980-4001

RIN: 0648-AE99

574. AMENDMENT 5 TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC MACKEREL, SQUID, AND BUTTERFISH

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 655

Legal Deadline: NPRM, Statutory. Final, Statutory. NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 5 would establish a moratorium on entry of vessels and add a requirement for mandatory reporting.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 04/00/94 | |
| NPRM Comment Period End | 06/00/94 | |
| Final Action | 07/00/94 | |
| Final Action Effective | 08/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9200

RIN: 0648-AF01

575. AMENDMENT 21A TO THE FMP FOR THE GROUND FISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS TO PROHIBIT BOTTOM TRAWLING ADJACENT TO THE PRIBILOF ISLANDS

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 675

Legal Deadline: NPRM, Statutory. Final, Statutory. NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This action would prohibit bottom trawling adjacent to the Pribilof Islands to prevent excessive king crab bycatch in the area.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 03/00/94 | |
| NPRM Comment Period End | 05/00/94 | |
| Final Action | 07/00/94 | |
| Final Action Effective | 08/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and

Atmospheric Administration, P. O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF02

576. REGULATORY AMENDMENT TO DEFINE LEGAL GEAR TYPES IN THE GROUND FISH FISHERIES OF THE GOA AND BSAI

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: This amendment would define legal gear types for all groundfish fisheries in the Gulf of Alaska and the Bering Sea and Aleutian Islands.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF15

577. AMENDMENT 25 TO THE FISHERY MANAGEMENT PLAN FOR THE GROUND FISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 675

Legal Deadline: NPRM, Statutory. Final, Statutory. NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 25 authorizes allocation of prohibited species bycatch allowances to the Bering Sea and Aleutian Islands pollock fisheries (inshore/offshore and Community Development Quotas). Allocations will be based on percentages set forth in regulations.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 07/00/94 | |
| NPRM Comment Period End | 09/00/94 | |
| Final Action | 11/00/94 | |
| Final Action Effective | 12/00/94 | |

DOC—NOAA

Proposed Rule Stage

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221
RIN: 0648-AF17

578. PROPOSED RULE TO REQUIRE CERTAIN FISH FROM MEXICO TO RETAIN HEADS AND TAILS INTACT IN ORDER TO PROTECT THE ENDANGERED TOTOABA

Legal Authority: 16 USC 1531 et seq, Endangered Species Act

CFR Citation: 50 CFR 227

Legal Deadline: None

Abstract: In response to a petition, the National Marine Fisheries Service is proposing to regulate the importation of certain fish from Mexico by requiring those fish to be imported with heads and tails intact. This action is being proposed in order to prevent the illegal importation of totoaba, an endangered scianid fish, which when in fillet form is indistinguishable from the other species. Preliminarily, NMFS has determined that this rule, if promulgated, will have a minimal economic impact on importers, as major importers require fish imports to retain heads in order to determine freshness.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Kenneth R. Hollingshead, Fishery Biologist, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, SSMC#1, Silver Spring, MD 20910, 301 713-2055

RIN: 0648-AF32

579. REGULATORY AMENDMENT—NORTHEAST REGION GENERAL FISHERIES PERMIT AND REPORTING PROCEDURES

Legal Authority: 16 USC 971 et seq; 16 USC 1801 et seq

CFR Citation: 50 CFR 622; 50 CFR 625; 50 CFR 628; 50 CFR 649 to 652; 50 CFR 655

Legal Deadline: None

Abstract: This action would consolidate provisions pertaining to permit-related activities for fisheries in the Northeast Region, NMFS. Fisheries impacted by this rule include summer flounder, bluefish, American lobster, Atlantic sea scallops, Northeast multispecies groundfish, Atlantic surf clams and ocean quahogs, and Atlantic mackerel, squid, and butterfish. This rule would also authorize fees to be collected as a requirement for fishing permits. The intent is to ensure more consistency and eliminate redundancy between permit-related activities of the fisheries of the Northeast Region.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard B. Roe, Director, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9209

RIN: 0648-AF33

580. AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR THE SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 640

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 4 will establish differential bag limits off Georgia, South Carolina, and North Carolina.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 04/00/94 | |
| NPRM Comment | 05/00/94 | |
| Period End | | |
| Final Action | 07/00/94 | |
| Final Action Effective | 08/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AF37

581. REGULATORY AMENDMENT IMPLEMENTING GROUND FISH-GEAR CHANGES IN THE PACIFIC COAST GROUND FISH FISHERY

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: This regulatory amendment implements groundfish gear changes that would update the definitions and specifications for legal groundfish gear to conform with changes in the fishery, technology, and State regulations.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |
| Final Action | 02/00/94 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115, 206 526-6150

RIN: 0648-AF38

582. AMENDMENT 5 TO THE FMP FOR AMERICAN LOBSTER

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 649

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 4 will redefine overfishing for American lobster and revise minimum-size requirements for the fishery.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

DOC—NOAA

Proposed Rule Stage

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM Comment | 01/00/94 | |
| Period End | | |
| Final Action | 05/00/94 | |
| Final Action Effective | 06/00/94 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Richard B. Roe, Director, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9200
RIN: 0648-AF39

583. SECRETARIAL AMENDMENT (AMENDMENT 9) TO THE FMP FOR ATLANTIC SURF CLAMS AND OCEAN QUAHOGS

Legal Authority: 16 USC 1801 et seq**CFR Citation:** 50 CFR 652

Legal Deadline: NPRM, Statutory. NPRM 15 days from date amendment review begins and council is sent copy for comments.

Abstract: This amendment would allow a fishery for mahogany clams (ocean quahogs) off a portion of the coast of Maine in the EEZ to be exempt from the regulations implementing Individual Transferable Quotas (ITQs) by Amendment 8 to the FMP. The fishery will have a maximum size limit and restricted area of operation.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 01/00/94 | |
| Period End | | |
| Final Action | 02/00/94 | |
| Final Action Effective | 03/00/94 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Richard B. Roe, Director, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9200
RIN: 0648-AF41

584. AMENDMENT TO ENHANCE DATA ON BYCATCH AND ESTABLISH A PILOT PROGRAM FOR DONATION OF ATLANTIC SWORDFISH

Legal Authority: 16 USC 971 to 971h**CFR Citation:** 50 CFR 630**Legal Deadline:** None

Abstract: This action would establish a pilot program to allow donation, on an experimental basis, of dead, undersized Atlantic swordfish to charitable organizations for data collection and humanitarian purposes.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 11/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None**Government Levels Affected:** Undetermined

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2334

RIN: 0648-AF42

585. AMENDMENT 31 TO THE FMP FOR THE GROUND FISH FISHERY OF THE GULF OF ALASKA

Legal Authority: 16 USC 1801 et seq**CFR Citation:** 50 CFR 672

Legal Deadline: NPRM, Statutory. Final, Statutory. NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment establishes Atka mackerel as a target species to provide biologically based management.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF43

586. AMENDMENT 26 TO THE FMP FOR THE GROUND FISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS AND AMENDMENT 29 TO THE FMP FOR THE GROUND FISH FISHERY OF THE GULF OF ALASKA

Significance: Regulatory Program**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 672; 50 CFR 675**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: These amendments would require all trawl vessels participating in the groundfish fishery to register to fish in either the western/central Gulf of Alaska or the Bering Sea and Aleutian Islands area, but not both.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 03/00/94 | |
| NPRM Comment | 05/00/94 | |
| Period End | | |
| Final Action | 08/00/94 | |
| Final Action Effective | 09/00/94 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF44

587. AMENDMENT 32 TO THE FISHERY MANAGEMENT PLAN FOR THE GROUND FISH FISHERY OF THE GULF OF ALASKA

Legal Authority: 16 USC 1801 et seq**CFR Citation:** 50 CFR 672**Legal Deadline:** NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This action authorizes a rockfish rebuilding program for the Gulf of Alaska.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 02/00/94 | |
| NPRM Comment | 04/00/94 | |
| Period End | | |

DOC—NOAA

Proposed Rule Stage

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 06/00/94 | |
| Final Action Effective | 07/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221
RIN: 0648-AF45

588. AMENDMENT 24 TO THE FMP FOR THE GROUND FISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS

Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 675

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final rule 110 days after receipt from the fishery management council.

Abstract: This amendment would authorize allocation of Pacific cod total allowable catch among trawl, hook-and-line and pot gear fisheries. The amendment would also require 30-percent observer coverage for trawl vessels.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |
| Final Action | 02/00/94 | |
| Final Action Effective | 03/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221
RIN: 0648-AF47

589. TAKE OF MARINE MAMMALS BY THE U.S. NAVY INCIDENTAL TO ACTIVITIES IN SOUTHERN CALIFORNIA BIGHT

Legal Authority: 16 USC 1361 et seq
CFR Citation: 50 CFR 228

Legal Deadline: None

Abstract: The U.S. Navy has requested NMFS to issue regulations that would authorize a take of marine mammals incidental to ship shock trials and small scale underwater explosive tests in the Navy outer test range seaward of the Southern California Bight. Under the Marine Mammal Protection Act, NMFS is allowed to authorize these takings if certain findings are made and regulations are issued that include requirements for monitoring and reporting.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 06/07/93 | 58 FR 31944 |
| ANPRM Comment | 07/07/93 | 58 FR 31944 |
| Period End | | |
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Kenneth Hollingshead, Fishery Biologist, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, SSMC#1, Silver Spring, MD 20910, 301 713-2322
RIN: 0648-AF49

590. TAKING OF MARINE MAMMALS INCIDENTAL TO FISHERIES-RELATED RESEARCH

Legal Authority: 16 USC 1631 et seq
CFR Citation: 50 CFR 228

Legal Deadline: None

Abstract: The National Marine Fisheries Service has received requests from its regional offices to take small numbers of marine mammals incidental to fisheries-related research over the next 5 years. This activity would be allowed under section 101(a)(5) of the Marine Mammal Protection Act, if NMFS makes certain findings and regulations are issued that cover monitoring and reporting.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 12/09/91 | 56 FR 64234 |
| ANPRM Comment | 01/08/92 | 56 FR 64234 |
| Period End | | |
| NPRM | 12/00/93 | |
| NPRM Comment | 02/00/94 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Thomas C. Eagle, Fishery Biologist, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, SSMC#1, Silver Spring, MD 20910, 301 713-2319
RIN: 0648-AF50

591. REGULATORY AMENDMENT—CHANGES TO DIRECTED FISHING REGULATIONS

Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: Regulatory amendment to clarify, simplify, and framework directed fishing standards in the Alaska groundfish fisheries.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |
| Final Action | 02/00/94 | |
| Final Action Effective | 03/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221
RIN: 0648-AF53

592. REGULATORY AMENDMENT TO THE DOMESTIC GROUND FISH OBSERVER PROGRAM

Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 611; 50 CFR 620; 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: This regulatory amendment bases observer coverage requirements on fishing days, changes the way in which 30-percent coverage vessels must meet their quarterly coverage requirements, and modifies observer coverage requirements for vessels using pot gear.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

DOC—NOAA

Proposed Rule Stage

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF54

593. REGULATORY AMENDMENT TO REDUCE DIRECTED FISHING STANDARDS FOR GROUND FISH

Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: This action would reduce allowable bycatch amounts to avoid reaching total allowable catch and subsequent Prohibited Species catch status and wastage of resources.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 03/00/94 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 98802, 907 586-7221

RIN: 0648-AF55

594. REGULATORY AMENDMENT REGARDING MESH SIZE IN TRAWLS IN THE ALASKA GROUND FISH FISHERIES

Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: This regulatory amendment specifies trawl mesh size to reduce bycatch of undersized fish and reduce waste in the Alaska groundfish fisheries.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF57

595. • REGULATORY AMENDMENT TO MODIFY PERMIT APPLICATION REQUIREMENTS FOR ALL FISHERY MANAGEMENT PLANS IN THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 680; 50 CFR 681; 50 CFR 683; 50 CFR 685

Legal Deadline: None

Abstract: This regulatory amendment would amend the rules and forms for Federal fishing permit applications to minimize problems for fishermen completing applications and administrators determining whether applicants qualify for permits.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 03/00/94 | |
| Final Action | 04/00/94 | |
| Final Action Effective | 06/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gary Matlock, Acting Director, Southwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001

RIN: 0648-AF62

596. • REGULATORY AMENDMENT FOR ATLANTIC SHARKS TO ENHANCE DATA COLLECTION, MANAGEMENT, AND ENFORCEMENT

Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 678

Legal Deadline: None

Abstract: This amendment, under the shark fisheries framework adjustment procedures, would amend regulations

to enhance data collection, management, and enforcement.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 01/00/94 | |
| Final Action Effective | 02/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2334

RIN: 0648-AF63

597. • REGULATORY AMENDMENT FOR RED SNAPPER MANAGEMENT IN 1994 UNDER THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 641

Legal Deadline: None

Abstract: This regulatory amendment, under the annual adjustment of management measures framework of Amendment 1 to the FMP, would modify red snapper management measures for the 1994 fishing season.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 01/00/94 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AF64

598. • REGULATORY AMENDMENT TO PLACE RESTRICTIONS ON VESSELS AND PROCESSORS AFFILIATED WITH DONUT HOLE OPERATIONS

Legal Authority: 16 USC 1801 et seq

DOC—NOAA

Proposed Rule Stage

CFR Citation: 50 CFR 675

Legal Deadline: None

Abstract: This regulatory amendment would prohibit the participation in any fishery under the jurisdiction of the North Pacific Fishery Management Council of vessels or shoreside processing facilities owned or controlled by persons who own or control any vessel that fishes in the Donut Hole.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 04/00/94 | |
| Final Action Effective | 05/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF65

599. • REGULATORY AMENDMENT ON TOTAL WEIGHT MEASUREMENTS FOR THE BERING SEA AND ALEUTIAN ISLANDS AREA COMMUNITY DEVELOPMENT QUOTA FISHERIES

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 675

Legal Deadline: None

Abstract: This regulatory amendment would establish mandatory requirements to obtain accurate total weight measurements from all processors harvesting or receiving groundfish harvested under a Community Development Quota (CDQ) program. Requirements include two NMFS certified observers and either certified volumetric or scale measurements.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 01/00/94 | |
| Final Action Effective | 02/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF66

600. • REGULATORY AMENDMENT TO ESTABLISH THE BERING SEA AND ALEUTIAN ISLANDS "A" SEASON FRAMEWORK

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 675

Legal Deadline: None

Abstract: This regulatory amendment establishes the start date of the "A" season each year.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 10/00/93 | |
| Final Action | 12/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF67

601. • REGULATORY AMENDMENT TO PROVIDE AUTHORITY TO PUBLISH VESSEL NAMES AND OBSERVED SALMON BYCATCH

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 675

Legal Deadline: None

Abstract: This amendment would specify that observer data collected on vessel name and number of salmon counted during each weekly reporting period will be made public.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 10/00/93 | |
| Final Action | 12/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF68

602. • REGULATORY AMENDMENT TO IMPLEMENT MEASURES IN THE NORTH PACIFIC ANADROMOUS STOCKS ACT OF 1992

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 675

Legal Deadline: None

Abstract: This regulatory amendment would prohibit net fishing for salmon outside of Alaska waters.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 03/00/94 | |
| Final Action | 06/00/94 | |
| Final Action Effective | 07/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7228

RIN: 0648-AF69

603. • REGULATORY AMENDMENT TO ESTABLISH FEDERAL REPORTING REQUIREMENTS FOR THE NORTHWESTERN HAWAIIAN ISLANDS FISHERY IN THE BOTTOMFISH AND SEAMOUNT GROUND FISH FISHERIES OF THE WESTERN PACIFIC

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 683

Legal Deadline: None

Abstract: This regulatory amendment is to resolve problems associated with the inadequacy of fishery data reported to the State of Hawaii with respect to catch and effort needed for stock assessments and improved fishery management.

DOC—NOAA

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 12/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: Gary Matlock, Acting Director, Southwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001

RIN: 0648-AF71

604. • REGULATORY AMENDMENT TO REQUIRE BLUEFIN TUNA STATISTICAL DOCUMENTS

Legal Authority: 16 USC 971 et seq

CFR Citation: 50 CFR 285

Legal Deadline: None

Abstract: This amendment would establish the requirement that bluefin tuna imported into Customs territory of the United States be accompanied by a statistical document indicating harvesting nation and area of catch.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2334

RIN: 0648-AF74

605. • REGULATORY AMENDMENT TO ESTABLISH PERMIT CONSOLIDATION PROCEDURES UNDER THE PACIFIC COAST GROUND FISH FMP LIMITED ENTRY PROGRAM

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: Regulations would establish how many permits from smaller vessels could be combined into one permit for use by a larger vessel under the Pacific Coast Groundfish limited entry program. This would allow vessels that did not originally qualify for a limited entry permit to gain access to the limited entry fishery without increasing harvesting capacity or overcapitalization of the fishery.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 11/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Rolland A. Schmitt, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Seattle, WA 98115-0070, 206 526-6150

RIN: 0648-AF76

606. • REGULATORY AMENDMENT TO ESTABLISH A VESSEL MONITORING SYSTEM WITHIN THE PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 685

Legal Deadline: None

Abstract: This amendment establishes a framework process for determining whether to implement an automated vessel monitoring system (VMS) and, if so, for preparing necessary supporting documentation for carrying out rulemaking to implement the VMS without an FMP amendment.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 01/00/94 | |
| Final Action Effective | 02/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: Gary Matlock, Acting Director, Southwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean

Boulevard, Long Beach, CA 90802-4213, 310 980-4001

RIN: 0648-AF77

607. • REGULATORY AMENDMENT FOR OTHER SPECIES OF REEF FISH IN THE GULF OF MEXICO—RED GROUPEL, RED PORGY, AMBERJACK, AND GAG GROUPEL

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 641

Legal Deadline: None

Abstract: Under the framework procedures of the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, this action will establish new management measures for red grouper, red porgy, amberjack, and gag grouper.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 12/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AF78

608. • DESIGNATED CRITICAL HABITAT; JOHNSON'S SEAGRASS

Significance: Agency Priority

Legal Authority: 16 USC 1533

CFR Citation: 50 CFR 226

Legal Deadline: None

Abstract: The National Marine Fisheries Service (NMFS) has proposed that Johnson's seagrass be listed as threatened under the Endangered Species Act (ESA). Section 4(b)(2) of the ESA requires that critical habitat be designated for a listed species after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat. Critical habitat is the specific area within the geographical range of the species that has physical or biological features essential to the conservation of the species and which may require special management

consideration or protection. Section 4(b)(6)(C) of the ESA requires that a regulation designating critical habitat be published concurrently with a final listing determination unless critical habitat is not then determinable. In that case a final designation of critical habitat may be extended for up to one year. NMFS intends to designate critical habitat concurrently with a final listing determination.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/15/93 | 58 FR 48326 |
| NPRM Comment Period End | 12/14/93 | 58 FR 48326 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dean Wilkinson, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2322
RIN: 0648-AF79

609. • FISHERY MANAGEMENT PLAN FOR THE NORTH PACIFIC SCALLOP FISHERIES

Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 673

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the North Pacific Fishery Management Council.

Abstract: This amendment would establish a system for conservation and management of Alaska's scallop fishery.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 02/00/94 | |
| NPRM Comment Period End | 03/00/94 | |
| Final Action | 05/00/94 | |
| Final Action Effective | 06/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221
RIN: 0648-AF81

610. • AMENDMENT 8 TO THE FISHERY MANAGEMENT PLAN FOR CRUSTACEAN FISHERIES OF THE WESTERN PACIFIC REGION

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 681

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from a regional fishery management council.

Abstract: This amendment would resolve problems associated with implementation of the annual quota system and renewal of limited entry permits in situations where the preliminary quota determination would result in a low or zero quota.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 02/00/94 | |
| NPRM Comment Period End | 04/00/94 | |
| Final Action | 05/00/94 | |
| Final Action Effective | 06/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gary Matlock, Acting Director, Southwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001
RIN: 0648-AF82

611. • AMENDMENT 7 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 658

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from a regional fishery management council.

Abstract: Amendment 7 will define overfishing for white shrimp and control bycatch in the shrimp fishery.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 07/00/94 | |
| NPRM Comment Period End | 08/00/94 | |

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

Final Action 09/00/94

Final Action Effective 10/00/94

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AF83

612. • AMENDMENT 7 TO THE FMP FOR THE REEF FISH FISHERY OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 641

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from a regional fishery management council.

Abstract: Amendment 7 will establish an Individual Transferrable Quota (ITQ) program or limited access system for red snapper.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 09/00/94 | |
| NPRM Comment Period End | 10/00/94 | |
| Final Action | 12/00/94 | |
| Final Action Effective | 01/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AF84

613. • AMENDMENT 2 TO THE FMP FOR CORAL AND CORAL REEFS OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 638

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from a regional fishery management council.

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Abstract: Amendment 2 would manage live rock resources in the FMP management area by restricting harvest of this resource used primarily in the aquarium trade. Live rock is a broad term used in the marine life collection industry to describe several types of substrate colonized by marine organisms.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 01/00/94 | |
| Final Action Effective | 02/00/94 | |

Small Entitles Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AF85

614. • FISHERY MANAGEMENT PLAN FOR ATLANTIC TUNAS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 285

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from a regional fishery management council.

Abstract: This Fishery Management Plan will establish management measures for Atlantic tunas under authority of the Magnuson Act, as well as the Atlantic Tunas Convention Act, as set forth in the 1990 amendments to the Magnuson Act.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 04/00/94 | |
| NPRM Comment Period End | 05/00/94 | |
| Final Action | 06/00/94 | |
| Final Action Effective | 07/00/94 | |

Small Entitles Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management,

Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-7334

RIN: 0648-AF86

615. • FISHERY MANAGEMENT PLAN FOR TILEFISH

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: Not yet determined

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from a regional fishery management council.

Abstract: This FMP would manage tilefish (*Lopholatilus chamaeleonticeps*) in the EEZ along the Atlantic Coast north of the Virginia/North Carolina border to rebuild the stock.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 05/00/94 | |
| NPRM Comment Period End | 07/00/94 | |
| Final Action | 08/00/94 | |
| Final Action Effective | 09/00/94 | |

Small Entitles Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard B. Roe, Director, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648-AF87

616. • AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC BILLFISH

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 644

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from a regional fishery management council.

Abstract: This amendment will define overfishing for Atlantic billfish.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM Comment Period End | 05/00/94 | |
| Final Action | 06/00/94 | |
| Final Action Effective | 07/00/94 | |

Small Entitles Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-7334

RIN: 0648-AF88

617. • AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC SHARKS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 678

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from a regional fishery management council.

Abstract: This amendment will incorporate measures to enhance data collection, management, and enforcement.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 04/00/94 | |
| NPRM Comment Period End | 05/00/94 | |
| Final Action | 06/00/94 | |
| Final Action Effective | 07/00/94 | |

Small Entitles Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2334

RIN: 0648-AF89

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618. • AMENDMENT 8 TO THE PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN TO IMPLEMENT INDIVIDUAL QUOTAS FOR SABLEFISH AND PACIFIC HALIBUT

Significance: Regulatory Program
Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 663

Legal Deadline: NPRM, Statutory. Final, Statutory.
 NPRM 15 days and final action 110 days after receipt from the Pacific Fishery Management Council.

Abstract: Regulations would implement Amendment 8 to the Pacific Coast Groundfish FMP to establish an individual quota system for sablefish and halibut caught off Washington, Oregon, and California.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 06/00/94 | |
| NPRM Comment Period End | 07/00/94 | |
| Final Action | 08/00/94 | |
| Final Action Effective | 09/00/94 | |

Small Entities Affected: Businesses
Government Levels Affected: Federal
Agency Contact: Rolland A. Schmitt, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Seattle, WA 98115-0070, 206 526-6150
RIN: 0648-AF90

619. • REGULATORY AMENDMENT TO ESTABLISH THE 1994 ALLOCATION OF PACIFIC WHITING

Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 663
Legal Deadline: None

Abstract: This regulatory amendment would allocate the harvest guideline for Pacific whiting between competing user groups.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 03/00/94 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal
Agency Contact: Rolland A. Schmitt, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Seattle, WA 98115, 206 526-6150
RIN: 0648-AF95

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

620. PROPOSED REGULATIONS FOR THE FAGATELE BAY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1445
CFR Citation: 15 CFR 941
Legal Deadline: None

Abstract: These existing regulations are to be revised to improve enforcement of prohibited activities, provide additional protective provisions, and update permit requirements.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 03/00/95 | |
| NPRM Comment Period End | 05/00/95 | |
| Final Action | 11/00/95 | |
| Final Action Effective | 01/00/96 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Capt. Francesca Cava, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM2), Silver Spring, MD 20910, 301 713-3125
RIN: 0648-AA74

621. PROPOSED REGULATIONS FOR THE CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1445
CFR Citation: 15 CFR 935
Legal Deadline: None

Abstract: These existing regulations are to be revised to improve enforcement of prohibited activities, provide additional protective provisions, and update permit requirements.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 09/00/94 | |

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|-------------------------|----------|--|
| NPRM Comment Period End | 11/00/94 | |
| Final Action | 05/00/95 | |
| Final Action Effective | 07/00/95 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Capt. Francesca Cava, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM2), Silver Spring, MD 20910, 301 713-3125

RIN: 0648-AC03

622. PROPOSED REGULATIONS FOR THE GULF OF THE FARALLONES NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1445
CFR Citation: 15 CFR 936
Legal Deadline: None

Abstract: These existing regulations are being revised to improve enforcement of prohibited activities, provide additional protective provisions, and update permit requirements.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 12/00/94 | |
| NPRM Comment Period End | 02/00/95 | |
| Final Action | 08/00/95 | |
| Final Action Effective | 10/00/95 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Capt. Francesca Cava, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM2), Silver Spring, MD 20910, 301 713-3125

RIN: 0648-AC05

623. PROPOSED REGULATIONS FOR THE NORTHWEST STRAITS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1445
CFR Citation: Not yet determined
Legal Deadline: None

Abstract: These regulations will protect the conservational, recreational, ecological, historical, research, educational, and esthetic qualities of the waters of northern Puget Sound in

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the State of Washington, if the area is designated as a national marine sanctuary.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 06/00/94 | |
| NPRM Comment | 08/00/94 | |
| Period End | | |
| Final Action | 02/00/96 | |
| Final Action Effective | 06/00/96 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Capt. Francesca Cava, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM2), Silver Spring, MD 20910, 301 713-3125

RIN: 0648-AC91

624. PROPOSED REGULATIONS FOR THE NORFOLK CANYON NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1445

CFR Citation: 15 CFR 939

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Norfolk Canyon if the area is designated as a national marine sanctuary.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Capt. Francesca Cava, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM2), Silver Spring, MD 20910, 301 713-3125

RIN: 0648-AC92

625. PROPOSED REGULATIONS FOR THE FLORIDA KEYS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 et seq; PL 101-605

CFR Citation: 15 CFR 929

Legal Deadline: Final, Statutory, May 1993.

Abstract: These regulations are necessary for the implementation of the congressionally designated national marine sanctuary.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment | 02/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Capt. Francesca Cava, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM2), Silver Spring, MD 20910, 301 713-3125

RIN: 0648-AD85

626. THUNDER BAY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1445

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Thunder Bay if the area is designated as a national marine sanctuary.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Capt. Francesca Cava, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM2), Silver Spring, MD 20910, 301 713-3125

RIN: 0648-AE41

627. GRAY'S REEF NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1445

CFR Citation: 15 CFR 938

Legal Deadline: None

Abstract: These regulations are being revised to update site management provisions.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Capt. Francesca Cava, Chief, Sanctuaries and Reserves

Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM2), Silver Spring, MD 20910, 301 713-3125

RIN: 0648-AE42

628. NATIONAL MARINE SANCTUARY PROGRAM REGULATIONS

Legal Authority: 16 USC 1431 et seq

CFR Citation: 15 CFR 922

Legal Deadline: None

Abstract: This rulemaking will implement 1988 amendments to title III of the Marine Protection, Research and Sanctuaries Act, including modifications to expedite the sanctuary designation process, to promote and coordinate research in national marine sanctuaries, to expand enforcement authority, to clarify special-use permits, and to implement new authority to assess damages for destruction, loss or injury to sanctuary resources.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 07/14/92 | 57 FR 31150 |
| NPRM Comment | 08/28/92 | |
| Period End | | |
| Second NPRM - National Marine Sanctuary Regulations | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Capt. Francesca Cava, Chief, Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM2), Silver Spring, MD 20910, 301 713-3125

RIN: 0648-AE68

629. NATIONAL MARINE SANCTUARY PROGRAM, SITE EVALUATION LIST

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 922

Legal Deadline: None

Abstract: NOAA plans to amend the National Marine Sanctuary Program regulations which implement the Site Evaluation List development process. NOAA will integrate the procedures and criteria for identifying, evaluating, and selecting sites of special historical

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significance with the procedures and criteria for identifying, evaluating, selecting, and ranking sites of special natural resource significance. The purpose of integrating the two processes is to develop a single, comprehensive SEL which will include sites of both natural resource and historical, cultural, and human use value.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses
Government Levels Affected: None
Agency Contact: Capt. Francesca M. Cava, Chief, Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Mgmt, Department of Commerce, National Oceanic and Atmospheric Administration, National Ocean Services, 1305 East-West Highway (N/ORM2), Silver Spring, MD 20910, 301 713-3125
RIN: 0648-AF23

OFFICE OF THE ADMINISTRATOR

630. LICENSING OF PRIVATE REMOTE-SENSING SPACE SYSTEMS

Legal Authority: 15 USC 4244; PL 102-555
CFR Citation: 15 CFR 960
Legal Deadline: None
Abstract: Pub. L. 102-555 amends the Land Remote Sensing Commercialization Act of 1984 to transfer the LANDSAT program from the Department of Commerce to a joint NASA/DOD office. However, title II retains the basic provisions of title IV of the previous act authorizing the Secretary of Commerce to license private operators of land remote

sensing space systems who are subject to U.S. jurisdiction. The Secretary is required to consult with the Secretaries of Defense and State, who are responsible for determining conditions to protect national security and foreign policy concerns, respectively. The recent Act removes a regulatory restriction which required operators to make the data available to all customers on the same terms and conditions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| ANPRM | 01/18/89 | 54 FR 01945 |
| NPRM | 11/00/93 | |

Small Entities Affected: None
Government Levels Affected: Federal
Public Compliance Cost: Initial Cost: \$0; Yearly Recurring Cost: \$0
Agency Contact: Catherine Shea, Staff Attorney, Department of Commerce, National Oceanic and Atmospheric Administration, 1325 East-West Highway, Room 18109, Silver Spring, MD 20910, 301 713-0053
RIN: 0648-AC64

631. NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION REGULATIONS

Significance: Regulatory Program
Legal Authority: 33 USC 2706
CFR Citation: 15 CFR 990
Legal Deadline: Final, Statutory, August 18, 1992.
Abstract: Congress required the regulations to be promulgated no later than two years following the enactment of the Oil Pollution Act.
Abstract: In section 1006(e) of the Oil Pollution Act, Congress specified that the Federal Government, through NOAA, take the lead in developing natural resource damage assessment

regulations. A Federal approach will provide a consistent, uniform set of procedures specifically for use in oil spills. These procedures will be available to State, Indian, and foreign natural resource trustees. A single Federal solution will be more cost effective than having the individual States develop separate methodologies. It is expected that trustees will use the procedures contained in the regulations because any determination or assessment of damages made in accordance with the regulations shall have the force and effect of a rebuttable presumption on behalf of the trustee in an administrative or judicial proceeding under the Oil Pollution Act.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| ANPRM | 12/28/90 | 55 FR 53478 |
| Public Meeting Scheduled for 03/20/91 | 02/28/91 | 56 FR 8307 |
| ANPRM | 04/01/91 | 56 FR 8307 |
| ANPRM Comment Period Extended to 10/01/92 | 06/01/92 | 57 FR 23067 |
| ANPRM Comment Period End | 01/15/93 | 58 FR 4601 |
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined
Agency Contact: Linda B. Burlington, Project Manager, Department of Commerce, National Oceanic and Atmospheric Administration, Office of General Counsel, 1825 Connecticut Avenue NW., Room 604, Washington, DC 20235, 202 606-8000
RIN: 0648-AE13

DEPARTMENT OF COMMERCE (DOC)

Final Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

632. PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF & CERTAIN OTHER PROCESSED FOOD PRODUCTS: U.S. STANDARDS FOR GRADES OF FROZEN FISH BLOCKS & PRODUCTS MADE THEREFROM, ETC

Legal Authority: 7 USC 1621 to 1630, Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 264A

Legal Deadline: None

Abstract: The revised rule will expand the coverage of established voluntary standards for grades of fishery products to include new products made from fish blocks. The standards will take into account new technology and equipment. These standards will be used in a voluntary program of fishery products inspection and certification by the NMFS. Industry has shown a high level of interest and support for the revisions.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| NPRM | 09/21/89 | 54 FR 38881 |
| NPRM Comment Period End | 11/06/89 | |
| Extension of Comment Period | 12/29/89 | 54 FR 53660 |
| NPRM Comment Period End | 01/29/90 | 54 FR 53660 |
| Interim Final Rule | 10/16/90 | 55 FR 41856 |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Analysis: See Additional Information

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Tom Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, 508 281-9319

RIN: 0648-AA46

633. U.S. GENERAL STANDARDS FOR GRADES OF SHRIMP

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 265A

Legal Deadline: None

Abstract: The final rule will establish general quality grading standards for all nonbreaded forms of fresh or frozen shrimp. These grading standards will provide for the systematic differentiation of the quality of shrimp into categories -- U.S. grades A, B, and Substandard. The proposed standards will be applied to all commercial species of fresh or frozen shrimp in raw or cooked states in all nonbreaded market forms. The adoption of grading standards is expected to facilitate trade in shrimp of all commercial species, as consumers will be able to select shrimp on the basis of identified quality. Industry has shown great interest in and support for the standards.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| NPRM | 05/20/82 | 47 FR 21840 |
| NPRM Comment Period End | 08/18/82 | 47 FR 21840 |
| NPRM | 09/21/89 | 54 FR 38885 |
| NPRM Comment Period End | 11/06/89 | |
| Extension of Comment Period | 12/29/89 | 54 FR 53660 |
| NPRM Comment Period End | 01/29/90 | 54 FR 53660 |
| Interim Final Rule | 10/24/91 | 56 FR 55090 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Analysis: See Additional Information

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Tom Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, 508 281-9319

RIN: 0648-AA47

634. ENDANGERED FISH AND WILDLIFE; APPROACHING HUMPBACK WHALES IN HAWAIIAN WATERS

Legal Authority: 16 USC 1382(a); 16 USC 1540(f)

CFR Citation: 50 CFR 222.31

Legal Deadline: None

Abstract: This rule will establish as regulation a previously published Notice of Interpretation regarding minimum distances that should be maintained in the presence of humpback whales in Hawaii. Establishing a 100-yard perimeter around any of the whales while in the Hawaiian Exclusive Zone as a regulation is considered necessary given a large increase in vessel traffic and other water use activities in areas where this species historically occurs. In response to comments received in the public record, NOAA is defining two specific sites as cow/calf areas in which an approach closer than 300 yards is prohibited. This addition creates a new subsection to the rule.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/24/86 | 51 FR 42271 |
| NPRM Comment Period End | 12/24/86 | 51 FR 42271 |
| Interim Final Rule | 11/23/87 | 52 FR 44912 |
| Final Action | 05/00/94 | |
| Final Action Effective | 06/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing

Additional Information: NMFS will incorporate the humpback whale Interim Rule into the "general" approach regulations when they become final.

Agency Contact: Jim Lecky, Chief, Protected Species Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001

RIN: 0648-AB79

635. FISHERMEN'S PROTECTIVE ACT

Legal Authority: 22 USC 1980

CFR Citation: 50 CFR 258

Legal Deadline: None

Abstract: Reinstating regulations inadvertently dropped when the Fishermen's Guaranty Fund Program was transferred to the State Department. Revisions to program procedures deriving from an Internal Control Review scheduled for completion in May 1992, will be incorporated in the regulations as well as clarifications suggested by the General Counsel. These revised procedures will reduce the risk that fraudulent claims will be paid and clarify procedures for applicants.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 12/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles Cooper, Program Leader, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2396

RIN: 0648-AC73

636. PERFORMANCE STANDARDS FOR TUNA VESSEL OPERATORS

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216

Legal Deadline: None

Abstract: NOAA has established a system of performance standards for operators of U.S.-flag tuna purse seine fishing vessels that catch yellowfin tuna associated with marine mammals in the eastern tropical Pacific Ocean.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| NPRM | 11/01/89 | 54 FR 46086 |
| NPRM Comment Period End | 12/01/89 | |
| Interim Final Rule Effective | 05/16/90 | |
| Interim Final Rule | 05/17/90 | 55 FR 20458 |
| Interim Final Rule Comment Period End | 09/03/90 | |
| Final Action | 05/30/94 | |
| Final Action Effective | 06/30/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Matlock, Acting Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West

Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001

RIN: 0648-AD03

637. PROHIBITION OF THE USE OF EXPLOSIVES IN THE YELLOWFIN TUNA-DOLPHIN FISHERY

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216.24(d)(2)(vii)(E)

Legal Deadline: Final, Statutory, April 1, 1990.

Abstract: In 1988, Congress amended the Marine Mammal Protection Act to prohibit the use of explosive devices in tuna purse seine operations that involve marine mammals. An exception to this prohibition was that Class C explosive pest control devices, approved by the Department of Transportation, could continue to be used when marine mammals are present. An interim final rule in this regard was published in the Federal Register (54 FR 411) and became effective January 1, 1989. Continued unrestricted use of the Class C explosive pest control devices was made contingent upon the outcome of a study mandated by Congress and undertaken by NMFS. The MMPA requires the Secretary to prescribe regulations to prohibit or restrict the use of Class C explosives by April 1, 1990, unless the Secretary, based upon the study, determines "...that the use of such devices does not result in physical impairment or increased mortality of marine mammals." Such a study was conducted by NMFS and the results were reviewed by experts in a workshop. The workshop participants determined that physical injuries to dolphins were caused by Class C explosives (cont)

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 03/29/90 | 55 FR 11588 |
| Interim Final Rule Effective | 04/01/90 | |
| Interim Final Rule Comment Period End | 04/27/90 | |
| Final Action | 05/00/94 | |
| Final Action Effective | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: that were detonated within 0.5 meters of the animal. Therefore,

because NMFS cannot show that Class C seal bombs do not result in physical impairment or increased mortality of dolphins, and because these devices have the potential to cause injuries and compromise the future survivability of the marine mammals affected, NMFS implemented an interim final rule.

Agency Contact: Gary Matlock, Acting Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001

RIN: 0648-AD08

638. SECRETARIAL FISHERY MANAGEMENT PLAN FOR SHARKS OF THE ATLANTIC OCEAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 678

Legal Deadline: NPRM, Statutory. NPRM 15 days after the beginning of a 60-day period for fishery management council's consideration and comment on the Secretarial Plan.

Abstract: The Secretarial Fishery Management Plan establishes a new management program intended to: (1) prevent overfishing of Atlantic Ocean sharks; (2) encourage management of sharks throughout their range; (3) establish a data collection, research and fishery monitoring program; (4) prohibit the practice of "finning"; and (5) optimize benefits and minimize wastes of shark resources. Proposed measures include: (1) annual commercial quotas; (2) recreational bag limits; (3) prohibition on "finning"; (4) commercial fishing permits; (5) prohibition on sale of recreational catch; (6) reporting of catch and effort information by commercial vessels and by those operating recreational fishing tournaments; (7) an annual fishing year beginning July 1 of each year; (8) a requirement for all fishermen to cut the fishing line for all sharks not taken as part of the quota or bag limit; and (9) commercial fishery closures after attainment of annual quotas.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/08/92 | 57 FR 24222 |
| NPRM Comment Period End | 07/23/92 | |
| Interim Final Rule | 04/26/93 | 58 FR 21931 |
| Final Action | 10/00/93 | |

DOC—NOAA

Final Rule Stage

Small Entities Affected: Businesses
Government Levels Affected: Federal
Sectors Affected: 091 Commercial Fishing

Analysis: Regulatory Flexibility Analysis

Additional Information: Will involve new collections of information under the Paperwork Reduction Act.

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2334

RIN: 0648-AD12

640. REGULATIONS GOVERNING THE TAKE OF DOLPHINS INCIDENTAL TO REMOVING OIL AND GAS PLATFORMS IN THE GULF OF MEXICO

Legal Authority: 16 USC 1371(a)(5); 16 USC 1361 et seq

CFR Citation: 50 CFR 228

Legal Deadline: None

Abstract: NMFS has received an amended request from the American Petroleum Institute for the take of bottlenose and spotted dolphins incidental to the removal of oil and gas platforms in the Gulf of Mexico. This activity would be allowed under section 101(a)(5) of the Marine Mammal Protection Act if the Service makes certain findings and if regulations are issued that cover monitoring and reporting.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/17/93 | 58 FR 33425 |
| NPRM Comment Period End | 08/16/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas C. Eagle, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2323

RIN: 0648-AD25

641. REGULATORY AMENDMENT—U.S. NATIONALS FISHING IN RUSSIAN FISHERIES

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 299

Legal Deadline: None

Abstract: The regulation specifies procedures for U.S. nationals fishing in the Russian economic zone. Procedures include annual permits, port calls, visas, emergency medical treatment, exchange of crews, research vessels, and Russian-imposed sanctions. U.S. nationals are required to comply with permit requirements, comply with Russian law, provide information contained in permits, report on and keep records for 3 years on fish and fish products on board when departing and reentering the EEZ, protect marine

mammals, and cooperate with enforcement procedures.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Interim Final Rule | 07/17/89 | 54 FR 29896 |
| Second Interim Final Rule | 07/30/92 | 57 FR 33649 |
| Second Interim Final Rule Comment Period End | 09/14/92 | 57 FR 33649 |
| Final Action | 11/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: John D. Kelly, Fishery Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2337

RIN: 0648-AD29

642. FOREIGN FISHING; HEALTH AND SAFETY STANDARDS

Legal Authority: 16 USC 1801 et seq; 16 USC 971 et seq; 22 USC 1971 et seq; 16 USC 1361 et seq

CFR Citation: 50 CFR 611.8(d)(8)

Legal Deadline: None

Abstract: Proposed rule requiring any foreign fishing vessel fishing in the United States EEZ and carrying an observer to have on board an emergency position-indicating radio beacon that broadcasts on 406 MHz.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/24/90 | 55 FR 21410 |
| NPRM Comment Period End | 06/25/90 | |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Action delayed due to a virtual end of foreign fishing in United States waters.

Agency Contact: Gary A. Wood, Special Agent, Department of Commerce, National Oceanic and Atmospheric Administration, 1335

639. AMENDMENT 15 TO THE FISHERY MANAGEMENT PLAN FOR THE GROUND FISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS AREA AND AMENDMENT 20 TO THE FMP FOR THE GROUND FISH FISHERY OF THE GULF OF ALASKA

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675; 50 CFR 676

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: These amendments would provide for a limited access system for the fixed-gear sablefish fishery.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/03/92 | 57 FR 57130 |
| NPRM Comment Period End | 01/11/93 | |
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AD19

DOC—NOAA

Final Rule Stage

East-West Highway, Silver Spring, MD 20910, 301 427-2300
RIN: 0648-AD35

643. REGULATORY AMENDMENT—STANDARD PRODUCT RECOVERY RATES FOR ALASKA GROUND FISH AND LIMITATIONS ON PROPORTIONS OF RETAINED POLLOCK ROE

Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 672; 50 CFR 675
Legal Deadline: None

Abstract: Product recovery rates are used to calculate weights of whole groundfish from weights of finished product. These product recovery rates will be published in the Federal Register for public comment. This action also proposes a reduction in the amount of pollock roe that may be retained on board a vessel.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| NPRM | 02/01/91 | 58 FR 4029 |
| NPRM Comment Period End | 03/04/91 | |
| Second NPRM | 07/29/93 | 58 FR 40617 |
| Second NPRM Comment Period End | 08/30/93 | |
| Final Action | 11/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AD44

644. FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE SOUTH ATLANTIC

Significance: Regulatory Program
Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 658

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This FMP will establish management objectives and measures to

regulate and conserve the white shrimp resource in the EEZ off the South Atlantic coast. It proposes that, when North Carolina, South Carolina, Georgia, or Florida closes the fishery for brown, pink, and white shrimp in its waters following severe cold weather that results in an 80 percent or greater reduction in the population of white shrimp, such State may request, and NMFS may effect, a concurrent closure of the fishery in the EEZ adjacent to the closed State waters. Such closures would not preclude continued fishing for royal red shrimp, rock shrimp, or whiting in the closed portion of the EEZ.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/29/93 | 58 FR 40614 |
| NPRM Comment Period End | 09/09/93 | |
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AD86

645. U.S. STANDARDS FOR GRADES OF FROZEN FISH PORTIONS

Legal Authority: 7 USC 1621 to 1630, Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 264; 50 CFR 269

Legal Deadline: None

Abstract: The revised rule will expand coverage of established voluntary standards for grades of frozen fish portions. The standards will take into account new technology and equipment. These standards will be used in a voluntary program of fishery products inspection and certification by NMFS. Industry has shown a high level of interest and support for the revisions.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/11/90 | 55 FR 23565 |
| NPRM Comment Period End | 08/27/90 | 55 FR 23565 |
| Interim Final Rule | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas J. Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, 508 281-9319

RIN: 0648-AD92

646. REGULATORY AMENDMENT TO IMPLEMENT PERMIT, REPORTING, AND RECORDKEEPING AND OBSERVER REQUIREMENTS FOR PROCESSING VESSELS OVER 125 FEET AND THEIR CATCHER VESSELS; PACIFIC COAST GROUND FISH

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: Regulations would implement a comprehensive data collection and regulatory program for all processing vessels longer than 125 feet and for all harvesting vessels that deliver their catch to those vessels in the groundfish fishery off Washington, Oregon, and California. This program would consist of: (1) a requirement that processing vessels carry NMFS-certified observers; (2) a requirement for a mandatory Federal permit; (3) recordkeeping and reporting requirements; and (4) a definition for "fishing trip" for processing vessels over 125 feet in length for the purpose of applying trip landing and frequency limits.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/19/92 | 57 FR 54552 |
| NPRM Comment Period End | 12/21/92 | |
| Final Action | 11/00/93 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Rolland A. Schmitt, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115-0070, 206 526-6150

RIN: 0648-AE01

647. REGULATORY AMENDMENT—SOUTH PACIFIC TUNA FISHERIES

Legal Authority: 16 USC 973 to 973r

CFR Citation: 50 CFR 282

Legal Deadline: None

Abstract: This rule implements changes to the obligations of the U.S. Government and of participants fishing under the terms of the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States, including changes in reporting requirements and in the payment of fees.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------------|
| Interim Final Rule | 01/27/89 | 54 FR 4031 |
| Interim Final Rule | 06/18/93 | 58 FR 33565 |
| Final Action | 10/00/93 | |
| License Application System | | |
| Interim Final Rule | 04/26/91 | (56 FR 19312) |
| South Pacific Tuna Act Implementation | | |
| Final Rule | 04/26/91 | (56 FR 19312) |

Small Entities Affected: Undetermined

Government Levels Affected: *
Undetermined

Additional Information: This action results from the merging of two previous entries in the regulatory agenda.

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2334

RIN: 0648-AE18

648. AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR SHALLOW-WATER REEF FISH OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 669

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from a regional fishery management council.

Abstract: To rebuild the resources, the following management measures will be implemented: (1) expand the management unit to include deep-water

reef fish, and tropical fish and aquarium species; (2) prohibit the possession and harvest of jewfish and red grouper; (3) provide for the closure of two additional red hind spawning aggregation areas, as well as closure of a mutton snapper and tiger grouper spawning aggregation area; (4) establish marine reef reserves; (5) modify fish trap restrictions; and (6) prohibit the use of destructive methods of harvesting species in the marine aquarium fishery.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/22/93 | 58 FR 39186 |
| NPRM Comment Period End | 09/02/93 | |
| Final Action | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AE53

649. U.S. STANDARDS FOR GRADES OF WHOLE OR DRESSED FISH

Legal Authority: 7 USC 1621 to 1630

CFR Citation: 50 CFR 261

Legal Deadline: None

Abstract: NMFS is testing an alternative set of U.S. standards for grades of whole or dressed fish for use in NMFS's National Seafood Inspection Program. The test standards recognize advances made by industry in process controls. The test standards allow for evaluation of flavor, odor, and texture in the pre-processing state, evaluation of physical defects in the thawed/fresh state, and evaluation for dehydration in the frozen state. Products graded using the test standards will be allowed to make reference to applicable grades on the label of the product.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Moreau, Director, Technical Services Unit,

Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, 508 281-9319

RIN: 0648-AE69

650. U.S. STANDARDS FOR GRADES OF NORTH AMERICAN FRESHWATER CATFISH AND PRODUCTS MADE THEREFROM

Legal Authority: 7 USC 1621 to 1630; Reorganization Plan No. 4 of 1970 (84 Stat. 2090)

CFR Citation: 50 CFR 267

Legal Deadline: None

Abstract: NMFS is testing an alternative set of U.S. standards for grades of North American freshwater catfish and products made therefrom for use in NMFS's National Seafood Inspection Program. The test standards recognize advances made by industry in process controls. The test standards allow for evaluation of flavor, odor, and texture in the pre-processing state, evaluation of physical defects in the thawed/fresh state, and evaluation for dehydration in the frozen state. Products graded using the test standards will be allowed to make reference to applicable grades on the label of the product.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, 508 281-9319

RIN: 0648-AE70

651. U.S. STANDARDS FOR GRADES OF FISH FILLETS

Legal Authority: 7 USC 1621 to 1630; Reorganization Plan No. 4 of 1970 (84 Stat. 2090)

CFR Citation: 50 CFR 263

Legal Deadline: None

Abstract: NMFS is testing an alternative set of U.S. standards for grades of fish fillets for use in NMFS's

National Seafood Inspection Program. The test standards recognize advances made by industry in process controls. The test standards allow for evaluation of flavor, odor, and texture in the pre-processing state, evaluation of physical defects in the thawed/fresh state, and evaluation for dehydration in the-frozen state. Products graded using the test standards will be allowed to make reference to applicable grades on the label of the product.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, 508 281-9139

RIN: 0648-AE71

652. PROCESS FOR THE MANAGEMENT OF ATLANTIC OCEAN HIGHLY MIGRATORY SPECIES

Legal Authority: PL 101-627; 16 USC 1811; 16 USC 1854(f)(3)

CFR Citation: None

Legal Deadline: None

Abstract: An agency process for implementing provisions of the Fishery Conservation Amendments of 1990 (Pub. L. 101-627) concerning the management of highly migratory species in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. NOAA will follow this process in preparing, amending, and implementing fishery management plans for Atlantic highly migratory species, including swordfish, billfishes, tunas, and oceanic sharks. The process identifies opportunities for involvement by the public, Regional Fishery Management Councils, and U.S. commissioners (and their advisers) to the International Commission for the Conservation of Atlantic Tunas.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/29/92 | 57 FR 22718 |
| NPRM Comment Period End | 07/28/92 | |
| Final Action | 10/00/93 | |
| Final Action Effective | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2334

RIN: 0648-AE72

653. TOTAL ALLOWABLE CATCH (TAC) DETERMINATION FOR ATLANTIC SWORDFISH FOR 1993

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 630

Legal Deadline: None

Abstract: This action will establish the total allowable catch (TAC) for 1993 for Atlantic swordfish for conservation purposes.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 06/18/93 | 58 FR 33588 |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Hwy., Silver Spring, MD 20910, 301 713-2334

RIN: 0648-AE82

654. DESIGNATED CRITICAL HABITAT FOR EASTERN SEABOARD NORTHERN RIGHT WHALE (EUBALAENA GLACIALIS)

Legal Authority: 16 USC 1533

CFR Citation: 50 CFR 226

Legal Deadline: None

Abstract: NMFS has proposed to designate critical habitat for the Northern Right Whale. The habitats proposed for designation are portions of Cape Cod Bay, Stellwagen Bank, and waters adjacent to the coasts of Georgia and Florida.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 07/12/90 | 55 FR 28670 |
| ANPRM Comment Period End | 09/10/90 | |

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/19/93 | 58 FR 29186 |
| NPRM Comment Period End | 08/31/93 | |
| Final Action | 12/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert C. Ziobro, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2322

RIN: 0648-AF06

655. TAKING AND IMPORTING OF MARINE MAMMALS; DOLPHIN MORTALITY LIMITS DURING PURSE SEINE SETS ON MARINE MAMMALS IN THE EASTERN TROPICAL PACIFIC

Significance: Agency Priority

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216.24

Legal Deadline: None

Abstract: This interim final rule will amend the current performance standards in the MMPA regulations to ensure that U.S. vessels can be legally prevented from making sets on tuna associated with dolphins in the eastern tropical Pacific Ocean once the vessels' dolphin mortality limit is reached. This rule also implements portions of the international Dolphin Conservation Act of 1992.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 05/19/93 | 58 FR 29127 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Matlock, Acting Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001

RIN: 0648-AF07

656. TAKING AND IMPORTING OF MARINE MAMMALS; "DOLPHIN-SAFE" TUNA LABELING

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216; 50 CFR 247

Legal Deadline: None

Abstract: This rule will finalize the interim final rule implementing the Dolphin Protection Consumer Information Act. The interim final rule: (1) identified fish and fish products subject to importation requirements mandated by the Marine Mammal Protection Act, as amended by the DPC14; (2) specified the use and contents of a new NOAA form required to import into the United States certain fish and fish products potentially harvested with methods injurious to marine mammals; (3) required importers of certain fish and fish products harvested by nations that engage in high seas large-scale driftnet fishing to provide certification by a responsible government official of the harvesting nation that the items to be imported were not harvested with large-scale driftnets in certain areas of the high seas; and (4) regulated the use of labels suggesting that tuna products are "dolphin safe." This rule also implements portions of the High Seas Driftnet Fisheries Enforcement Act.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 09/19/91 | 56 FR 47418 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Matlock, Acting Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001

RIN: 0648-AF08

657. DESIGNATION OF CRITICAL HABITAT FOR SNAKE RIVER SOCKEYE SALMON, SNAKE RIVER SPRING/SUMMER CHINOOK SALMON, AND SNAKE RIVER FALL CHINOOK SALMON

Legal Authority: 16 USC 1533 et seq

CFR Citation: 50 CFR 226

Legal Deadline: Final, Statutory, November 20, 1992.

ESA requires a final action within 1 year of listing as endangered.

Abstract: NMFS proposes to designate critical habitat for the Snake River sockeye salmon, Snake River spring/summer and fall chinook salmon pursuant to the Endangered Species Act of 1973.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/02/92 | 57 FR 57051 |
| NPRM Comment Period End | 03/02/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Garth Griffin, Protected Species Branch, Environmental and Technical Services Division, Department of Commerce, National Oceanic and Atmospheric Administration, 911 NE. 11th Avenue, Room 620, Portland, OR 97232, 503 230-5430

RIN: 0648-AF19

658. FISHING VESSEL CAPITAL CONSTRUCTION FUND PROCEDURES—ELIGIBILITY FOR SAFETY IMPROVEMENTS

Legal Authority: 46 USC 1177

CFR Citation: 50 CFR 259

Legal Deadline: None

Abstract: To allow use of capital construction funds for approved safety improvement projects.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/18/92 | 57 FR 54356 |
| NPRM Comment Period End | 12/18/92 | |
| Final Action | 03/00/94 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles L. Cooper, Program Leader, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2396

RIN: 0648-AF22

659. DESIGNATE CRITICAL HABITAT FOR STELLER SEA LIONS

Legal Authority: 16 USC 1531 et seq. Endangered Species Act

CFR Citation: 50 CFR 227

Legal Deadline: Final, Statutory, November 26, 1991.

Due 1 year after listing date; NMFS received an intent to sue notice on 11/3/92.

Abstract: The National Marine Fisheries Service is proposing to

designate critical habitat for the steller sea lion (northern) pursuant to the Endangered Species Act. The proposed critical habitat includes: (1) all rookeries and major haulout sites within U.S. borders; (2) a 20-nautical-mile zone proximal to the Gulf of Alaska and Bering Sea - Aleutian Island rookeries and major haulouts west of 144 degrees W longitude; and (3) foraging habitat within the core of the sea lion's range.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 04/01/93 | 58 FR 17181 |
| NPRM Comment Period End | 07/19/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael Payne, Fishery Biologist, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, SSMC#1, Silver Spring, MD 20910, 301 713-2322

RIN: 0648-AF34

660. FISHING VESSEL OBLIGATION GUARANTEE PROGRAM

Legal Authority: 46 USC 1271 to 1279

CFR Citation: 50 CFR 255

Legal Deadline: None

Abstract: This regulation will add definitions of "aquaculture" and "underutilized species."

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 12/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michael L. Grable, Division Chief, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2390

RIN: 0648-AF48

661. CEMP SITES OF SPECIAL SCIENTIFIC INTEREST

Legal Authority: 16 USC 2431 et seq

CFR Citation: 50 CFR 380

Legal Deadline: None

DOC—NOAA

Final Rule Stage

Abstract: Establish a permit system for access to Seal Island, Antarctica. This island is designated as a site of special scientific interest under the Convention for the Conservation of Antarctic Marine Living Resources.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas J. McIntyre, Marine Resources Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources Fisheries, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2055

RIN: 0648-AF51

662. • 1994 MANAGEMENT MEASURES FOR COMMERCIAL, RECREATIONAL, AND TREATY INDIAN SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 661

Legal Deadline: None

Abstract: Annual management specifications may include allowable ocean harvest levels (including quotas), allocations, management boundaries and zones, minimum size limits, gear definitions, seasons, selective fisheries, and in-season notice procedures.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 04/00/94 | |
| Final Action Effective | 05/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rolland A. Schmitt, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115, 206 526-6150

RIN: 0648-AF61

663. • TECHNICAL AMENDMENT TO MODIFY LONGLINE FISHERY REGULATIONS TO CLOSE WATERS BETWEEN TWO NORTHWESTERN HAWAIIAN ISLANDS

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 685

Legal Deadline: None

Abstract: This amendment would modify the longline fishery regulations to close waters between Laysan and Lisianski Islands in the Northwest Hawaiian Islands to longline fishing in accordance with Amendment 4 to the FMP. This corrects a technical error in the regulations.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 10/00/93 | |
| Final Action Effective | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gary Matlock, Acting Director, Southwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001

RIN: 0648-AF70

664. • CRITERIA FOR OBTAINING DOLPHIN MORTALITY LIMITS

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216.24

Legal Deadline: None

Abstract: This interim final rule will amend the interim final rule (published on May 19, 1993) implementing the international dolphin conservation program established under the auspices of the International Dolphin Conservation Act and the Inter-American Tropical Tuna Commission. The rule will notify fishermen of the criteria for obtaining a dolphin mortality limit that have been established by the intergovernmental parties to the international dolphin conservation program.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gary Matlock, Acting Director, Southwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001

RIN: 0648-AF91

665. • AUTOMATED BROKER INTERFACE SYSTEM IN LIEU OF THE PAPER NOAA FORM 370 FOR ENTRY OF CERTAIN FISH PRODUCTS

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216.24

Legal Deadline: None

Abstract: This rule will allow importers of brokers to file "Fisheries Certificates of Origin," which are required for importation of certain fish and fish products, using the U.S. Customs Service's Automated Broker Interface system. The use of this automated system will eliminate excess paperwork and minimize the reporting burden, while maintaining an efficient, accurate system to monitor the importation of the regulated fish and fish products.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Gary Matlock, Acting Director, Southwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001

RIN: 0648-AF92

666. • REGULATORY AMENDMENT TO THE FMP FOR COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 642

Legal Deadline: None

Abstract: This regulatory amendment would implement trip limits in the king mackerel fishery for Florida east and west coast areas.

DOC—NOAA

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/29/93 | 58 FR 40613 |
| NPRM Comment Period End | 08/13/93 | |
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141
RIN: 0648-AF93

667. • REGULATORY AMENDMENT TO REDEFINE POLLOCK ROE STRIPPING

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 675

Legal Deadline: None

Abstract: This amendment would prohibit fishing practices that undermine the intent of existing regulations to limit the practice of pollock roe stripping to the maximum extent practicable.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/29/93 | 58 FR 40617 |
| NPRM Comment Period End | 08/30/93 | |
| Final Action | 11/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221
RIN: 0648-AF94

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

668. FINAL REGULATIONS FOR THE OLYMPIC COAST NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1445

CFR Citation: 15 CFR 925

Legal Deadline: None

Abstract: These regulations will protect the conservational, recreational, ecological, historical, research, educational, and esthetic qualities of the waters offshore of the Olympic Coast of the State of Washington, if the area is designated as a national marine sanctuary.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/20/91 | 56 FR 47836 |
| NPRM Comment Period End | 11/27/91 | |
| Interim Final Rule | 12/00/93 | |
| Final Action | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Capt. Francesca Cava, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM2), Silver Spring, MD 20910, 301 713-3125
RIN: 0648-AC93

669. FINAL REGULATIONS FOR THE STELLWAGEN BANK NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 et seq; PL 102-587, sec 2202

CFR Citation: 15 CFR 940

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding the Stellwagen Bank National Marine Sanctuary, designated by Congress in Pub. L. 102-587, section 2202.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 02/08/91 | 56 FR 5282 |
| NPRM Comment Period End | 04/08/91 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Capt. Francesca Cava, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM2), Silver Spring, MD 20910, 301 713-3125
RIN: 0648-AC94

670. IMPLEMENTATION OF COASTAL ZONE MANAGEMENT ACT APPEAL FEES

Legal Authority: 16 USC 1451 et seq

CFR Citation: 15 CFR 930

Legal Deadline: None

Abstract: This rulemaking will implement new authority under the Coastal Zone Management Act to charge fees for appeals.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Margo F. Jackson, Asst. General Counsel for Ocean Services, Office of General Counsel, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway, 6th Floor, Silver Spring, MD 20910, 301 713-2967
RIN: 0648-AD83

671. TECHNICAL CONFORMING CHANGES TO EXISTING NOAA REGULATIONS TO IMPLEMENT 1990 REAUTHORIZATION OF THE COASTAL ZONE MANAGEMENT ACT

Legal Authority: 16 USC 1451 et seq

CFR Citation: 15 CFR 923; 15 CFR 926; 15 CFR 927; 15 CFR 931

Legal Deadline: None

Abstract: This rulemaking will make technical conforming changes to NOAA's existing regulations which are necessary to implement the 1990 reauthorization of the Coastal Zone Management Act.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Vickie A. Allin, Chief, Policy Coordination Division, Office of Ocean & Coastal Resource Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM4), Silver Spring, MD 20910, 301 713-3087
RIN: 0648-AE11

DOC—NOAA

Final Rule Stage

672. • AMENDMENTS TO THE NATIONAL MARINE SANCTUARY REGULATIONS TO CONFORM THEM WITH CHANGES TO THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT (MPRSA)

Legal Authority: 16 USC 1431 et seq, as amended by PL 62-587 (1992)
CFR Citation: 15 CFR 922; 15 CFR 924; 15 CFR 929; 15 CFR 935; 15 CFR 936; 15 CFR 937; 15 CFR 938; 15 CFR 941; 15 CFR 942; 15 CFR 943; 15 CFR 944
Legal Deadline: None

Abstract: These final regulations amend the existing National Marine Sanctuary Program and individual-sanctuary regulations to make them consistent with the MPRSA, as amended in 1988 and 1992. The changes to the regulations, except for minor editorial changes, have been accomplished by incorporating the statutory language into the regulations.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Capt. Francesca Cava, Chief, Sanctuaries and Reserves Division, OCRM, NOS, Department of Commerce, National Oceanic and

Atmospheric Administration, 1305 East-West Highway, Suite 11520, Silver Spring, MD 20910, 301 713-3125
RIN: 0648-AF75

OFFICE OF THE ADMINISTRATOR

673. MODERNIZATION OF THE NATIONAL WEATHER SERVICE

Legal Authority: PL 102-567
CFR Citation: 15 CFR 946

Legal Deadline: None

Abstract: Pub. L. 102-567, enacted on October 29, 1992, and not yet codified, establishes a process to guide the transition of the Weather Service from its current structure of approximately 250 field offices with varying responsibilities to 115 offices with uniform responsibilities using modern radars (NEXRAD), automated surface observing systems, and communications and processing equipment. The Act directs the NWS to contract with the National Research Council to assess the criteria for commissioning new observation systems, decommissioning old radars, evaluating staffing levels, and certifying that automating, consolidating,

relocating, or closing a field office will not result in a degradation of services. The Act establishes the broad requirements for these certifications as well as a number of consultation requirements with the FAA and with a Modernization Transition Committee, created by the Act to advise on the modernization.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| NPRM | 09/08/92 | 57 FR 40877 |
| NPRM Comment Period End | 11/09/92 | 57 FR 40877 |
| Second NPRM | 04/08/93 | 58 FR 18316 |
| Second NPRM Comment Period End | 06/05/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lou Boezi, Deputy Assistant Administrator for Modernization, Department of Commerce, National Oceanic and Atmospheric Administration, 1325 East-West Highway, Silver Spring, MD 20910, 301 713-0397

RIN: 0648-AE73

DEPARTMENT OF COMMERCE (DOC)

Completed Actions

National Oceanic and Atmospheric Administration (NOAA)

674. INTERIM EXEMPTION GOVERNING THE INCIDENTAL TAKING OF MARINE MAMMALS DURING COMMERCIAL FISHING OPERATIONS

Significance: Regulatory Program
Legal Authority: 16 USC 1361 et seq
CFR Citation: 50 CFR 216; 50 CFR 229

Legal Deadline: NPRM, Statutory, March 23, 1989. Final, Statutory, July 21, 1989. Other, Statutory, January 20, 1989.

Other deadline is for ANPRM.

Abstract: 1988 Amendments to the Marine Mammal Protection Act direct the Secretary of Commerce to establish within 240 days, a 5-year program for exempting commercial fishing operations within the U.S. Exclusive Economic Zone from the Act's prohibition on taking marine mammals. The exemption will require registration of vessels with the National Marine

Fisheries Service, reports on interactions with marine mammals, and taking Government observers if required. The amendments also require NMFS to publish annually a proposed and final List of Fisheries identifying fisheries which have either frequent, occasional, or no interactions with marine mammals.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 01/27/89 | 54 FR 04154 |
| ANPRM Comment Period End | 02/27/89 | |
| Interim Final Rule | 05/19/89 | 54 FR 21910 |
| Final Action | 06/14/93 | 58 FR 32905 |
| Final Action Effective | 06/14/93 | 58 FR 32905 |

Small Entities Affected: Businesses

Government Levels Affected: None

Public Compliance Cost: Initial Cost: \$8,300,000; Yearly Recurring Cost: \$7,900,000; Base Year for Dollar Estimates: 1989

Agency Contact: Herbert Kaufman, Deputy Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2332

RIN: 0648-AC65

675. DEPLETION OF THE COASTAL-MIGRATORY STOCK OF BOTTLENOSE DOLPHINS IN THE U.S. MID-ATLANTIC

Significance: Agency Priority

Legal Authority: 16 USC 1361 et seq, Marine Mammal Protection Act; 16 USC 1383b

CFR Citation: 50 CFR 216.15

Legal Deadline: None

Abstract: Based on a review of the best available information on the status of the coastal-migratory stock of bottlenose dolphins in the U.S. Mid-

DOC—NOAA

Completed Actions

Atlantic, the National Marine Fisheries Service (NOAA Fisheries) is considering the publication of a proposed rule designating this population stock as depleted under the Marine Mammal Protection Act (MMPA). This action is required by the MMPA when a species or population stock falls below its optimum sustainable population (OSP). If this population stock is designated as depleted, the MMPA requires the application of certain additional restrictions on taking and importation, and the preparation and implementation of a conservation plan to restore the stock to OSP. NOAA Fisheries is also requesting any additional scientific information on this action that may be available from interested parties, as required by the MMPA Amendments of 1988.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 10/11/89 | 54 FR 41654 |
| ANPRM Comment Period End | 12/17/89 | |
| NPRM | 08/15/91 | 56 FR 40594 |
| NPRM Comment Period End | 09/30/91 | |
| Final Action | 04/06/93 | 58 FR 17789 |
| Final Action Effective | 05/06/93 | 58 FR 17789 |

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: \$25,000; Yearly Recurring Cost: \$50,000; Base Year for Dollar Estimates: 1990

Agency Contact: Dean Wilkinson, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2322
RIN: 0648-AD02

676. APPROACHING MARINE MAMMALS

Legal Authority: 16 USC 1540(f); 16 USC 1361
CFR Citation: 50 CFR 216; 50 CFR 218; 50 CFR 222

Legal Deadline: None

Abstract: This rule will establish a minimum distance for approaches to marine mammals by humans, vessels, aircraft, and thrillcraft. These regulations are considered necessary because of increasing activities around

marine mammals. Guidelines have not been effective in protecting marine mammals from these activities and from people who wish to view these animals too closely. An interim regulation regarding approaching humpback whales in Hawaii is working far better than previously used guidelines.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/03/92 | 57 FR 34101 |
| NPRM Comment Period End | 12/31/92 | 57 FR 47606 |
| Withdrawn | 03/29/93 | 58 FR 16519 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The proposed rule was withdrawn to allow NMFS to consider the numerous comments received and to determine whether to address problems associated with close approaches to marine mammals in a different manner.

Agency Contact: Margaret Lorenz, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2322
RIN: 0648-AD30

677. NONTRAWL SABLEFISH SEASON REGULATORY AMENDMENT UNDER THE PACIFIC COAST GROUND FISH FMP

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: This regulatory amendment would establish a flexible opening date for the regular season for the nontrawl sablefish fishery off Washington, Oregon, and California to correspond to 3 days before the opening of the Alaska fishery, with 72-hour closures both before and after the regular season.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/09/92 | 57 FR 53313 |
| NPRM Comment Period End | 12/07/92 | |
| Final Action | 03/30/93 | 58 FR 16629 |
| Final Action Effective | 04/01/93 | 58 FR 16629 |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way, NE., Bldg. 1, Seattle, WA 98115, 206 526-6150

RIN: 0648-AE07

678. AMENDMENT 5 TO THE FISHERY MANAGEMENT PLAN FOR THE BOTTOMFISH AND SEAMOUNT GROUND FISH FISHERIES OF THE WESTERN PACIFIC REGION

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 683

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days from receipt from the fishery management council.

Abstract: Amendment 5 would establish a single limited entry zone in the fishery.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| Withdrawn - this action will not be taken at this time | 08/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Matlock, Acting Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001

RIN: 0648-AE20

679. AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR THE SUMMER FLOUNDER FISHERY

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 625

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment would address overfishing by: (1) expanding permit and reporting requirements; (2) implementing quota management

DOC—NOAA

Completed Actions

measures; (3) modifying size limits, bag limits, and mesh-size requirements; (4) initiating framework measures in the recreational fishery; (5) imposing a prohibition on the sale of summer flounder caught in the recreational fishery; and (6) authorizing application fee collection for vessel and dealer permits. This amendment also contains conservation measures designed to protect threatened and endangered sea turtles incidentally caught in the summer flounder trawl fishery. Two provisions in the amendment were disapproved and are being resubmitted as revised. Federal permits required under the FMP would be conditioned with restriction that the vessel may not land summer flounder in a State whose quota has been reached.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 06/10/92 | 57 FR 24577 |
| NPRM Comment Period End | 07/20/92 | |
| NPRM for Resubmitted Portion of Amendment 2 | 08/12/92 | 57 FR 36055 |
| NPRM Comment Period End for Resubmitted Portion of Amendment 2 | 09/01/92 | |
| Final Rule Effective Date | 11/30/92 | 57 FR 57358 |
| Final Rule for Resubmitted Portion of Amendment 2 | 12/04/92 | 57 FR 57358 |
| NPRM for Resubmitted Portion of Amendment 2 for Mandatory Vessel Log Books | 03/02/93 | 58 FR 12017 |
| Final Action | 07/02/93 | 58 FR 35891 |
| Final Action Effective | 01/01/94 | 58 FR 35891 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648-AE21

680. REGULATORY AMENDMENT PROHIBITING LANDING OF SURF CLAMS AND OCEAN QUAHOGS ON THE SAME TRIP AND REQUIRING TRIP NOTIFICATION

Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 652

Legal Deadline: None

Abstract: This regulatory amendment would prohibit the landing of surf clams and ocean quahogs on the same trip under the Mid-Atlantic Surf Clam and Ocean Quahog FMP. For individuals holding individual transferable quotas (ITQs) for both surf clams and ocean quahogs, mixing of the harvest of these species on the same trip may lead to misreporting of the catch and overrun of individual quotas. The Regional Director would be authorized to require vessel operators to specify whether they intended to fish for surf clams or ocean quahogs on a specified trip. This amendment would also mandate certain trip notifications.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 10/27/92 | 57 FR 48589 |
| NPRM Comment Period End | 11/25/92 | |
| Final Action | 03/17/93 | 58 FR 14340 |
| Final Action Effective | 04/15/93 | 58 FR 14340 |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648-AE27

681. REGULATORY AMENDMENT TO IMPLEMENT SEASONALLY EXPANDED TRAWL FISHERY CLOSURE AROUND UGAMAK ISLAND, ALASKA

Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: This action implements a 20-nautical-mile, seasonally expanded trawl fishery closure around the Ugamak Island Steller sea lion rookery in the eastern Aleutian Islands during the pollock roe season conducted in the Bering Sea and Aleutian Islands Area.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/07/92 | 57 FR 57726 |
| NPRM Comment Period End | 01/04/93 | 57 FR 57726 |
| Final Action Effective | 04/11/93 | 58 FR 13561 |
| Final Action | 04/12/93 | 58 FR 13561 |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AE45

682. AMENDMENT 6 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 658

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the Regional Fishery Management Council.

Abstract: Amendment 6 would seasonally modify the boundary of the Tortugas shrimp sanctuary to reduce the area closed to trawl fishing. This action would enable fishermen to harvest marketable-sized shrimp during specified periods from 3 small areas that would otherwise be closed.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/09/92 | 57 FR 58175 |
| NPRM Comment Period End | 01/19/93 | |
| Final Action | 04/01/93 | 58 FR 17169 |
| Final Action Effective | 04/11/93 | 58 FR 17169 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AE48

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683. REGULATORY AMENDMENT TO ESTABLISH 1993 ALLOCATION OF PACIFIC WHITING**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 663**Legal Deadline:** None**Abstract:** This regulatory amendment establishes an allocation of the 1993 harvest guideline for Pacific whiting between vessels delivering to shoreside and at-sea processing sectors.**Timetable:**

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 03/18/93 | 58 FR 14543 |
| NPRM Comment Period End | 04/01/93 | |
| Final Action Effective | 04/15/93 | 58 FR 21265 |
| Final Action | 04/20/93 | 58 FR 21265 |

Small Entities Affected: Businesses**Government Levels Affected:** Federal**Agency Contact:** Rolland A. Schmitt, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115, 206 526-6150**RIN:** 0648-AE55**684. REGULATORY AMENDMENT FOR RED SNAPPER MANAGEMENT IN 1993 UNDER THE GULF OF MEXICO REEF FISH FISHERY MANAGEMENT PLAN****Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 641**Legal Deadline:** Other, Statutory. Existing regulations at 50 CFR part 641 require annual adjustment of management measures by January 1 of each year to accomplish goals of the FMP.**Abstract:** This regulatory amendment, under the annual adjustment of management measures framework of Amendment 1 to the FMP, would modify red snapper management measures for the 1993 fishing season.**Timetable:**

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/03/92 | 57 FR 57129 |
| NPRM Comment Period End | 12/17/92 | |
| Final Action Effective | 03/23/93 | 58 FR 16371 |
| Final Action | 03/26/93 | 58 FR 16371 |

Small Entities Affected: Businesses**Government Levels Affected:** Federal**Agency Contact:** Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141**RIN:** 0648-AE57**685. SEAFOOD INSPECTION****Significance:** Regulatory Program**Legal Authority:** 7 USC 1621 to 1632; 16 USC 742a to 742j**CFR Citation:** Not yet determined**Legal Deadline:** None**Abstract:** The Food and Drug Administration and NOAA are developing a voluntary, fee-for-service seafood inspection program to be operated by both agencies. The agencies are developing and operating the program in four phases (domestic finfish and shellfish processors, retail, foreign products and molluscan shellfish). Each of these phases is being developed in cooperation with the industry and includes pilot testing before formal implementation.**Timetable:**

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 06/27/90 | 55 FR 26334 |
| ANPRM Comment Period End | 10/05/90 | 55 FR 36289 |
| Withdrawn | 08/27/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** Following discussions with FDA, NMFS and FDA have decided to revisit the possibility of the joint program after FDA implements and reviews its new mandatory inspection program. FDA is targeting its new program to be announced in September 1993, with full implementation expected one year after publication of the final regulations. Pending a later decision by NMFS and FDA, further action on the proposed rule has been discontinued.**Agency Contact:** Richard Cano, Office of Trade and Industry Services, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2355**RIN:** 0648-AE76**686. SEA TURTLE MONITORING AND CONSERVATION MEASURES FOR NONSHRIMP TRAWLERS****Significance:** Agency Priority**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 217; 50 CFR 222; 50 CFR 227**Legal Deadline:** None**Abstract:** All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the Endangered Species Act of 1973. The shrimp industry in the southeast region of the United States is by far the leading cause of human-induced mortality to sea turtles in the water. A recent study by the National Academy of Sciences concluded that nonshrimp fisheries constitute the second largest source of mortality of juvenile to adult sea turtles. NMFS is soliciting public comment and information on nonshrimp fisheries for which sea turtle conservation measures are needed and on appropriate monitoring and conservation measures that shall be imposed to protect sea turtles.**Timetable:**

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| ANPRM | 07/10/92 | 57 FR 30709 |
| Withdrawn - Merged With RIN 0648-AE54 | 08/27/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Nancy Foster, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2332**RIN:** 0648-AE77**687. ATLANTIC BLUEFIN TUNA PERMIT AND REPORTING REQUIREMENTS, CERTIFICATE OF ORIGIN REQUIREMENTS, AND OTHER REGULATORY PROVISIONS****Legal Authority:** 16 USC 971 et seq; 16 USC 1801 et seq**CFR Citation:** 50 CFR 285**Legal Deadline:** None**Abstract:** This rule would (1) require Atlantic bluefin tuna (ABT) dealers to submit daily reports via fax and replace the weekly report with a revised

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biweekly report; (2) require permits for vessels fishing in the Angling category; (3) require at-sea observer coverage on vessels taking Atlantic tunas, if so requested by NMFS; (4) allow only authorized gear in the Atlantic tuna fisheries except when exempted as experimental; (5) allow NMFS to make in-season transfers of potentially underharvested quota between fishing categories; (6) raise the amount of General category set-aside for the late season fishery from 40 mt (metric tons) to 100 mt; (7) allow for in-season adjustments to the Angling category bag and boat limits for private, party, and charterboats; and (8) make other technical changes to enhance administration, management, and enforcement.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 06/14/93 | 58 FR 32894 |
| Final Action Effective | 07/02/93 | 58 FR 36154 |
| Final Action | 07/06/93 | 58 FR 36154 |
| NPRM Comment | 07/08/93 | 58 FR 32894 |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Hwy., Silver Spring, MD 20910, 301 713-2334
RIN: 0648-AE83

688. REGULATORY AMENDMENT FOR MUTTON SNAPPER IN THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 641

Legal Deadline: None

Abstract: Under the framework procedures of the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, this action will institute a May-June spawning season area closure for mutton snapper and prohibit Gulf-wide landings of that species during that time.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| Withdrawn - Merged With RIN 0648-AE58 | 08/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141
RIN: 0648-AE84

689. REGULATORY AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR AMERICAN LOBSTER

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 649

Legal Deadline: None

Abstract: This action would provide codified regulations to replace an interim rule that allowed lobster traps not constructed entirely of wood to contain a ghost panel with a specified degradable door fastener.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 12/11/92 | 57 FR 58781 |
| NPRM Comment | 01/11/93 | |
| Period End | | |
| Final Action | 06/23/93 | 58 FR 34001 |
| Final Action Effective | 07/01/93 | 58 FR 34001 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300
RIN: 0648-AE87

690. REGULATORY AMENDMENT TO ADD SOUTH CAROLINA SMZS UNDER THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 646

Legal Deadline: None

Abstract: This amendment will add South Carolina's special management zones (SMZs) to the regulations implementing the FMP for snapper-grouper resources of the South Atlantic region.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/15/93 | 58 FR 13732 |
| NPRM Comment | 04/14/93 | |
| Period End | | |

Action **Date** **FR Cite**

| | | |
|------------------------|----------|-------------|
| Final Action | 07/02/93 | 58 FR 35895 |
| Final Action Effective | 07/31/93 | 58 FR 35895 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AE89

691. REGULATORY AMENDMENT TO THE FMP FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC TO ALLOW MULTIPLE GEARS

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 646

Legal Deadline: None

Abstract: This amendment will: (1) allow the use of multiple gears on a single trip; (2) remove bag limit restrictions for bycatch; and (3) define the dimensions of a black sea bass pot. This amendment will also implement a number of miscellaneous adjustments under the framework procedure established under the FMP.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Final Rule | 03/02/93 | 58 FR 11979 |
| Final Action | 07/06/93 | 58 FR 36155 |
| Final Action Effective | 07/06/93 | 58 FR 36155 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AE91

692. AMENDMENT 7 TO THE PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 663

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from a fishery management council.

Abstract: Amendment 7 would provide framework authority to regulate the

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groundfish fishery to control the bycatch of non-groundfish species. Salmon bycatch in the whiting fishery would be included under the framework.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 02/08/93 | 58 FR 7525 |
| NPRM Comment Period End | 03/22/93 | |
| Final Action Effective | 04/15/93 | 58 FR 21263 |
| Final Action | 04/20/93 | 58 FR 21263 |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Rolland A. Schmitt, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115, 206 526-6150

RIN: 0648-AE93

693. REGULATORY AMENDMENT TO REQUIRE VESSEL OPERATORS AND RELIEF OPERATORS WITH MAU ZONE BOTTOMFISHING PERMITS TO ATTEND A PROTECTED SPECIES WORKSHOP

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 683

Legal Deadline: None

Abstract: This rule would require all primary operators and relief operators intending to fish for bottomfish within the Mau Zone of the Northwestern Hawaiian Islands to complete a protected species workshop conducted by NMFS.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/19/92 | 57 FR 54560 |
| NPRM Comment Period End | 12/18/92 | |
| Final Action | 05/03/93 | 58 FR 26255 |
| Final Action Effective | 06/02/93 | 58 FR 26255 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Matlock, Acting Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001

RIN: 0648-AE94

694. AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE SUMMER FLOUNDER FISHERY

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 625

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 3 would revise the bycatch limit of summer flounder for vessels using small-mesh gear and establish a new exemption area from the minimum mesh size during the winter fishery.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/07/93 | 58 FR 27214 |
| NPRM Comment Period End | 06/21/93 | |
| Final Action | 07/27/93 | 58 FR 40072 |
| Final Action Effective | 08/26/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648-AE96

695. REGULATORY AMENDMENT TO REQUIRE OFFLOADING OF PROHIBITED SPECIES CAUGHT SEAWARD OF THE EEZ; GROUND FISH FISHERIES OF THE GAO AND BSAI

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: This amendment would require offloading of prohibited species caught seaward of the EEZ for enforcement purposes. This action facilitates enforcement of domestic regulations governing prohibited species in the U.S. EEZ.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/20/93 | 58 FR 29381 |
| NPRM Comment Period End | 06/21/93 | 58 FR 29381 |
| Final Action | 08/31/93 | 58 FR 45849 |
| Final Action Effective | 09/30/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF00

696. REGULATORY AMENDMENT TO REDUCE HALIBUT BYCATCH MORTALITY RATES IN THE HOOK-AND-LINE FISHERIES FOR GROUND FISH IN THE GULF OF ALASKA AND THE BERING SEA AND ALEUTIAN ISLANDS AREA

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: These amendments would establish requirements for cutting gangions for Pacific halibut to reduce bycatch mortality in the hook-and-line fisheries. This could result in a reduced mortality rate, which would allow the fishing season for Pacific cod to be extended.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 04/06/93 | 58 FR 17821 |
| NPRM Comment Period End | 04/20/93 | 58 FR 17821 |
| Final Action | 05/17/93 | 58 FR 28799 |
| Final Action Effective | 05/17/93 | 58 FR 28799 |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF05

697. REGULATORY AMENDMENT REQUIRING MARKING OF LONGLINE GEAR UNDER THE FISHERY MANAGEMENT PLAN FOR THE PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 611; 50 CFR 685

Legal Deadline: None

Abstract: This rule would require that all floats and buoys used by or possessed on federally permitted longline vessels be clearly marked with the vessel's official number.

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Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 10/14/92 | 57 FR 47040 |
| NPRM Comment Period End | 11/13/92 | |
| Final Action | 03/16/93 | 58 FR 14170 |
| Final Action Effective | 04/15/93 | 58 FR 14170 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Matlock, Acting Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-2413, 310 980-4001

RIN: 0648-AF12

698. REGULATORY AMENDMENT TO THE FMP FOR GROUND FISH OF THE BSAI TO DELAY THE POLLOCK NON-ROE SEASON

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 675

Legal Deadline: None

Abstract: This amendment would delay the opening date for the pollock non-roe ("B") season in the Bering Sea and Aleutian Islands Area. The delay would be from June 1 to August 15 due to shortened fishing seasons to allow fish to mature or recover from the spawning season. The intent is to delay the second pollock fishing season to allow harvest of pollock when the product recovery rate and associated value are at an optimum.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 04/01/93 | 58 FR 17200 |
| NPRM Comment Period End | 04/16/93 | 58 FR 17200 |
| Final Action | 05/28/93 | 58 FR 30997 |
| Final Action Effective | 06/01/93 | 58 FR 30997 |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF13

699. REGULATORY AMENDMENT TO ESTABLISH PACIFIC HALIBUT BYCATCH MORTALITY LIMITS FOR TRAWL AND NON-TRAWL GEAR

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 675

Legal Deadline: None

Abstract: This regulatory amendment establishes the Pacific halibut bycatch mortality limits and provides notice of proposed 1993 specifications of Pacific halibut bycatch allowances.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/22/92 | 57 FR 60788 |
| NPRM Comment Period End | 01/19/93 | |
| Final Action Effective | 03/17/93 | |
| Final Action | 03/18/93 | 58 FR 14525 |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Authority to specify trawl and non-trawl gear halibut bycatch mortality limits is contained in Amendment 21 to the FMP for the groundfish fishery of the Bering Sea and Aleutian Islands.

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF21

700. REGULATORY AMENDMENT TO CHANGE THE GULF OF ALASKA GROUND FISH TRAWL SEASON OPENING DATE

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672

Legal Deadline: None

Abstract: This regulatory amendment changes the Gulf of Alaska groundfish trawl season opening date from January 20 to January 1.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn - Decision was made not to go forward with this action. | 08/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF25

701. REGULATORY AMENDMENT TO ESTABLISH MINIMUM QUOTA SHARES FOR GROUND FISH IN THE GULF OF ALASKA AND BERING SEA AND ALEUTIAN ISLANDS UNDER IFQ

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: This regulatory amendment establishes a 1,000-pound minimum quota share for recipients in the initial allocation under an Individual Fishing Quota (IFQ) program.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn - North Pacific Council chose not to proceed with this action | 08/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF26

702. REGULATORY AMENDMENT—1994 CHANGES TO RECORDKEEPING AND REPORTING REQUIREMENTS IN ALASKA GROUND FISH FISHERIES

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: This amendment revises requirements for recordkeeping and reporting for harvesting and processing of groundfish off Alaska.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|---------|
| Withdrawn - Merged With RIN 0648-AE63 | 08/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF27

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703. REGULATORY AMENDMENT TO ESTABLISH "FAIR START" IN THE GULF OF ALASKA HOOK-AND-LINE SABLEFISH FISHERY**Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 672**Legal Deadline:** None

Abstract: This amendment would establish a "fair start" in the Gulf of Alaska sablefish hook-and-line fishery by prohibiting participation in the directed sablefish fishery by vessels that deploy hook-and-line gear within 72 hours prior to the opening of that fishery and would provide a regulatory framework for the annual determination of the May season opening date of the Gulf of Alaska hook-and-line sablefish fishery.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|-----------------------|-------------|
| NPRM | 04/01/93 | 58 FR 17193 |
| NPRM Comment Period End | 04/28/93 | 58 FR 17193 |
| Final Action Effective | 05/11/93 | 58 FR 28520 |
| Final Action - Portions effective | 05/14/93 06/10/93. | 58 FR 28520 |

Small Entities Affected: Businesses**Government Levels Affected:** None

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF28**704. PACIFIC HALIBUT REGULATIONS FOR 1993****Legal Authority:** 5 UST 5; TIAS 2900; 16 USC 773 to 773K**CFR Citation:** 50 CFR 301**Legal Deadline:** None

Abstract: Pacific halibut regulations for 1993 provide catch limits and fishing seasons for U.S. fishermen in accordance with regulations of the International Pacific Halibut Commission.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action Effective | 04/05/93 | 58 FR 17791 |
| Final Action | 04/08/93 | 58 FR 17791 |

Small Entities Affected: Businesses**Government Levels Affected:** Federal

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF29**705. DESIGNATED CRITICAL HABITAT FOR SACRAMENTO RIVER WINTER-RUN CHINOOK SALMON****Legal Authority:** 16 USC 1553**CFR Citation:** 50 CFR 226**Legal Deadline:** Final, Statutory, August 14, 1993.

Abstract: NMFS proposes to designate critical habitat for the Sacramento River winter-run chinook salmon. This would include the Sacramento River from Keswick Dam in Shasta County to Chipps Island; from Chipps Island to Carquinez Bridge; all waters of San Pablo Bay; and all waters of San Francisco Bay to the Golden Gate Bridge.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/14/92 | 57 FR 36628 |
| NPRM Comment Period End | 01/15/93 | 57 FR 57982 |
| Final Action | 06/16/93 | 58 FR 33212 |
| Final Action Effective | 07/16/93 | 58 FR 33212 |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Margaret Lorenz, Marine Resources Management Specialist, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, SSMC#1, Silver Spring, MD 20910, 301 713-2322

RIN: 0648-AF30**706. REGULATORY AMENDMENT TO THE FMP FOR GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS TO INCORPORATE COMMUNITY DEVELOPMENT QUOTA CRITERIA****Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 675**Legal Deadline:** None

Abstract: This amendment incorporates program criteria for the Community Development Quota in the management of pollock in the Bering Sea and

Aleutian Islands Area for 1994-1995. This will set aside 7.5 percent of the BSAI pollock total allowable catch for allocation to communities that qualify under the program criteria.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/07/92 | 57 FR 46139 |
| NPRM Comment Period End | 11/16/92 | 57 FR 46139 |
| Final Action | 06/14/93 | 58 FR 32874 |
| Final Action Effective | 07/14/93 | 58 FR 32874 |

Small Entities Affected: Businesses**Government Levels Affected:** Local**Additional Information:** Sunset date of this action is 12/31/95.

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF31**707. REGULATORY AMENDMENT TO ESTABLISH A MINIMUM SIZE FOR OPAKAPAKA TAKEN IN THE BOTTOMFISH FISHERY OFF HAWAII****Legal Authority:** 16 USC 1801 et seq**CFR Citation:** 50 CFR 683**Legal Deadline:** None

Abstract: This amendment would establish a minimum size of 17 inches for opakapaka taken in the bottomfish fishery in the EEZ seaward of Hawaii.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| Withdrawn - This action will not be taken at this time | 08/27/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Gary Matlock, Acting Director, Southwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802, 310 980-4001

RIN: 0648-AF35

DOC—NOAA

Completed Actions

708. REGULATORY AMENDMENT TO DESIGNATE AS "ROUTINE" THE TRIP LANDING AND FREQUENCY LIMITS FOR PACIFIC WHITING IN THE PACIFIC COAST GROUND FISH FISHERY

Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 663
Legal Deadline: None

Abstract: This regulatory amendment would designate the setting of trip landing and frequency limits for Pacific whiting as "routine" management measures, as authorized by Amendment 4 to the Fishery Management Plan for the Pacific Coast Groundfish Fishery. This action also announces an initial trip limit of 3,000 pounds for Pacific whiting, prior to the regular season opening date.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 12/01/92 | 57 FR 56897 |
| NPRM Comment | 12/10/92 | 57 FR 56897 |
| Period End | | |
| Final Action Effective | 02/25/93 | 58 FR 11984 |
| Final Action | 03/02/93 | 58 FR 11984 |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Rolland A. Schmitt, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115, 206 526-8150

RIN: 0648-AF36

709. REGULATORY AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR THE SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 640
Legal Deadline: None

Abstract: This amendment will conform the two-day sport fishing season to changes recently made by the State of Florida. The amendment will (1) change the current season from the last weekend in July to the last consecutive Wednesday and Thursday in July each year; (2) limit harvesting methods to diving and the use of bully nets; (3) set the daily bag limit of 12 lobsters per person for a two-day

possession limit of 24 lobsters on shore for counties other than Monroe County, Florida; and (4) prohibit night diving off Monroe County, Florida.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 06/11/93 | 58 FR 32639 |
| NPRM Comment | 06/28/93 | |
| Period End | | |
| Final Action | 07/21/93 | 58 FR 38978 |
| Final Action Effective | 07/24/93 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AF40

710. AMENDMENT 28 TO THE FMP FOR THE GROUND FISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA

Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 675

Legal Deadline: NPRM, Statutory. Final, Statutory.
 NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment establishes three new management districts in the Aleutian Islands subarea for the purpose of apportioning total allowable catch (TAC) of groundfish, thereby improving TAC management, dispersing fishing effort, and minimizing the potential for undesirable effects of concentrated effort.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 04/23/93 | 58 FR 21695 |
| NPRM Comment | 06/04/93 | 58 FR 21695 |
| Period End | | |
| Final Action | 07/13/93 | 58 FR 37660 |
| Final Action Effective | 08/11/93 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF46

711. REGULATORY AMENDMENT TO DELAY THE SECOND QUARTER POLLOCK OPENING IN THE GULF OF ALASKA

Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 672

Legal Deadline: None

Abstract: This regulatory amendment delays the opening of the second season pollock fishery in the combined Western and Central regulatory areas to June 1. NMFS anticipates this action will reduce discards of undersized pollock and of incidental catch amounts of chinook salmon in the pollock fishery.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 01/06/93 | 58 FR 532 |
| NPRM Comment | 02/05/93 | 58 FR 532 |
| Period End | | |
| Final Action Effective | 03/26/93 | 58 FR 16786 |
| Final Action | 03/31/93 | 58 FR 16786 |

Small Entities Affected: Businesses
Government Levels Affected: None

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AF52

712. REGULATORY AMENDMENT TO SEASONALLY APPORTION PACIFIC COD IN THE BERING SEA AND ALEUTIAN ISLANDS

Legal Authority: 16 USC 1801 et seq
CFR Citation: 50 CFR 675

Legal Deadline: None

Abstract: Regulatory amendment to seasonally apportion Pacific cod total allowable catch (TAC) to address market and bycatch concerns.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Withdrawn - Merged | 08/27/93 | |
| With RIN 0648- | | |
| AF47 | | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric

DOC—NOAA

Completed Actions

Administration, P.O. Box 21668,
Juneau, AK 99802, 907 586-7221

RIN: 0648-AF56

713. PACIFIC COAST GROUND FISH FISHERY: RESTRICTION OF FISHING OPERATIONS IN THE PACIFIC WHITING FISHERY TO PROTECT SALMON OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: This rule will restrict fishing operations in the Pacific whiting fishery to minimize the impact of the Pacific whiting fishery on Pacific salmon stocks. The rule will be issued under authority of Amendment 7 to the Pacific Coast Groundfish Fishery Management Plan. Restrictions on fishing operations to minimize the bycatch of Pacific salmon are necessary because many Pacific salmon stocks appear to be at record low levels, and some stocks may not meet escapement goals even in the absence of any commercial or recreational salmon harvest. This rule will also change the yearly start of the regular season in the Eureka subarea south of the Oregon border from April 15 to March 1 to allow small-scale harvest of whiting when the fish are in that area.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 03/18/93 | 58 FR 14543 |
| NPRM Comment | 04/01/93 | 58 FR 14543 |
| Period End | | |
| Final Action Effective | 04/15/93 | 58 FR 21261 |
| Final Action | 04/20/93 | 58 FR 21261 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rolland A. Schmitt, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Seattle, WA 98115-0070, 206 526-6150

RIN: 0648-AF58

714. • MARINE MAMMALS; SUBSISTENCE TAKING OF NORTHERN FUR SEALS

Legal Authority: 15 USC 1151 et seq; 18 USC 1361 et seq

CFR Citation: 50 CFR 215

Legal Deadline: None

Abstract: Regulations governing the subsistence taking of northern fur seals require NOAA to publish a summary of the previous year's fur seal harvest and to project the number of seals expected to be taken in the current year to meet subsistence needs of the Aleut residents of the Pribilof Islands, Alaska.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 06/14/93 | 58 FR 32892 |
| NPRM Comment | 07/14/93 | |
| Period End | | |
| Final Action | 08/06/93 | 58 FR 42027 |
| Final Action Effective | 08/06/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Michael Payne, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910, 301 713-2332

RIN: 0648-AF60

715. • REGULATORY AMENDMENT TO REMOVE FEDERAL REGULATIONS GOVERNING FOREIGN LONGLINE FISHING FOR PELAGIC SPECIES, OTHER THAN TUNA, IN THE PACIFIC EEZ

Legal Authority: 16 USC 1801 et seq; 16 USC 971 et seq; 22 USC 1971 et seq; 16 USC 1361 et seq

CFR Citation: 50 CFR 611

Legal Deadline: None

Abstract: This regulatory amendment would remove regulations for the Preliminary Fishery Management Plan (PMP) for Billfish, Sharks, Wahoo, and Mahimahi in the Western Pacific Region to reduce duplication and confusion in regulations governing fishing for pelagic species in the EEZ.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 04/30/93 | 58 FR 26090 |
| NPRM Comment | 06/14/93 | |
| Period End | | |
| Final Action | 09/23/93 | 58 FR 49438 |
| Final Action Effective | 10/25/93 | 58 FR 49438 |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Gary Matlock, Acting Director, Southwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, 310 980-4001

RIN: 0648-AF73

716. PROPOSED REGULATIONS FOR THE NATIONAL ESTUARINE RESERVE RESEARCH PROGRAM

Legal Authority: 16 USC 1461

CFR Citation: 15 CFR 921

Legal Deadline: None

Abstract: This action will incorporate amendments resulting from the Coastal Zone Act Reauthorization Amendments of 1990 and changes to the regulations as a result of comments on the interim rule published July 23, 1990 (55 FR 29940).

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 10/28/88 | 53 FR 43816 |
| NPRM Comment | 12/30/88 | |
| Period End | | |
| Interim Final Rule | 07/23/90 | 55 FR 29940 |
| Second NPRM | 07/17/92 | 57 FR 31928 |
| NPRM Comment | 08/31/92 | 57 FR 31928 |
| Period End | | |
| Final Action | 07/15/93 | 58 FR 38214 |
| Final Action Effective | 07/15/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Capt. Francesca Cava, Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Hwy (N/ORM2), Silver Spring, MD 20910, 301 713-3125

RIN: 0648-AB68

DEPARTMENT OF COMMERCE (DOC)

Prerule Stage

National Telecommunications and Information Administration (NTIA)

717. • ESTABLISHMENT OF THE TELECOMMUNICATIONS AND INFORMATION INFRASTRUCTURE GRANT PROGRAM

Significance: Regulatory Program
Legal Authority: 47 USC 901 et seq
CFR Citation: None
Legal Deadline: None

Abstract: Pursuant to proposed legislation, "The Telecommunications and Information Infrastructure and Public Broadcasting Facilities Assistance Act of 1993," a new infrastructure grant program is expected to be established within NTIA, while the existing grant program for public broadcast services would be continued. The proposal for the new grant program is part of the President's plan for telecommunications infrastructure development. Under this proposal, matching grants would enable entities providing essential services to ordinary people -- such as schools and hospitals -- to take advantage of the capabilities provided by advanced telecommunications technologies. A wide range of demonstrations would be funded that provide the basis for connecting schools, libraries, health care facilities, museums, and other social and community services with interactive data, voice, and video telecommunications capabilities. Upon passage of such legislation, any statutory directives could be implemented by NTIA either through formal rulemaking or through guidelines, both of which have been used previously to implement other grant programs administered by NTIA. NTIA has proposed (cont)

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: appropriations of \$51 million for fiscal year 1994 for this proposed infrastructure grant program.

Agency Contact: Dennis Connors, Associate Administrator, Office of Telecommunications Applications, Department of Commerce, National Telecommunications and Information Administration, Room 4625, 14th & Constitution Avenue NW., Washington, DC 20230, 202 482-5802

RIN: 0660-AA04

718. • TRANSFER OF SPECTRUM FROM THE FEDERAL GOVERNMENT TO THE FCC

Significance: Regulatory Program
Legal Authority: The proposed Emerging Telecom. Technologies Act of 1993; (part of the budget package)
CFR Citation: None
Legal Deadline: None

Abstract: The Omnibus Budget Reconciliation Act of 1993 contains several provisions relating to reform of both Federal and private use of the electromagnetic spectrum. This reform includes authorization for the Federal Communications Commission (FCC) to use competitive bidding to assign radio licenses to private users, as well as reallocation of some spectrum currently used by the Federal Government to the FCC for licensing to private users. The reallocation will make more spectrum available for new technologies and services being developed by the private sector. As the agency responsible for

managing use of the Federal Government's spectrum, NTIA will oversee the withdrawal of incumbent Federal users from frequencies to be reallocated. Costs may include displacement of incumbent Federal users and their relocation to different frequencies. Following its customary practice, NTIA will address such spectrum issues at the Interdepartmental Radio Advisory Committee (IRAC), which will be given the opportunity to make a recommendation on these issues, although any final decision rests with the Secretary. The IRAC is comprised of representatives of various Federal Government (cont)

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: agencies. Certain IRAC proposals and decisions are subject to public notice and comment pursuant to the National Telecommunications and Information Administration Organization Act, codified at 47 U.S.C. 901 et seq.

Agency Contact: Richard D. Parlow, Associate Administrator, Department of Commerce, National Telecommunications and Information Administration, Office of Spectrum Management, Room 4099, 14th & Constitution Avenue NW., Washington, DC 20230, 202 482-1850

RIN: 0660-AA05

DEPARTMENT OF COMMERCE (DOC)

Final Rule Stage

National Telecommunications and Information Administration (NTIA)

719. • NOTICE OF AVAILABILITY—NATIONAL ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION (1994)

Significance: Agency Priority
Legal Authority: 47 USC 394
CFR Citation: None
Legal Deadline: None

Abstract: It is the purpose of the National Endowment for Children's Educational Television to provide

grants to enhance the education of children through the creation and production of television programming specifically directed toward the development of fundamental intellectual skills. There are no alternatives considered for addressing this issue. The program will cost approximately \$1 million for fiscal year 1994. The benefits are expected to be an increased pool of high quality children's educational television programming.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis Connors, Associate Administrator, Department of Commerce, National Telecommunications and Information Administration, NECET, Room 4625,

DOC—NTIA

Final Rule Stage

14th & Constitution Avenue NW.,
Washington, DC 20230, 202 482-5802
RIN: 0660-AA06

DEPARTMENT OF COMMERCE (DOC)

Completed Actions

National Telecommunications and Information Administration (NTIA)

720. NOTICE OF AVAILABILITY—
NATIONAL ENDOWMENT FOR
CHILDREN'S EDUCATIONAL
TELEVISION (1993)

Significance: Agency Priority

Legal Authority: 47 USC 394

CFR Citation: None

Legal Deadline: None

Abstract: It is the purpose of the National Endowment for Children's Educational Television to enhance the education of children through the

creation and production of television programming specifically directed toward the development of fundamental intellectual skills. There are no alternatives being considered. The program will cost approximately \$3 million. The benefits are expected to be an increased pool of children's educational television programming.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| Notice of Availability of Funds | 03/19/93 | 58 FR 15222 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis Connors, Associate Administrator, Department of Commerce, National Telecommunications and Information Administration, NECET, Room H-4625, 14th and Constitution Avenue NW., Washington, DC 20230, 202 482-5802

RIN: 0660-AA03

DEPARTMENT OF COMMERCE (DOC)

Prerule Stage

Patent and Trademark Office (PTO)

721. PATENT APPLICATION
ELECTRONIC SUBMISSION RULES

Significance: Agency Priority

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1

Legal Deadline: None

Abstract: The Office proposes to allow patent and trademark applicants the option of submitting their applications electronically. The proposed revisions

to 37 CFR 1 and 2 would set out the procedures for filing patent and trademark applications in an electronic format.

Timetable:

| Action | Date | FR Cite |
|--------------------------|--------------|-------------|
| ANPRM | 11/30/92 | 57 FR 56537 |
| ANPRM Comment Period End | 03/01/93 | |
| Next Action | Undetermined | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Edward R. Kazenske, Executive Assistant to the Commissioner and Director of Interdisciplinary Programs, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 305-8600

RIN: 0651-AA50

DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

Patent and Trademark Office (PTO)

722. VARIETY DENOMINATION
REQUIREMENTS FOR PLANT PATENT
APPLICATIONS

Legal Authority: 35 USC 41; 35 USC 6

CFR Citation: 37 CFR 1.17; 37 CFR 1.72; 37 CFR 1.168

Legal Deadline: None

Abstract: PTO will amend its rules of practice in patent cases to implement the International Convention for the Protection of New Varieties of Plants. The International Convention requires registration of a plant variety name at the time a patent on a plant variety is issued. Compliance with the

registration requirements of the Convention would be determined in the process of examining plant patent applications.

Timetable:

| Action | Date | FR Cite |
|-------------------------|--------------|-------------|
| ANPRM | 12/27/85 | 50 FR 52963 |
| NPRM | 11/02/87 | 52 FR 42016 |
| NPRM Comment Period End | 01/08/88 | 52 FR 42016 |
| Next Action | Undetermined | |

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: H. Dieter Hoinkes, Legislative and International Intellectual Property Specialist, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 305-9300

RIN: 0651-AA12

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

723. TRADEMARK PROCEDURES

Legal Authority: 15 USC 1051 et seq

CFR Citation: 37 CFR 2.24; 37 CFR 2.85(e); 37 CFR 2.102(e); 37 CFR 2.119; 37 CFR 2.146(d); 37 CFR 2.162(e); 37

DOC—PTO

Proposed Rule Stage

CFR 2.183; 37 CFR 2.33; 37 CFR 2.111(b); 37 CFR 2.80; 37 CFR 2.187; 37 CFR 2.189

Legal Deadline: None

Abstract: The proposed rule changes concern housekeeping changes to conform the rules to the Trademark Law Revision Act of 1988 and other miscellaneous changes.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment | 03/00/94 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Lynne Beresford, Trademark Administrator, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 305-9464

RIN: 0651-AA46

724. PATENT TERM EXTENSION APPLICATION REQUIREMENTS

Legal Authority: 35 USC 6; 35 USC 156
CFR Citation: 37 CFR 1.740; 37 CFR 1.785

Legal Deadline: None

Abstract: The regulations pertaining to applications for patent term extension are proposed to be amended to clarify requirements for eligibility and filing.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 01/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles E. Van Horn, Patent Policy and Projects Administrator, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 305-9054

RIN: 0651-AA52

725. CHANGES IN COMPUTER PROGRAM LISTINGS FILED IN PATENT APPLICATIONS

Legal Authority: 35 USC 6
CFR Citation: 37 CFR 1.96
Legal Deadline: None

Abstract: Patent applications directed to computer program-related inventions often include numerous pages of computer program listings. The proposed modification in the regulations would specify a format for all computer program listings. This format would improve clarity and uniformity of the text and reduce the volume of printed pages of any patents which issue from these applications.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 07/00/94 | |
| NPRM Comment | 09/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. Michael Thesz, Special Program Examiner, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 305-9384

RIN: 0651-AA58

726. PROCEDURES FOR AMENDING PATENT APPLICATIONS

Legal Authority: 35 USC 6
CFR Citation: 37 CFR 1.121; 37 CFR 1.122; 37 CFR 1.124

Legal Deadline: None

Abstract: Amendments of patent applications are now presented in the form of instructions to change the written text at identified locations (e.g., page and line) in the application. A new practice would be adopted to require the submission of a replacement page containing the amendment. The new practice will reduce costs for the patent applicant and the Office by eliminating the need for the patent applicant to submit instructions and eliminating the need for the Office to amend the text of the application.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Agency Contact: Charles E. Van Horn, Patent Policy and Projects Administrator, Department of Commerce, Patent and Trademark Office, Office of Assistant

Commissioner for Patents, Washington, DC 20231, 703 305-9054

RIN: 0651-AA62

727. CHANGES IN PATENT AND TRADEMARK ASSIGNMENT PRACTICE

Legal Authority: 15 USC 1060; 15 USC 1113; 15 USC 1123; 15 USC 6; 15 USC 261

CFR Citation: 37 CFR 3

Legal Deadline: None

Abstract: PTO proposes to revise its assignments practices to provide for electronic filing of assignments.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patrick Rowe, Director, Office of Public Records, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 305-9743

RIN: 0651-AA64

728. ESTABLISHING PRIOR INVENTION TO OVERCOME CITED PATENT

Legal Authority: 35 USC 6
CFR Citation: 37 CFR 1.131

Legal Deadline: None

Abstract: When an application and a patent are owned by the same party and claim the same patentable invention as defined in rule 601(n), applicant and the Office are placed in a difficult position. Applicant cannot use a rule 131 affidavit to overcome the prior art effect of the 35 USC 102(e) patent, and an interference is not normally declared by the Office between a pending application and a patent belonging to the same party. The amendment of rule 131 will permit applicant to overcome the prior art effect of the patent in these circumstances.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 01/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

DOC—PTO

Proposed Rule Stage

Agency Contact: Charles E. Van Horn, Patent Policy and Projects Administrator, Department of Commerce, Patent and Trademark Office, Room 919, PK2, Washington, DC 20231, 703 305-9054

RIN: 0651-AA67

729. • REVISION OF PATENT AND TRADEMARK FEES

Legal Authority: 35 USC 41; 35 USC 1115; PL 101-508; PL 102-204; 35 USC 6; 35 USC 376; 15 USC 1051; 15 USC 1113; 15 USC 1123

CFR Citation: 37 CFR 1.16; 37 CFR 1.17; 37 CFR 1.18; 37 CFR 1.19; 37 CFR 1.20; 37 CFR 1.21; 37 CFR 1.26; 37 CFR 1.445; 37 CFR 1.482; 37 CFR 1.492; 37 CFR 2.6

Legal Deadline: None

Abstract: PTO proposes to amend its rules of practice to revise patent statutory fees and most trademark fees to reflect fluctuations in the Consumer Price Index (CPI) and other nonstatutory patent fees to reflect the marginal cost of providing the goods or services to the public.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 04/00/94 | |
| NPRM Comment Period End | 06/00/94 | |
| Final Action | 08/00/94 | |
| Final Action Effective | 10/01/94 | |

Small Entities Affected: Undetermined
Government Levels Affected: None

Agency Contact: Robert Kopson, Assistant Director, Funding and Evaluation, Office of Long-Range Planning and Evaluation, Department of Commerce, Patent and Trademark Office, Crystal Park I, Suite 507, Washington, DC 20231, 703 305-8510

RIN: 0651-AA68

730. • REVISION OF CERTAIN PATENT AND TRADEMARK AUTOMATION FEES

Legal Authority: 35 USC 41; 35 USC 1113; PL 102-204

CFR Citation: 37 CFR 1.21; 37 CFR 2.6

Legal Deadline: None

Abstract: The Patent and Trademark Office (PTO) proposes to amend the rules of practice in patent and

trademark cases, parts 1 and 2 of Title 37, Code of Federal Regulations, to establish a fee for access to the Automated Patent System's Search and Image Retrieval capability (APS-CS IR) from the search facilities in Arlington, VA. The PTO also proposes to lift the suspension on the fee for access to APS-Text at a Patent and Trademark Depository Library and to adjust the fee amounts for access to APS-Text and X-Search Systems for trademarks, formerly T-Search, from the PTO search facilities in Arlington, VA.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |

Small Entities Affected: Undetermined
Government Levels Affected: None

Agency Contact: Robert Kopson, Assistant Director, Funding and Evaluation, Office of Long-Range Planning and Evaluation, Department of Commerce, Patent and Trademark Office, Crystal Park I, Suite 507, Washington, DC 20231, 703 305-8510

RIN: 0651-AA69

DEPARTMENT OF COMMERCE (DOC)

Final Rule Stage

Patent and Trademark Office (PTO)

731. MISCELLANEOUS CHANGES IN PATENT PRACTICE

Significance: Agency Priority

Legal Authority: 35 USC 6; 35 USC 31; 35 USC 41; 35 USC 181; 15 USC 1123

CFR Citation: 37 CFR 1.13; 37 CFR 1.85; 37 CFR 1.136; 37 CFR 1.153; 37 CFR 1.193; 37 CFR 1.194; 37 CFR 1.197; 37 CFR 1.312; 37 CFR 1.321; 37 CFR 1.352; 37 CFR 1.362; 37 CFR 1.482; 37 CFR 1.607; 37 CFR 5.19; 37 CFR 10.98; ...

Legal Deadline: None

Abstract: The Office proposes to modify patent administrative processing requirements and to liberalize the policy on signing disclaimers.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/21/92 | 57 FR 43412 |
| NPRM Comment Period End | 11/05/92 | |

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abraham Hershkovitz, Petitions Examiner, Office of Petitions, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 305-9285

RIN: 0651-AA34

732. PATENT INTERFERENCE PRACTICE

Legal Authority: 35 USC 6; 35 USC 135

CFR Citation: 37 CFR 1.11; 37 CFR 1.601; 37 CFR 1.607; 37 CFR 1.608; 37 CFR 1.632; 37 CFR 1.633; 37 CFR 1.637; 37 CFR 1.653; 37 CFR 1.656

Legal Deadline: None

Abstract: The proposed changes will clarify patent interference practice,

particularly with respect to preliminary motions.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 01/23/92 | 57 FR 2698 |
| NPRM Comment Period End | 03/23/92 | 57 FR 2698 |
| Final Action | 11/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Saul I. Serota, Chairman, Department of Commerce, Patent and Trademark Office, Box Interference, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 557-4072

RIN: 0651-AA53

733. CHANGES IN SIGNATURE AND FILING REQUIREMENTS FOR PAPERS FILED IN THE PATENT AND TRADEMARK OFFICE

Legal Authority: 5 USC 500; 15 USC 1123; 35 USC 6; 35 USC 31; 35 USC 41

CFR Citation: 37 CFR 1.4; 37 CFR 1.5(a); 37 CFR 1.6; 37 CFR 1.8; 37 CFR 1.304; 37 CFR 1.366(b); 37 CFR 1.741(a); 37 CFR 10.18(a); 37 CFR 10.23(c)

Legal Deadline: None

Abstract: Most papers filed in the Patent and Trademark Office (PTO) requiring a signature have to be submitted with an original signature. The modified regulations would permit, in most cases, the filing of photocopies or facsimile transmitted papers. Furthermore, the certificate of mailing procedures currently in effect would be extended to papers sent by facsimile transmission. These changes would reduce the burden currently faced by those submitting papers to the PTO and would make it easier to meet PTO deadlines.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/12/92 | 57 FR 36034 |
| NPRM Comment Period End | 10/13/92 | |
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abraham Herschkovitz, Petitions Examiner, Office of Petitions, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 305-9282

RIN: 0651-AA55

734. REVISION OF PATENT AND TRADEMARK FEES

Significance: Agency Priority

Legal Authority: 35 USC 6; 35 USC 41; 35 USC 376; 15 USC 1113; PL 101-508; PL 102-204

CFR Citation: 37 CFR 1.16; 37 CFR 1.17; 37 CFR 1.18; 37 CFR 1.19; 37 CFR 1.20; 37 CFR 1.21; 37 CFR 1.26; 37 CFR 1.445; 37 CFR 1.482; 37 CFR 1.492; 37 CFR 2.6; 37 CFR 2.87

Legal Deadline: Final, Statutory, October 1, 1993.

Abstract: PTO proposes to amend its rules of practice to revise patent statutory fees and trademark fees to reflect fluctuations in the Consumer Price Index and nonstatutory patent fees to reflect the average cost of providing the goods or services consistent with the Patent and Trademark Authorization Act of 1991 (Pub. L. 102-204).

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/21/93 | 58 FR 39102 |
| NPRM Comment Period End | 08/20/93 | 58 FR 39102 |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Frances Michalkewicz, Director, Office of Long-Range Planning and Evaluation, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 305-8510

RIN: 0651-AA61

735. ● CROSS APPEALS IN PTO DISCIPLINARY PROCEEDINGS

Legal Authority: 5 USC 500; 15 USC 1123; 35 USC 6; 35 USC 31; 35 USC 32; 35 USC 41

CFR Citation: 37 CFR 10.155

Legal Deadline: None

Abstract: The Patent and Trademark Office (PTO) proposes to allow cross appeals in PTO practitioner disciplinary proceedings and thereby eliminate the need to file contingent notices of appeals.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/21/93 | 58 FR 38994 |
| NPRM Comment Period End | 08/20/93 | 58 FR 38994 |

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 11/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Fred E. McKelvey, Solicitor, Department of Commerce, Patent and Trademark Office, Box 8, Washington DC 20231, 703 305-9035

RIN: 0651-AA65

736. ● PATENT INTERFERENCE PRACTICE; PATENTABILITY OF CLAIMS

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1

Legal Deadline: None

Abstract: The Patent and Trademark Office (PTO) is amending its rules of practice in patent interference cases. In re Van Geuns interpreted patent interference rules in a manner different from the manner in which the rules were interpreted by the Commissioner. The Federal Circuit held that the rules authorize a party to argue the separate patentability of claims that the PTO designates as corresponding to a single count. Under PTO rules, however, every claim designated to correspond to a count shall be directed to a single inventive concept. PTO is amending the interference rules to specifically overcome the Federal Circuit's interpretation of the rules in Van Geuns.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/26/93 | 58 FR 39704 |
| NPRM Comment Period End | 09/24/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Fred E. McKelvey, Solicitor, Department of Commerce, Patent and Trademark Office, Box 8, Washington, DC 20231, 703 305-9035

RIN: 0651-AA66

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)
Completed Actions**737. DRAWING CHANGES IN PATENT CASES**

Legal Authority: 35 USC 6; 35 USC 41; 35 USC 113; 35 USC 114; 35 USC 161; 35 USC 171

CFR Citation: 37 CFR 1.81; 37 CFR 1.83; 37 CFR 1.84; 37 CFR 1.85; 37 CFR 1.88; 37 CFR 1.96; 37 CFR 1.136; 37 CFR 1.152; 37 CFR 1.154; 37 CFR 1.165; 37 CFR 1.174

Legal Deadline: None

Abstract: Drawing rules have caused confusion and slowed down the processing of patent applications. The PTO proposes to clarify the requirements for patent drawings and also to expedite patent drawing procedures.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/16/92 | 57 FR 42741 |
| NPRM Comment Period End | 10/16/92 | |
| Final Action | 07/20/93 | 58 FR 38719 |
| Final Action Effective | 10/01/93 | 58 FR 38719 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeffrey V. Nase, Director, Office of Petitions, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 305-9285

RIN: 0651-AA44

738. CHANGES IN REVIVAL OF PATENT APPLICATIONS AND REINSTATEMENT OF PATENTS

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.137; 37 CFR 1.155; 37 CFR 1.316; 37 CFR 1.317; 37 CFR 1.378(c)(3)

Legal Deadline: None

Abstract: The proposed modification would require the filing of a terminal disclaimer in patent applications abandoned for a period in excess of 6 months in both unavoidably and unintentionally abandoned applications. The current policy of granting exceptions, in certain limited circumstances, to the 1-year limit for reviving unintentionally abandoned applications is also incorporated into the proposed rules. These changes would incorporate current policy into the regulations and would reduce delays in filing petitions to revive patent applications.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/14/92 | 57 FR 41899 |
| NPRM Comment Period End | 11/13/92 | |
| Final Action | 08/20/93 | 58 FR 44277 |
| Final Action Effective | 09/20/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abraham Hershkovitz, Petitions Examiner, Office of Petitions, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 305-9282

RIN: 0651-AA57

739. PATENT INTERFERENCE PRACTICE; BURDEN OF PROOF

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1

Legal Deadline: None

Abstract: The Patent and Trademark Office plans to amend its rules of practice in patent interference cases. As a result of issues arising in some recent cases, it is apparent that parties in interference cases would be helped if the interference rules explicitly stated which party has the burden of proof when a motion is filed. PTO also plans to more clearly specify the nature of expert witness and factual witness evidence which must accompany a preliminary motion. Finally, PTO plans to add a definition of an interlocutory order, as contrasted with a final decision.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 01/06/93 | 58 FR 00528 |
| NPRM Comment Period End | 03/08/93 | |
| Final Action | 09/23/93 | 58 FR 49432 |
| Final Action Effective | 10/25/93 | 58 FR 49432 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Fred E. McKelvey, Solicitor, Department of Commerce, Patent and Trademark Office, Box 8, Washington, DC 20231, 703 305-9035

RIN: 0651-AA63

DEPARTMENT OF COMMERCE (DOC)
Technology Administration (TA)
Prerule Stage**740. LICENSING OF GOVERNMENT-OWNED INVENTIONS**

Legal Authority: 35 USC 208

CFR Citation: 37 CFR 404; 37 CFR 102

Legal Deadline: None

Abstract: The Department held a public meeting on July 31, 1991, to

discuss the need to revise the Federal domestic and foreign patent licensing regulations.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: All

Agency Contact: John Paugh, Director, Office of Technology Commercialization, Department of Commerce, Technology Administration, Room H 4418, Washington, DC 20230, 202 482-2100

RIN: 0692-AA04

DEPARTMENT OF COMMERCE (DOC)
Technology Administration (TA)

Proposed Rule Stage

741. ADMINISTRATION OF A UNIFORM PATENT POLICY WITH RESPECT TO DOMESTIC RIGHTS IN INVENTIONS MADE BY GOVERNMENT EMPLOYEES

Significance: Agency Priority
Legal Authority: EO 10096; EO 10930; 35 USC 207 to 208; 15 USC 3701 et seq

CFR Citation: 37 CFR 501; 37 CFR 101
Legal Deadline: None

Abstract: The Department held a public meeting on July 31, 1991, to discuss the need to revise the employee rights determination procedure.

Timetable: Next Action Undetermined
Small Entities Affected: None

Government Levels Affected: None
Sectors Affected: None
Agency Contact: John Paugh, Director, Office of Technology Commercialization, Department of Commerce, Technology Administration, Room H 4418, Washington, DC 20230, 202 482-2100
RIN: 0692-AA05

DEPARTMENT OF COMMERCE (DOC)
Technology Administration (TA)

Final Rule Stage

742. TRANSFER OF FEDERALLY FUNDED INFORMATION

Legal Authority: PL 102-245
CFR Citation: 15 CFR 1180
Legal Deadline: NPRM, Statutory, February 14, 1993.

Abstract: This action will establish procedures for transferring in a timely manner to the National Technical Information Service unclassified

scientific, technical, and engineering information from federally funded research and development activities for dissemination to the private sector.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/11/93 | 58 FR 27681 |
| NPRM Comment Period End | 06/10/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: Federal
Agency Contact: Donald W. Corrigan, Associate Director for Program Development, Technology Services, Department of Commerce, National Institute of Standards & Technology, Gaithersburg, MD 20899, 301 975-4511
RIN: 0692-AA12

DEPARTMENT OF COMMERCE (DOC)
United States Travel and Tourism Administration (USTTA)

Final Rule Stage

743. GUIDELINES AND PROCEDURES TO PROVIDE FINANCIAL ASSISTANCE TO COOPERATIVE TOURISM MARKETING PROGRAMS FOR INTERNATIONAL TOURISM TRADE DEVELOPMENT

Significance: Agency Priority
Legal Authority: 22 USC 2123; 22 USC 2123a
CFR Citation: 15 CFR 1200

Legal Deadline: Final, Statutory, March 29, 1993.

Abstract: The USTTA is establishing guidelines and procedures to administer the financial assistance program outlined in the Tourism Policy and Export Promotion Act of 1992. This financial assistance to Cooperative

Tourism Marketing Programs for International Tourism Trade Development will support expansion and more effective investment in international tourism trade development which will result in increased international visitation and will contribute to the economic well-being of the various States and regions of the United States.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|------------|
| NPRM | 01/22/93 | 58 FR 5672 |
| NPRM Comment Period End | 02/15/93 | 58 FR 5672 |
| NPRM Comment Period Extended to | 02/16/93 | 58 FR 8564 |
| 03/23/93 | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: Local, State
Agency Contact: Karen M. Cardran, Director, Marketing Programs, Department of Commerce, United States Travel and Tourism Administration, Room 1860, 14th and Constitution Avenue NW., Washington, DC 20230, 202 482-1904
RIN: 0644-AA02
 [FR Doc. 93-21804 Filed 10-22-93; 8:45 am]
BILLING CODE 3510-SW-F

Federal Register

**Monday
October 25, 1993**

Part V

**Department of
Defense**

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE (DOD)**DEPARTMENT OF DEFENSE****32 CFR Chs. I, V, VI, and VII****33 CFR Ch. II****36 CFR Ch. III****Improving Government Regulations;
Semiannual Agenda of Regulations****AGENCY:** Department of Defense (DoD).**ACTION:** Publication of the consolidated semiannual agenda of DoD regulatory documents.

SUMMARY: The Department of Defense is publishing this consolidated semiannual agenda of regulatory documents, including those that are procurement-related, for public information and comments under E.O. 12291 "Federal Regulation" and the Office of Federal Procurement Policy Act of 1988 (41 U.S.C. 402). This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under E.O. 12291, the Federal Procurement Policy Act, and other regulatory programs. It contains DoD issuances initiated by DoD components that may have economic and environmental impact on State, local, public, or private interests under the criteria of E.O. 12291. Although most DoD issuances listed in the agenda are of negligible public impact, their nature may be of public interest and, therefore, are published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process.

This agenda updates the report published on April 26, 1993, and includes regulations expected to be issued and under review over the next 12 months. The procurement-related agenda items included in this publication will also be used by the Office of Federal Procurement Policy to publish a "Procurement Regulatory Activity Report" as required by the Office of Federal Procurement Policy Act Amendments of 1988.

The next agenda is scheduled to be published in April 1994. In addition to this agenda, DoD components also publish rulemaking notices pertaining to their specific statutory administration requirements as required.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement program and

for general semiannual agenda information, contact Mr. William P. Pearce, telephone 703-746-0933, or write to Directorate for Information Operations and Reports, Washington Headquarters Services, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, write to Office of the General Counsel, 1600 Defense Pentagon, Washington, DC 20301-1600, or call 703-697-2714.

For general information on Office of the Secretary regulations, contact Mrs. Patricia H. Means, Directives Division, Directorate for Correspondence and Directives, Washington Headquarters Services; telephone 703-697-4111. For general information on the procurement-related agenda items, contact Mr. Owen L. Green III, telephone 703-697-7266, or write to Defense Acquisition Regulations System, 3062 Defense Pentagon, Washington, DC 20301-3062.

For general information on Department of the Army regulations, contact Mr. Kenneth L. Denton, telephone 703-325-6277, or write to Commander, U.S. Army Publications and Printing Command, ATTN: ASQZ-PD-SS, Room 1050, Hoffman I, Alexandria, Virginia 22331-0302.

For general information on the U.S. Army Corps of Engineers, Civil Works, regulations, contact Mr. Michael L. Davis, telephone 703-695-1376, or write to Office of the Assistant Secretary of the Army (Civil Works), 108 Army Pentagon, Washington, DC 20310-0108.

For general information on Department of the Navy regulations, contact Ms. Alcinda P. Wenberg, telephone 703-602-2542, or write to Department of the Navy, Commander, Naval Information Systems Management Center, 2211 Jefferson Davis Highway, CP5, Room 334, Arlington, Virginia 22202-3744.

For general information on Department of the Air Force regulations, contact Ms. Patsy J. Conner, telephone 703-614-3527, or write to Department of the Air Force, SAF/AAIA, 1610 Air Force Pentagon, Washington, DC 20330-1610.

For specific agenda items, contact the appropriate individual indicated in each DoD component report.

SUPPLEMENTARY INFORMATION: This consolidated agenda is composed of the regulatory status reports, including procurement-related regulatory status reports from the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force. Included also in this agenda is the regulatory report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of E.O. 12291 and involve water resource projects and regulation of activities in waters of the United States. Their agenda will reflect these requirements with follow-on reporting actions taken as necessary.

DoD issuances range from DoD Directives (reflecting departmental policy) to implementing instructions and regulations (largely internal and used to implement Directives). The OSD agenda section contains the primary Directives under which DoD components promulgate their implementing regulations.

To ease identification and to clarify the differences among the variety of issuances reported, they are identified by their DoD internal numbering system, which denotes component level of authority and type of issuance, in addition to the required CFR number.

In addition, this agenda, although published under the reporting requirements of E.O. 12291, will continue to be the DoD single-source reporting vehicle, which will identify issuances that are currently applicable under the various regulatory reform programs in progress. Therefore, when applicable, DoD components will identify those rules which come under the criteria of the:

- a. Regulatory Flexibility Act;
- b. Paperwork Reduction Act;
- c. GATT International Trade Agreement; and
- d. Office of Federal Procurement Policy Act Amendments of 1988.

These DoD issuances, which are directly applicable under these statutes, will be identified in the agenda and their action status indicated. Generally, the reports in this agenda will contain four sections: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; and (4) completed actions.

Although not a regulatory agency, the Department of Defense will continue to

DOD

participate in regulatory initiatives designed to reduce economic costs and unnecessary environmental burdens upon the public. Comments and recommendations are invited on the rules reported and should be addressed to the DoD component representatives identified in each section.

Although sensitive to the needs of the public and regulatory reform, the Department of Defense reserves the right

to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission.

Note: The publishing of this agenda does not waive the applicability of the military affairs exemption in section 553 of title 5 and section 1 of E.O. 12291.

Dated: August 26, 1993.

Robert S. Drake,
Acting Director, Information Operations and Reports.

Office of the Secretary—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 744 | Streamlined Research and Development Procedures (Lab Demonstrations) (DAR Case 92-D034) | 0790-AE56 |
| 745 | Security Containers (DAR Case 92-D311) | 0790-AE69 |
| 746 | Screening Threshold (DAR Case 93-D008) | 0790-AF18 |
| 747 | Audit Report Recommendations (DAR Case 93-D012) | 0790-AF21 |
| 748 | Coal and Petroleum Pitch Carbon Fiber (DAR Case 93-D303) | 0790-AF24 |

Office of the Secretary—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 749 | Third Party Payers | 0790-AF05 |
| 750 | Timekeeping and Labor Accounting Systems (DAR Case 91-004) | 0790-AD16 |
| 751 | Contract Services (DAR Case 91-071) | 0790-AD44 |
| 752 | Joint Ventures (DAR Case 91-054) | 0790-AD54 |
| 753 | Waiver of Non-Manufacturer Rule (DAR Case 91-055) | 0790-AD55 |
| 754 | Valves and Machine Tools (DAR Case 91-320) | 0790-AD63 |
| 755 | Electronic Funds Transfer (DAR Case 90-009) | 0790-AD80 |
| 756 | Overhead Should Cost Reviews (DAR Case 92-D010) | 0790-AD95 |
| 757 | Adequate Price Competition (DAR Case 92-D011) | 0790-AD96 |
| 758 | Insurance/Liability to Third Parties (DAR Case 92-D015) | 0790-AE00 |
| 759 | Incremental Funding, Fixed Price Contracts (DAR Case 90-037) | 0790-AE42 |
| 760 | Program Milestones (DAR Case 91-044) | 0790-AE44 |
| 761 | Personal Services Compensation (DAR Case 91-085D) | 0790-AE45 |
| 762 | Berry Amendment Exceptions (DAR Case 92-D020) | 0790-AE46 |
| 763 | Demilitarization (DAR Case 92-D024) | 0790-AE48 |
| 764 | Unfinalized Contractual Actions (DAR Case 92-D033) | 0790-AE55 |
| 765 | Contractor Insurance/Pension Reviews (DAR Case 92-D040) | 0790-AE60 |
| 766 | Construction Performance Evaluation (DAR Case 92-D042) | 0790-AE62 |
| 767 | Uniform Procurement Instrument Identification Numbers (PIIN) (DAR Case 92-D044) | 0790-AE64 |
| 768 | Organizational Conflicts of Interest (DAR Case 92-D344) | 0790-AE90 |
| 769 | Public-Private Competition (DAR Case 92-D355) | 0790-AE97 |
| 770 | MIL-Standard 295A Forms (DAR Case 92-037) | 0790-AF09 |
| 771 | Production Surveillance (DAR Case 93-D003) | 0790-AF13 |
| 772 | Offset Administrative Costs (DAR Case 93-D004) | 0790-AF14 |
| 773 | Government Property, DD Form 1662 (DAR Case 93-D007) | 0790-AF17 |

Office of the Secretary—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 774 | Total Quality Management (DoD Directive 5000.51) | 0790-AB33 |
| 775 | Restrictions on Lobbying | 0790-AC54 |
| 776 | Release of Acquisition-Related Information (DoD Directive 5230.aa) | 0790-AC62 |

DOD

Office of the Secretary—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 777 | Department of Defense Personnel Security Program (DoD Directive 5200.2) | 0790-AD25 |
| 778 | Stars and Stripes (S&S) Newspaper and Business Operations (DoD Directive 5120.aa) | 0790-AF06 |
| 779 | National Reconnaissance Office Freedom of Information Act Program Regulation | 0790-AF07 |
| 780 | Acquisition of Commercial Items (DAR Case 89-316) | 0790-AD79 |
| 781 | Uniform Suspension and Debarment (DAR Case 92-D007) | 0790-AD93 |
| 782 | Drug-Free Workforce (DAR Case 88-083) | 0790-AE40 |
| 783 | General Accounting Office Bid Protest Regulations (DAR Case 91-006D) | 0790-AE43 |
| 784 | Cost Accounting Standards Definitions and References (DAR Case 92-D025) | 0790-AE49 |
| 785 | Orders Under the Economy Act (DAR Case 92-D032) | 0790-AE54 |
| 786 | DFARS Subpart 231.1, Editorial (DAR Case 92-D035) | 0790-AE57 |
| 787 | Basic Agreements (DAR Case 92-D036) | 0790-AE58 |
| 788 | Precious Metals (DAR Case 92-D039) | 0790-AE59 |
| 789 | DODDS, Contracting Activity (DAR Case 92-D043) | 0790-AE63 |
| 790 | Economic or Employment Report (DAR Case 92-D316) | 0790-AE72 |
| 791 | Four-Ton Dolly Jacks (DAR Case 92-D328) | 0790-AE79 |
| 792 | Made in America Label (DAR Case 92-D329) | 0790-AE80 |
| 793 | Section 1207 (DAR Case 92-D332) | 0790-AE82 |
| 794 | Small Business Subcontracting Plan (DAR Case 92-D333) | 0790-AE83 |
| 795 | Certificate of Conformance Requirements (DAR Case 92-D334) | 0790-AE84 |
| 796 | Certification of Contract Claims (DAR Case 92-D339) | 0790-AE86 |
| 797 | Allowable Costs (DAR Case 92-D343) | 0790-AE89 |
| 798 | Award to Foreign Controlled Contractors (DAR Case 92-D349) | 0790-AE94 |
| 799 | Ozone (DAR Case 92-D354) | 0790-AE96 |
| 800 | Overseas Severance Pay (DAR Case 92-D359) | 0790-AE98 |
| 801 | Hazardous Materials on Arsenal Property (DAR Case 92-D361) | 0790-AF00 |
| 802 | Reduction in Defense Programs (DAR Case 92-D363) | 0790-AF02 |
| 803 | Ball and Roller Bearings (DAR Case 92-D366) | 0790-AF04 |
| 804 | Ammunition and Explosives (DAR Case 93-D005) | 0790-AF15 |
| 805 | Fixed Price Development Contracts (DAR Case 93-D006) | 0790-AF16 |
| 806 | Designation of Paying Office (DAR Case 93-D009) | 0790-AF19 |
| 807 | Distribution of Contracts (DAR Case 93-D010) | 0790-AF20 |
| 808 | Small Business Innovative Research Program (DAR Case 93-D301) | 0790-AF22 |
| 809 | Small Business Competitiveness Demonstration Program (DAR Case 93-D302) | 0790-AF23 |
| 810 | Surety Bond Waiver Reporting (DAR Case 93-D304) | 0790-AF25 |

Office of the Secretary—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 811 | Recoupment on Nonrecurring Costs on Sales of U.S. Items (DoD Directive 2140.2) | 0790-AE05 |
| 812 | Contracting Officer's Decisions (DAR Case 91-043D) | 0790-AD37 |
| 813 | Bond Waiver Tests (DAR Case 91-316) | 0790-AD59 |
| 814 | Mentor-Protege Credits (DAR Case 91-317) | 0790-AD60 |
| 815 | Environmental Surety Bonds (DAR Case 91-325) | 0790-AD89 |
| 816 | Progress Payment Rates (DAR Case 92-D014) | 0790-AD99 |
| 817 | Contractor Advisory Assistance Services (DAR Case 92-D016) | 0790-AE01 |
| 818 | Acquisition of Commercial Items (DAR Case 89-316) | 0790-AE41 |
| 819 | Recoupment of Nonrecurring Costs (DAR Case 92-D021) | 0790-AE47 |
| 820 | Architect-Engineer Services (DAR Case 92-D027) | 0790-AE50 |
| 821 | Base Closures, Employment (DAR Case 92-D029) | 0790-AE51 |
| 822 | Prompt Pay Overseas (DAR Case 92-D030) | 0790-AE52 |
| 823 | Examination of Records (DAR Case 92-D031) | 0790-AE53 |
| 824 | Industrial Modernization and Incentives Program (DAR Case 92-D041) | 0790-AE61 |
| 825 | Defense Acquisition Workforce Improvement Act (DAR Case 92-D045) | 0790-AE65 |
| 826 | Research and Development (DAR Case 92-D303) | 0790-AE66 |
| 827 | Berry Amendment (DAR Case 92-D305) | 0790-AE67 |
| 828 | Multiyear Contracts (DAR Case 92-D307) | 0790-AE68 |

DOD

Office of the Secretary—Completed Actions (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 829 | Major Automated Systems (DAR Case 92-D312) | 0790-AE70 |
| 830 | Fixed Price Research and Development (DAR Case 92-D314) | 0790-AE71 |
| 831 | Unsolicited Proposals (DAR Case 92-D317) | 0790-AE73 |
| 832 | Secondary Arab Boycott of Israel (DAR Case 92-D319) | 0790-AE74 |
| 833 | Nonprofit Agencies for the Blind or Other Severely Handicapped (DAR Case 92-D320) | 0790-AE75 |
| 834 | Audit of Contracts With Universities (DAR Case 92-D322) | 0790-AE76 |
| 835 | Federally Funded Research and Development Centers (DAR Case 92-D323) | 0790-AE77 |
| 836 | Carbon, Steel, or Armor Steel Plate (DAR Case 92-D325) | 0790-AE78 |
| 837 | Carbonyl Iron Powders (DAR Case 92-D331) | 0790-AE84 |
| 838 | Subcontracting Plan Test (DAR Case 92-D335) | 0790-AE85 |
| 839 | Convicted Felons (DAR Case 92-D340) | 0790-AE87 |
| 840 | Master Agreements (DAR Case 92-D341) | 0790-AE88 |
| 841 | Competitive Prototyping (DAR Case 92-D345) | 0790-AE91 |
| 842 | Typewriters (DAR Case 92-D346) | 0790-AE92 |
| 843 | Foreign Controlled Contracts (DAR Case 92-D348) | 0790-AE93 |
| 844 | Hazardous Wastes (DAR Case 92-D353) | 0790-AE95 |
| 845 | Employment Openings (DAR Case 92-D362) | 0790-AF01 |
| 846 | Acquisition Plans for Major Defense Acquisition Programs (DAR Case 92-D365) | 0790-AF03 |
| 847 | Iran, Iraq, Cuba Sanctions (DAR Case 92-D360) | 0790-AF10 |
| 848 | Night Vision Goggles (DAR Case 93-D001) | 0790-AF11 |
| 849 | Industrial Plant Equipment (DAR Case 93-D002) | 0790-AF12 |

U.S. Army Corps of Engineers—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 850 | Regulatory Programs of the Corps of Engineers, Part 325, Appendix D—Endangered Species Counterpart Regulations | 0710-AA17 |
| 851 | Part 326, Enforcement; Class II Administrative Penalties | 0710-AA25 |
| 852 | Nationwide Permit Program (Low-Value Wetlands) | 0710-AA34 |

U.S. Army Corps of Engineers—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 853 | Regulatory Programs of the Corps of Engineers | 0710-AA30 |
| 854 | Nationwide Permit Program (New Nationwide Permits for Additional Activities) | 0710-AA32 |
| 855 | Regulatory Programs of the Corps of Engineers, Wetland Delineator Certification Program | 0710-AA38 |

U.S. Army Corps of Engineers—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 856 | Regulatory Program of the Corps of Engineers—Excavation Activities | 0710-AA35 |
| 857 | Flood Control and Agricultural Water Supply Cost Sharing Requirements Under the Ability-To-Pay Provisions | 0710-AA37 |

Department of the Navy—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 858 | Adjustments to Prices Under Shipbuilding Contracts | 0703-AA34 |
| 859 | Release of Official Information for Litigation | 0703-AA39 |

DOD

Department of the Air Force—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 860 | Public Affairs Policies and Procedures | 0701-AA18 |
| 861 | Air Force Privacy Act Program | 0701-AA30 |
| 862 | Air Force Materiel Command Federal Acquisition Regulation Supplement; Vendor Rating System | 0701-AA34 |
| 863 | Environmental Impact Analysis Process | 0701-AA36 |
| 864 | Civil Aircraft Use of United States Air Force Airfields | 0701-AA42 |

Department of the Air Force—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 865 | Air Force Materiel Command Contractor Performance Assessment | 0701-AA33 |
| 866 | Utilization of Excess and Disposal of Surplus Real Property | 0701-AA35 |

Office of Assistant Secretary for Health Affairs—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 867 | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Basic Program (DoD 6010.8-R) | 0720-AA06 |
| 868 | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Former Spouse/Widow(er) and Federal Claims Collection Act (DoD 6010.8-R) | 0720-AA07 |
| 869 | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Certified Marriage and Family Therapists (DoD 6010.8-R) | 0720-AA10 |
| 870 | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Requirements for Coverage and Reimbursement of Services of Physicians in Teaching Settings (DoD 6010.8-R) | 0720-AA13 |
| 871 | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Coverage of Hospice Care for Terminally Ill CHAMPUS Beneficiaries | 0720-AA18 |
| 872 | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Expanded Dental Coverage for Dependents of Active Duty Members of the Uniformed Services | 0720-AA19 |

Office of Assistant Secretary for Health Affairs—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 873 | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Supplemental Insurance Plans (DoD 6010.8-R) | 0720-AA01 |
| 874 | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Program for the Handicapped (DoD 6010.8-R) | 0720-AA04 |
| 875 | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Mammography and Papanicolaou (Pap) Tests (DoD 6010.8-R) | 0720-AA08 |
| 876 | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Reimbursement of Providers | 0720-AA15 |
| 877 | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Specialized Treatment; Nonavailability Statements; Peer Review Organization Program; Supplemental Care | 0720-AA16 |

Office of Assistant Secretary for Health Affairs—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 878 | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Partial Hospitalization | 0720-AA17 |

DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)

Prerule Stage

744. STREAMLINED RESEARCH AND DEVELOPMENT PROCEDURES (LAB DEMONSTRATIONS) (DAR CASE 92-D034)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 235

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to develop improved procedures for research and development procurements of \$10 million or less.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 10/28/92 | |
| Next Action Undetermined | | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE56

745. SECURITY CONTAINERS (DAR CASE 92-D311)

Significance: Agency Priority

Legal Authority: PL 102-396, Sec 9027

CFR Citation: 48 CFR 231

Legal Deadline: Final, Statutory, October 6, 1992.

Abstract: Modify the Defense FAR Supplement to provide that funds cannot be expended to purchase, install, replace or repair locks on a safe or security container that does not meet federal specifications.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 10/28/92 | |
| Next Action Undetermined | | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE69

746. ● SCREENING THRESHOLD (DAR CASE 93-D066)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 245

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to raise the threshold for items of serviceable property from \$500 to \$1,000 to conform with Federal Acquisition regulation 45.606-5.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 06/03/93 | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AF18

747. ● AUDIT REPORT RECOMMENDATIONS (DAR CASE 93-D012)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 215

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to state that prenegotiation objectives, related to disposition of findings and recommendations, contained in pre and post award audits be documented.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 06/23/93 | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AF21

748. ● COAL AND PETROLEUM PITCH CARBON FIBER (DAR CASE 93-D303)

Significance: Agency Priority

Legal Authority: PL 102-396, Sec 9040

CFR Citation: 48 CFR 225

Legal Deadline: Final, Statutory, October 6, 1992.

Abstract: Modify the Defense FAR Supplement to assure that a minimum of 75 percent of the coal and petroleum pitch carbon fiber acquired for Department of Defense use be procured from domestic sources by 1994.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 04/21/93 | |
| Next Action Undetermined | | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AF24

DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)

Proposed Rule Stage

749. • THIRD PARTY PAYERS

Legal Authority: 10 USC 1095

CFR Citation: 32 CFR 220

Legal Deadline: None

Abstract: This rule proposes to amend the Department of Defense regulation that implements 10 USC 1095. It would expand the number of inpatient billing categories from the 12 to approximately 40 to 50 and the single outpatient billing category to as many as 40 to 50. The rule would also expand the billing for outpatient services to include land ambulance service, air ambulance service and hyperbaric services.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: S. Olson, Department of Defense, Office of the Secretary, 703 756-8910

RIN: 0790-AF05

750. TIMEKEEPING AND LABOR ACCOUNTING SYSTEMS (DAR CASE 91-004)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 209; 48 CFR 242

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to clarify the requirement for contractors to have sufficient internal accounting controls.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| Case opened | 02/21/91 | |
| NPRM | 06/10/91 | 56 FR 26645 |
| NPRM Comment Period End | 08/11/91 | |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon,

Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD16

751. CONTRACT SERVICES (DAR CASE 91-071)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 207; 48 CFR 237; 48 CFR 252

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to develop guidance on continuation of essential contractor services by DOD contractors during crisis situations.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 10/17/91 | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD44

752. JOINT VENTURES (DAR CASE 91-054)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 219; 48 CFR 252

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to allow joint ventures between small disadvantaged businesses and non-disadvantaged small businesses to be eligible to participate in the DOD 5 percent goal program.

Timetable:

| Action | Date | FR Cite |
|-------------|----------|-------------|
| Case opened | 08/28/91 | |
| NPRM | 12/02/92 | 57 FR 56895 |

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|-------------------------|----------|--|
| NPRM Comment Period End | 01/31/93 | |
|-------------------------|----------|--|

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD54

753. WAIVER OF NON-MANUFACTURER RULE (DAR CASE 91-055)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 219; 48 CFR 252

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to apply Small Business Administration waivers to the Small Disadvantaged Business set aside program.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 08/28/91 | |
| Next Action Undetermined | | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD55

DOD—OS

Proposed Rule Stage

754. VALVES AND MACHINE TOOLS (DAR CASE 91-320)**Significance:** Agency Priority**Legal Authority:** PL 102-190, Sec 834**CFR Citation:** 48 CFR 225**Legal Deadline:** Final, Statutory, December 5, 1991.**Abstract:** Modify the Defense FAR Supplement to extend the restriction on foreign purchases of valves and machine tools through fiscal year 1996.**Timetable:**

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| Case opened | 12/02/91 | |
| Interim Final Rule | 04/23/92 | 57 FR 14988 |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266**RIN:** 0790-AD63**755. ELECTRONIC FUNDS TRANSFER (DAR CASE 90-009)****Significance:** Agency Priority**Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 232**Legal Deadline:** None**Abstract:** Modify the Defense FAR Supplement to broaden the use of electronic funds transfer in DOD contracts.**Timetable:**

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 10/19/91 | |
| Next Action Undetermined | | |

Small Entities Affected: Businesses**Government Levels Affected:** Federal**Analysis:** Regulatory Flexibility Analysis**Procurement:** This is a procurement-related action for which there is no

statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266**RIN:** 0790-AD80**756. OVERHEAD SHOULD COST REVIEWS (DAR CASE 92-D010)****Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 215**Legal Deadline:** None**Abstract:** Modify the Defense FAR Supplement to provide guidance for conducting overhead should cost reviews.**Timetable:**

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 04/08/92 | |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266**RIN:** 0790-AD95**757. ADEQUATE PRICE COMPETITION (DAR CASE 92-D011)****Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 215**Legal Deadline:** None**Abstract:** Modify the Defense FAR Supplement to clarify guidance on adequate price competition in dual source procurements.**Timetable:**

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 04/02/92 | |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266**RIN:** 0790-AD96**758. INSURANCE/LIABILITY TO THIRD PARTIES (DAR CASE 92-D015)****Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 228**Legal Deadline:** None**Abstract:** Modify the Defense FAR Supplement to remove inconsistencies between FAR 52.228-7, Insurance-Liability to Third Parties, and its Alternate I.**Timetable:**

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 05/06/92 | |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266**RIN:** 0790-AE00**759. INCREMENTAL FUNDING, FIXED PRICE CONTRACTS (DAR CASE 90-037)****Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 232**Legal Deadline:** None**Abstract:** Modify the Defense FAR Supplement to provide guidance on the use of incremental funding.

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Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 10/02/90 | |
| Next Action Undetermined | | |

Small Entities Affected: Businesses**Government Levels Affected:** Federal**Analysis:** Regulatory Flexibility Analysis**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE42

760. PROGRAM MILESTONES (DAR CASE 91-044)**Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 207**Legal Deadline:** None**Abstract:** Modify the Defense FAR Supplement to implement those parts of Department of Defense Instruction 5000.1 on program milestones that apply to contracting officers.**Timetable:**

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 07/24/91 | |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE44

761. PERSONAL SERVICES COMPENSATION (DAR CASE 91-085D)**Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 231**Legal Deadline:** None**Abstract:** Modify the Defense FAR Supplement to clarify reasonableness of compensation costs resulting from Labor-Management agreements and adequately provide for maintenance for contractor compensation systems that are consistently reasonable.**Timetable:**

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 07/08/92 | |
| Next Action Undetermined | | |

Small Entities Affected: Undetermined**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE45

762. BERRY AMENDMENT EXCEPTIONS (DAR CASE 92-D020)**Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 225**Legal Deadline:** None**Abstract:** Modify the Defense FAR Supplement to fully comply with exceptions of the Berry Amendment.**Timetable:**

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 07/08/92 | |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of

Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE46

763. DEMILITARIZATION (DAR CASE 92-D024)**Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 223**Legal Deadline:** None**Abstract:** Modify the Defense FAR Supplement to notify contractors of demilitarization requirements.**Timetable:**

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 07/29/92 | |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE48

764. UNDEFINITE CONTRACTUAL ACTIONS (DAR CASE 92-D033)**Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 217**Legal Deadline:** None**Abstract:** Modify the Defense FAR Supplement to clarify limitations on obligation and expenditure of funds for undefinitized contractual actions.**Timetable:**

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 10/28/92 | |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no

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Proposed Rule Stage

paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE55

765. CONTRACTOR INSURANCE/PENSION REVIEWS (DAR CASE 92-D040)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 242

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to raise the threshold for conducting Contractor Insurance/Pension Reviews from \$10 million to \$40 million when other than sealed bid procedures are used.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 12/02/92 | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE60

766. CONSTRUCTION PERFORMANCE EVALUATION (DAR CASE 92-D042)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 236

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to use new form DD 2626 in lieu of SF 1420.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 12/09/92 | |
| Next Action Undetermined | | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE62

767. UNIFORM PROCUREMENT INSTRUMENT IDENTIFICATION NUMBERS (PIIN) (DAR CASE 92-D044)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 204

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to revise appendix G on the use of uniform Procurement Instrument Identification Numbers.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 12/26/92 | |
| Next Action Undetermined | | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE64

768. ORGANIZATIONAL CONFLICTS OF INTEREST (DAR CASE 92-D344)

Significance: Agency Priority

Legal Authority: PL 102-484, Sec 819

CFR Citation: 48 CFR 209

Legal Deadline: Final, Statutory, October 23, 1992.

Abstract: Modify the Defense FAR Supplement to provide guidance regarding contractor participation in certain phases of procurement.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 10/28/92 | |
| Next Action Undetermined | | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE90

769. PUBLIC-PRIVATE COMPETITION (DAR CASE 92-D355)

Significance: Agency Priority

Legal Authority: PL 102-396, Sec 9095; PL 102-484, Sec 353

CFR Citation: 48 CFR 217

Legal Deadline: Final, Statutory, October 6, 1992.

Abstract: Modify the Defense FAR Supplement to permit competition between public activities and private firms.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 10/28/92 | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no

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paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE97

770. • MIL-STANDARD 295A FORMS (DAR CASE 92-037)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 210

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to revise DD Forms 345 and 346 and add new DD Form 346-1.

Timetable:

| Action | Date | FR Cite |
|-------------|--------------|---------|
| Case opened | 11/24/92 | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AF09

771. • PRODUCTION SURVEILLANCE (DAR CASE 93-D003)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 242

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to replace the current three categories of production surveillance with a pre-delivery surveillance approach.

Timetable:

| Action | Date | FR Cite |
|-------------|--------------|---------|
| Case opened | 02/18/93 | |
| Next Action | Undetermined | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AF13

772. • OFFSET ADMINISTRATIVE COSTS (DAR CASE 93-D004)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 225

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to comply with revisions to Defense Security Assistance Agency policy changes.

Timetable:

| Action | Date | FR Cite |
|-------------|--------------|---------|
| Case opened | 04/21/93 | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AF14

773. • GOVERNMENT PROPERTY, DD FORM 1662 (DAR CASE 93-D007)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 245

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to clarify the use of the DD Form 1662 by contractors.

Timetable:

| Action | Date | FR Cite |
|-------------|--------------|---------|
| Case opened | 05/27/93 | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AF17

DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)

Final Rule Stage

774. TOTAL QUALITY MANAGEMENT (DOD DIRECTIVE 5000.51)

Legal Authority: EO 12637

CFR Citation: 32 CFR 281

Legal Deadline: None

Abstract: This proposed rule establishes policy and assigns responsibility for implementation of the Total Quality Management concept in the Department of Defense. The concept will be implemented both internally with the Department of Defense as well as in DoD acquisition strategies.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/19/89 | 54 FR 30227 |
| NPRM Comment Period End | 08/18/89 | 54 FR 30227 |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

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Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: F. Doherty, Department of Defense, Office of the Secretary, 703 695-7915

RIN: 0790-AB33

775. RESTRICTIONS ON LOBBYING

Legal Authority: PL 102-121; 31 USC 1352; 5 USC 301; 10 USC 113

CFR Citation: 32 CFR 282

Legal Deadline: None

Abstract: The Department of Defense (DoD) is adopting the following interim rule establishing new restrictions on lobbying and will proceed with internal agency coordination, the results of which will be reflected in the final common rule. It is the Department of Defense's objective to establish uniform practices within the Office of the Secretary of Defense, the military departments, and the defense agencies that would be consistent with those being established by other executive departments and agencies in adopting this governmentwide rule.

Timetable:

| Action | Date | FR Cite |
|--------------------|--------------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 6752 |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: F. Sobieszczyk, Department of Defense, Office of the Secretary, 703 614-0205

RIN: 0790-AC54

776. RELEASE OF ACQUISITION-RELATED INFORMATION (DOD DIRECTIVE 5230.AA)

Legal Authority: PL 101-189

CFR Citation: 32 CFR 286h

Legal Deadline: None

Abstract: This rule establishes the policy of the Department of Defense to make the maximum amount of acquisition-related information available to the public and to respond promptly to specific requests from the public.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 07/12/90 | 55 FR 28614 |

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Final Rule | 08/13/90 | 55 FR 28614 |
| Comment Period End | | |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: S. Slavsky, Department of Defense, Office of the Secretary, 703 697-8335

RIN: 0790-AC62

777. DEPARTMENT OF DEFENSE PERSONNEL SECURITY PROGRAM (DOD DIRECTIVE 5200.2)

Legal Authority: 50 USC 781

CFR Citation: 32 CFR 156

Legal Deadline: None

Abstract: The Department of Defense has revised and updated its policies regarding standards for the conduct of personnel security investigations, adjudication criteria for access to classified information and minimum due process procedures when an unfavorable personnel security determination is proposed. These changes are the first to the directive since 1979 and are attempting to make the source document for the DoD personnel program consistent with more recent policy development.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/10/91 | 56 FR 26634 |
| NPRM Comment Period End | 07/10/91 | 56 FR 26634 |
| Final Action | 10/00/93 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: Organizations

Government Levels Affected: Federal

Agency Contact: P. Nelson, Department of Defense, Office of the Secretary, 703 697-3039

RIN: 0790-AD25

778. • STARS AND STRIPES (S&S) NEWSPAPER AND BUSINESS OPERATIONS (DOD DIRECTIVE 5120.AA)

Legal Authority: 10 USC 136

CFR Citation: 32 CFR 247

Legal Deadline: None

Abstract: This rule proposes to promote efficiency and economy by

updating procedures to meet changed circumstances, and to accommodate recommendations made by the General Accounting Office in a Congressionally-mandated examination of Stars and Stripes operations.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/05/93 | 58 FR 41671 |
| NPRM Comment Period End | 09/07/93 | 58 FR 41671 |

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: R Oleszewski, Department of Defense, Office of the Secretary, 703 274-4868

RIN: 0790-AF06

779. • NATIONAL RECONNAISSANCE OFFICE FREEDOM OF INFORMATION ACT PROGRAM REGULATION

Legal Authority: 5 USC 552

CFR Citation: 32 CFR 296

Legal Deadline: None

Abstract: This rule establishes the National Reconnaissance Office (NRO) regulation governing the disclosure of information under the Freedom of Information Act. This document is published pursuant to the Department of Defense rule, 32 CFR Part 285, which implements the Freedom of Information Act and it conforms to the Department's rule and schedule contained in 32 CFR Part 286. As a component of the Department of Defense, the Department rules and schedules with respect to the Freedom of Information Act, as amended, will also be policy of the NRO.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/05/93 | 58 FR 41679 |
| NPRM Comment Period End | 09/07/93 | 58 FR 41679 |

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: M Healy, Department of Defense, Office of the Secretary, 703 892-0147

RIN: 0790-AF07

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Final Rule Stage

780. ACQUISITION OF COMMERCIAL ITEMS (DAR CASE 89-316)**Significance:** Agency Priority**Legal Authority:** PL 101-189, Sec 824**CFR Citation:** 48 CFR 211**Legal Deadline:** Final, Statutory, August 3, 1990.**Abstract:** Modify the Defense FAR Supplement to develop a simplified uniform contract for the acquisition of commercial items.**Timetable:**

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| Case opened | 12/06/89 | |
| NPRM | 07/11/90 | 55 FR 28514 |
| NPRM Comment | 08/27/90 | |
| Period End | | |
| Interim Final Rule | 04/23/91 | 56 FR 18160 |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266**RIN:** 0790-AD79**781. UNIFORM SUSPENSION AND DEBARMENT (DAR CASE 92-D007)****Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 209**Legal Deadline:** None**Abstract:** Modify the Defense FAR Supplement to include uniform suspension and debarment procedures.**Timetable:**

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Case opened | 03/04/92 | |
| NPRM | 11/16/92 | 57 FR 54035 |
| NPRM Comment | 12/16/92 | |
| Period End | | |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266**RIN:** 0790-AD93**782. DRUG-FREE WORKFORCE (DAR CASE 88-083)****Significance:** Agency Priority**Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 223**Legal Deadline:** None**Abstract:** Modify the Defense FAR Supplement to require contractors to maintain a drug-free workforce.**Timetable:**

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| Case opened | 06/14/88 | |
| NPRM | 07/23/92 | 57 FR 32769 |
| Interim Final Rule | 07/23/92 | 57 FR 32736 |
| NPRM Comment | 09/21/92 | |
| Period End | | |
| Next Action Undetermined | | |

Small Entities Affected: Businesses**Government Levels Affected:** Federal**Analysis:** Regulatory Flexibility Analysis**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266**RIN:** 0790-AE40**783. GENERAL ACCOUNTING OFFICE BID PROTEST REGULATIONS (DAR CASE 91-006D)****Significance:** Agency Priority**Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 233**Legal Deadline:** None**Abstract:** Modify the Defense FAR Supplement to implement General Accounting Office's published revised bid protest regulations.**Timetable:**

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Case opened | 06/26/91 | |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266**RIN:** 0790-AE43**784. COST ACCOUNTING STANDARDS DEFINITIONS AND REFERENCES (DAR CASE 92-D025)****Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 235**Legal Deadline:** None**Abstract:** Modify the Defense FAR Supplement to revise DFARS references to Cost Accounting Standards.**Timetable:**

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Case opened | 07/29/92 | |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266**RIN:** 0790-AE49

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785. ORDERS UNDER THE ECONOMY ACT (DAR CASE 92-D032)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 217

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to clarify the scope and intent of the Economy Act.

Timetable:

| Action | Date | FR Cite |
|-------------|--------------|---------|
| Case opened | 09/24/92 | |
| Next Action | Undetermined | |

Small Entitles Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE54

786. DFARS SUBPART 231.1, EDITORIAL (DAR CASE 92-D035)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 231

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to indicate that the clause at 252.231.7000 should only be inserted in those solicitations and contracts described in FAR 31.000.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Case opened | 11/18/92 | |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entitles Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of

Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE57

787. BASIC AGREEMENTS (DAR CASE 92-D036)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 235

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to remove the reference to the Office of Naval Research as the DOD agency for negotiating basic agreements.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Case opened | 11/24/92 | |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entitles Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE58

788. PRECIOUS METALS (DAR CASE 92-D039)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 245

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to streamline the process of providing disposition instructions for the recovery of precious metals.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Case opened | 12/02/92 | |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entitles Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE59

789. DODDS, CONTRACTING ACTIVITY (DAR CASE 92-D043)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 202

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to reflect that DOD Dependents Schools (DODDS) has been delegated authority as a contracting activity.

Timetable:

| Action | Date | FR Cite |
|-------------|--------------|---------|
| Case opened | 12/09/92 | |
| Next Action | Undetermined | |

Small Entitles Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE63

790. ECONOMIC OR EMPLOYMENT REPORT (DAR CASE 92-D316)

Significance: Agency Priority

Legal Authority: PL 102-396, Sec 9048

CFR Citation: 48 CFR 231

Legal Deadline: Final, Statutory, October 6, 1992.

Abstract: Modify the Defense FAR Supplement to prohibit preparation of any material, report, list or analysis on

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actual or projected economic or employment impact in a State or Congressional district of an acquisition program.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Case opened | 10/28/92 | |
| Interim Final Rule | 05/13/93 | 58 FR 28458 |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE72

791. FOUR-TON DOLLY JACKS (DAR CASE 92-D328)

Significance: Agency Priority

Legal Authority: PL 102-396, Sec 9108

CFR Citation: 48 CFR 225

Legal Deadline: Final, Statutory, October 6, 1992.

Abstract: Modify the Defense FAR Supplement to provide that funds cannot be expended to award a contract for the procurement of Four Ton Dolly Jacks if such equipment is or would be manufactured outside the United States.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| Case opened | 10/28/92 | |
| Interim Final Rule | 05/13/93 | 58 FR 28458 |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations

System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE79

792. MADE IN AMERICA LABEL (DAR CASE 92-D329)

Significance: Agency Priority

Legal Authority: PL 102-396, Sec 9117; PL 102-484, Sec 834

CFR Citation: 48 CFR 209

Legal Deadline: Final, Statutory, January 21, 1993.

Abstract: Modify the Defense FAR Supplement to require debarment of any person falsely placing "Made in America" labels in foreign products.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 10/28/92 | |
| Next Action Undetermined | | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE80

793. SECTION 1207 (DAR CASE 92-D332)

Significance: Agency Priority

Legal Authority: PL 102-484, Sec 801; PL 102-484, Sec 1207

CFR Citation: 48 CFR 219

Legal Deadline: Final, Statutory, October 28, 1992.

Abstract: Modify the Defense FAR Supplement to extend the Small Disadvantaged Business program through the year 2000.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 10/28/92 | |
| Next Action Undetermined | | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE82

794. SMALL BUSINESS SUBCONTRACTING PLAN (DAR CASE 92-D333)

Significance: Agency Priority

Legal Authority: PL 102-484, Sec 802

CFR Citation: 48 CFR 219

Legal Deadline: Final, Statutory, October 23, 1992.

Abstract: Modify the Defense FAR Supplement to add certain requirements to the Small Disadvantaged Business program.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| Case opened | 10/28/92 | |
| Interim Final Rule | 05/13/93 | 58 FR 28458 |
| Next Action Undetermined | | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE83

795. CERTIFICATE OF CONFORMANCE REQUIREMENTS (DAR CASE 92-D334)

Significance: Agency Priority

Legal Authority: PL 102-484, Sec 804

CFR Citation: 48 CFR 219

Legal Deadline: Final, Statutory, October 1, 1992.

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Abstract: Modify the Defense FAR Supplement to allow offerors bidding on a contract to request the Small Business Administration to make a determination on an entity's eligibility.

Timetable:

| Action | Date | FR Cite |
|--------------------|--------------|-------------|
| Case opened | 10/28/92 | |
| Interim Final Rule | 05/13/93 | 58 FR 28458 |
| Next Action | Undetermined | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE84

796. CERTIFICATION OF CONTRACT CLAIMS (DAR CASE 92-D339)

Significance: Agency Priority

Legal Authority: PL 102-484, Sec 813

CFR Citation: 48 CFR 233

Legal Deadline: Final, Statutory, October 23, 1992.

Abstract: Modify the Defense FAR Supplement to allow certification of contract claims, requests for equitable adjustment to contract terms and requests for relief under PL 85-804 that exceed \$100,000.

Timetable:

| Action | Date | FR Cite |
|--------------------|--------------|-------------|
| Case opened | 10/28/92 | |
| Interim Final Rule | 05/13/93 | 58 FR 28458 |
| Next Action | Undetermined | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE86

797. ALLOWABLE COSTS (DAR CASE 92-D343)

Significance: Agency Priority

Legal Authority: PL 102-484, Sec 818

CFR Citation: 48 CFR 231

Legal Deadline: Final, Statutory, October 23, 1992.

Abstract: Modify the Defense FAR Supplement to provide for a penalty to be waived for a contractor's proposal for settlement of indirect costs under certain conditions.

Timetable:

| Action | Date | FR Cite |
|--------------------|--------------|-------------|
| Case opened | 10/28/92 | |
| Interim Final Rule | 05/13/93 | 58 FR 28458 |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE89

798. AWARD TO FOREIGN CONTROLLED CONTRACTORS (DAR CASE 92-D349)

Significance: Agency Priority

Legal Authority: PL 102-484, Sec 836

CFR Citation: 48 CFR 209

Legal Deadline: Final, Statutory, January 21, 1993.

Abstract: Modify the Defense FAR Supplement to prohibit award of certain contracts to companies owned by foreign nationals.

Timetable:

| Action | Date | FR Cite |
|-------------|--------------|---------|
| Case opened | 10/28/92 | |
| Next Action | Undetermined | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE94

799. OZONE (DAR CASE 92-D354)

Significance: Agency Priority

Legal Authority: PL 102-484, Sec 326

CFR Citation: 48 CFR 207

Legal Deadline: Final, Statutory, June 1, 1993.

Abstract: Modify the Defense FAR Supplement to prohibit DOD contracts from including a specification for use of class 1 ozone-depleting substances.

Timetable:

| Action | Date | FR Cite |
|--------------------|--------------|-------------|
| Case opened | 10/28/92 | |
| Interim Final Rule | 06/08/93 | 58 FR 32061 |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE96

800. OVERSEAS SEVERANCE PAY (DAR CASE 92-D359)

Significance: Agency Priority

Legal Authority: PL 102-484, Sec 1351

DOD—OS

Final Rule Stage

CFR Citation: 48 CFR 231**Legal Deadline:** Final, Statutory, October 1, 1991.**Abstract:** Modify the Defense FAR Supplement to prohibit payment of costs of severance pay paid by contractors to foreign nationals employed under defense service contracts in the Philippines.**Timetable:**

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Case opened | 10/28/92 | |
| Interim Final Rule | 05/13/93 | 58 FR 28458 |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266**RIN:** 0790-AE98**801. HAZARDOUS MATERIALS ON ARSENAL PROPERTY (DAR CASE 92-D361)****Significance:** Agency Priority**Legal Authority:** PL 102-484, Sec 2852**CFR Citation:** 48 CFR 223**Legal Deadline:** Final, Statutory, October 23, 1992.**Abstract:** Modify the Defense FAR Supplement to allow a DOD installation, under certain circumstances, to store or dispose of hazardous material not owned by DOD.**Timetable:**

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| Case opened | 10/28/92 | |
| Interim Final Rule | 05/13/93 | 58 FR 28458 |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266**RIN:** 0790-AF00**802. REDUCTION IN DEFENSE PROGRAMS (DAR CASE 92-D363)****Significance:** Agency Priority**Legal Authority:** PL 102-484, Sec 4471**CFR Citation:** 48 CFR 222**Legal Deadline:** Final, Statutory, October 23, 1992.**Abstract:** Modify the Defense FAR Supplement to require contractors, upon notification of termination of or substantial reduction of a defense program, to notify certain employees of the termination or substantial reduction.**Timetable:**

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Case opened | 10/28/92 | |
| Next Action Undetermined | | |

Small Entities Affected: Businesses**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266**RIN:** 0790-AF02**803. BALL AND ROLLER BEARINGS (DAR CASE 92-D366)****Significance:** Agency Priority**Legal Authority:** PL 102-484, Sec 832; PL 102-396, Sec 9097**CFR Citation:** 48 CFR 225**Legal Deadline:** Final, Statutory, October 6, 1992.**Abstract:** Modify the Defense FAR Supplement to provide that funds may not be obligated for procurement of ball or roller bearings other than in accordance with 208.79 and 225.71.**Timetable:**

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| Case opened | 11/24/92 | |
| Interim Final Rule | 05/13/93 | 58 FR 28458 |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266**RIN:** 0790-AF04**804. • AMMUNITION AND EXPLOSIVES (DAR CASE 93-D005)****Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 223**Legal Deadline:** None**Abstract:** Modify the Defense FAR Supplement to provide editorial corrections to DFARS 223.3.**Timetable:**

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Case opened | 04/21/93 | |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266**RIN:** 0790-AF15**805. • FIXED PRICE DEVELOPMENT CONTRACTS (DAR CASE 93-D006)****Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 235

DOD—OS

Final Rule Stage

Legal Deadline: None**Abstract:** Modify the Defense FAR Supplement to clarify approval levels for the Government's prenegotiation position for fixed price development contracts.**Timetable:**

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Case opened | 05/19/93 | |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AF16

806. • DESIGNATION OF PAYING OFFICE (DAR CASE 93-D009)**Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 242**Legal Deadline:** None**Abstract:** Modify the defense FAR Supplement to correct the address of an Air Force paying office.**Timetable:**

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Case opened | 06/09/93 | |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AF19

807. • DISTRIBUTION OF CONTRACTS (DAR CASE 93-D010)**Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 204**Legal Deadline:** None**Abstract:** Modify the Defense FAR Supplement to state that security restrictions shall be considered when making distribution of contract documents.**Timetable:**

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Case opened | 06/09/93 | |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AF20

808. • SMALL BUSINESS INNOVATIVE RESEARCH PROGRAM (DAR CASE 93-D301)**Significance:** Agency Priority**Legal Authority:** PL 102-564, Sec 103**CFR Citation:** 48 CFR 227**Legal Deadline:** Final, Statutory, July 25, 1993.**Abstract:** Modify the Defense FAR Supplement to revise the period of time for which the Government must protect data rights of Small Business Innovative Research program contractors.**Timetable:**

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Case opened | 02/10/93 | |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is a

statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AF22

809. • SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM (DAR CASE 93-D302)**Significance:** Agency Priority**Legal Authority:** PL 102-366, Sec 202**CFR Citation:** 48 CFR 219**Legal Deadline:** Final, Statutory, September 4, 1992.**Abstract:** Modify the Defense FAR Supplement to extend the Small Business Competitiveness Demonstration Program through September 30, 1996.**Timetable:**

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| Case opened | 02/18/93 | |
| Interim Final Rule | 05/13/93 | 58 FR 28458 |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AF23

810. • SURETY BOND WAIVER REPORTING (DAR CASE 93-D304)**Significance:** Agency Priority**Legal Authority:** PL 102-190, Sec 813**CFR Citation:** 48 CFR 219**Legal Deadline:** Final, Statutory, October 1, 1994.**Abstract:** Modify the Defense FAR Supplement to require contractors to report the number of construction

DOD—OS

Final Rule Stage

contracts awarded under the surety bond waiver test program.

Timetable:

| Action | Date | FR Cite |
|-------------|--------------|---------|
| Case opened | 04/28/93 | |
| Next Action | Undetermined | |

Small Entities Affected: None**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AF25

**DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)**

Completed Actions

**811. RECOUPMENT ON
NONRECURRING COSTS ON SALES
OF U.S. ITEMS (DOD DIRECTIVE
2140.2)**
Legal Authority: 31 USC 9701**CFR Citation:** 32 CFR 165**Legal Deadline:** None

Abstract: This final rule recognizes that requiring contractors to pay a fee to the Government for products and technologies sold to non-U.S. Government parties unnecessarily imposes a financial burden on U.S. industry and an administrative burden on both the Department of Defense and U.S. industry. This rule will assist the U.S. defense industry to be more competitive on a global basis by reducing contracting costs through economies of scale, pricing incentives, and reduced administrative burdens.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action Effective | 01/13/93 | 58 FR 16497 |
| Final Action | 03/29/93 | 58 FR 16497 |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: R. Florence, Department of Defense, Office of the Secretary, 703 697-0585

RIN: 0790-AE05

**812. CONTRACTING OFFICER'S
DECISIONS (DAR CASE 91-043D)**
Significance: Agency Priority**Legal Authority:** 5 USC 301; 10 USC 2202**CFR Citation:** 48 CFR 233**Legal Deadline:** None

Abstract: Modify the Defense FAR Supplement to comply with the Contract Disputes Act of 1978 when a contractor's appeal involves a default matter absent a money claim.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|------------------------------|
| Case opened | 08/14/91 | |
| Interim Final Rule | 11/27/91 | 56 FR 60066 |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item XXXV. |

Small Entities Affected: None**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD37

**813. BOND WAIVER TESTS (DAR
CASE 91-316)**
Significance: Agency Priority**Legal Authority:** PL 102-190, Sec 813**CFR Citation:** 48 CFR 236

Legal Deadline: Final, Statutory, August 31, 1992.

Abstract: Modify the Defense FAR Supplement to exempt small businesses from the requirement to have surety bonds for construction contracts.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|----------------------------|
| Case opened | 12/02/91 | |
| Interim Final Rule | 08/24/92 | 57 FR 38286 |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item XIV |

Small Entities Affected: None**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD59

**814. MENTOR-PROTEGE CREDITS
(DAR CASE 91-317)**
Significance: Agency Priority**Legal Authority:** PL 102-190, Sec 814**CFR Citation:** 48 CFR 219

Legal Deadline: Final, Statutory, November 26, 1991.

Abstract: Modify the Defense FAR Supplement to redefine ways for contractors to receive credit of reimbursement for developmental assistance costs.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|----------------------------|
| Case opened | 12/02/91 | |
| Interim Final Rule | 10/15/92 | 57 FR 47270 |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item XVI |

Small Entities Affected: Businesses**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon,

DOD—OS

Completed Actions

Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD60

815. ENVIRONMENTAL SURETY BONDS (DAR CASE 91-325)

Significance: Agency Priority

Legal Authority: PL 102-190, Sec 336

CFR Citation: 48 CFR 228

Legal Deadline: Final, Statutory, December 5, 1991.

Abstract: Modify the Defense FAR Supplement to allow reimbursement to sureties who provide Bid, Performance or Payment Bonds in connection with a procurement under a defense environment restoration program and begin activities to meet their obligations under such bonds.

Timetable:

| Action | Date | FR Cite |
|----------------------------------|----------|-------------|
| Case opened | 01/01/92 | |
| Interim Final Rule | 09/15/92 | 57 FR 42626 |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91-5, Item XXXI | 05/13/93 | 58 FR 28458 |

Small Entities Affected: Businesses

Government Levels Affected: Federal.

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD89

816. PROGRESS PAYMENT RATES (DAR CASE 92-D014)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 232

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to include changes in method used to establish uniform customary progress payment rates and eliminate customary flexible progress payment rates on future DOD contracts.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Case opened | 04/29/92 | |
| Case closed No further action required. | 06/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AD99

817. CONTRACTOR ADVISORY ASSISTANCE SERVICES (DAR CASE 92-D016)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 237

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to implement changes to DOD Directive 4205.2 on Contractor Advisory and Assistant Services.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Case opened | 06/03/92 | |
| Case closed No further action required. | 07/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE01

818. ACQUISITION OF COMMERCIAL ITEMS (DAR CASE 89-316)

Completed:

| Reason | Date | FR Cite |
|----------------------------|----------|---------|
| Duplicate of RIN 0790-AD79 | 08/16/93 | |

RIN: 0790-AE41

819. RECOUPMENT OF NONRECURRING COSTS (DAR CASE 92-D021)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 271

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to incorporate revisions to Department of Defense Directive 2140.2

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| Case opened | 07/08/92 | |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91-5, Item XLII. | 05/13/93 | 58 FR 28458 |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE47

820. ARCHITECT-ENGINEER SERVICES (DAR CASE 92-D027)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 236

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to consider recommendations by the Committee on Federal Procurement of Architectural and Engineering services.

DOD—OS

Completed Actions

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Case opened | 07/29/92 | |
| Case closed - No further action required. | 07/15/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE50

821. BASE CLOSURES, EMPLOYMENT (DAR CASE 92-D029)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 207

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to require use of the same or similar clause as FAR 52.207-3 in contracts awarded to prepare bases for closure or to maintain the base property once closure has occurred.

Timetable:

| Action | Date | FR Cite |
|------------------------------------|----------|-------------|
| Case opened | 08/19/92 | |
| Interim Final Rule | 11/04/92 | 57 FR 52593 |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91-5, Item XVIII. | 05/13/93 | 58 FR 28458 |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE51

822. PROMPT PAY OVERSEAS (DAR CASE 92-D030)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 232

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to provide Prompt Payment Act coverage for contracts awarded overseas and include extended payment periods for overseas contracts.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Case opened | 09/02/92 | |
| Case closed - No further action required. | 06/03/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE52

823. EXAMINATION OF RECORDS (DAR CASE 92-D031)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 225

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to delete the requirement to notify Congress when the Examination of Records clause is omitted.

Timetable:

| Action | Date | FR Cite |
|----------------------------------|----------|-------------|
| Case opened | 09/02/92 | |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91-5, Item XXI. | 05/13/93 | 58 FR 28458 |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no

statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE53

824. INDUSTRIAL MODERNIZATION AND INCENTIVES PROGRAM (DAR CASE 92-D041)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 215

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to delete the Industrial Modernization and Incentives Program.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Case opened | 12/16/92 | |
| Final Action Effective | 01/14/93 | |
| Final Action | 06/08/93 | 58 FR 32062 |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE61

825. DEFENSE ACQUISITION WORKFORCE IMPROVEMENT ACT (DAR CASE 92-D045)

Legal Authority: PL 101-510

CFR Citation: 48 CFR 201

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to correct inconsistencies between PL 101-510 and 201.603-2.

Timetable:

| Action | Date | FR Cite |
|-------------|----------|---------|
| Case opened | 01/06/93 | |

DOD—OS

Completed Actions

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|------------------------|----------|------------------------|
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item I. |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE65

826. RESEARCH AND DEVELOPMENT (DAR CASE 92-D303)

Significance: Agency Priority

Legal Authority: PL 102-396, Sec 401

CFR Citation: 48 CFR 206

Legal Deadline: Final, Statutory, October 6, 1992.

Abstract: Modify the Defense FAR Supplement to instruct contracting officers to consult legal counsel before making noncompetitive awards to universities.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|------------------------|----------|-------------------------|
| Case opened | 10/28/92 | |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item IV. |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE66

827. BERRY AMENDMENT (DAR CASE 92-D305)

Significance: Agency Priority

Legal Authority: PL 102-396, Sec 9005

CFR Citation: 48 CFR 225

Legal Deadline: Final, Statutory, October 6, 1992.

Abstract: Modify the Defense FAR Supplement to comply with exceptions of the Berry Amendment.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|------------------------|----------|---------------------------|
| Case opened | 10/28/92 | |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item XXII. |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE67

828. MULTIYEAR CONTRACTS (DAR CASE 92-D307)

Significance: Agency Priority

Legal Authority: PL 102-396, Sec 9013

CFR Citation: 48 CFR 217

Legal Deadline: Final, Statutory, October 6, 1992.

Abstract: Modify the Defense FAR Supplement to require Congressional notification before initiating a multiyear contract over \$20 million.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|------------------------|----------|-------------------------|
| Case opened | 10/28/92 | |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item IX. |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE68

829. MAJOR AUTOMATED SYSTEMS (DAR CASE 92-D312)

Significance: Agency Priority

Legal Authority: PL 102-396, Sec 9028

CFR Citation: 48 CFR 239

Legal Deadline: Final, Statutory, October 6, 1992.

Abstract: Modify the Defense FAR Supplement to provide that funds cannot be obligated or expended for acquisition of major automated information systems which have not successfully completed oversight reviews required by DOD regulations.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|------------------------|----------|-------------------------|
| Case opened | 10/28/92 | |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item XLI |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE70

830. FIXED PRICE RESEARCH AND DEVELOPMENT (DAR CASE 92-D314)

Significance: Agency Priority

Legal Authority: PL 102-396, Sec 9037

CFR Citation: 48 CFR 235

Legal Deadline: Final, Statutory, October 6, 1992.

Abstract: Modify the Defense FAR Supplement to provide that funds cannot be obligated or expended for fixed price contracts in excess of \$10

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million for development of a major system or subsystem unless authorized by the Under Secretary of Defense (Acquisition).

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|------------------------------|
| Case opened | 10/28/92 | |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item XXXVIII. |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE71

831. UNSOLICITED PROPOSALS (DAR CASE 92-D317)

Significance: Agency Priority

Legal Authority: PL 102-396, Sec 9050

CFR Citation: 48 CFR 237

Legal Deadline: Final, Statutory, October 6, 1992.

Abstract: Modify the Defense FAR Supplement to provide that funds cannot be expended for a contract for studies, analyses or consulting services entered into without competition based on unsolicited proposals.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|--------------------------|
| Case opened | 10/28/92 | |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item III. |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations

System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE73

832. SECONDARY ARAB BOYCOTT OF ISRAEL (DAR CASE 92-D319)

Significance: Agency Priority

Legal Authority: PL 102-396, Sec 9069; PL 102-484, Sec 1332

CFR Citation: 48 CFR 225

Legal Deadline: Final, Statutory, October 6, 1992.

Abstract: Modify the Defense FAR Supplement to provide that no prime contract over the small purchase threshold may be awarded to a foreign entity unless it certifies that it does not comply with the secondary boycott of Israel.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------------------------|
| Case opened | 10/28/92 | |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item XLIV. |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE74

833. NONPROFIT AGENCIES FOR THE BLIND OR OTHER SEVERELY HANDICAPPED (DAR CASE 92-D320)

Significance: Agency Priority

Legal Authority: PL 102-396, Sec 9077

CFR Citation: 48 CFR 219

Legal Deadline: Final, Statutory, October 6, 1992.

Abstract: Modify the Defense FAR Supplement to provide that qualified nonprofit agencies for the blind or other severely handicapped shall be given maximum opportunity to participate as subcontractors/suppliers.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|--------------------------|
| Case opened | 10/28/92 | |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item XII. |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE75

834. AUDIT OF CONTRACTS WITH UNIVERSITIES (DAR CASE 92-D322)

Significance: Agency Priority

Legal Authority: PL 102-396, Sec 9089

CFR Citation: 48 CFR 215

Legal Deadline: Final, Statutory, October 6, 1992.

Abstract: Modify the Defense FAR Supplement to provide that funds cannot be obligated or expended for any contract or grant with a university or other institution of higher learning unless the contract or grant is audited in accordance with the FAR DFARS or other audit standards.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|----------------------------|
| Case opened | 10/28/92 | |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item XXXVI. |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon,

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Washington, DC 20301-3000, 703 697-7266

RIN: 0790—AE76

835. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS (DAR CASE 92-D323)

Significance: Agency Priority

Legal Authority: PL 102-396, Sec 9090

CFR Citation: 48 CFR 235

Legal Deadline: Final, Statutory, October 6, 1992.

Abstract: Modify the Defense FAR Supplement to provide that funds cannot be obligated or expended for a Federally Funded Research and Development Center if a member of its Board of Trustees serves on the Board of Directors of a profit making company under contract to DOD.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|----------------------------|
| Case opened | 10/28/92 | |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item XXXIX. |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790—AE77

836. CARBON, STEEL, OR ARMOR STEEL PLATE (DAR CASE 92-D325)

Significance: Agency Priority

Legal Authority: PL 102-396, Sec 9092

CFR Citation: 48 CFR 225

Legal Deadline: Final, Statutory, October 6, 1992.

Abstract: Modify the Defense FAR Supplement to provide that funds cannot be expended to procure carbon, alloy or steel plate which are not melted and rolled in the United States or Canada.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------------------------|
| Case opened | 10/28/92 | |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item XXVI. |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790—AE78

837. CARBONYL IRON POWDERS (DAR CASE 92-D331)

Significance: Agency Priority

Legal Authority: PL 102-396, Sec 9151

CFR Citation: 48 CFR 225

Legal Deadline: Final, Statutory, October 6, 1992.

Abstract: Modify the Defense FAR Supplement to require that only domestically manufactured carbonyl iron powders be used in a system or item procured by or provided to DOD.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------------------------|
| Case opened | 10/28/92 | |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item XXIV. |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790—AE81

838. SUBCONTRACTING PLAN TEST (DAR CASE 92-D335)

Significance: Agency Priority

Legal Authority: PL 102-484, Sec 805

CFR Citation: 48 CFR 219

Legal Deadline: Final, Statutory, October 23, 1992.

Abstract: Modify the Defense FAR Supplement to extend the subcontracting plan test through fiscal year 1994.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------------------|
| Case opened | 10/28/92 | |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item XI. |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790—AE85

839. CONVICTED FELONS (DAR CASE 92-D340)

Significance: Agency Priority

Legal Authority: PL 102-484, Sec 815

CFR Citation: 48 CFR 203

Legal Deadline: Final, Statutory, February 20, 1993.

Abstract: Modify the Defense FAR Supplement to require a single point of contact be established so contractors and subcontractors can determine if an entity proposed for use is under a prohibition.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------------------|
| Case opened | 10/28/92 | |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item II. |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a

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statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE87

840. MASTER AGREEMENTS (DAR CASE 92-D341)

Significance: Agency Priority

Legal Authority: PL 102-484, Sec 816

CFR Citation: 48 CFR 237

Legal Deadline: Final, Statutory, October 23, 1992.

Abstract: Modify the Defense FAR Supplement to extend the master agreements for procurements of Advisory and Assistance Services programs.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|------------------------|
| Case opened | 10/28/92 | |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item XL |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE88

841. COMPETITIVE PROTOTYPING (DAR CASE 92-D345)

Significance: Agency Priority

Legal Authority: PL 102-484, Sec 821

CFR Citation: 48 CFR 207

Legal Deadline: Final, Statutory, October 23, 1992.

Abstract: Modify the Defense FAR Supplement to provide that acquisition strategy for major defense programs

provide for competitive prototyping unless an exception is provided.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|------------------------|
| Case opened | 10/28/92 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item V. |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE91

842. TYPEWRITERS (DAR CASE 92-D346)

Significance: Agency Priority

Legal Authority: PL 102-484, Sec 831

CFR Citation: 48 CFR 225

Legal Deadline: Final, Statutory, October 23, 1992.

Abstract: Modify the Defense FAR Supplement to remove the procurement limitation on typewriters.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|----------------------------|
| Case opened | 10/28/92 | |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item XXIII. |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE92

843. FOREIGN CONTROLLED CONTRACTS (DAR CASE 92-D348)

Significance: Agency Priority

Legal Authority: PL 102-484, Sec 838

CFR Citation: 48 CFR 225

Legal Deadline: Final, Statutory, October 23, 1992.

Abstract: Modify the Defense FAR Supplement to prohibit foreign entities from acquiring United States companies in certain situations.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| Case opened | 10/28/92 | |
| Case closed No further action required | 03/10/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE93

844. HAZARDOUS WASTES (DAR CASE 92-D353)

Significance: Agency Priority

Legal Authority: PL 102-484, Sec 321

CFR Citation: 48 CFR 223

Legal Deadline: Final, Statutory, October 23, 1992.

Abstract: Modify the Defense FAR Supplement to extend to 1993 contractors' obligations when performing hazardous waste treatment or disposal.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|--------------------------|
| Case opened | 10/28/92 | |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item XIX. |

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a

DOD—OS

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statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AE95

845. EMPLOYMENT OPENINGS (DAR CASE 92-D362)

Significance: Agency Priority

Legal Authority: PL 102-484, Sec 4470

CFR Citation: 48 CFR 222

Legal Deadline: Final, Statutory, February 20, 1993.

Abstract: Modify the Defense FAR Supplement to require that each contractor performing a contract of \$500,000 or more to list immediately with the local employment service office all of its suitable employment openings.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------------------------|
| Case opened | 10/28/92 | |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item XVII. |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AF01

846. ACQUISITION PLANS FOR MAJOR DEFENSE ACQUISITION PROGRAMS (DAR CASE 92-D365)

Significance: Agency Priority

Legal Authority: PL 102-484, Sec 4220

CFR Citation: 48 CFR 207

Legal Deadline: Final, Statutory, October 23, 1992.

Abstract: Modify the Defense FAR Supplement to provide that acquisition plans for each major defense acquisition program includes certain provisions.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------------------|
| Case opened | 11/04/92 | |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item VI. |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AF03

847. • IRAN, IRAQ, CUBA SANCTIONS (DAR CASE 92-D360)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 225

Legal Deadline: Final, Statutory, October 23, 1992.

Abstract: Modify the Defense FAR Supplement to provide that for a period of 2 years, the United States shall not procure any goods and services from a person who transfers or retransfers goods or technology to IRAN or IRAQ.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Case opened | 10/28/92 | |
| Case closed No further action required. | 01/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of

Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AF10

848. • NIGHT VISION GOGGLES (DAR CASE 93-D001)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 225

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to provide that funds may not be used to acquire second and third generation night vision intensifier tubes unless they are manufactured in the United States or Canada.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|--------------------------|
| Case opened | 01/07/93 | |
| Final Action Effective | 04/30/93 | |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item XXV. |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266

RIN: 0790-AF11

849. • INDUSTRIAL PLANT EQUIPMENT (DAR CASE 93-D002)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: None

Legal Deadline: None

Abstract: Modify the Defense FAR Supplement to revise DFARS appendix B to reflect that the Defense Logistics Agency is now the single manager for industrial plant equipment.

Timetable:

| Action | Date | FR Cite |
|-------------|----------|---------|
| Case opened | 02/18/93 | |

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| Action | Date | FR Cite | Procurement: | Defense, Office of the Secretary, |
|-----------------------------|----------|----------------------------|---|---|
| Final Action Effective | 04/30/93 | | This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action. | Defense Acquisition Regulations System, Room 3D139, Pentagon, Washington, DC 20301-3000, 703 697-7266 |
| Final Action DAC 91- | 05/13/93 | 58 FR 28458 5, Item XLIII. | | |
| Small Entities Affected: | None | | Agency Contact: Owen Green, Procurement Analyst, Department of | RIN: 0790-AF12 |
| Government Levels Affected: | Federal | | | |

DEPARTMENT OF DEFENSE (DOD)

Prerule Stage

U.S. Army Corps of Engineers (COE)

| | | |
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| 850. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS, PART 325, APPENDIX D—ENDANGERED SPECIES COUNTERPART REGULATIONS | 20314-1000, ATTN: CECW-OR, 202 272-1782 RIN: 0710-AA17 | Branch, Department of Defense, U.S. Army Corps of Engineers, 20 Massachusetts Avenue NW., Washington, DC 20314-1000, 202 272-1781 RIN: 0710-AA25 |
| Legal Authority: 33 USC 401; 33 USC 403; 33 USC 1344; 33 USC 1413 | 851. PART 326, ENFORCEMENT; CLASS II ADMINISTRATIVE PENALTIES | 852. NATIONWIDE PERMIT PROGRAM (LOW-VALUE WETLANDS) |
| CFR Citation: 33 CFR 325, app D | Significance: Agency Priority | Significance: Regulatory Program |
| Legal Deadline: None | Legal Authority: 33 USC 1319(g) | Legal Authority: 33 USC 401; 33 USC 403; 33 USC 1344; 33 USC 1413 |
| Abstract: Procedures for the protection of endangered species in the regulatory program of the Corps of Engineers. Because of the increased emphasis being placed on endangered species by the Federal and State resource agencies, the Corps identified a need to provide more definitive guidance on implementing the Endangered Species Act (ESA) in its regulatory program. The Corps is now developing counterpart regulations with the Department of Interior. The regulations would bring together various guidance used in the past by both the Corps and DOI. The regulations will include guidance on how the ESA Amendments impact applicants for Federal permits. | CFR Citation: 33 CFR 326.7 | CFR Citation: 33 CFR 330 |
| Timetable: Next Action Undetermined | Legal Deadline: None | Legal Deadline: None |
| Small Entities Affected: None | Abstract: The regulation provides the procedures for assessing Class II administrative penalties for violations of the conditions and limitations contained in permits issued by the Corps of Engineers pursuant to section 404 of the Clean Water Act. Clean Water Act Class II administrative penalties may not exceed \$10,000 per day, and may not exceed a maximum of \$125,000. | Abstract: The Corps would propose a new nationwide permit for low-value wetlands in an effort to reduce unnecessary regulation while maintaining needed environmental protection. Activities that occur in low-value wetlands are those that have the least impact on the aquatic environment. |
| Government Levels Affected: None | Timetable: Next Action Undetermined | Timetable: Next Action Undetermined |
| Agency Contact: Sam Collinson, Chief, Policy Development Section, Department of Defense, U.S. Army Corps of Engineers, Washington, DC | Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations | Small Entities Affected: None |
| | Government Levels Affected: Local, State, Federal | Government Levels Affected: None |
| | Public Compliance Cost: Initial Cost: \$1,000,000; Yearly Recurring Cost: \$3,000,000; Base Year for Dollar Estimates: 1989 | Agency Contact: Sam Collinson, Chief, Policy Development Section, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, 202 272-1782 |
| | Sectors Affected: All | RIN: 0710-AA34 |
| | Agency Contact: Jack T. Chowning, Policy Development Section, Regulatory | |

DEPARTMENT OF DEFENSE (DOD)

Proposed Rule Stage

U.S. Army Corps of Engineers (COE)

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|--|---|--|
| 853. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS | CFR Citation: 33 CFR 320 to 330 | permit regulations into one document, and to reorganize 33 CFR 325 for clarity. Since the Corps Regulatory Program final regulations were published in the Federal Register on November 13, 1986 (51 CFR 41206), |
| Significance: Regulatory Program | Legal Deadline: None | |
| Legal Authority: 33 USC 401; 33 USC 403; 33 USC 1344; 33 USC 1413 | Abstract: The Corps of Engineers intends to make numerous clarifications to its existing regulations at 33 CFR 320-330, to consolidate all | |

DOD—COE

Proposed Rule Stage

there has been need to clarify several of those provisions. Since 1986, the Corps has adopted two new appendices at 33 CFR 325, appendices B and C, and the Corps has also adopted revisions to the Nationwide Permit Program (33 CFR 330) and Class I Administrative Civil Penalties (33 CFR 326). The Corps has proposed several changes that include revisions to the definition of discharge of Dredged Material and Fill Material and prior converted croplands. For clarity, the Corps intends to consolidate all these changes into one document.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 01/00/94 | |
| Period End | | |
| Final Action | 07/00/94 | |
| Final Action Effective | 09/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam Collinson, Chief, Policy Development Section, Department of Defense, U.S. Army Corps of Engineers, 20 Massachusetts Avenue NW., Washington, DC 20314-1000, 202 272-1782

RIN: 0710-AA30

854. NATIONWIDE PERMIT PROGRAM (NEW NATIONWIDE PERMITS FOR ADDITIONAL ACTIVITIES)

Significance: Regulatory Program

Legal Authority: 33 USC 401; 33 USC 403; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 330

Legal Deadline: None

Abstract: The Corps will propose new nationwide permits based on a review of activities being authorized by individual permit. The authorization of activities by nationwide permits is the most efficient and effective way to regulate minor activities with minimal impacts and thus reduce the regulatory burden of the Corps regulatory program while maintaining environmental safeguards.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |
| Final Action | 04/00/94 | |
| Final Action Effective | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam Collinson, Chief, Policy Development Section, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, 202 272-1782

RIN: 0710-AA32

855. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS, WETLAND DELINEATOR CERTIFICATION PROGRAM

Significance: Agency Priority

Legal Authority: 33 USC 1344

CFR Citation: 33 CFR 320; 33 CFR 323; 33 CFR 325; 33 CFR 328

Legal Deadline: None

Abstract: The regulation establishes the procedures for certification under the Corps of Engineers Wetland Delineator Certification Program developed pursuant to section 307(e) of the Water Resources Development Act of 1990.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |
| Final Action | 02/00/94 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Karen Kochenbach, Assistant to the Chief, Policy Development Section, Regulatory Branch, Department of Defense, U.S. Army Corps of Engineers, HQUSACE, ATTN: CECW-OR, Washington, DC 20314-1000, 202 272-1784

RIN: 0710-AA38

**DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)**

Completed Actions

856. REGULATORY PROGRAM OF THE CORPS OF ENGINEERS—EXCAVATION ACTIVITIES

Significance: Agency Priority

Legal Authority: 33 USC 1344

CFR Citation: 33 CFR 323; 33 CFR 328

Legal Deadline: None

Abstract: The Corps of Engineers would clarify: 1) when excavation activities result in a discharge of dredged material; 2) when the placement of pilings results in a discharge of material; and 3) that prior croplands are not waters of the United States. A permit is required under section 404 of the Clean Water Act for discharges of dredged or fill material into waters of the United States. In the

last few years confusion over these issues has increased. The Environmental Protection Agency would include consistent changes to its Clean Water Act program regulations. The first two changes are being proposed in accordance with the settlement agreement in North Carolina Wildlife Federation v. Tulloch.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 06/16/92 | 57 FR 26894 |
| NPRM Comment | 08/17/92 | 57 FR 26894 |
| Period End | | |
| Final Action | 08/25/93 | 58 FR 45008 |
| Final Action Effective | 09/24/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam Collinson, Chief, Policy Development Section, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, 202 272-1782

RIN: 0710-AA35

857. FLOOD CONTROL AND AGRICULTURAL WATER SUPPLY COST SHARING REQUIREMENTS UNDER THE ABILITY-TO-PAY PROVISIONS

Significance: Agency Priority

Legal Authority: 33 USC 2201 et seq

CFR Citation: 33 CFR 241

Legal Deadline: None

DOD—COE

Completed Actions

Abstract: A final rule implementing ability-to-pay guidelines for flood control projects was published in the Federal Register (54 FR 40572, October 2, 1989). Section 305 of Public Law 101-640, as amended by section 201 of Public Law 102-580, directs amendment of these guidelines, as appropriate, and establishment of procedures for ability-to-pay determinations for agricultural water supply projects implemented by the Corps of Engineers. The amended

guidelines will establish the eligibility of sponsors of flood control and agricultural water supply projects to receive reductions in the non-Federal cost share requirements.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/13/91 | 56 FR 27218 |
| NPRM Comment Period End | 08/13/91 | 56 FR 27218 |
| Withdrawn | 08/02/93 | |

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Donald L. Barnes, Chief, Policy Development Branch, Policy and Planning Division, Department of Defense, U.S. Army Corps of Engineers, HQUSACE, Director of Civil Works, ATTN: CECW-PA, Washington, DC 20314-1000, 202 272-0120

RIN: 0710-AA37

DEPARTMENT OF DEFENSE (DOD)
Department of the Navy (NAVY)

Final Rule Stage

858. ADJUSTMENTS TO PRICES UNDER SHIPBUILDING CONTRACTS

Legal Authority: 10 USC 2405

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: The interim rule prescribes policies and procedures to restrict contract price adjustments under shipbuilding contracts, thus implementing by regulation the requirements of 10 USC 2405. The interim rule also defines the terminology of 10 USC 2405 and promulgates a solicitation provision and contract clause on price adjustments to shipbuilding contracts. This action is intended to clarify the meaning and ensure the consistent interpretation, implementation, and administration of the statute.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/16/89 | 54 FR 47689 |
| NPRM Comment Period End | 02/15/90 | 55 FR 3608 |
| NPRM | 06/29/90 | 55 FR 26708 |
| NPRM Comment Period End | 08/16/90 | 55 FR 33541 |

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Public Hearing | 10/26/90 | 55 FR 43150 |
| Interim Final Rule | 12/05/91 | 56 FR 63664 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard A. Moye, Senior Procurement Analyst, Department of Defense, Department of the Navy, Office of the Assistant Secretary of the Navy (Research, Development and Acquisition), Washington, DC 20350-1000, 703 602-2807

RIN: 0703-AA34

859. RELEASE OF OFFICIAL INFORMATION FOR LITIGATION

Legal Authority: 5 USC 301; 10 USC 113; 10 USC 5013; 31 USC 9701; 32 CFR 97

CFR Citation: 32 CFR 725

Legal Deadline: None

Abstract: This regulation assigns responsibilities to Department of the Navy (DON) personnel in responding to requests from members of the public for official DON information (testimonial, documentary, or otherwise in connection with litigation).

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM Comment Period End | 01/22/92 | 57 FR 2462 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LT. Michael T. Palmer, Department of Defense, Department of the Navy, Office of the Judge Advocate General, General Litigation Division, 200 Stovall St., Alexandria, VA 22332-2400, 703 325-9870

RIN: 0703-AA39

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Proposed Rule Stage

860. PUBLIC AFFAIRS POLICIES AND PROCEDURES

Legal Authority: 10 USC 8013

CFR Citation: 32 CFR 837

Legal Deadline: None

Abstract: Describes Air Force Public Affairs program and how public affairs

resources are to be managed to effectively reach public affairs goals.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Col. Giammo, Department of Defense, Department of the Air Force, SAF/PAR, 1690 Air Force Pentagon, Washington, DC 20330-1690, 703 697-5838

RIN: 0701-AA18

DOD—AF

Proposed Rule Stage

861. AIR FORCE PRIVACY ACT PROGRAM

Legal Authority: 5 USC 552a

CFR Citation: 32 CFR 806b

Legal Deadline: None

Abstract: Establishes Air Force policies and procedures for implementing Privacy Act requirements for collecting, safeguarding, maintaining, using, accessing, amending, and disseminating personal information kept by the Department of the Air Force in Privacy Act systems of records.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne W. Turner, Air Force Access Programs Manager, Department of Defense, Department of the Air Force, SAF/AALA, 1610 Air Force Pentagon, Washington, DC 20330-1610, 703 697-3491

RIN: 0701-AA30

862. AIR FORCE MATERIEL COMMAND FEDERAL ACQUISITION REGULATION SUPPLEMENT; VENDOR RATING SYSTEM

Legal Authority: 5 USC 301; 10 USC 2305(a)(3)

CFR Citation: 48 CFR 5315

Legal Deadline: None

Abstract: This rule will assist replenishment spare parts contracting personnel in determining which competitive offer represents the best value to the Government. Vendor Rating System (VRS) will accomplish

this by providing a 12-month historical record of each contractor's quality and delivery performance on completed AFMC replenishment spare parts contracts as a numerical rating. This data will then be used to make a best-value decision in source selection awards. Pending coordination with the DOD Past Performance Coordinating Council and approval by USD(A)/DDP, the policy will be reissued for public comment.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 10/24/90 | 55 FR 42863 |
| NPRM Comment Period End | 11/23/90 | 55 FR 42863 |
| Second NPRM | 01/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: S. Wiginton, Department of Defense, Department of the Air Force, HQ AFMC/PKP, 4375 Chidlaw Road, Suite 6, Wright Patterson AFB, OH 45433-5006, 513 257-6057

RIN: 0701-AA34

863. ENVIRONMENTAL IMPACT ANALYSIS PROCESS

Significance: Agency Priority

Legal Authority: PL 91-190

CFR Citation: 32 CFR 989

Legal Deadline: None

Abstract: Contains policies, responsibilities, and procedures for the

Air Force EIAP in the United States and its territories and possessions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kenneth L. Reinertson, Department of Defense, Department of the Air Force, HQ USAF/CEVP, 1260 Air Force Pentagon, Washington, DC 20330-1260, 703 697-1235

RIN: 0701-AA36

864. CIVIL AIRCRAFT USE OF UNITED STATES AIR FORCE AIRFIELDS

Legal Authority: 49 USC 1507; 49 USC 2203

CFR Citation: 32 CFR 855

Legal Deadline: None

Abstract: This rule establishes responsibilities and describes procedures for civil aircraft use of Air Force airfields.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: R. A. Young, Civil Aviation Branch, Department of Defense, Department of the Air Force, HQ USAF/XOOBC, 1480 Air Force Pentagon, Washington, DC 20330-1480, 703 697-5967

RIN: 0701-AA42

DEPARTMENT OF DEFENSE (DOD)

Department of the Air Force (AF)

Final Rule Stage

865. AIR FORCE MATERIEL COMMAND CONTRACTOR PERFORMANCE ASSESSMENT

Legal Authority: 10 USC 2305(a)(3)

CFR Citation: 32 CFR 838

Legal Deadline: None

Abstract: This rule will expand CPAR coverage to operation and maintenance contracts in AFMC. The CPAR system has been effective in improving the

ability of AFMC source selection officials when making judgments concerning past performance of contractors on AFMC systems contracts. Performance on these contracts tends to be complex and is accomplished over several years. The CPAR system provides a consistent structure for collecting performance assessments by program officials over the life of these contracts.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 03/15/90 | 55 FR 9733 |
| NPRM Comment Period End | 04/16/90 | 55 FR 9733 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no

DOD—AF

Final Rule Stage

statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: R. Summerour, Department of Defense, Department of the Air Force, SAF/AQCF, 1060 Air Force Pentagon, Washington, DC 20330-1060, 703 695-3859

RIN: 0701-AA33

866. UTILIZATION OF EXCESS AND DISPOSAL OF SURPLUS REAL PROPERTY

Significance: Agency Priority

Legal Authority: PL 100-526, sec 204; PL 101-510, sec 2905

CFR Citation: 41 CFR 132-47

Legal Deadline: None

Abstract: Describes the procedure to be used by the Air Force to transfer excess real property between Federal agencies and to dispose of surplus real property.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 04/01/91 | 56 FR 13286 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gilbert Sailer, Special Assistant, Real Property, Department of Defense, Department of the Air Force, AFBDA/RP, 1700 N. Moore Street, Suite 2300, Arlington, VA 22209-2803, 703 696-5566

RIN: 0701-AA35

DEPARTMENT OF DEFENSE (DOD)

Proposed Rule Stage

Office of Assistant Secretary for Health Affairs (DODOASHA)

867. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); BASIC PROGRAM (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This proposed rule removes the existing CHAMPUS benefit exclusion of certain diagnostic or treatment procedures which involve electronic transmission of data. The intention of this proposed amendment is to allow coverage, in addition to the current coverage of remote cardiac pacemaker monitoring, of otherwise allowable procedures when they employ electronic transfer of data to improve the quality and efficiency of the management of a clinical condition.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/24/91 | 56 FR 48134 |
| NPRM Comment | 10/24/91 | 56 FR 48134 |
| Period End | | |

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: J Baker, Department of Defense, Office of Assistant Secretary for Health Affairs, Department of Defense, Office of the Secretary, 303 361-4019

RIN: 0720-AA06

868. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); FORMER SPOUSE/WIDOWER AND FEDERAL CLAIMS COLLECTION ACT (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This proposed rule updates regulation changes to stipulate that annulled remarriages of former spouses or widows or widowers will be regarded as if the remarriage had never taken place and will reinstate their eligibility effective 12:01 a.m. of the day following the annulment; will clarify the effect of Medicare entitlement of former spouses; and will adopt the Federal Claims Collection Act and the Federal Claims Collection Standards by reference.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/24/91 | 56 FR 48135 |
| NPRM Comment | 10/24/91 | 56 FR 48135 |
| Period End | | |

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: A Armijo, Department of Defense, Office of Assistant Secretary for Health Affairs, Department of Defense, Office of the Secretary, 303 362-3630

RIN: 0720-AA07

869. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); CERTIFIED MARRIAGE AND FAMILY THERAPISTS (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule proposes to amend the regulations to comply with section 702 of the National Defense Authorization Act for Fiscal Year 1991 which removed the requirement for physician supervision and referral for certified marriage and family therapists and requires all certified marriage and family therapists to accept CHAMPUS payment as payment in full. The intent of this amendment is to ensure that the relationship of certified marriage and family therapists is consistent with other mental health practitioners with comparable education and training while also protecting the CHAMPUS beneficiaries from incurring added out-of-pocket costs for care rendered that is not part of the current CHAMPUS mental health benefits package.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/12/91 | 56 FR 57498 |
| NPRM Comment | 12/12/91 | 56 FR 57498 |
| Period End | | |

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: J Carroll, Department of Defense, Office of Assistant Secretary

DOD—DODOASHA

Proposed Rule Stage

for Health Affairs, Department of Defense, Office of the Secretary, 303 361-3521
RIN: 0720-AA10

870. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); REQUIREMENTS FOR COVERAGE AND REIMBURSEMENT OF SERVICES OF PHYSICIANS IN TEACHING SETTINGS (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This proposed amendment provides specific requirements for coverage and reimbursement of services of teaching physicians and for physicians in training.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/10/91 | 56 FR 64488 |
| NPRM Comment | 01/09/92 | 56 FR 64488 |

Period End

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: S Isaacson, Department of Defense, Office of Assistant Secretary for Health Affairs, Department of Defense, Office of the Secretary, 303 361-4005

RIN: 0720-AA13

871. • CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); COVERAGE OF HOSPICE CARE FOR TERMINALLY ILL CHAMPUS BENEFICIARIES

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: The Defense Authorization Act for FY 1992-1993, Public Law 102-190, directs CHAMPUS to provide hospice care in the manner and under the conditions provided in section 1981 (dd) of the Social Security Act (42 USC 1395x(dd)). This section of the Social Security Act sets forth coverage/benefits guidelines, along with certification criteria for participation in a hospice program. The CHAMPUS hospice benefit is designed to provide palliative care to individuals with a prognoses of less than 6 months to live.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: D Bennett, Department of Defense, Office of Assistant Secretary for Health Affairs, Department of Defense, Office of the Secretary, 303 361-1094

RIN: 0720-AA18

872. • CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); EXPANDED DENTAL COVERAGE FOR DEPENDENTS OF ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule establishes an expanded dental program for dependents of active duty members of the Uniformed Services. The amendment specifically describes: 1) the enhanced benefit structure; 2) enrollment and eligibility requirements; 3) premium cost-sharing; and 4) benefit payment levels. We believe the provisions of this amendment will provide military families with the high quality of care they desire at an affordable price.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: D Bennett, Department of Defense, Office of Assistant Secretary for Health Affairs, Department of Defense, Office of the Secretary, 303 361-1094

RIN: 0720-AA19

DEPARTMENT OF DEFENSE (DOD)

Final Rule Stage

Office of Assistant Secretary for Health Affairs (DODOASHA)

873. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); SUPPLEMENTAL INSURANCE PLANS (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule defines and limits the types of plans recognized as supplemental insurance coverage under CHAMPUS. The rule will also help provide guidance in identifying plans that would come under the CHAMPUS double coverage regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/12/91 | 56 FR 26946 |
| NPRM Comment | 07/12/91 | 56 FR 26946 |

Period End

Final Action 00/00/00

Final Action Effective 00/00/00

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: S. Regensberg, Department of Defense, Office of Assistant Secretary for Health Affairs, Department of Defense, Office of the Secretary, 303 361-3572

RIN: 0720-AA01

874. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); PROGRAM FOR THE HANDICAPPED (DOD 6010.8-R)

Significance: Agency Priority

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule simplifies access to, and administration of, the CHAMPUS Program for the Handicapped (PFTH). The PFTH benefit is limited to active duty Uniformed Service member dependents with moderate or severe mental retardation or a serious physical

DOD—DODOASHA

Final Rule Stage

handicap. This proposal does not alter the PFTH benefit or PFTH eligibility requirements, but simply rewrites the applicable provisions to remove redundant material, provide more concise definition of key terms, and establish greater flexibility in the administration of the Program.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/10/91 | 56 FR 26635 |
| NPRM Comment Period End | 07/25/91 | 56 FR 26635 |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: Organizations

Government Levels Affected: Undetermined

Agency Contact: J. Baker, Department of Defense, Office of Assistant Secretary for Health Affairs, Department of Defense, Office of the Secretary, 303 361-4019.

RIN: 0720-AA04

875. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); MAMMOGRAPHY AND PAPANICOLAOU (PAP) TESTS (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This proposed rule revises the CHAMPUS regulation's exclusions and limitations pertaining to preventive care and unnecessary diagnostic tests not related to a specific illness, injury, or definitive set of symptoms. This amendment is being made to allow coverage for screening mammography and papanicolaou tests on either a preventative or diagnostic basis.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/21/91 | 56 FR 41496 |
| NPRM Comment Period End | 09/20/91 | 56 FR 41496 |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: T Agee, Department of Defense, Office of Assistant Secretary for Health Affairs, Department of Defense, Office of the Secretary, 303 361-3586

RIN: 0720-AA08

876. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); REIMBURSEMENT OF PROVIDERS

Legal Authority: 5 USC 301; 10 USC 1079; 10 USC 1086.

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This document proposes to implement the provisions of the Department of Defense Appropriations Act, 1993, section 9011, which limits in maximum allowable payment to physicians and other individual professional providers (including clinical laboratories), authorizes reductions in such amounts for overpriced procedures, and establishes limits on balance billing by providers.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/10/92 | 57 FR 58427 |
| NPRM Comment Period End | 01/11/93 | 57 FR 58427 |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: S. Lillie, Department of Defense, Office of Assistant Secretary for Health Affairs, Department of Defense, Office of the Secretary, 703 695-3350

RIN: 0720-AA15

877. • CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); SPECIALIZED TREATMENT; NONAVAILABILITY STATEMENTS; PEER REVIEW ORGANIZATION PROGRAM; SUPPLEMENTAL CARE

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule establishes a Specialized Treatment Services Program, under which CHAMPUS beneficiaries in need of certain highly specialized medical care will be referred to specially designed national or regional treatment facilities; implements recent legislation giving the Department of Defense authority to consider the availability of care from designated civilian provider networks in considering whether to issue nonavailability statements authorizing CHAMPUS-covered care from any civilian provider. This rule expands services subject to nonavailability statement requirements; revises a number of Peer Review Organization program; and expands reliance on CHAMPUS payment rules and procedures for purposes of the supplemental care program which applies to services provided by civilian providers to active duty members and certain other patients referred by military providers.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/11/93 | 57 FR 27692 |
| NPRM Comment Period End | 06/10/93 | 57 FR 27692 |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: S Lillie, Department of Defense, Office of Assistant Secretary for Health Affairs, Department of Defense, Office of the Secretary, 703 695-3350

RIN: 0720-AA16

DEPARTMENT OF DEFENSE (DOD)

Completed Actions

Office of Assistant Secretary for Health Affairs (DODOASHA)

878. • CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); PARTIAL HOSPITALIZATION

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This final rule establishes a CHAMPUS benefit for partial hospitalization and makes corrections and clarifications on other mental health issues resulting from

implementation of recent legislative changes. The partial hospitalization benefit is being added at the request of Congress to improve the availability of mental health services under CHAMPUS. The intent is to provide a needed service at a lower cost than the full hospitalization rate, and allow more efficient use of resources for needed mental health care.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/01/93 | 58 FR 35400 |
| Final Action Effective | 09/29/93 | 58 FR 35400 |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: M Sabo, Department of Defense, Office of Assistant Secretary for Health Affairs, Department of Defense, Office of the Secretary, 303 361-1178

RIN: 0720-AA17

[FR Doc. 93-21805 Filed 10-22-93, 8:45 am]

BILLING CODE 3810-01-F

Federal Register

Monday
October 25, 1993

Part VI

Department of Education

Semiannual Regulatory Agenda

DEPARTMENT OF EDUCATION (ED)

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitles A and B

Unified Agenda of Federal Regulations

AGENCY: Office of the Secretary, Education.

ACTION: Publication of the semiannual agenda of Federal regulations.

SUMMARY: The Secretary of Education publishes a semiannual agenda of Federal regulations issued under the authority of section 6(b) of Executive Order 12291 "Federal Regulation." The purpose of the agenda is to encourage more effective public participation in the regulatory process by providing the public with early information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT:

Questions or comments related to specific regulations listed in this agenda should be directed to Kenneth C. Depew, Division of Regulations Management, Office of the General Counsel, Department of Education, Room 5125, FOB-6, 400 Maryland Avenue SW., Washington, DC 20202-2241; telephone: (202) 401-2884.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 5 of Executive Order 12291, dated February 17, 1981, and the Regulatory Flexibility Act, 5 U.S.C. 602(a), require the Department of Education to publish, in October and April of each year, (1) an agenda of proposed regulations that the Agency has issued or expects to issue

and currently effective rules that are under Agency review and (2) a brief description of the subject area of any rule that the Agency expects to propose or promulgate that is likely to have a significant impact on a substantial number of small entities. The agenda includes both notices of proposed rulemaking (NPRMs) currently being drafted and pending final regulations.

For each set of regulations listed, the agenda provides the title of the document, the type of document, a citation of any rulemaking or other action taken since publication of the most recent agenda, and planned dates of future rulemaking. In addition, the agenda provides the following information:

- An abstract, which includes a description of the problem to be addressed, any principal alternatives being considered, and potential costs and benefits of the action.
- An indication of whether the planned action is likely to have significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601(b)).
- A reference to where a reader can find the current regulations in the Code of Federal Regulations.
- A citation of legal authority.
- The name, address, and telephone number of the contact person at the Department from whom a reader can obtain additional information regarding the planned action.
- An indication if the action is a priority and the criteria used in determining the priority status.

If the "Abstract" section of an entry refers readers to the preamble, it means that amendments to those particular regulations would be designed (1) to effect regulatory relief, including

reducing paperwork and compliance burdens, improving cost effectiveness, and to the extent possible, vesting greater discretion in State and local agencies and (2), if necessary, to clarify and simplify requirements governing that program.

The Department also will review all regulations that will be published to ensure that, if appropriate, those regulations support the National Education Goals. These goals call for:

- All children starting school ready to learn;
- Increasing the high school graduation rate to at least 90 percent;
- U.S. students demonstrating competency in challenging subject matter, including English, mathematics, science, history, and geography;
- U.S. students becoming first in the world in science and mathematics achievement;
- Adult Americans becoming literate and possessing the knowledge and skills necessary to compete in a global economy and to exercise the rights and responsibilities of citizenship; and
- Freeing every school of drugs and violence so as to offer a disciplined environment conducive to learning.

This publication in the **Federal Register** does not impose any binding obligation on the Department with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded. Dates of future regulatory actions are subject to revision in subsequent agendas.

Dated: August 25, 1993.

Judith A. Winston,
General Counsel.

Departmental Management—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 879 | Uniform Administrative Requirements for Grants and Cooperative Agreements | 1880-AA34 |
| 880 | Education Department General Administrative Regulations—Amendment III | 1880-AA50 |
| 881 | General Education Provisions Act—Enforcement: Proportionality and Equitable Offsets | 1880-AA56 |
| 882 | Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) and Student Assistance General Provisions | 1880-AA51 |

ED

Departmental Management—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 883 | Uniform Administrative Requirements for Grants and Cooperative Agreements for State and Local Governments | 1880-AA53 |
| 884 | New Restrictions on Lobbying | 1880-AA48 |
| 885 | Family Educational Rights and Privacy | 1880-AA57 |

Departmental Management—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 886 | State-Administered Programs Under the Rehabilitation Act of 1973 | 1880-AA41 |
| 887 | Technical Amendments to Program Regulations | 1880-AA33 |
| 888 | General Education Provisions Act—Enforcement | 1880-AA55 |
| 889 | Department of Education Acquisition Regulation | 1880-AA58 |
| 890 | Department of Education Acquisition Regulation | 1880-AA52 |

Office for Civil Rights—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 891 | Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance | 1870-AA06 |

Office for Civil Rights—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 892 | Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance | 1870-AA05 |

Office of Educational Research and Improvement—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 893 | Library Education and Human Resource Development Program | 1850-AA48 |
| 894 | Library Research and Demonstration Program; Improving Access to Research; Library Resources Program; College Library Technology and Cooperation Grants Program | 1850-AA47 |
| 895 | National Diffusion Network | 1850-AA42 |

Office of Elementary and Secondary Education—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 896 | Drug-Free Schools and Communities Program—Emergency Grants Program | 1810-AA66 |

Office of Postsecondary Education—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---------------------------|------------------------------|
| 897 | Institutional Eligibility | 1840-AB67 |

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Office of Postsecondary Education—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 898 | Institutional Eligibility Under the Higher Education Act of 1965, as Amended—Eligibility of Foreign Institutions and Foreign Graduate Medical Schools | 1840-AB88 |
| 899 | Secretary's Procedure and Criteria for Recognition of Accrediting Agencies | 1840-AB82 |
| 900 | Strengthening Institutions Program | 1840-AB78 |
| 901 | Faculty Development Fellowship Program | 1840-AC04 |
| 902 | Educational Opportunity Centers | 1840-AB95 |
| 903 | Upward Bound Program | 1840-AC02 |
| 904 | Student Support Services Program | 1840-AC03 |
| 905 | Ronald E. McNair Postbaccalaureate Achievement | 1840-AB65 |
| 906 | Historically Black College and University Capital Financing Program | 1840-AC00 |
| 907 | Patricia Roberts Harris Fellowship Program | 1840-AC01 |
| 908 | State Postsecondary Review Program | 1840-AB89 |
| 909 | Student Right-to-Know Act | 1840-AB44 |
| 910 | Student Assistance General Provisions, Federal Perkins Loan Program, Federal Work-Study Program, and Federal Supplemental Educational Opportunity Grant Program | 1840-AB71 |
| 911 | Student Assistance General Provisions and Federal Family Education Loan Programs—Third-Party Servicers | 1840-AB80 |
| 912 | Student Assistance General Provisions—Ability to Benefit (Guidelines to Assist Institutions in Determining Student Eligibility for Title IV, HEA Student Financial Assistance) | 1840-AB84 |
| 913 | Student Assistance General Provisions—Subparts A and B | 1840-AB85 |
| 914 | Student Assistance General Provisions—Subparts D and F | 1840-AB86 |
| 915 | Student Assistance General Provisions—Subparts A and C - Student Eligibility | 1840-AB90 |
| 916 | Federal Stafford Loan Cancellation Demonstration Program | 1840-AB62 |
| 917 | Exceptional Performance Designation in the Federal Family Education Loan Program (FFELP) for Lenders, Servicers, and Guaranty Agencies | 1840-AB81 |
| 918 | Federal Family Education Loan Program (FFELP) Loan Cancellation and Garnishment Regulations | 1840-AB83 |
| 919 | Federal Family Education Loan Program (FFELP) (General Administration) | 1840-AB97 |
| 920 | Federal Stafford Loan Repayment Provisions | 1840-AB99 |
| 921 | Federal Pell Grant Program; Presidential Access Scholarship Program | 1840-AB73 |
| 922 | National Early Intervention Scholarship and Partnership Program | 1840-AB79 |

Office of Postsecondary Education—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 923 | Talent Search | 1840-AB94 |
| 924 | Graduate Assistance in Areas of National Need | 1840-AB66 |
| 925 | Jacob K. Javits Fellowship Program | 1840-AB93 |
| 926 | Campus Security Act | 1840-AB98 |
| 927 | Federal Perkins Loan Program and Federal Family Education Loan Program | 1840-AB50 |
| 928 | State Student Incentive Grant Program | 1840-AB72 |

Office of Postsecondary Education—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 929 | Strengthening Historically Black Colleges and Universities Program and Strengthening Historically Black Graduate Institutions | 1840-AB74 |
| 930 | School, College, and University Partnerships | 1840-AB63 |
| 931 | Drug Prevention Programs in Higher Education | 1840-AB11 |
| 932 | College Facilities Loan Program | 1840-AB61 |
| 933 | Fund for the Improvement of Postsecondary Education | 1840-AB75 |
| 934 | Cooperative Education Program—General Administration Projects; Demonstration Projects; Research Projects; and Training and Resource Center Projects | 1840-AB68 |
| 935 | Urban Community Service | 1840-AB64 |
| 936 | Training Program for Federal TRIO Program, Upward Bound Program, and Student Support Services | 1840-AB92 |
| 937 | Patricia Roberts Harris Fellowship Program—Part 649 | 1840-AB67 |

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Office of Postsecondary Education—Completed Actions (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 938 | Paul Douglas Teacher Scholarship Program | 1840-AB76 |
| 939 | Robert C. Byrd Honors Scholarship Program | 1840-AB77 |
| 940 | International Education Programs | 1840-AB69 |
| 941 | Student Assistance General Provisions—Subparts A, B, C, E, G, and Appendix D | 1840-AB19 |
| 942 | Federal Direct Student Loan Program | 1840-AB91 |
| 943 | Campus Sexual Offenses Education and Prevention Program | 1840-AB60 |

Office of Special Education and Rehabilitative Services—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 944 | Disability and Rehabilitation Research; General Provisions; Research and Demonstration Projects; Rehabilitation Research and Training Centers; Rehabilitation Engineering Research Centers | 1820-AB01 |
| 945 | State Vocational Rehabilitation Services Program | 1820-AB12 |
| 946 | State Vocational Rehabilitation Services Program—Evaluation Standards and Performance Indicators | 1820-AB14 |
| 947 | State Vocational Rehabilitation Services Program—Criteria for Selection of Vocational Rehabilitation Services | 1820-AB15 |
| 948 | The State Independent Living Rehabilitation Services Program | 1820-AB18 |
| 949 | Centers for Independent Living—Evaluation Standards and Compliance Indicators | 1820-AA81 |
| 950 | Centers for Independent Living | 1820-AB19 |
| 951 | Independent Living Services for Older Blind Individuals | 1820-AB20 |
| 952 | Client Assistance Program | 1820-AB16 |
| 953 | Rehabilitation Training: Rehabilitation Long-Term Training | 1820-AB21 |
| 954 | State Vocational Rehabilitation In-Service Training | 1820-AB24 |
| 955 | Training of Interpreters for Deaf Individuals | 1820-AB25 |

Office of Special Education and Rehabilitative Services—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 956 | State Vocational Rehabilitation Services Program—Order of Selection | 1820-AB13 |
| 957 | Technical Amendments Package—Rehabilitation Services Administration | 1820-AB11 |

Office of Special Education and Rehabilitative Services—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 958 | Early Intervention Program for Infants and Toddlers With Disabilities | 1820-AA97 |
| 959 | Training Personnel for the Education of Individuals with Disabilities - Grants for Personnel Training | 1820-AB03 |
| 960 | Disability and Rehabilitation Research; Technical Amendments | 1820-AB09 |
| 961 | Disabilities Rehabilitation Research; Research and Demonstration Projects | 1820-AB04 |
| 962 | Disability and Rehabilitation Research; Rehabilitation Research and Training Centers | 1820-AB05 |
| 963 | Disability and Rehabilitation Research; Rehabilitation Engineering Research Centers | 1820-AB06 |
| 964 | Demonstration Projects To Increase Client Choice | 1820-AB23 |
| 965 | Projects for Initiating Recreational Programs for Individuals with Disabilities | 1820-AB22 |
| 966 | Protection and Advocacy of Individual Rights Program | 1820-AB17 |

Office of Vocational and Adult Education—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 967 | State-Administered Workplace Literacy Program and National Workplace Literacy Program | 1830-AA11 |

ED

Office of Intergovernmental and Interagency Affairs—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 968 | U.S. Exchange Visitor Program—Request for Waiver of the Two-Year Foreign Residence Requirement | 1860-AA02 |

Office of the General Counsel—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 969 | Standards of Conduct | 1801-AA08 |
| 970 | Equal Access to Justice | 1801-AA01 |
| 971 | U.S. Exchange Visitor Program—Request for Waiver of the Two-Year Foreign Residence Requirement | 1801-AA07 |
| 972 | Privacy Act Regulations | 1801-AA06 |

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Proposed Rule Stage

879. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 074; 34 CFR 080

Legal Deadline: None

Abstract: These regulations remove part 80 and revise part 74 to establish certain governmentwide administrative requirements for grants and cooperative agreements to State and local governments, institutions of higher education, hospitals, and nonprofit and commercial organizations. These regulations were based on an OMB proposal to combine OMB Circulars A-102 (Grants and Cooperative Agreements with State and Local Governments) and A-110 (Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations) into a single, unified grants management circular. On October 29, 1990, the Office of Management and Budget (OMB) published a notice in the Federal Register (55 FR 45289) that cancelled plans to merge OMB Circulars A-102 and A-110. Therefore, the Department does not intend to combine administrative requirements for grants and cooperative agreements for all types of recipients into 34 CFR part 74. The Department will revise the substance of the current part 74 if OMB issues a final version of OMB Circular A-110, which is currently under review.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/04/88 | 53 FR 44716 |
| NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sherlyn Taylor, Grants and Contracts Service, Office of Human Resources and Administration, Department of Education, 400 Maryland Avenue SW., Room 3636, ROB-3, Washington, DC 20202-4700, 202 708-5580

RIN: 1880-AA34

880. EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS—AMENDMENT III

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 075; 34 CFR 076

Legal Deadline: None

Abstract: These proposed regulations would revise parts 75 and 76 to clarify various issues related to indirect cost rates, including the appropriate application of restricted indirect cost rates. part 76 is revised to incorporate the restricted indirect cost rate requirements now found in part 75.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Glenn Riley, Grants and Contracts Service, Office of Human Resources and Administration, Department of Education, 400 Maryland Avenue SW., Room 3636, ROB-3, Washington, DC 20202-4700, 202 708-5580

RIN: 1880-AA50

881. GENERAL EDUCATION PROVISIONS ACT—ENFORCEMENT: PROPORTIONALITY AND EQUITABLE OFFSETS

Legal Authority: 20 USC 1221e-3(a)(1); 20 USC 1234; 20 USC 3474(a)

CFR Citation: 34 CFR 081

Legal Deadline: None

Abstract: The proposed regulations would clarify circumstances under which benefit to a grant or cooperative agreement and equitable offset are taken into account in determining harm to an identifiable Federal interest under GEPA.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Theodore Sky, Senior Counsel, Office of the General Counsel, Department of Education, 400 Maryland Avenue SW., Room 4091, FOB-6,

ED—EDMAN

Proposed Rule Stage

Washington, DC 20202-2110, 202 401-2605

RIN: 1880-AA56

882. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS) AND STUDENT ASSISTANCE GENERAL PROVISIONS

Legal Authority: 20 USC 1082(a)(1) to 1082 (h)(1); 20 USC 1094(c)(1)(D); 20 USC 1221e-3(a)(1); 20 USC 3474; EO 12689

CFR Citation: 34 CFR 085; 34 CFR 668
Legal Deadline: None

Abstract: These proposed regulations would implement Executive Order 12689, which requires agency debarment and suspension actions under procurement or nonprocurement activities to have reciprocal governmentwide effect. The regulations would also clarify the policy and procedures that affect both governmentwide debarment and suspension and termination of participation of institutions of higher education in student financial assistance programs under Title IV of

the Higher Education Act of 1965, as amended.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Jane Kane, Grants and Contracts Service, Office of Human Resources and Administration, Department of Education, 400 Maryland Avenue SW., Room 3636, ROB-3, Washington, DC 20202-4700, 202 708-5580

RIN: 1880-AA51

**DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)**

Final Rule Stage

883. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS FOR STATE AND LOCAL GOVERNMENTS

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 080

Legal Deadline: None

Abstract: These regulations propose to amend part 80 to revise certain governmentwide administrative requirements for grants and cooperative agreements to State and local governments in conjunction with a revised common rule to be issued by Federal agencies to implement a revised version of OMB circular A-102.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Gregory Vick, Grants and Contracts Services, Office of Human Resources and Administration, Department of Education, 400 Maryland Avenue SW., Room 3636, ROB-3, Washington, DC 20202-4700, 202 708-5580

RIN: 1880-AA53

Legal Deadline: None

Abstract: These regulations implement provisions to prohibit recipients of Federal grants and loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific grant or loan and imposes certain certification and disclosure requirements.

Timetable:

| Action | Date | FR Cite |
|--------------------|--------------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 6736 |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sherlyn Taylor, Grants and Contracts Service, Office of Human Resources and Administration, Department of Education, 400 Maryland Avenue SW., Room 3636, ROB-3, Washington, DC 20202-4700, 202 708-5580

RIN: 1880-AA48

885. FAMILY EDUCATIONAL RIGHTS AND PRIVACY

Legal Authority: 20 USC 1232g

CFR Citation: 34 CFR 099

Legal Deadline: None

Abstract: The regulations are needed to implement section 1555 of the Higher Education Amendments of 1992, P.L. 102-325, codified at 20 U.S.C. section 1232g(a)(4)(B)(ii). The provision amends the Family Educational Rights

and Privacy Act (FERPA) to exclude from the definition of "education records," and thereby from the restrictions of FERPA, records which are maintained by a law enforcement unit of an educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement. Since the current regulations restrict access of law enforcement unit personnel to education records, provide that law enforcement unit records must be kept separately from education records, and restrict the disclosure of campus law enforcement unit records to law enforcement officials of the same jurisdiction, the regulations must be amended to conform to P.L. 102-325. The proposed amendment allows educational agencies and institutions to follow their own policy or applicable State law regarding the disclosure of campus law enforcement unit records in conformity with the amended statute.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/11/93 | 58 FR 42836 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: LeRoy Rooker, Family Policy Compliance Office, Office of Human Resources & Administration, Department of Education, 400 Maryland Avenue SW., 2100 Corridor, L'Enfant Plaza,

884. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 31 USC 1352; 20 USC 347-4

CFR Citation: 34 CFR 082

ED—EDMAN

Final Rule Stage

Washington, DC 20202-4605, 202 732-1807

RIN: 1880-AA57

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Completed Actions

886. STATE-ADMINISTERED PROGRAMS UNDER THE REHABILITATION ACT OF 1973

CFR Citation: 34 CFR 076; 34 CFR 080

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sherlyn Taylor, 202 708-5580

RIN: 1880-AA41

887. TECHNICAL AMENDMENTS TO PROGRAM REGULATIONS

CFR Citation: 34 CFR 074; 34 CFR 080

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sherlyn Taylor, 202 708-5580

RIN: 1880-AA33

888. GENERAL EDUCATION PROVISIONS ACT—ENFORCEMENT

CFR Citation: 34 CFR 081

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 08/16/93 | 58 FR 43472 |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Frank Furey, 202 732-1828

RIN: 1880-AA55

889. DEPARTMENT OF EDUCATION ACQUISITION REGULATION

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 3402; 48 CFR 3409

Legal Deadline: None

Abstract: This regulation amends the Department of Education Acquisition Regulation (EDAR) by removing two sections from the EDAR that delegate certain authority to the position of the Controller, which has been abolished by the Department. This regulation clarifies that the Secretary may delegate these functions within the Department through internal delegation procedures.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 06/11/93 | 58 FR 32614 |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: William C. Sullivan, Jr., Department of Education, 202 708-8264

RIN: 1880-AA58

890. DEPARTMENT OF EDUCATION ACQUISITION REGULATION

CFR Citation: 48 CFR 3410

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 05/25/93 | 58 FR 30088 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Verbena R. Crowley, 202 708-8528

RIN: 1880-AA52

DEPARTMENT OF EDUCATION (ED)
Office for Civil Rights (OCR)

Proposed Rule Stage

891. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 20 USC 1681

CFR Citation: 34 CFR 106

Legal Deadline: None

Abstract: These proposed regulations would amend the fringe benefits

provision of the regulations implementing Title IX of the Education Amendments of 1972. The regulations would require employers offering employees a fringe benefit plan to have both equal pay-in and equal pay-out provisions, regardless of the sex of the employee.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jeanette J. Lim, Director, Policy, Enforcement and Program Service, Department of Education, Office for Civil Rights, 400 Maryland Avenue SW., Rm 5036, Switzer Bldg., Washington, DC 20202-1170, 202 205-8635

RIN: 1870-AA06

DEPARTMENT OF EDUCATION (ED) **Completed Actions**
Office for Civil Rights (OCR)

892. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

| <p>CFR Citation: 34 CFR 110</p> | <p>Completed:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Reason</th> <th style="text-align: left;">Date</th> <th style="text-align: left;">FR Cite</th> </tr> </thead> <tbody> <tr> <td>Final Action</td> <td>07/27/93</td> <td>58 FR 40194</td> </tr> </tbody> </table> <p>Small Entities Affected: None</p> | Reason | Date | FR Cite | Final Action | 07/27/93 | 58 FR 40194 | <p>Government Levels Affected: Local, State</p> <p>Agency Contact: Jeanette J. Lim, 202 205-8635</p> <p>RIN: 1870-AA05</p> |
|---------------------------------|--|-------------|------|---------|--------------|----------|-------------|---|
| Reason | Date | FR Cite | | | | | | |
| Final Action | 07/27/93 | 58 FR 40194 | | | | | | |

DEPARTMENT OF EDUCATION (ED) **Completed Actions**
Office of Educational Research and Improvement (OERI)

| <p>893. LIBRARY EDUCATION AND HUMAN RESOURCE DEVELOPMENT PROGRAM</p> <p>CFR Citation: 34 CFR 776</p> <p>Completed:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Reason</th> <th style="text-align: left;">Date</th> <th style="text-align: left;">FR Cite</th> </tr> </thead> <tbody> <tr> <td>Final Action</td> <td>08/26/93</td> <td>58 FR 45210</td> </tr> </tbody> </table> <p>Small Entities Affected: None</p> <p>Government Levels Affected: None</p> <p>Agency Contact: Louise Sutherland, 202 219-1315</p> <p>RIN: 1850-AA48</p> | Reason | Date | FR Cite | Final Action | 08/26/93 | 58 FR 45210 | <p>894. LIBRARY RESEARCH AND DEMONSTRATION PROGRAM; IMPROVING ACCESS TO RESEARCH LIBRARY RESOURCES PROGRAM; COLLEGE LIBRARY TECHNOLOGY AND COOPERATION GRANTS PROGRAM</p> <p>CFR Citation: 34 CFR 777; 34 CFR 778; 34 CFR 779</p> <p>Completed:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Reason</th> <th style="text-align: left;">Date</th> <th style="text-align: left;">FR Cite</th> </tr> </thead> <tbody> <tr> <td>Final Action</td> <td>07/27/93</td> <td>58 FR 40246</td> </tr> </tbody> </table> <p>Small Entities Affected: None</p> <p>Government Levels Affected: None</p> | Reason | Date | FR Cite | Final Action | 07/27/93 | 58 FR 40246 | <p>Agency Contact: Louise Sutherland, 202 219-1315</p> <p>RIN: 1850-AA47</p> <hr/> <p>895. NATIONAL DIFFUSION NETWORK</p> <p>CFR Citation: 34 CFR 785 to 787</p> <p>Completed:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Reason</th> <th style="text-align: left;">Date</th> <th style="text-align: left;">FR Cite</th> </tr> </thead> <tbody> <tr> <td>Final Action</td> <td>06/30/93</td> <td>58 FR 35354</td> </tr> </tbody> </table> <p>Small Entities Affected: None</p> <p>Government Levels Affected: None</p> <p>Agency Contact: Helen O'Leary, 202 219-2134</p> <p>RIN: 1850-AA42</p> | Reason | Date | FR Cite | Final Action | 06/30/93 | 58 FR 35354 |
|--|----------|-------------|---------|--------------|----------|-------------|--|--------|------|---------|--------------|----------|-------------|--|--------|------|---------|--------------|----------|-------------|
| Reason | Date | FR Cite | | | | | | | | | | | | | | | | | | |
| Final Action | 08/26/93 | 58 FR 45210 | | | | | | | | | | | | | | | | | | |
| Reason | Date | FR Cite | | | | | | | | | | | | | | | | | | |
| Final Action | 07/27/93 | 58 FR 40246 | | | | | | | | | | | | | | | | | | |
| Reason | Date | FR Cite | | | | | | | | | | | | | | | | | | |
| Final Action | 06/30/93 | 58 FR 35354 | | | | | | | | | | | | | | | | | | |

DEPARTMENT OF EDUCATION (ED) **Completed Actions**
Office of Elementary and Secondary Education (OESE)

| <p>896. DRUG-FREE SCHOOLS AND COMMUNITIES PROGRAM—EMERGENCY GRANTS PROGRAM</p> <p>CFR Citation: 34 CFR 232</p> | <p>Completed:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Reason</th> <th style="text-align: left;">Date</th> <th style="text-align: left;">FR Cite</th> </tr> </thead> <tbody> <tr> <td>Final Action</td> <td>09/02/93</td> <td>58 FR 46756</td> </tr> </tbody> </table> <p>Small Entities Affected: None</p> | Reason | Date | FR Cite | Final Action | 09/02/93 | 58 FR 46756 | <p>Government Levels Affected: None</p> <p>Agency Contact: Madeline Bosma, 202 401-1258</p> <p>RIN: 1810-AA66</p> |
|---|--|-------------|------|---------|--------------|----------|-------------|--|
| Reason | Date | FR Cite | | | | | | |
| Final Action | 09/02/93 | 58 FR 46756 | | | | | | |

DEPARTMENT OF EDUCATION (ED) **Proposed Rule Stage**
Office of Postsecondary Education (OPE)

| <p>897. INSTITUTIONAL ELIGIBILITY</p> <p>Legal Authority: 20 USC 1071 et seq; 20 USC 1078; 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1099; 20 USC 1141; 26 USC 501(c)</p> <p>CFR Citation: 34 CFR 600</p> <p>Legal Deadline: None</p> <p>Abstract: These regulations would amend the Institutional Eligibility Regulations to reflect statutory changes made by the Higher Education Amendments of 1992. These changes include revisions of institutional definitions; revisions and additions of other definitions that apply to all institutions that seek initial or</p> | <p>continued eligibility to apply to participate in the HEA programs and new provisions governing determinations and terminations of institutional eligibility.</p> <p>Timetable:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Action</th> <th style="text-align: left;">Date</th> <th style="text-align: left;">FR Cite</th> </tr> </thead> <tbody> <tr> <td>NPRM</td> <td>10/00/93</td> <td></td> </tr> <tr> <td>Final Action</td> <td>03/00/94</td> <td></td> </tr> </tbody> </table> <p>Small Entities Affected: None</p> <p>Government Levels Affected: Federal</p> <p>Agency Contact: Cheryl Leibovitz, Program Specialist, General Provisions Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4318,</p> | Action | Date | FR Cite | NPRM | 10/00/93 | | Final Action | 03/00/94 | | <p>ROB-3, Washington, DC 20202, 202 708-7888</p> <p>RIN: 1840-AB87</p> <hr/> <p>898. INSTITUTIONAL ELIGIBILITY UNDER THE HIGHER EDUCATION ACT OF 1965, AS AMENDED—ELIGIBILITY OF FOREIGN INSTITUTIONS AND FOREIGN GRADUATE MEDICAL SCHOOLS</p> <p>Legal Authority: 20 USC 1085; 20 USC 1088</p> <p>CFR Citation: 34 CFR 600</p> <p>Legal Deadline: None</p> <p>Abstract: These regulations would implement certain provisions of the Higher Education Amendments of 1992</p> |
|---|---|---------|------|---------|------|----------|--|--------------|----------|--|---|
| Action | Date | FR Cite | | | | | | | | | |
| NPRM | 10/00/93 | | | | | | | | | | |
| Final Action | 03/00/94 | | | | | | | | | | |

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and set forth the procedures and criteria under which a foreign institution or a foreign graduate medical school may be eligible to apply for participation in the Federal Family Education Loan programs.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joyce Coates, Program Specialist, General Provisions Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4318, ROB-3, Washington, DC 20202, 202 708-7888

RIN: 1840-AB88

899. SECRETARY'S PROCEDURE AND CRITERIA FOR RECOGNITION OF ACCREDITING AGENCIES

Legal Authority: 20 USC 1099b

CFR Citation: 34 CFR 602

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Higher Education Amendments of 1992 governing the criteria and procedures for the recognition of accrediting agencies by the Secretary. The regulations would link accreditation to eligibility to participate in Federal programs; allow the Secretary to exercise discretion in recognizing accrediting agencies; specify the procedures for recognition in greater detail; establish procedures for limitation, suspension, or termination of recognition and for requests for reconsideration and appeals; establish a new "separate and independent" requirement for accrediting agencies; establish required accreditation standards; and make other changes.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Karen W. Kershenstein, Acting Director, Accreditation and State Liaison Division, Department of Education, Office of Postsecondary Education, 400

Maryland Avenue SW., Room 3035, ROB-3, Washington, DC 20202, 202 708-7417

RIN: 1840-AB82

900. STRENGTHENING INSTITUTIONS PROGRAM

Legal Authority: 20 USC 1057 to 1059c; 20 USC 1066 to 1069f

CFR Citation: 34 CFR 607

Legal Deadline: None

Abstract: These regulations are needed to improve the functioning of the program and to implement changes made to the programs by the Higher Education Amendments of 1992.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/16/93 | 58 FR 48478 |
| NPRM Comment Period End | 10/18/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Louis J. Venuto, Division of Institutional Development, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 3042, ROB-3, Washington, DC 20202-5251, 202 708-8839

RIN: 1840-AB78

901. • FACULTY DEVELOPMENT FELLOWSHIP PROGRAM

Legal Authority: 20 USC 1134; 20 USC 1134r to 1134r-6

CFR Citation: 34 CFR 641

Legal Deadline: None

Abstract: These regulations would implement the Faculty Development Fellowship Program authorized under the Higher Education Amendments of 1992.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Karen W. Johnson, Div. of Higher Education Incentive Programs, Department of Education,

Office of Postsecondary Education, 400 Maryland Avenue SW., Room 3023, ROB-3, Washington, DC 20202-5339, 202 708-9860

RIN: 1840-AC04

902. EDUCATIONAL OPPORTUNITY CENTERS

Legal Authority: 20 USC 1070a-16

CFR Citation: 34 CFR 644

Legal Deadline: None

Abstract: These regulations would implement revisions to this discretionary grant program by the Higher Education Amendments of 1992 and would also clarify and simplify program requirements. The regulations would include changes that affect eligibility for a grant, allowable activities, project period, definitions (including the definition of a project "participant"), projects in territories, selection criteria, prior experience, and project site.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard T. Sonnergren, Director, Division of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 5065, FOB-6, Washington, DC 20202-5249, 202 708-4804

RIN: 1840-AB95

903. • UPWARD BOUND PROGRAM

Legal Authority: 20 USC 1070a-11; 20 USC 1070a-13

CFR Citation: 34 CFR 645

Legal Deadline: None

Abstract: These regulations are needed to amend the Upward Bound applicant selection criteria and prior experience criteria and to clarify other sections of this regulation as needed.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: Undetermined

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Government Levels Affected:
Undetermined

Agency Contact: Richard T. Sonnergren, Director, Div. of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 5065, FOB-6, Washington, DC 20202-5249, 202 708-4804

RIN: 1840-AC02

904. • STUDENT SUPPORT SERVICES PROGRAM

Legal Authority: 20 USC 1070a-11; 20 USC 1070a-14

CFR Citation: 34 CFR 646

Legal Deadline: None

Abstract: These regulations would revise the selection criteria, the prior experience criteria and other sections of the regulations for the purpose of clarifying existing provisions as well as placing greater emphasis on grantee accountability.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| Final Action | 05/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: Richard T. Sonnergren, Director, Div. of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 5065, FOB-6, Washington, DC 20202-5249, 202 708-4804

RIN: 1840-AC03

905. RONALD E. MCNAIR POSTBACCALAUREATE ACHIEVEMENT

Legal Authority: 20 USC 1070a-15

CFR Citation: 34 CFR 647

Legal Deadline: None

Abstract: These regulations would implement changes in this discretionary grant program made by the Higher Education Amendments of 1992. The regulations would provide administrative provisions for the McNair program, which assist disadvantaged college students in preparing for doctoral study. Previously, this program was administered under the program statute

and the Education Department General Administrative Regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: Richard T. Sonnergren, Director, Division of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 5065, FOB-6, Washington, DC 20202-5249, 202 708-4804

RIN: 1840-AB65

906. • HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM

Legal Authority: 20 USC 1132C to 1132C-7

CFR Citation: 34 CFR 608

Legal Deadline: None

Abstract: These regulations implement a new program authorized by the Higher Education Amendments of 1992. The program would provide a federally insured line of credit for a private for-profit bonding authority to issue taxable construction bonds. The proceeds would be used to make loans to Historically Black Colleges and Universities for repair and renovation projects.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 04/00/94 | |
| Final Action | 09/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Additional Information: This NPRM may be withdrawn from the Agenda depending on funding and other program developments.

Agency Contact: Sarah Babson, Div. of Higher Education Incentive Programs, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 3022, ROB-3, Washington, DC 20202-5339, 202 708-6865

RIN: 1840-AC00

907. • PATRICIA ROBERTS HARRIS FELLOWSHIP PROGRAM

Legal Authority: 20 USC 1134; 20 USC 1134d to 1134g

CFR Citation: 34 CFR 649

Legal Deadline: None

Abstract: These regulations propose to revise the selection criteria to realign some of the subcriteria between the institutionwide and academic field criteria, for the fiscal year 1995 competition and thereafter.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 04/00/94 | |
| Final Action | 09/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alfreda Liebermann, Div. of Higher Education Incentive Programs, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 3022, ROB-3, Washington, DC 20202, 202 708-7389

RIN: 1840-AC01

908. STATE POSTSECONDARY REVIEW PROGRAM

Legal Authority: 20 USC 1099a

CFR Citation: 34 CFR 667

Legal Deadline: None

Abstract: These regulations would implement the provisions of the Higher Education Amendments of 1992, Pub. L. 102-325. The Amendments establish a program under which States enter into agreements with the Secretary to develop standards for, and conduct, reviews of certain institutions for purposes of determining the institutions' eligibility to participate in Title IV programs. The regulations also would establish a formula for determining the amount of reimbursement provided to States for the conduct of allowable activities under the State Postsecondary Review Program.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Kolotos, Program Specialist, General Provisions

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Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4318, ROB-3, Washington, DC 20202, 202 708-7888

RIN: 1840-AB89

909. STUDENT RIGHT-TO-KNOW ACT

Legal Authority: PL 101-542

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Student Right-to-Know Act. This Act requires the disclosure by an institution of its completion or graduation rate on an annual basis. The act also requires enrollment information and completion/graduation rate information about its athletes.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/10/92 | 57 FR 30826 |
| NPRM Comment Period End | 08/24/92 | |
| NPRM | 11/00/93 | |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paula Husselmann, General Provisions Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4318, ROB-3, Washington, DC 20202, 202 708-7888

RIN: 1840-AB44

910. STUDENT ASSISTANCE GENERAL PROVISIONS, FEDERAL PERKINS LOAN PROGRAM, FEDERAL WORK-STUDY PROGRAM, AND FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Legal Authority: 20 USC 1070b to 1070b-3; 20 USC 1087aa to 1087hh; 20 USC 1094; 20 USC 2571 to 2756b

CFR Citation: 34 CFR 668; 34 CFR 674; 34 CFR 675; 34 CFR 676

Legal Deadline: None

Abstract: These regulations would propose a change to the Student Assistance General Provisions resulting from public comments received in response to a notice published in the Federal Register requesting comments on statutes and regulations that

substantially impede economic growth or impose unnecessary burdens. These regulations also propose to revise the existing campus-based regulations to implement the Higher Education Amendments of 1992.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Susan Morgan, Chief, Campus-Based Loan Programs Section, Loans Branch, Div. of Policy Development, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4018, ROB-3, Washington, DC 20202-5447, 202 708-4690

RIN: 1840-AB71

911. STUDENT ASSISTANCE GENERAL PROVISIONS AND FEDERAL FAMILY EDUCATION LOAN PROGRAMS—THIRD-PARTY SERVICERS

Legal Authority: 20 USC 1071 to 1087-2; 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668; 34 CFR 682

Legal Deadline: None

Abstract: These regulations would amend the Student Assistance General Provisions and Federal Family Education Loan Program regulations to establish procedures for fines on, emergency actions against, and limitations, suspensions, and terminations of the eligibility of third-party servicers to contract with institutions, guaranty agencies, and lenders. These regulations are needed to implement changes in the Higher Education Act of 1965, as amended (HEA), and to improve the monitoring and accountability of third-party servicers participating in the student financial assistance programs authorized by Title IV of the HEA. The changes would establish standards governing the financial and administrative responsibility of a servicer administering any aspect of a lender's or guaranty agency's Federal Family Education Loan programs.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Greg Allen, Program Specialist, General Provisions Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4318, ROB-3, Washington, DC 20202, 202 708-7888

RIN: 1840-AB80

912. STUDENT ASSISTANCE GENERAL PROVISIONS—ABILITY TO BENEFIT (GUIDELINES TO ASSIST INSTITUTIONS IN DETERMINING STUDENT ELIGIBILITY FOR TITLE IV, HEA STUDENT FINANCIAL ASSISTANCE)

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These regulations would implement guidelines for institutions to determine student eligibility through administering an ability to benefit test and a cumulative list of approved Ability-To-Benefit Examinations, as provided by the Higher Education Amendments of 1992 (Pub. L. 102-325, enacted July 23, 1992).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lorraine Kennedy, Program Analyst, Student Eligibility and Verification Section, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4318, ROB-3, Washington, DC 20202, 202 708-4601

RIN: 1840-AB84

913. STUDENT ASSISTANCE GENERAL PROVISIONS—SUBPARTS A AND B

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

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Legal Deadline: None

Abstract: These regulations would amend the provisions of subpart A and Subpart B of the Student Assistance General Provisions regulations in accordance with the Higher Education Amendments of 1992 (Pub. L. 102-325). These regulations would add new and revised definitions that apply to all institutions that participate in the student financial assistance programs authorized by Title IV of the HEA. The regulations would also strengthen the standards for participation in those programs, including standards for financial responsibility and administrative capability, procedures for certifying and provisionally certifying institutions, audit requirements, and refund policies.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Wendy Macias, Program Specialist, General Provisions Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4318, ROB-3, Washington, DC 20202, 202 708-7888

RIN: 1840-AB85

914. STUDENT ASSISTANCE GENERAL PROVISIONS—SUBPARTS D AND F

Legal Authority: 20 USC 1082; 20 USC 1092

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These regulations would implement changes to the Higher Education Act of 1965 made by the Higher Education Amendments of 1992 concerning the student consumer provisions and misrepresentation, particularly the disclosure of information on campus crime and exit counseling required under the Title IV loan programs.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paula M. Husselmann, General Provisions Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4318, ROB-3, Washington, DC 20202, 202 708-7888

RIN: 1840-AB86

915. STUDENT ASSISTANCE GENERAL PROVISIONS—SUBPARTS A AND C - STUDENT ELIGIBILITY

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Higher Education Amendments of 1992 that pertain to student eligibility. They clarify policy with regard to the eligibility of incarcerated students, students studying abroad, graduate students, and students enrolled in telecommunications or correspondence courses.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/04/93 | 58 FR 51712 |
| NPRM Comment Period End | 11/18/93 | 58 FR 51712 |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Claude Denton, Program Specialist, General Provisions Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4318, ROB-3, Washington, DC 20202, 202 708-7888

RIN: 1840-AB90

916. FEDERAL STAFFORD LOAN CANCELLATION DEMONSTRATION PROGRAM

Legal Authority: 20 USC 1078-10

CFR Citation: 34 CFR 682

Legal Deadline: None

Abstract: These regulations would implement provisions of the Higher Education Amendments of 1992 that require the establishment of a demonstration program for loan forgiveness for certain public service. The program provides for forgiveness

of portions of Federal Stafford Loans incurred by a student borrower who performs volunteer service or works in certain teaching or nursing areas. This is a limited demonstration program available only to new borrowers who, as of October 1, 1992, have no outstanding debt on a Federal Family Education Loan.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pamela A. Moran, Acting Chief, Loans Branch, Div. of Policy Development, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4310, ROB-3, Washington, DC 20202-5449, 202 708-8242

RIN: 1840-AB62

917. EXCEPTIONAL PERFORMANCE DESIGNATION IN THE FEDERAL FAMILY EDUCATION LOAN PROGRAM (FFELP) FOR LENDERS, SERVICERS, AND GUARANTY AGENCIES

Legal Authority: 20 USC 1071 to 1087

CFR Citation: 34 CFR 682

Legal Deadline: None

Abstract: These regulations implement certain provisions of the Higher Education Amendments of 1992. The proposed regulations would authorize the Secretary to recognize lenders, servicers, and guaranty agencies for their exceptional level of performance in collecting delinquent and defaulted Federal Family Education Loan Program loans and would encourage lenders, servicers, and guaranty agencies to provide a more detailed level of expertise in servicing student loan portfolios and strict monitoring of collection activities on delinquent defaulted loans.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pamela A. Moran, Acting Chief, Loans Branch, Division of

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Proposed Rule Stage

Policy Development, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4310, ROB-3, Washington, DC 20202-5449, 202 708-8242

RIN: 1840-AB81

918. FEDERAL FAMILY EDUCATION LOAN PROGRAM (FFELP) LOAN CANCELLATION AND GARNISHMENT REGULATIONS

Legal Authority: 20 USC 1071 to 1087

CFR Citation: 34 CFR 682

Legal Deadline: None

Abstract: These regulations are needed to implement certain provisions of the Higher Education Amendments of 1992. The regulations would propose new provisions related to cancellation of FFEL Loans and the garnishment of wages for defaulted borrowers.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pamela A. Moran, Acting Chief, Loans Branch, Div. of Policy Development, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4310, ROB-3, Washington, DC 20202-5449, 202 708-8242

RIN: 1840-AB83

919. FEDERAL FAMILY EDUCATION LOAN PROGRAM (FFELP) (GENERAL ADMINISTRATION)

Legal Authority: 20 USC 1071 to 1087

CFR Citation: 34 CFR 682

Legal Deadline: None

Abstract: These regulations would implement provisions of the Higher Education Amendments of 1992 relating to program administration, including definitions, eligibility requirements, and other matters. The regulations would also make clarifying changes.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pamela A. Moran, Acting Chief, Loans Branch, Div. of Policy Development, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4310, ROB-3, Washington, DC 20202-5449, 202 807-8242

RIN: 1840-AB97

920. FEDERAL STAFFORD LOAN REPAYMENT PROVISIONS

Legal Authority: 20 USC 1078-10

CFR Citation: 34 CFR 682

Legal Deadline: None

Abstract: These regulations are needed to implement certain provisions of the Higher Education Amendments of 1992. The regulations would propose new provisions concerning forbearance and deferments of repayment on FFEL Program loans.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pamela A. Moran, Acting Chief, Loans Branch, Div. of Policy Development, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4310, ROB-3, Washington, DC 20202-5449, 202 708-8242

RIN: 1840-AB99

921. FEDERAL PELL GRANT PROGRAM; PRESIDENTIAL ACCESS SCHOLARSHIP PROGRAM

Legal Authority: 20 USC 1070a

CFR Citation: 34 CFR 690; 34 CFR 691

Legal Deadline: None

Abstract: FEDERAL PELL GRANT PROGRAM: These proposed regulations would amend the Pell Grant Program regulations to incorporate statutory changes made by the Higher Education Amendments of 1992. These changes would alter how institutions administer the Federal Pell Grant program and incorporate new requirements that the Federal Pell Grants supplement and not supplant a State's postsecondary educational expenditures for incarcerated students within that State.

PRESIDENTIAL ACCESS SCHOLARSHIP PROGRAM: These proposed regulations implement the

Presidential Access Scholarship Program and provide the requirements that States, institutions, and students must follow to participate in and administer the Presidential Access Scholarship Program.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Fred H. Sellers, Chief, Pell and State Grant Section, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4018, ROB-3, Washington, DC 20202-5447, 202 708-4607

RIN: 1840-AB73

922. NATIONAL EARLY INTERVENTION SCHOLARSHIP AND PARTNERSHIP PROGRAM

Legal Authority: 20 USC 1070a-21 to 1070a-27

CFR Citation: 34 CFR 693

Legal Deadline: None

Abstract: These proposed regulations would implement the new National Early Intervention Scholarship and Partnership Program under Chapter 2, Subpart 2, Part A, Title IV, of the Higher Education Act of 1965, Higher Education Amendments of 1992, enacted July 23, 1992 (Pub. L. 102-325). These proposed regulations also specify the role of the Secretary, the responsibilities of the student applicant, eligibility requirements, and the criteria by which the Secretary approves a State's application to participate in the program.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Fred Sellers, Chief, Pell and State Grants Section, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4018, ROB-3, Washington, DC 20202-5447, 202 708-4607

RIN: 1840-AB79

DEPARTMENT OF EDUCATION (ED)
Office of Postsecondary Education (OPE)

Final Rule Stage

923. TALENT SEARCH

Legal Authority: 20 USC 1070a-11; 20 USC 1070a-12

CFR Citation: 34 CFR 643

Legal Deadline: None

Abstract: These regulations implement changes in this discretionary grant program made by the Higher Education Amendments of 1992. The regulations include changes affecting eligibility for a grant, eligible project participants, allowable activities, definitions, project period, priorities, selection criteria, prior experience, and project size.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/10/93 | 58 FR 32580 |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard T. Sonnergren, Director, Division of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 5065, FOB-6, Washington, DC 20202-5249, 202 708-4804

RIN: 1840-AB94

924. GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED

Legal Authority: 20 USC 1134; 20 USC 1134l; 20 USC 1134g-1

CFR Citation: 34 CFR 648

Legal Deadline: None

Abstract: These regulations are needed to implement the Graduate Assistance in Areas of National Need Program, recently amended by the Higher Education Amendments of 1992. The program provides fellowships through academic departments of institutions of higher education to assist graduate students of superior ability who demonstrate financial need.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/16/93 | 58 FR 33224 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carolyn Proctor-Kelly, Higher Education Incentive Programs, Department of Education, Office of Postsecondary Education, 400

Maryland Avenue SW., Room 3022, ROB-3, Washington, DC 20202-5251, 202 708-7389

RIN: 1840-AB66

925. JACOB K. JAVITS FELLOWSHIP PROGRAM

Legal Authority: 20 USC 1134; 20 USC 1134h to 1134k-1

CFR Citation: 34 CFR 650

Legal Deadline: None

Abstract: The regulations implement changes made in the program by the Higher Education Amendments of 1992. These regulations will increase the amount of stipends paid to individuals awarded a fellowship; increase the amount of payments made to institutions of higher education for each individual awarded a fellowship; implement the prohibition on the award of a fellowship for study at a school or department of divinity; and implement the special rule governing the Secretary's withdrawal of a fellowship.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/14/93 | 58 FR 37890 |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Alfreda Liebermann, Div. of Higher Education Incentive Programs, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 3022, ROB-3, Washington, DC 20202-5251, 202 708-7389

RIN: 1840-AB93

926. • CAMPUS SECURITY ACT

Legal Authority: PL 101-542

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These regulations implement certain provisions of the Campus Security Act. The Act requires the disclosure of crime statistics on an institution's campus and the establishment and maintenance of a campus security policy.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 07/10/92 | 57 FR 30826 |

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM Comment Period End | 08/24/92 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paula Husselmann, General Provisions Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4318, ROB-3, Washington, DC 20202, 202 708-7888

RIN: 1840-AB98

927. FEDERAL PERKINS LOAN PROGRAM AND FEDERAL FAMILY EDUCATION LOAN PROGRAM

Legal Authority: 20 USC 1087aa to 1087hh; 20 USC 421 to 429; 20 USC 1071 to 1087-2

CFR Citation: 34 CFR 674; 34 CFR 682

Legal Deadline: None

Abstract: These regulations establish procedures for managing the two programs and set standards for extending credit in accordance with OMB circular A-129.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 03/10/93 | 58 FR 13356 |
| NPRM Comment Period End | 04/26/93 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Susan Morgan, Chief, Campus-Based Loan Programs Section, Loans Branch, Div. of Policy Development, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW., Room 4310, ROB-3, Washington, DC 20202, 202 708-8242

RIN: 1840-AB50

928. STATE STUDENT INCENTIVE GRANT PROGRAM

Legal Authority: 20 USC 1070c to 1070c-4

CFR Citation: 34 CFR 692

Legal Deadline: None

Abstract: These regulations amend the State Student Incentive Grant Program regulations to clarify them, to make minor technical changes, and to implement statutory changes made by

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Final Rule Stage

the Higher Education Amendments of 1992.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/02/93 | 58 FR 36110 |
| Final Action | 02/00/94 | |

Small Entities Affected: None
Government Levels Affected: State
Agency Contact: Fred Sellers, Chief, Pell and State Grant Section, Department of Education, Office of Postsecondary Education, 400 Maryland

Avenue SW., Room 4018, ROB-3, Washington, DC 20202-5447, 202 708-4607

RIN: 1840-AB72

**DEPARTMENT OF EDUCATION (ED)
 Office of Postsecondary Education (OPE)**

Completed Actions

929. STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES PROGRAM AND STRENGTHENING HISTORICALLY BLACK GRADUATE INSTITUTIONS

CFR Citation: 34 CFR 608; 34 CFR 609

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 07/20/93 | 58 FR 38711 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Elwood L. Bland, 202 708-9926

RIN: 1840-AB74

930. SCHOOL, COLLEGE, AND UNIVERSITY PARTNERSHIPS

CFR Citation: 34 CFR 610

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 09/24/93 | 58 FR 50160 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard T. Sonnergren, 202 708-4804

RIN: 1840-AB63

931. DRUG PREVENTION PROGRAMS IN HIGHER EDUCATION

CFR Citation: 34 CFR 612

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 05/06/93 | 58 FR 27140 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald Fischer, 202 708-5771

RIN: 1840-AB11

932. COLLEGE FACILITIES LOAN PROGRAM

CFR Citation: 34 CFR 614

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 08/10/93 | 58 FR 42626 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph P. Ferguson, 202 708-7389

RIN: 1840-AB61

933. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

CFR Citation: 34 CFR 630

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 05/06/93 | 58 FR 27144 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John E. Donahue, 202 708-5750

RIN: 1840-AB75

934. COOPERATIVE EDUCATION PROGRAM—GENERAL ADMINISTRATION PROJECTS; DEMONSTRATION PROJECTS; RESEARCH PROJECTS; AND TRAINING AND RESOURCE CENTER PROJECTS

CFR Citation: 34 CFR 631 to 635

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 08/11/93 | 58 FR 42651 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John E. Bonas, 202 708-9407

RIN: 1840-AB68

935. URBAN COMMUNITY SERVICE

CFR Citation: 34 CFR 636

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 08/11/93 | 58 FR 42662 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia W. Gore, 202 708-7389

RIN: 1840-AB64

936. TRAINING PROGRAM FOR FEDERAL TRIO PROGRAM, UPWARD BOUND PROGRAM, AND STUDENT SUPPORT SERVICES

CFR Citation: 34 CFR 642; 34 CFR 645; 34 CFR 646

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 10/01/93 | 58 FR 51518 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard T. Sonnergren, 202 708-4804

RIN: 1840-AB92

937. PATRICIA ROBERTS HARRIS FELLOWSHIP PROGRAM—PART 649

CFR Citation: 34 CFR 649

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 08/12/93 | 58 FR 42860 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alfreda Liebermann, 202 708-7389

RIN: 1840-AB67

938. PAUL DOUGLAS TEACHER SCHOLARSHIP PROGRAM

CFR Citation: 34 CFR 653

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Completed Actions

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 08/11/93 | 58 FR 42824 |

Small Entities Affected: None
Government Levels Affected: State
Agency Contact: Valerie Harry, 202 708-9453
RIN: 1840-AB76

939. ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM.

CFR Citation: 34 CFR 654

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 08/11/93 | 58 FR 42665 |

Small Entities Affected: None
Government Levels Affected: State
Agency Contact: Patricia W. Gore, 202 708-7389
RIN: 1840-AB77

940. INTERNATIONAL EDUCATION PROGRAMS.

CFR Citation: 34 CFR 655; 34 CFR 656; 34 CFR 657; 34 CFR 658; 34 CFR 660; 34 CFR 661; 34 CFR 669; 34 CFR 671

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 06/10/93 | 58 FR 32574 |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Joseph F. Belmonte, 202 708-7283
RIN: 1840-AB69

941. STUDENT ASSISTANCE GENERAL PROVISIONS—SUBPARTS A, B, C, E, G, AND APPENDIX D.

CFR Citation: 34 CFR 668

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 06/08/93 | 58 FR 32188 |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Wendy Macias, 202 708-7888
RIN: 1840-AB19

942. FEDERAL DIRECT STUDENT LOAN PROGRAM

CFR Citation: 34 CFR 685

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 07/02/93 | 58 FR 36088 |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Lloyd Robertson, 202 732-1818
RIN: 1840-AB91

943. CAMPUS SEXUAL OFFENSES EDUCATION AND PREVENTION PROGRAM

CFR Citation: 34 CFR 698

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 08/16/93 | 58 FR 43265 |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: H. Reed Saunders, 202 708-8922
RIN: 1840-AB60

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office of Special Education and Rehabilitative Services (OSERS)

944. DISABILITY AND REHABILITATION RESEARCH; GENERAL PROVISIONS; RESEARCH AND DEMONSTRATION PROJECTS; REHABILITATION RESEARCH AND TRAINING CENTERS; REHABILITATION ENGINEERING RESEARCH CENTERS.

Legal Authority: 29 USC 760 to 762; 29 USC 762(b)(2); 29 USC 762(b)(3)

CFR Citation: 34 CFR 350; 34 CFR 351; 34 CFR 352; 34 CFR 353

Legal Deadline: None

Abstract: These regulations would authorize NIDRR to fund disability and rehabilitation research activities that address a wide range of problems confronting persons with disabilities, facilitate the distribution of information, improve the distribution of technological devices, and increase the scientific and technological information presently available in the field of rehabilitation. The regulations would also assist in the provision of

vocational and other rehabilitation services, cooperate and assist in developing and sharing rehabilitation information found useful in other nations. The regulations would also fund centers to provide training (including graduate training) to research other rehabilitation personnel and innovative methods of applying advanced technological and scientific knowledge to solve rehabilitation problems. These regulations are also needed to implement certain provisions of the Rehabilitation Act Amendments of 1992, Pub. L. 102-569.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Betty Jo Berland, Planning Officer, NIDRR, Department of Education, Office of Special Education

and Rehabilitative Services, 400 Maryland Avenue SW., Room 3422, Switzer Building, Washington, DC 20202-2651, 202 205-9739

RIN: 1820-AB01

945. STATE VOCATIONAL REHABILITATION SERVICES PROGRAM

Legal Authority: 29 USC 711(e); PL 102-569

CFR Citation: 34 CFR 361

Legal Deadline: None

Abstract: This action is needed to revise existing regulations to implement changes made to the Rehabilitation Act of 1973 by the Rehabilitation Act Amendments of 1992. Those changes include significant revisions in definitions, new definitions, new State plan requirements, and new eligibility requirements for services.

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Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 06/00/94 | |

Small Entitles Affected: None

Government Levels Affected: Local, State

Agency Contact: Beverlee Stafford, Special Assistant to the Commissioner, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW., Room 3028, Switzer Building, Washington, DC 20202-2531, 202 205-5482

RIN: 1820-AB12

946. STATE VOCATIONAL REHABILITATION SERVICES PROGRAM—EVALUATION STANDARDS AND PERFORMANCE INDICATORS

Legal Authority: PL 102-569

CFR Citation: 34 CFR 361

Legal Deadline: Final, Statutory, September 30, 1994.

Abstract: This action is needed to revise existing regulations due to changes in authorizing legislation made by the Rehabilitation Act Amendments of 1992 (Pub. L. 102-569). Amendments require the development of standards and performance indicators.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| ANPRM | 02/19/93 | 58 FR 9458 |
| NPRM | 02/00/94 | |
| Final Action | 09/00/94 | |

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Beverlee Stafford, Special Assistant to the Commissioner, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW., Room 3028, Switzer Building, Washington, DC 20202-2531, 202 205-5482

RIN: 1820-AB14

947. STATE VOCATIONAL REHABILITATION SERVICES PROGRAM—CRITERIA FOR SELECTION OF VOCATIONAL REHABILITATION SERVICES

Legal Authority: PL 102-569

CFR Citation: 34 CFR 361

Legal Deadline: None

Abstract: This action is needed to revise existing regulations due to changes in authorizing legislation made by the Rehabilitation Act Amendments of 1992 (Pub. L. 102-569). Amendments require the promulgation of regulations specific to the selection of the providers of vocational rehabilitation services.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|------------|
| ANPRM | 02/16/93 | 58 FR 8688 |
| ANPRM Comment | 03/18/93 | |
| Period End | | |
| NPRM | 12/00/93 | |
| Final Action | 06/00/94 | |

Small Entitles Affected: Businesses, Organizations

Government Levels Affected: Local, State

Agency Contact: Beverlee Stafford, Special Assistant to the Commissioner, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW., Room 3028, Switzer Building, Washington, DC 20202-2531, 202 205-5482

RIN: 1820-AB15

948. THE STATE INDEPENDENT LIVING REHABILITATION SERVICES PROGRAM

Legal Authority: 29 USC 796 to 796e-3

CFR Citation: 34 CFR 365

Legal Deadline: None

Abstract: This action is needed to revise existing regulations to implement changes made to the Rehabilitation Act of 1973 by the Rehabilitation Act Amendments of 1992 (1992 Amendments). Title VII, which authorizes this program, was completely rewritten by the 1992 Amendments, and substantial revisions are required in the regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 12/00/93 | |

Small Entitles Affected: Organizations

Government Levels Affected: Local, State

Agency Contact: Beverlee Stafford, Special Assistant to the Commissioner,

Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW., Room 3028, Switzer Building, Washington, DC 20202-2531, 202 205-5482

RIN: 1820-AB18

949. CENTERS FOR INDEPENDENT LIVING—EVALUATION STANDARDS AND COMPLIANCE INDICATORS

Legal Authority: 20 USC 796d-1(b); 20 USC 796f-4

CFR Citation: 34 CFR 366

Legal Deadline: None

Abstract: These proposed regulations implement a statutory requirement enacted in the Rehabilitation Act Amendments of 1992, for indicators of minimum compliance with the evaluation standards for centers for independent living. Minimum compliance is a prerequisite for funding, and the regulations would set an important precedent in establishing performance standards in Federal rehabilitation programs.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 07/10/92 | 57 FR 30860 |
| ANPRM Comment | 09/08/92 | |
| Period End | | |
| NPRM | 10/00/93 | |
| Final Action | 12/00/93 | |

Small Entitles Affected: Organizations

Government Levels Affected: None

Agency Contact: Beverlee Stafford, Special Assistant to the Commissioner, Rehabilitation Services Administration, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW., Room 3028, Switzer Bldg., Washington, DC 20202-2531, 202 205-5482

RIN: 1820-AA81

950. CENTERS FOR INDEPENDENT LIVING

Legal Authority: 29 USC 796f to 796f-6

CFR Citation: 34 CFR 366

Legal Deadline: None

Abstract: This action is needed to revise existing regulations to implement changes made to the Rehabilitation Act of 1973 by the Rehabilitation Act Amendments of 1992 (1992

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Proposed Rule Stage

Amendments). Title VII, which authorizes this program, was completely rewritten by the 1992 Amendments, and substantial revisions are required in the regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Organizations

Government Levels Affected: Local, State

Agency Contact: Beverlee Stafford, Special Assistant to the Commissioner, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW., Room 3028, Switzer Building, Washington, DC 20202-2531, 202 205-5482

RIN: 1820-AB19

951. INDEPENDENT LIVING SERVICES FOR OLDER BLIND INDIVIDUALS

Legal Authority: 29 USC 796j to 796l

CFR Citation: 34 CFR 367

Legal Deadline: None

Abstract: This action is needed to revise existing regulations to implement changes made to the Rehabilitation Act of 1973 by the Rehabilitation Act Amendments of 1992 (1992 Amendments). Title VII, which authorizes this program, was completely rewritten by the 1992 Amendments, and substantial revisions are required in the regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Beverlee Stafford, Special Assistant to the Commissioner, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW., Room 3028, Switzer Building, Washington, DC 20202-2531, 202 205-5482

RIN: 1820-AB20

952. CLIENT ASSISTANCE PROGRAM

Legal Authority: 29 USC 732

CFR Citation: 34 CFR 370

Legal Deadline: None

Abstract: These regulations would implement changes in this formula grant program made by the Rehabilitation Act Amendments of 1992, including the expansion of the services provided by CAPs to include dissemination of information related to Title I of the Americans with Disabilities Act of 1990, and the implementation of due process requirements that apply if a Governor chooses to redesignate the agency designated to conduct the State's CAP.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Beverlee Stafford, Special Assistant to the Commissioner, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW., Room 3028, Switzer Building, Washington, DC 20202-2531, 202 205-5482

RIN: 1820-AB16

953. REHABILITATION TRAINING: REHABILITATION LONG-TERM TRAINING

Legal Authority: 29 USC 711(c); 29 USC 774

CFR Citation: 34 CFR 386

Legal Deadline: None

Abstract: These regulations would implement changes in this discretionary grant program made by the Rehabilitation Act Amendments of 1992. The regulations would revise the "work or repay" provisions to ensure that grantees disburse awards only after required certifications and agreements, scholars receiving awards clearly understand their obligations, and grantees maintain adequate systems to verify that scholars have met their obligations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Beverlee Stafford, Special Assistant to the Commissioner, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW., Room 3028, Switzer Building, Washington, DC 20202-2531, 202 205-5482

RIN: 1820-AB21

954. STATE VOCATIONAL REHABILITATION IN-SERVICE TRAINING

Legal Authority: 29 USC 711(c); 29 USC 774

CFR Citation: 34 CFR 388

Legal Deadline: None

Abstract: These regulations would implement changes made by the Rehabilitation Act Amendments of 1992. The regulations would incorporate new statutory requirements and phraseology. The program continues to be administered as a discretionary grant program, but eligibility is limited to designated State agencies. Funding is based on a formula component and a qualitative component.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Beverlee Stafford, Special Assistant to the Commissioner, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW., Room 3028, Switzer Building, Washington, DC 20202-2531, 202 205-5482

RIN: 1820-AB24

955. TRAINING OF INTERPRETERS FOR DEAF INDIVIDUALS

Legal Authority: 29 USC 744(d); PL 102-569

CFR Citation: 34 CFR 396

Legal Deadline: None

Abstract: These regulations would implement changes in this discretionary grant program made by the Rehabilitation Act Amendments of 1992 and make other changes. The principal changes include adding

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Proposed Rule Stage

“individuals who are deaf-blind” to the population to be served under this program and establishing definitions for “individual who is deaf-blind” and “interpreter for individuals who are deaf-blind.”

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: Organizations

Government Levels Affected:
Undetermined

Agency Contact: Beverlee Stafford, Special Assistant to the Commissioner, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW., Room 3028, Switzer Building, Washington, DC 20202-2531, 202 205-5482

RIN: 1820-AB25

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office of Special Education and Rehabilitative Services (OSERS)

956. STATE VOCATIONAL REHABILITATION SERVICES PROGRAM—ORDER OF SELECTION

Legal Authority: 29 USC 721(a)(5)(A); PL 102-569

CFR Citation: 34 CFR 361

Legal Deadline: None

Abstract: This action is needed to revise existing regulations due to changes in authorizing legislation made by the Rehabilitation Act Amendments of 1992 (Pub. L. 102-569). Amendments require that specific regulations be promulgated regarding criteria for order of selection.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/16/93 | 58 FR 38482 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Beverlee Stafford, Special Assistant to the Commissioner, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW., Room 3028, Switzer Building,

Washington, DC 20202-2531, 202 205-5482

RIN: 1820-AB13

957. TECHNICAL AMENDMENTS PACKAGE—REHABILITATION SERVICES ADMINISTRATION

Legal Authority: PL 102-569; 29 USC 732; 29 USC 750; 29 USC 775; 29 USC 776; 29 USC 777a(a)(1); 29 USC 777a(a)(3); 29 USC 777(b); 29 USC 777f; 29 USC 795g; 29 USC 711(c); 29 USC 777a(a)(4); 29 USC 777a(c); 29 USC 777a(d)

CFR Citation: 34 CFR 363; 34 CFR 369; 34 CFR 371; 34 CFR 373; 34 CFR 374; 34 CFR 375; 34 CFR 376; 34 CFR 379; 34 CFR 380; 34 CFR 385; 34 CFR 387; 34 CFR 389; 34 CFR 390

Legal Deadline: None

Abstract: This action is needed to implement the technical amendments made to the Rehabilitation Act of 1973 by the Rehabilitation Act Amendments of 1992, and the Rehabilitation Act Amendments of 1993. These amendments include changes in terminology and definitions, a new provision covering all applicants for

funding under the Act concerning outreach to minorities, a new provision affecting all programs, projects, and community rehabilitation programs funded under the Act concerning advising individuals they serve on the availability of the access to client assistance programs, and various technical, statutory changes to certain programs. These regulations include the regulatory provisions listed under RIN 1920-AA47.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State

Agency Contact: Beverlee Stafford, Special Assistant to the Commissioner, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW., Room 3028, Switzer Building, Washington, DC 20202-2531, 202 205-5482

RIN: 1820-AB11

DEPARTMENT OF EDUCATION (ED)

Completed Actions

Office of Special Education and Rehabilitative Services (OSERS)

958. EARLY INTERVENTION PROGRAM FOR INFANTS AND TODDLERS WITH DISABILITIES

CFR Citation: 34 CFR 303

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 07/30/93 | 58 FR 40958 |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Peggy Cvach, 202 205-9807

RIN: 1820-AA97

959. TRAINING PERSONNEL FOR THE EDUCATION OF INDIVIDUALS WITH DISABILITIES - GRANTS FOR PERSONNEL TRAINING

CFR Citation: 34 CFR 318

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 05/07/93 | 58 FR 27440 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Max Mueller, 202 205-9554

RIN: 1820-AB03

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Completed Actions

960. DISABILITY AND REHABILITATION RESEARCH; TECHNICAL AMENDMENTS

CFR Citation: 34 CFR 346; 34 CFR 347; 34 CFR 354; 34 CFR 355; 34 CFR 356; 34 CFR 357; 34 CFR 358; 34 CFR 359; 34 CFR 360

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 09/22/93 | 58 FR 49418 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty Jo Berland, 202 205-9739

RIN: 1820-AB09

961. DISABILITIES REHABILITATION RESEARCH; RESEARCH AND DEMONSTRATION PROJECTS

CFR Citation: 34 CFR 351

Completed:

| Reason | Date | FR Cite |
|---------------------------|----------|---------|
| Merged With RIN 1820-AB01 | 08/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty Jo Berland, 202 205-9739

RIN: 1820-AB04

962. DISABILITY AND REHABILITATION RESEARCH; REHABILITATION RESEARCH AND TRAINING CENTERS

CFR Citation: 34 CFR 352

Completed:

| Reason | Date | FR Cite |
|---------------------------|----------|---------|
| Merged With RIN 1820-AB01 | 08/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty Jo Berland, 202 205-9739

RIN: 1820-AB05

963. DISABILITY AND REHABILITATION RESEARCH; REHABILITATION ENGINEERING RESEARCH CENTERS

CFR Citation: 34 CFR 353

Completed:

| Reason | Date | FR Cite |
|---------------------------|----------|---------|
| Merged With RIN 1820-AB01 | 08/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty Jo Berland, 202 205-9739

RIN: 1820-AB06

964. DEMONSTRATION PROJECTS TO INCREASE CLIENT CHOICE

CFR Citation: 34 CFR 377

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 07/29/93 | 58 FR 40706 |

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Beverlee Stafford, 202 205-5482

RIN: 1820-AB23

965. PROJECTS FOR INITIATING RECREATIONAL PROGRAMS FOR INDIVIDUALS WITH DISABILITIES

CFR Citation: 34 CFR 378

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 07/01/93 | 58 FR 35762 |

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Beverlee Stafford, 202 205-5482

RIN: 1820-AB22

966. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS PROGRAM

CFR Citation: 34 CFR 381

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 08/12/93 | 58 FR 43018 |

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Beverlee Stafford, 202 205-5482

RIN: 1820-AB17

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office of Vocational and Adult Education (OVAE)

967. STATE-ADMINISTERED WORKPLACE LITERACY PROGRAM AND NATIONAL WORKPLACE LITERACY PROGRAM

Legal Authority: 20 USC 1211

CFR Citation: 34 CFR 462; 34 CFR 472

Legal Deadline: None

Abstract: These regulations would incorporate changes to improve project

accountability and make technical changes to 34 CFR parts 462 and 472.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/27/93 | 58 FR 30916 |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State

Agency Contact: Sharon A. Jones, Department of Education, Office of Vocational and Adult Education, 400 Maryland Avenue SW., Room 4050, Switzer Building, Washington, DC 20202-7120, 202 205-8237

RIN: 1830-AA11

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office of Intergovernmental and Interagency Affairs (EDSI)

968. U.S. EXCHANGE VISITOR PROGRAM—REQUEST FOR WAIVER OF THE TWO-YEAR FOREIGN RESIDENCE REQUIREMENT

Legal Authority: 8 USC 1182(e); 20 USC 2451 et seq

CFR Citation: 34 CFR 50

Legal Deadline: None

Abstract: These regulations simplify the language and format of provisions establishing procedures, criteria, and

other policies used by the Department of Education in requesting waivers for exchange visitors with respect to areas in which the Department serves as an interested agency.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/01/93 | 58 FR 11924 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jean Pedersen, Internat'l Management & Research Specialist, International and Territorial Services Staff, Department of Education, Office of Intergovernmental and Interagency Affairs, 400 Maryland Avenue SW., Room 3047, FOB-6, Washington, DC 20202-3721, 202 401-0430

RIN: 1860-AA02

DEPARTMENT OF EDUCATION (ED)

Completed Actions

Office of the General Counsel (EDOGC)

969. • STANDARDS OF CONDUCT

Legal Authority: 18 USC 208; EO 12674; 5 CFR 2635.803

CFR Citation: 20 CFR 73

Legal Deadline: None

Abstract: This action is needed to revise existing regulations to conform with new regulations at 5 CFR 2635.803 governing Federal employee conduct.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 06/14/93 | 58 FR 32996 |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Susan A. Winchell, General Attorney, Department of Education, Office of the General Counsel, 400 Maryland Avenue SW., Room 5117, FOB-6, Washington, DC 20202-2152, 202 401-1730

RIN: 1801-AA08

970. EQUAL ACCESS TO JUSTICE

CFR Citation: 34 CFR 021

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 09/07/93 | 58 FR 47192 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Berthiaume, 202 401-3690

RIN: 1801-AA01

971. U.S. EXCHANGE VISITOR PROGRAM—REQUEST FOR WAIVER OF THE TWO-YEAR FOREIGN RESIDENCE REQUIREMENT**Completed:**

| Reason | Date | FR Cite |
|----------------------|----------|---------|
| Transfer Development | 08/24/93 | |

to RIN 1860-AA02

RIN: 1801-AA07

972. PRIVACY ACT REGULATIONS

CFR Citation: 34 CFR 5b

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 08/20/93 | 58 FR 44422 |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Thomas D. Strong, 202 205-8762

RIN: 1801-AA06

[FR Doc. 93-21439 Filed 10-22-93; 8:45 am]

BILLING CODE 4000-01-F

Federal Register

**Monday
October 25, 1993**

Part VII

**Department of
Energy**

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY (DOE)

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

48 CFR Ch. 9

Regulatory Agenda

AGENCY: Department of Energy.

ACTION: October 1993 regulatory agenda.

SUMMARY: The Department of Energy has prepared and today is publishing its October 1993 regulatory agenda pursuant to instructions of the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, dated June 14, 1993.

FOR FURTHER INFORMATION CONTACT: For further information about any particular item on the regulatory agenda, please contact the individual listed under that item. For further information on the regulatory agenda in general, please contact: Theodore ("Ted") Wilson, Room 6B-256, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9507.

SUPPLEMENTARY INFORMATION: Entries appended to this notice reflect the status

of activities as of approximately August 15, 1993. They are divided into categories, first by subagencies and then according to their stage of rulemaking action: Prerule, proposed rulemaking, final rulemaking, or completed action.

Appended entries contain the following information: (1) The organizational unit responsible for the regulation; (2) the Regulation Identifier Number (RIN) assigned by OMB; (3) title; (4) significance (that is, whether the regulation appears in the Regulatory Program prepared under Executive Order 12498 and, if it does not, whether it is nevertheless a priority of the Agency); (5) the name, title, address, and telephone number of a person who is knowledgeable about the regulation; (6) effects on small business (that is, whether the action is likely to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act) and effects on Federal, State, and local governments; (7) citation to the affected portion of the Code of Federal Regulations (CFR); (8) legal authority (that is, a citation to the section of the United States Code (USC), Public Law (PL), or Executive order (EO) that

authorizes the regulatory action); (9) abstract describing the particular regulatory action in progress or under consideration; (10) legal deadline (that is, the statutory or judicial deadline, if any); and (11) timetable (that is, the dates and citations, if applicable, for all past stages and the date for at least the next stage of the rulemaking). The timetable for completed actions (that is, regulations completed or withdrawn and reviews completed since the preceding regulatory agenda) gives the completion date and any related citation.

For each procurement-related regulatory action, additional information is provided on whether there is a statutory requirement for the action and whether there is a paperwork burden associated with the action.

A draft of this regulatory agenda has been transmitted to the Chief Counsel for Advocacy of the U.S. Small Business Administration for comment, if any, pursuant to 5 U.S.C. 602(b).

Issued in Washington, DC, on October 8, 1993.

Robert R. Nordhaus,
General Counsel.

Energy Efficiency and Renewable Energy—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 973 | Energy Efficiency Standards for Central Air Conditioners, Heat Pumps, Furnaces, Refrigerators, Refrigerator-Freezers and Freezers | 1904-AA47 |

Energy Efficiency and Renewable Energy—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 974 | Energy Efficiency Standards for Water Heaters, Pool Heaters, Direct Heating Equipment, Mobile Home Furnaces, Kitchen Ranges & Ovens, Room Air Conditioners, Fluorescent Lamp Ballasts, (cont) | 1904-AA38 |
| 975 | Equivalent Petroleum-Based Fuel Economy Calculation for Electric Vehicles | 1904-AA40 |
| 976 | Test Procedures for Furnaces/Boilers, Vented Home Heating Equipment, and Pool Heaters—Amendment | 1904-AA45 |
| 977 | Test Procedures for Central Air Conditioners and Heat Pumps—Amendments | 1904-AA46 |
| 978 | Test Procedures for Water Heaters, Kitchen Ranges, Ovens and Microwaves, and Clothes Washers—Amendment | 1904-AA52 |
| 979 | Federal Building Energy Standards | 1904-AA53 |
| 980 | Test Procedures for Commercial Air Conditioners and Heat Pumps | 1904-AA57 |
| 981 | Test Procedures for Commercial Furnaces and Boilers | 1904-AA58 |
| 982 | Test Procedures for Storage Water Heaters, Instantaneous Water Heaters, and Unfired Hot Water Storage Tanks | 1904-AA59 |
| 983 | Electric Motor Manufacturer Petition Procedures | 1904-AA60 |
| 984 | Federal Sector Energy Savings Performance Contracting | 1904-AA62 |
| 985 | Measurement of Alternative Fuel Use | 1904-AA63 |
| 986 | Mandate for Alternative Fuel Providers | 1904-AA64 |
| 987 | Renewable Energy Production Incentive | 1904-AA65 |
| 988 | State and Local Alternative Fuels Incentives Programs | 1904-AA66 |

DOE

Energy Efficiency and Renewable Energy—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 989 | Test Procedures for Fluorescent and Incandescent Reflector Lamps | 1904-AA61 |

Defense and Security Affairs—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 990 | Personnel Assurance Program | 1992-AA14 |
| 991 | Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material | 1992-AA15 |

Defense and Security Affairs—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 992 | Personnel Security Assurance Program: Substance Abuse Testing Procedures | 1992-AA13 |
| 993 | Security Skills Training and Qualifications Standards for Protective Force Personnel | 1992-AA16 |
| 994 | Assistance to Foreign Atomic Energy Activities | 1992-AA18 |

Defense and Security Affairs—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 995 | Accelerated Access Authorization Program at Selected DOE Sites | 1992-AA17 |
| 996 | Trespassing on DOE Property | 1992-AA19 |

Departmental and Others—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 997 | Hazardous Substance Response and Emergency Response Worker Training and Contractor Certification Program | 1901-AA44 |
| 998 | Implementation of DOE Science Education Enhancement Act | 1901-AA51 |

Departmental and Others—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 999 | Electric Power System Permits and Reports; Applications; Administrative Procedures and Sanctions | 1901-AA19 |
| 1000 | New Administrative Procedures With Respect to Short-Term Imports and Exports of Natural Gas | 1901-AA25 |
| 1001 | Energy Board of Contract Appeals Rules of Practice | 1901-AA30 |
| 1002 | Rules of Practice To Govern Proceedings To Resolve Certain Disputes Arising Between M&O Contractors and Their Subcontractors | 1901-AA31 |
| 1003 | Freedom of Information | 1901-AA32 |
| 1004 | Renegotiation of Power Sales Contracts | 1901-AA36 |
| 1005 | Preference Policy for Sales of Surplus Firm Power and Surplus Nonfirm Energy Under the Northwest Power Act ... | 1901-AA37 |
| 1006 | Nuclear Safety Management: PHASE II | 1901-AA42 |
| 1007 | Standard Contract for the Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste | 1901-AA49 |
| 1008 | Energy Planning and Management Program | 1901-AA50 |
| 1009 | The Office of Energy Research Financial Assistance Program | 1901-AA54 |
| 1010 | Office of Hearings and Appeals Procedural Regulations | 1901-AA55 |
| 1011 | Epidemiology and Other Health Studies Financial Assistance Program | 1901-AA56 |

DOE

Departmental and Others—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1012 | Procedural Rules for DOE Nuclear Activities | 1901-AA26 |
| 1013 | Nuclear Safety Management | 1901-AA34 |
| 1014 | Radiation Protection of the Public and the Environment | 1901-AA38 |
| 1015 | Occupational Radiation Protection | 1901-AA39 |
| 1016 | Policy To Implement Section 6(c) of the Northwest Power Act | 1901-AA43 |
| 1017 | Uranium Enrichment Decontamination and Decommissioning Fund | 1901-AA52 |
| 1018 | Reimbursement for Costs of Remedial Action at Active Uranium and Thorium Processing Sites | 1901-AA53 |
| 1019 | Annotation of Land Records for Remediated Properties | 1901-AA57 |

Office of Procurement and Assistance Management—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1020 | DEAR: Patent Policy Revisions | 1991-AA23 |
| 1021 | Department of Energy Property Management Regulations: Management of Motor Equipment | 1991-AA28 |
| 1022 | DEAR: Miscellaneous Changes on Acquisition of Motor Equipment | 1991-AA32 |
| 1023 | Resolution of Disputes Between Subcontractors and DOE Management and Operating Contractors | 1991-AA44 |
| 1024 | Technology Transfer: DOE Management and Operating Contractors | 1991-AA63 |
| 1025 | Debarment and Suspension | 1991-AA69 |
| 1026 | Personnel Appendices and Employee Relocation Under Management and Operating Contracts | 1991-AA80 |
| 1027 | Acquisition of Federal Information Resources by Contract | 1991-AA81 |
| 1028 | DEAR: Security Procedures | 1991-AA86 |
| 1029 | DEAR: M&O Work Authorization and Control System | 1991-AA91 |
| 1030 | DEAR: Project Control System | 1991-AA93 |
| 1031 | DEAR: Records | 1991-AA96 |
| 1032 | DEAR: Financial Management Clauses | 1991-AB02 |
| 1033 | Seismic Safety Standards | 1991-AB03 |
| 1034 | DEAR: Updated Coverage | 1991-AB04 |
| 1035 | Prohibition on Contracting with a Company Owned by a Foreign Controlled Entity | 1991-AB06 |

Office of Procurement and Assistance Management—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1036 | DEAR: Environmental, Safety and Health Requirements | 1991-AA53 |
| 1037 | New Restrictions on Lobbying | 1991-AA64 |
| 1038 | DEAR: Major Fraud Act | 1991-AA73 |
| 1039 | Research Opportunity Announcements | 1991-AA82 |
| 1040 | Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments | 1991-AA85 |
| 1041 | Amendment to Workplace Substance Abuse Programs at DOE Sites | 1991-AA90 |
| 1042 | DEAR: Organizational Conflicts of Interest | 1991-AA95 |
| 1043 | DEAR: Amendment to Workplace Substance Abuse Programs at DOE Sites | 1991-AA97 |
| 1044 | DEAR: Interagency Agreements | 1991-AA98 |
| 1045 | DEAR: Comprehensive Updates and Corrections | 1991-AB01 |
| 1046 | DEAR: Recovered/Recycled Materials | 1991-AB05 |

Office of Procurement and Assistance Management—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1047 | DEAR: Miscellaneous Amendments No. 3 | 1991-AA60 |
| 1048 | DEAR: Management and Operating Contractors and Facility Management Directives | 1991-AA67 |
| 1049 | Protective Services and Continuity of Operation | 1991-AA83 |

DOE

Office of Procurement and Assistance Management—Completed Actions (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1050 | DEAR: Miscellaneous Amendments No. 4 | 1991-AA92 |
| 1051 | DEAR: Organizational Conflicts of Interest | 1991-AA99 |

Office of General Counsel—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1052 | Patent Waiver Regulation | 1990-AA02 |
| 1053 | Foreign Gifts and Decorations | 1990-AA04 |
| 1054 | Payment of Travel Expenses of Persons Who Are Not Government Employees | 1990-AA15 |
| 1055 | DOE Patent Licensing Regulations—Amendment | 1990-AA18 |
| 1056 | Conduct of Employees | 1990-AA19 |

Office of General Counsel—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1057 | Production or Disclosure of Material or Information and Provision of Agency Witnesses in Federal and State Proceedings | 1990-AA12 |

DEPARTMENT OF ENERGY (DOE)

Prerule Stage

Energy Efficiency and Renewable Energy (EE)

973. ENERGY EFFICIENCY STANDARDS FOR CENTRAL AIR CONDITIONERS, HEAT PUMPS, FURNACES, REFRIGERATORS, REFRIGERATOR-FREEZERS AND FREEZERS

Significance: Regulatory Program

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Final, Statutory, January 1, 1994.

EPCA requires DOE determinations on need to amend Federal appliance standards in a period from 07/01/89 to 01/01/94. The statute requires completion of a second reanalysis of all (cont)

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes initial energy-efficiency standards levels for most types of major appliances and generally requires DOE to undergo two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be

amended. These products are: refrigerators, refrigerator-freezers, and freezers; room air conditioners; central air conditioners and central air conditioning heat pumps; water heaters; pool heaters; direct heating equipment; furnaces; dishwashers; clothes washers; clothes dryers; kitchen ranges and ovens; and fluorescent lamp ballasts. Other appliances, including television sets, may be regulated by the Department. This rulemaking will review the statutory standards for central air conditioners and furnaces to determine whether those levels need to be amended. This is the second reanalysis of the standard levels for refrigerators, refrigerator-freezers and freezers.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 09/08/93 | 58 FR 47326 |
| ANPRM Comment Period End | 12/07/93 | 58 FR 47326 |
| NPRM | 05/00/94 | |
| Final Action | 08/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional information: LEGAL DEADLINE CONT: then-extant standards in a period from 07/01/94 to 12/31/2006. The EPCA requires a final determination on central air conditioners, heat pumps and furnaces by 01/01/94. The EPCA also requires a final determination in the reanalysis of refrigerators, refrigerator-freezers and freezers by 11/17/94 (5 years after publication of the previous final determination).

Agency Contact: Carl Adams, Director, Appliance Standards Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-7140

RIN: 1904-AA47

DEPARTMENT OF ENERGY (DOE)
Energy Efficiency and Renewable Energy (EE)

Proposed Rule Stage

974. ENERGY EFFICIENCY STANDARDS FOR WATER HEATERS, POOL HEATERS, DIRECT HEATING EQUIPMENT, MOBILE HOME FURNACES, KITCHEN RANGES & OVENS, ROOM AIR CONDITIONERS, FLUORESCENT LAMP BALLASTS, (CONT)
Significance: Regulatory Program**Legal Authority:** 42 USC 6295**CFR Citation:** 10 CFR 430.32**Legal Deadline:** Final, Statutory, January 1, 1992.

EPCA requires DOE determinations on need to amend Federal appliance standards in a period from 7/1/89 to 1/1/94. The statute requires completion of a second reanalysis of all (cont)

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes initial energy-efficiency standard levels for most types of major appliances and generally requires DOE to undergo two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended. These products are: refrigerators, refrigerator-freezers, and freezers; room air conditioners; central air conditioners and central air conditioning heat pumps; water heaters; pool heaters; direct heating equipment; furnaces; dishwashers; clothes washers; clothes dryers; kitchen ranges and ovens; and fluorescent lamp ballasts. Other appliances, including television sets, may be regulated by the Department. This rulemaking will review the statutory standards for water heaters; pool heaters; kitchen ranges and ovens; room air conditioners; direct heating equipment; mobile home furnaces; and fluorescent lamp ballasts to determine whether those levels need to be amended. In addition, television sets will be examined to determine whether conservation standards are justified.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| ANPRM | 09/28/90 | 55 FR 39624 |
| NPRM | 12/00/93 | |
| Final Action | 07/00/95 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Local, State**Additional Information:** TITLE CONT: and Television Sets

LEGAL DEADLINE CONT: then-extant standards in a period from 7/1/94 to 12/31/2006. EPCA requires a Final Rule by May 14 1996, in the second reanalysis of clothes washer standards. Prior to the April 1992 Agenda, clothes washer standards were included in the multi-product review reported in RIN 1904-AA38.

Agency Contact: Carl Adams, Director, Appliance Standards Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-7140

RIN: 1904-AA38
975. EQUIVALENT PETROLEUM-BASED FUEL ECONOMY CALCULATION FOR ELECTRIC VEHICLES

Legal Authority: PL 96-185, Sec 18; PL 94-413, Sec 13(c); PL 94-163, Sec 503(a)(3)

CFR Citation: 10 CFR 474**Legal Deadline:** None

Abstract: The final rule on the inclusion of electric vehicles in the Corporate Average Fuel Economy (CAFE) program was issued by DOE on April 15, 1981. It established a methodology for determining the equivalent petroleum-based fuel economy of electric vehicles so that they could be included in a manufacturer's overall CAFE program. This methodology was based on several factors including the energy efficiency of the vehicle, the efficiency of electricity generation and transmission, the fuels used to generate electricity, and the driving patterns of electric vehicles. This rulemaking would update the factors in this methodology that are necessary for calculating the CAFE credits for electric vehicles.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None

Additional Information: Report comparing Alternative Motor Fuels Act with existing rule completed April 1992. Second report recommending new Petroleum Equivalency Factor for NPRM completed May 1992.

Agency Contact: Rogelio Sullivan, Program Manager, Electric and Hybrid

Propulsion Division, Department of Energy, Energy Efficiency and Renewable Energy, EE-322, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8042

RIN: 1904-AA40
976. TEST PROCEDURES FOR FURNACES/BOILERS, VENTED HOME HEATING EQUIPMENT, AND POOL HEATERS—AMENDMENT
Legal Authority: 42 USC 6293**CFR Citation:** 10 CFR 430**Legal Deadline:** None

Abstract: These revisions to the test procedures for furnaces and boilers, vented home heating equipment and pool heaters in accordance with the Energy Policy and Conservation Act, as amended, would incorporate by reference ASHRAE Standard 103-1988 and would establish a new annual efficiency descriptor. This revision is prompted by the ASHRAE revision of Standard 103-1982 and the need to add annual efficiency as a new descriptor.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** Undetermined

Agency Contact: Carl Adams, Director, Appliance Standards Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-7140

RIN: 1904-AA45
977. TEST PROCEDURES FOR CENTRAL AIR CONDITIONERS AND HEAT PUMPS—AMENDMENTS
Legal Authority: 42 USC 6293**CFR Citation:** 10 CFR 430**Legal Deadline:** None

Abstract: These revisions to the test procedures for central air conditioners and heat pumps in accordance with the Energy Policy and Conservation Act, as amended, will include appliances that perform water heating in addition to air conditioning or heating. This is prompted by the issuance of a Decision and Order granting a waiver to the Carrier Corporation for its Hydrotech 2000 integrated heat pump/water heater

DOE—EE

Proposed Rule Stage

(Waiver CAC-005, 55 FR 13607, April 11, 1990).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Carl Adams, Director, Appliance Standards Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence, Ave. SW., Washington, DC 20585, 202 586-7140

RIN: 1904-AA46

978. TEST PROCEDURES FOR WATER HEATERS, KITCHEN RANGES, OVENS AND MICROWAVES, AND CLOTHES WASHERS—AMENDMENT

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430

Legal Deadline: None

Abstract: In accordance with the Energy Policy and Conservation Act as amended, the test procedures for water heaters, kitchen ranges, ovens, microwaves, and clothes washers are being revised. Rulemaking issues include: with respect to water heater test procedures, inclusion of electric instantaneous water heaters and storage water heaters with less than 20 gallons volume and revision of the first hour rating; with respect to test procedures for kitchen ranges, ovens and microwaves, revision of the constant for annual cooking energy and improvements in measurement of microwave efficiencies; and with respect to clothes washer test procedures, measurements for water usage and water retention.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Carl Adams, Director, Appliance Standards Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., 5E-066, Washington, DC 20585, 202 586-7140

RIN: 1904-AA52

979. FEDERAL BUILDING ENERGY STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 6834, Energy Policy Act of 1992, sec 101(a)(2)

CFR Citation: 10 CFR 435

Legal Deadline: Final, Statutory, October 24, 1994.

Abstract: Title III of the Energy Conservation and Production Act as amended by the Energy Policy Act of 1992 (PL 102-486, October 24, 1992) provides that DOE establish Federal building energy standards that require in new Federal buildings those energy efficiency measures that are technologically feasible and economically justified. The standards for Federal buildings are intended to parallel closely the voluntary building energy codes of the Energy Policy Act for private sector construction. Interim energy performance standards which DOE had issued before enactment of the Energy Policy Act are to remain in effect for the Federal sector until the new Federal building energy standards become effective.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/95 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jean J. Boulin, Project Manager, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave SW., Washington, DC 20585, 301 586-0517

RIN: 1904-AA53

980. • TEST PROCEDURES FOR COMMERCIAL AIR CONDITIONERS AND HEAT PUMPS

Legal Authority: 42 USC 6313; 42 USC 6314

CFR Citation: 10 CFR 430

Legal Deadline: None

Abstract: The test procedures will require manufacturers to use a standardized method to measure the energy efficiency of commercial air conditioners and heat pumps. These measurements will determine whether the product complies with the energy efficiency standards established by PL 102-486 sec 122. The test procedures will also provide the data used in the

EnergyGuide product labeling program. The rulemaking will adopt the energy efficiency standards in PL 102-486 sec 122.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Carl Adams, Director, Appliance Standards Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave SW., 5E-066, Washington, DC 20585, 202 586-7140

RIN: 1904-AA57

981. • TEST PROCEDURES FOR COMMERCIAL FURNACES AND BOILERS

Legal Authority: 42 USC 6313; 42 USC 6314

CFR Citation: 10 CFR 430

Legal Deadline: None

Abstract: The test procedures for commercial furnaces and boilers will require manufacturers to use a standardized method to measure energy efficiency. These measurements will determine whether the product complies with the energy efficiency standards established by PL 102-486 sec 122. The test procedure will also provide the data used in the EnergyGuide product labeling program. The rulemaking will adopt the energy efficiency in PL 102-486 sec 122.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Carl Adams, Director, Appliance Standards Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave SW., 5E-066, Washington, DC 20585, 202 586-7140

RIN: 1904-AA58

DOE—EE

Proposed Rule Stage

982. • TEST PROCEDURES FOR STORAGE WATER HEATERS, INSTANTANEOUS WATER HEATERS, AND UNFIRED HOT WATER STORAGE TANKS**Legal Authority:** 42 USC 6313; 42 USC 6314**CFR Citation:** 10 CFR 430**Legal Deadline:** None

Abstract: This action would adopt the test procedures for storage water heaters, instantaneous water heaters, and unfired hot water storage tanks from the American Society of Heating, Refrigerating and Air-conditioning Engineers. These test procedures will require manufacturers to use a standardized method to measure energy efficiency. These measurements will determine whether the products comply with the energy efficiency standards established by PL 102-486 sec 122. The test procedures will also provide the data used in the EnergyGuide product labeling program. The rulemaking will adopt the energy efficiency in PL 102-486 sec 122.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses**Government Levels Affected:** State

Agency Contact: Carl Adams, Director, Appliance Standards Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave SW., Washington, DC 20585, 202 586-7140

RIN: 1904-AA59**983. • ELECTRIC MOTOR MANUFACTURER PETITION PROCEDURES****Significance:** Regulatory Program**Legal Authority:** 42 USC 6313; 42 USC 6314**CFR Citation:** 10 CFR 430**Legal Deadline:** Final, Statutory, October 24, 1993.

Abstract: The petition procedures for electric motors will provide a standard definition for a high efficiency electric motor. The rulemaking will provide guidance to manufacturers on how to petition DOE for exemption of a particular motor from the efficiency standards.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| Final Action | 05/00/95 | |

Small Entities Affected: Businesses**Government Levels Affected:** State

Agency Contact: Carl Adams, Director, Appliance Standards Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave SW., 5E-066, Washington, DC 20585, 202 586-7140

RIN: 1904-AA60**984. • FEDERAL SECTOR ENERGY SAVINGS PERFORMANCE CONTRACTING****Significance:** Agency Priority**Legal Authority:** 42 USC 8287 Energy Policy Act of 1992, sec 155**CFR Citation:** 10 CFR 436**Legal Deadline:** NPRM, Statutory, April 24, 1993.

Abstract: The methods and procedures for selecting, monitoring, and terminating contracts with energy service contractors are not clearly established. The regulation would establish standard procedures and methods for use by all Federal agencies to acquire energy savings performance contract services. The Energy Policy Act requires development of such methods and procedures by rule. Estimated initial startup cost of implementing regulation is \$500,000. Implemented regulation is estimated to achieve continuous annual savings of over \$1,000,000.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Joan G. Stone, Financing Specialist, EE-44, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-5772

RIN: 1904-AA62**985. • MEASUREMENT OF ALTERNATIVE FUEL USE****Significance:** Regulatory Program**Legal Authority:** 42 USC 13217 Energy Policy Act of 1992, sec 308**CFR Citation:** Not yet determined**Legal Deadline:** Final, Statutory, October 24, 1993.

Abstract: Section 308 of the Energy Policy Act of 1992 requires the Department of Energy (DOE), in consultation with the General Services Administration (GSA), to issue guidelines to Federal agencies to measure the percentage of alternative fuel used in dual-fueled vehicles in their fleets. Although alternative fuel vehicles exist throughout the Federal fleet, current tracking methods for alternative fuel consumption are inadequate. DOE, in consultation with GSA, will develop guidelines directed at measuring alternative fuel use in Federal dual-fuel vehicles.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** Federal

Agency Contact: Jerry Allsup, Director, Office of Alternative Fuels, EE-33, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave SW., Washington, DC 20585, 301 586-9118

RIN: 1904-AA63**986. • MANDATE FOR ALTERNATIVE FUEL PROVIDERS****Significance:** Regulatory Program**Legal Authority:** 42 USC 13251 Energy Policy Act of 1992, sec 501**CFR Citation:** Not yet determined**Legal Deadline:** Final, Statutory, January 1, 1994.

In addition, the statute requires final rules by 10/24/93, for electricity providers who purchase electric vehicles.

Abstract: Section 501 of the Energy Policy Act requires the Department of Energy (DOE) to issue regulations (1) requiring alternative fuel providers to purchase a percentage of alternative fuel vehicles, including an exemption process and (2) requiring that the alternative fuel providers program does

DOE—EE

Proposed Rule Stage

not apply to generators, transmitters, importers, or sellers of electricity until January 1, 1998, if they plan to satisfy program requirements with electric vehicles.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jerry Allsup, Director, Office of Alternative Fuels, EE-33, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave SW., Washington, DC 20585, 202 586-9118

RIN: 1904-AA64

987. • RENEWABLE ENERGY PRODUCTION INCENTIVE

Significance: Regulatory Program

Legal Authority: 42 USC 13317 Energy Policy Act of 1992, sec 1212

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Section 1212 of the Energy Policy Act requires the Department of Energy (DOE) to pay, subject to the availability of appropriations, a production incentive to the owner or operator of a "qualified renewable energy facility" for electric energy generated by the facility.

The need for Federal action was established by the Act. The specific

requirements to receive payments are to be established by DOE. The incentive payments to publicly owned utilities provide a complement to the tax credits available to privately held utilities and electric power generators.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dr. Allan R. Hoffman, Associate Deputy Assistant Secretary, Office of Utility Technologies, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave SW., Washington, DC 20585, 202 586-1786

RIN: 1904-AA65

988. • STATE AND LOCAL ALTERNATIVE FUELS INCENTIVES PROGRAMS

Significance: Regulatory Program

Legal Authority: 42 USC 13235 Energy Policy Act of 1992, sec 409

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, October 24, 1993.

Abstract: Section 409 of the Energy Policy Act requires the Department of Energy (DOE) to issue regulations establishing guidelines for State alternative fuels and alternative fuel vehicles incentives and plans; invite

Governors to submit a plan on introducing alternative fuel vehicles in the State by the year 2000 (one year after regulations are effective); provide a State that has an approved plan with information, technical assistance and financial assistance to implement the plan and purchase alternative fuel vehicles; and annually report to the President and Congress on the operation of State and local alternative fuels incentives programs. The State technical assistance and financial assistance available through section 409 will allow States to implement incentive programs that foster development of an alternative fuel infrastructure, which is necessary to begin placement of alternative fuel vehicles into fleets, and critical to public acceptance of alternative fuel vehicles. Financial assistance distributed under the guidelines will be competitively distributed to the qualifying States.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Jerry Allsup, Director, Office of Alternative Fuels, EE-33, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave SW., Washington, DC 20585, 202 586-9118

RIN: 1904-AA66

DEPARTMENT OF ENERGY (DOE)

Final Rule Stage

Energy Efficiency and Renewable Energy (EE)

989. • TEST PROCEDURES FOR FLUORESCENT AND INCANDESCENT REFLECTOR LAMPS

Legal Authority: 42 USC 6293 Energy Policy Act of 1992, sec 123(d)

CFR Citation: 10 CFR 430

Legal Deadline: None

Abstract: The test procedures will require manufacturers to use an accredited laboratory and a standardized method to measure the

energy efficiency of fluorescent and incandescent reflector lamps and to measure the color rendering index of fluorescent lamps. These measurements will determine whether products comply with the energy efficiency standards established by PL 102-486 sec 123. The rulemaking will adopt the efficiency in PL 102-486 sec 123.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Carl Adams, Director, Appliance Standards Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave SW., 5E-066, Washington, DC 20585, 202 586-7140

RIN: 1904-AA61

DEPARTMENT OF ENERGY (DOE)
Defense and Security Affairs (DSA)

Proposed Rule Stage

990. PERSONNEL ASSURANCE PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 2012 et seq. Atomic Energy Act of 1954

CFR Citation: 10 CFR 711

Legal Deadline: None

Abstract: The Department of Energy (DOE) conducts a Personnel Assurance Program (PAP) under DOE 5610.11 "Program to Prevent Accidental or Unauthorized Nuclear Explosive Detonation." The PAP was created in order to assure the reliability and safety of individuals in certain critical positions and is a part of the DOE nuclear weapons and explosives safety program. To further minimize the potential risks to personnel, public health and safety, and national security, the Department now proposes this rule which describes the PAP and provides for testing for alcohol under certain circumstances and for possible use of illegal drugs by DOE Federal and contractor employees requiring PAP certification or recertification. The DOE employees under the PAP are part of the DOE Drug-Free Workplace Program

(DOE 3792.3). The DOE contractors under the PAP are a part of the Workplace Substance Abuse Programs at DOE Facilities (proposed 10 CFR 707).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Turner or Joel Smith, Defense Programs, Department of Energy, DP-20.1, Washington, DC 20545, 301 903-3463

RIN: 1992-AA14

991. CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER OR SPECIAL NUCLEAR MATERIAL

Legal Authority: 42 USC 2161; 42 USC 2165; 42 USC 2201; EO 10450; EO 10865

CFR Citation: 10 CFR 710, subpart A

Legal Deadline: None

Abstract: The criteria and procedures would be revised to permit: Managers

to render final determinations when an individual processed under part 710 declines the right to a hearing; termination of processing or administrative termination of security clearance when an individual refuses to submit or complete required security forms or be subject to a personnel security interview; and final determinations to be rendered by a delegatee of the Secretary.

This action would also reflect that hearing officer and second tier review functions would be performed by the DOE Office of Hearings and Appeals. In this regard, please see RIN 1901-AA55.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ernest E. Wagner, Office of Intelligence and National Security, Department of Energy, Washington, DC 20545, 301 903-4176

RIN: 1992-AA15

DEPARTMENT OF ENERGY (DOE)
Defense and Security Affairs (DSA)

Final Rule Stage

992. PERSONNEL SECURITY ASSURANCE PROGRAM: SUBSTANCE ABUSE TESTING PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 2161; 42 USC 2165; 42 USC 2201

CFR Citation: 10 CFR 710, subpart B

Legal Deadline: None

Abstract: The Department of Energy (DOE) has established the Personnel Security Assurance Program (PSAP) through the publication of the revision to 10 CFR 710, "Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material." The PSAP was created in order to assure the reliability of individuals in certain positions, defined in Section 710.50(a), and referred to as PSAP positions for purposes of this proposed rule. The Department now proposes to amend this rule to promulgate guidelines for DOE contractors for testing for possible

use of illegal drugs or alcohol by their PSAP-cleared employees. These guidelines will constitute a baseline PSAP substance abuse testing component.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 03/08/91 | 56 FR 10075 |
| NPRM Comment Period End | 04/08/91 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The final amendment to the PSAP Rule is dependent on the publication of 10 CFR 707 and its amendment to provide alcohol testing protocols. When 10 CFR 707 is published in its entirety the PSAP amendment (this rule) will be submitted to OMB.

Agency Contact: Lynn Gebrowsky, Office of Intelligence and National

Security, Department of Energy, Washington, DC 20545, 301 903-3200

RIN: 1992-AA13

993. SECURITY SKILLS TRAINING AND QUALIFICATIONS STANDARDS FOR PROTECTIVE FORCE PERSONNEL

Significance: Agency Priority

Legal Authority: 42 USC 2201k, Atomic Energy Act of 1954, sec 161k; 42 USC 2012(a); 42 USC 2012(e); 42 USC 7254, DOE Organization Act, sec 644

CFR Citation: 10 CFR 1046 (Revision)

Legal Deadline: None

This is a court-ordered action.

Abstract: On February 9, 1988, DOE Order 5632.7 "Protective Forces" was issued which updated the requirements for firearms qualifications for security inspectors at DOE facilities. In an order and judgment entered March 19, 1990, the U.S. District Court of Nevada granted summary judgment and invalidated DOE's order as it applied

DOE—DSA

Final Rule Stage

to contractor personnel, due to the agency's failure to conduct an Administrative Procedure Act notice and comment rulemaking. The regulations would, inter alia, require that each contractor protective force officer have an appropriate access authorization and successfully complete formal basic and annual training in security skills and knowledge. The regulations also would require security inspectors to pass a firearms qualification test. Each security inspector would be required to demonstrate firearms proficiency at least semiannually, as indicated in the DOE requirements of the Standard DOE Qualification Courses, with all weapons reasonably expected to be used by the employee.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/10/91 | 56 FR 21631 |
| NPRM Comment Period End | 07/09/91 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: Public hearings were held in Las Vegas, NV, on June 14, 1991, Argonne, IL, on June 21, 1991, and Oak Ridge, TN, on June 28, 1991.

Agency Contact: William J. Desmond, Office of Intelligence and National Security, Department of Energy, Washington, DC 20545, 301 903-4244
RIN: 1992-AA16

994. ASSISTANCE TO FOREIGN ATOMIC ENERGY ACTIVITIES

Significance: Agency Priority

Legal Authority: 42 USC 2077; 42 USC 2156 to 2158; 42 USC 2201; 42 USC 2273; PL 93-438, sec 104; 41 USC 7101

CFR Citation: 10 CFR 810

Legal Deadline: None

Abstract: Under the existing part 810 regulations, entitled Assistance to Foreign Atomic Energy Activities, assistance by U.S. persons to nuclear power reactor-related activities outside the United States is generally authorized for countries not listed in section 810.8. A main purpose of this revision is to establish a general authorization to enhance the operational safety of existing civilian nuclear power reactors in all countries that are on the section 810.8 list, eliminating the need for specific authorization by the Secretary of Energy for such assistance. In addition, the section 810.8 list of countries is being updated. Deletions from the list include countries that no longer exist and East European countries that were

listed solely for national security reasons that vanished with the disintegration of the Warsaw Pact. Added to the list are certain republics of the former Soviet Union.

The revision of part 810 would: (1) expedite safety-related assistance to civilian nuclear powerplants, particularly (cont)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/11/93 | 58 FR 13427 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: in the former Soviet Union, and support the U.S. Government's efforts to improve the operational safety of nuclear power reactors worldwide; (2) reduce the regulatory burden on U.S. industry by eliminating unnecessary paperwork and time-consuming bureaucratic delays; and (3) enable U.S. firms to compete more effectively against foreign competitors for safety-related nuclear business.

Agency Contact: Zander Hollander, Office of Intelligence and National Security, Department of Energy, Washington, DC 20585, 202 586-2125
RIN: 1992-AA18

DEPARTMENT OF ENERGY (DOE)
 Defense and Security Affairs (DSA)

Completed Actions

995. ACCELERATED ACCESS AUTHORIZATION PROGRAM AT SELECTED DOE SITES

Legal Authority: 42 USC 2165, Atomic Energy Act of 1954, sec 145

CFR Citation: Not applicable

Legal Deadline: None

Abstract: In response to a pressing need for more expeditious processing of access authorization (personnel security clearance) requests, the Department of Energy (DOE) established an Accelerated Access Authorization (AAA) program at the Albuquerque Field Office. DOE has determined that the AAA program was necessary because of the need to secure, on a timely basis, staff expertise to be applied to a variety of urgent environmental and defense issues. The AAA program does not take the place

of the current access authorization clearance process, but allows workers to perform their jobs while the full background investigation is being conducted. The AAA program will be offered to DOE contractor and Federal employees as an option.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lynn Gebrowsky, Office of Intelligence and National Security, Department of Energy, Washington, DC 20545, 301 903-3200
RIN: 1992-AA17

996. TRESPASSING ON DOE PROPERTY

Legal Authority: PL 100-185, Criminal Fine Improvements Act

CFR Citation: 10 CFR 860

Legal Deadline: None

Abstract: This is an amendment to 10 CFR part 860 that reflects changes in Federal criminal statutes increasing fines for certain acts including trespass on DOE property.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 09/14/93 | 58 FR 47984 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: TIMETABLE: This rule is not subject to prior proposal and comment because the

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increase in fines is mandated by Federal statute.

Agency Contact: William Desmond, Office of Intelligence and National

Security, Department of Energy, Washington, DC 20545, 301 903-4244

RIN: 1992-AA19

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Prerule Stage

997. HAZARDOUS SUBSTANCE RESPONSE AND EMERGENCY RESPONSE WORKER TRAINING AND CONTRACTOR CERTIFICATION PROGRAM

Significance: Agency Priority

Legal Authority: PL 102-190, sec 3131

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Public Law 102-190, sec 3131, subsection (b) directs the Department of Energy to assess civil penalties against contractors at DOE nuclear weapons facilities who fail either to provide training to employees engaged in hazardous substance response and emergency response or fail to certify that such workers have been adequately trained. The regulation will provide the procedures for enforcement as provided for in sec 3131.

Timetable: Next Action Undetermined

Small Entitles Affected: Undetermined

Government Levels Affected: Undetermined

Public Compliance Cost: Initial Cost: \$0; Yearly Recurring Cost: \$0; Base Year for Dollar Estimates: 1991

Sectors Affected: All

Agency Contact: David Smith, Industrial Hygienist, Department of Energy, EH-31.1, Washington, DC 20585, 301 903-4669

RIN: 1901-AA44

998. IMPLEMENTATION OF DOE SCIENCE EDUCATION ENHANCEMENT ACT

Legal Authority: PL 101-510, DOE Science Education Enhancement Act; PL 101-514, sec 305

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This is a review to determine what portion of Public Law 101-510 will require a program rule. Public Law 101-510, DOE Science Education Enhancement Act: (1) states that the support for science education is now considered one of DOE's main missions; (2) encourages development and implementation of existing science, mathematics, and engineering education at DOE laboratories; (3) provides for more efficient coordination of DOE education programs between the laboratories and educational institutions; (4) authorizes the Secretary to establish new educational programs; and (5) establishes "partnerships" between the Department, DOE facilities, and educational institutions. The purpose of any program rule and DOE Orders is to set forth the administrative and financial policies and procedures applicable to educational partnerships, personal property partnerships, laboratory cooperative science centers, precollege, undergraduate and educational institutions and related organizations. The potential benefits of

the program include (1) identifying and successfully managing the (cont)

Timetable: Next Action Undetermined

Small Entitles Affected: Governmental Jurisdictions

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Additional Information: ABSTRACT CONT: total DOE-wide educational environment for the future; (2) eliminating duplication of effort in implementing educational programs; (3) better communication flow between DOE, its laboratories, universities, schools, other Federal agencies, and State organizations; (4) providing a better systematic approach to administering and implementing policies as required by Public Law 101-510; (5) evaluating and managing existing and future funding requirements; and (6) recognizing potential educational problems and establishing internal policies and procedures to resolve them.

Agency Contact: Michael L. Wolfe, Program Manager, Office of Education & Technology (ST-51), Department of Energy, 1000 Independence Ave SW., Washington, DC 20585, 202 586-5462

RIN: 1901-AA51

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Proposed Rule Stage

999. ELECTRIC POWER SYSTEM PERMITS AND REPORTS; APPLICATIONS; ADMINISTRATIVE PROCEDURES AND SANCTIONS

Legal Authority: PL 95-91; PL 66-280; EO 12038

CFR Citation: 10 CFR 205

Legal Deadline: None

Abstract: These regulations would streamline the existing procedures for applying to the DOE for Presidential permits and electricity export authorizations, by eliminating the use of FERC "trial-type" procedures and establishing a less adversarial process of decisionmaking. These regulations may also establish that DOE's decisional criterion is only electric

power system reliability and not the economic or commercial viability of projects.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/94 | |

Small Entitles Affected: None

Government Levels Affected: None

DOE—ENDEP

Proposed Rule Stage

Agency Contact: Ellen Russell, Fuels Conversion Analyst, (FE-52), Office of Coal and Electricity, Department of Energy, Room 3F-094, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-9624

RIN: 1901-AA19

1000. NEW ADMINISTRATIVE PROCEDURES WITH RESPECT TO SHORT-TERM IMPORTS AND EXPORTS OF NATURAL GAS

Significance: Agency Priority

Legal Authority: 15 USC 717b; 42 USC 7101 et seq; EO 12009

CFR Citation: 10 CFR 590

Legal Deadline: None

Abstract: The rule would amend the administrative procedure regulations contained in 10 CFR 590, by establishing a new Subpart F to provide alternative, expedited procedures regarding applications to import and export natural gas on a short-term basis. The rule would reduce the regulatory burden on parties wishing to import or export natural gas on a short-term or spot market basis by streamlining our licensing process, thus facilitating the operation of the market.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 05/00/94 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: This regulatory agenda item was previously under RIN: 1903-AA07 under the same title. This item was deleted from the agenda on August 8, 1989.

Agency Contact: Clifford P. Tomaszewski, Director, Office of Natural Gas (FE-50), Office of Fossil Energy, Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-9482

RIN: 1901-AA25

1001. ENERGY BOARD OF CONTRACT APPEALS RULES OF PRACTICE

Legal Authority: 41 USC 601 et seq

CFR Citation: 10 CFR 1023

Legal Deadline: None

Abstract: Update the rules of practice of the Energy Board of Contract

Appeals to provide for Alternative Dispute Resolution (ADR) and for other purposes.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: E. Barclay Van Doren, Chair, Board of Contract Appeals, Department of Energy, 4040 N. Fairfax Drive, Rm 1006, Arlington, VA 22203, 703 235-2700

RIN: 1901-AA30

1002. RULES OF PRACTICE TO GOVERN PROCEEDINGS TO RESOLVE CERTAIN DISPUTES ARISING BETWEEN M&O CONTRACTORS AND THEIR SUBCONTRACTORS

Legal Authority: PL 95-91, title VI, sec 644; PL 83-703, sec 161; 9 USC 1 to 14

CFR Citation: 10 CFR 1023; 48 CFR 970

Legal Deadline: None

Abstract: Procedures are necessary to resolve certain disputes arising between DOE M&O contractors and their subcontractors.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: E. Barclay Van Doren, Chair, Board of Contract Appeals, Department of Energy, 4040 N. Fairfax Drive, Rm. 1006, Arlington, VA 22203, 703 235-2700

RIN: 1901-AA31

1003. FREEDOM OF INFORMATION

Legal Authority: 5 USC 552

CFR Citation: 10 CFR 1004

Legal Deadline: None

Abstract: This rule will revise the DOE regulations on the procedures and principles to be applied in responding to requests for records under the Freedom of Information Act (FOIA) 5 USC 552. Revisions include updated names and addresses of organizational entities, and updated guidelines for the

schedule of fees associated with processing requests. A proposed section on policies would clarify DOE's operation of a first-in, first-out policy in responding to FOIA requests. The issue of when contractor records become agency records also will be resolved in the new rule. The role of the Office of Hearings and Appeals is clarified.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 10/00/93 | 56 FR 55036 |
| NPRM Comment Period End | 11/00/93 | 56 FR 55036 |
| Final Action | 07/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: All

Agency Contact: Denise Diggin, Chief of FOI/PA (AD-621), Office of Administration and Management, Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-6025

RIN: 1901-AA32

1004. RENEGOTIATION OF POWER SALES CONTRACTS

Legal Authority: 16 USC 839(c)

CFR Citation: Not applicable

Legal Deadline: None

Abstract: The Bonneville Power Administration has begun a multi-year process of renegotiation of its Power Sales Contracts. In preparation for that, BPA will from time to time issue notices in the Federal Register which explain to BPA's customers the progress of the renegotiation process.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas Miller, Attorney/OGC, Department of Energy, Bonneville Power Administration, Portland, Oregon 97208-3621, 503 230-4201

RIN: 1901-AA36

DOE—ENDEP

Proposed Rule Stage

1005. PREFERENCE POLICY FOR SALES OF SURPLUS FIRM POWER AND SURPLUS NONFIRM ENERGY UNDER THE NORTHWEST POWER ACT**Legal Authority:** 16 USC 839c(f); 16 USC 837(b)**CFR Citation:** Not applicable**Legal Deadline:** None

Abstract: Section 5(f) of the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act), Pub. L. 96-501, provides that the Bonneville Power Administration (BPA) may sell or otherwise dispose of power which is surplus to the obligations of the Administrator under sections 5(b), (c), and (d) in accordance with that Act and other applicable provisions of the statute. Section 9(c) of the Northwest Power Act and the Act of August 31, 1964, Pub. L. 88-552 (the Northwest Preference Act), provide that the BPA may only sell power outside the Pacific Northwest that is surplus firm power, surplus nonfirm energy, or surplus capacity as defined in those Acts. Surplus firm power, surplus nonfirm energy or surplus capacity is defined as energy or capacity for which there is no market or demand in the Pacific Northwest at rates established for the disposition of such energy or capacity. In February 1990, BPA published for comment a proposal for adoption of policy and procedures for sales of surplus firm power, surplus nonfirm energy, and surplus capacity. To complete its effort to establish a formal policy on the disposal of this power, BPA will issue in the Federal Register a Notice (cont)

Timetable:

| Action | Date | FR Cite |
|--------|----------|------------|
| ANPRM | 02/23/90 | 55 FR 6420 |
| NPRM | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** ABSTRACT CONT: of Response to Comments on Issues to be Addressed in establishing a Preference Policy, as well as a Notice of Draft Policy and a Final Policy.**Agency Contact:** Thomas Miller, Attorney/OGC, Department of Energy, Bonneville Power Administration, Portland, Oregon 97208-3621, 503 230-4201**RIN:** 1901-AA37**1006. NUCLEAR SAFETY MANAGEMENT: PHASE II****Significance:** Regulatory Program**Legal Authority:** 42 USC 2201; 42 USC 7191**CFR Citation:** 10 CFR 830**Legal Deadline:** None

Abstract: This action would make additions to DOE's regulation 10 CFR 830 establishing a body of rules for DOE contractor and subcontractor activities that will form the basic requirement for ensuring nuclear safety at DOE facilities. These requirements stem from DOE's ongoing effort to strengthen the protection of health, safety and the environment from the nuclear radiological and chemical hazards posed by these facilities. Among other matters, the Phase II rules relate to safety concern management; reactor design criteria; seismic and environmental qualifications; fire protection; personnel training; emergency preparedness; safety responsibility; and contractor oversight.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Stephen Stern, Nuclear Safety Policy Division (NE-72), Office of Nuclear Safety Policy & Standards, Department of Energy, 1000 Independence Ave. SW., Washington, DC. 20585, 301 903-2527**RIN:** 1901-AA42**1007. STANDARD CONTRACT FOR THE DISPOSAL OF SPENT NUCLEAR FUEL AND/OR HIGH-LEVEL RADIOACTIVE WASTE****Significance:** Agency Priority**Legal Authority:** 42 USC 10222**CFR Citation:** 10 CFR 961**Legal Deadline:** None

Abstract: On April 18, 1983, DOE published a rule that established the Standard Contract for the Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste (Standard Contract) to be used by DOE in furnishing disposal services to the owners and generators of spent nuclear fuel (SNF) and/or high-level radioactive waste (HLW) (48 FR 16590). The Standard

Contract represents the sole contractual mechanism for DOE acceptance and disposal of SNF. The Standard Contract establishes the requirements and operational responsibilities of DOE and the owners and generators of SNF regarding administrative matters, fees, terms of payment, waste acceptance criteria and waste acceptance procedures. Since 1987, DOE has worked cooperatively with representatives of the owners and generators on many of the issues that must be resolved in order to implement the terms and conditions of the Standard Contract. This rulemaking concerns changes and additions to the Standard Contract to address the first set of these issues. These changes and additions will provide sufficient detail and guidance to enable both the DOE and the owners and generators to carry out their respective contractual (cont)

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Additional Information:** ABSTRACT CONT: responsibilities and plan for the orderly transfer of SNF to the civilian radioactive waste management system.**Agency Contact:** Nancy H. Slater, Industrial Specialist (Nuclear), Department of Energy, Logistics and Utility Interface Branch (RW-432) Office of Civilian Radioactive Waste Management, Wash. DC 20585, 202 586-8320**RIN:** 1901-AA49**1008. ENERGY PLANNING AND MANAGEMENT PROGRAM****Significance:** Agency Priority**Legal Authority:** PL 102-486, sec 114 Energy Policy Act of 1992**CFR Citation:** Not yet determined**Legal Deadline:** Final, Statutory, October 24, 1993.

Section 114 of PL 102-486 requires final regulations to be adopted by 10/24/93.

Abstract: Section 114 of PL 102-486 requires the Administrator of Western Area Power Administration (Western) to revise existing guidelines. New regulations, to be in place by 10/24/93, require each customer purchasing energy under a long-term firm power

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service contract with Western to implement integrated resource planning (IRP) by 10/24/95. Western's proposed rule does not consider alternatives to IRP, due to statutory mandate, although alternatives are being evaluated in the draft EIS. As part of the same rulemaking, where permitted by law Western proposes to extend a major portion of long-term firm power sold to existing customers pursuant to contracts expiring over the next several years. Extensions of resource commitments will provide long-term resource stability necessary for effective IRP. Western is evaluating alternative lengths of contract extensions and amounts of resource commitments in the draft EIS, as well as a no-action alternative of using existing marketing criteria allocation processes for contract and resource extensions. Costs of compliance with these rules may be considerable, but utilities that have developed IRP have found the resulting (cont)

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 12/06/93 | |
| NPRM Comment Period End | 01/20/94 | |
| Final Action | 05/06/94 | |
| Final Action Effective | 07/05/94 | |

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: \$270,000; Yearly Recurring Cost: \$50,000; Base Year for Dollar Estimates: 1991

Sectors Affected: 491 Electric Services

Analysis: Draft EIS 02/24/93; Final EIS 09/24/93

Additional Information: ABSTRACT CONT: benefits outweigh the expense.

Agency Contact: Robert C. Fullerton, Director, Division of Marketing & Rates, Department of Energy, 1627 Cole

Boulevard, P.O. Box 3402, Golden, CO 80401-3398, 303 231-1679
RIN: 1901-AA50

1009. • THE OFFICE OF ENERGY RESEARCH FINANCIAL ASSISTANCE PROGRAM

Legal Authority: 42 USC 2051; 42 USC 5817; 42 USC 5901 et seq; 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 605

Legal Deadline: None

Abstract: Action to be taken will improve grants administration by providing a more streamlined and uniform approach to post-award requirements, yet maintain stewardship and accountability responsibilities.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert A. Zich, Director, Acquisition and Assistance, Management Division, Department of Energy, Office of Energy Research, ER-64, 1000 Independence Avenue SW., Washington, DC 20585, 301 903-5544

RIN: 1901-AA54

1010. • OFFICE OF HEARINGS AND APPEALS PROCEDURAL REGULATIONS

Legal Authority: 42 USC 7101 et seq; 15 USC 761 et seq

CFR Citation: 10 CFR 1003; 10 CFR 205

Legal Deadline: None

Abstract: Codify procedural regulations of Office of Hearings and Appeals in Chapter X of Title 10, which contains general provisions of DOE regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, 202 586-2094

RIN: 1901-AA55

1011. • EPIDEMIOLOGY AND OTHER HEALTH STUDIES FINANCIAL ASSISTANCE PROGRAM

Legal Authority: 42 USC 2051

CFR Citation: 10 CFR 602

Legal Deadline: None

Abstract: The rule will support the Office of Environment, Safety and Health's use of financial assistance awards to promote vital program missions, including protecting the health of workers at Department of Energy sites, as well as other individuals potentially affected by energy production, transmission, or use. The rule procedures also will facilitate an open and competitive process for obtaining financial assistance awards.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. LeFurgy, Management Analyst, EH-422, Department of Energy, Office of Environment, Safety and Health, 1000 Independence Ave SW., Washington, DC 20585, 301 903-6740

RIN: 1901-AA56

DEPARTMENT OF ENERGY (DOE)
 Departmental and Others (ENDEP)

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1012. PROCEDURAL RULES FOR DOE NUCLEAR ACTIVITIES

Significance: Regulatory Program

Legal Authority: PL 100-408; 42 USC 2201; 42 USC 7191; 42 USC 2282a; 42 USC 2273(c)

CFR Citation: 10 CFR 820

Legal Deadline: None

Abstract: The Price-Anderson Amendments Act (PAAA) of 1988 contains provisions subjecting DOE contractors (and subcontractors and

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suppliers thereto) who are indemnified under the PAAA, to penalties for violations of nuclear safety rules, regulations, or orders issued by the Department. The Secretary has authority to compromise, modify, or remit penalties and to prescribe regulations as necessary. The Secretary is required to determine by rule whether nonprofit educational institutions should receive automatic remission of civil penalties. The penalty provisions of the PAAA are directed toward assuring compliance with DOE nuclear safety requirements through the use of monetary penalties. These regulations implement the penalty provisions of the Act and will include, as an appendix, a General Statement of Enforcement Policy.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Notice of Inquiry | 09/21/89 | 54 FR 38865 |
| NPRM | 12/09/91 | 56 FR 64290 |
| Public Hearing | 01/09/92 | 57 FR 855 |
| NPRM Comment | 03/25/92 | 57 FR 855 |
| Period End | | |
| Notice of Clarification—Clarify Definition of DOE Nuclear Safety Requirements | 05/15/92 | 57 FR 20796 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Richard L. Black, Director, Enforcement Division (NS-30), Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, 301 427-1692

RIN: 1901-AA26

1013. NUCLEAR SAFETY MANAGEMENT

Significance: Regulatory Program

Legal Authority: 42 USC 2201; 42 USC 7191

CFR Citation: 10 CFR 830

Legal Deadline: None

Abstract: The Department of Energy (DOE) proposes the addition of a new part to its regulations establishing a body of rules for DOE contractor and subcontractor activities that will form the basic requirements for ensuring nuclear safety at DOE facilities. These requirements stem from the Department's ongoing effort to strengthen the protection of health, safety, and the environment from the

nuclear, radiological, and chemical hazards posed by these DOE facilities. The requirements relate to (1) Safety Analysis Reports, (2) Unreviewed Safety Questions, (3) Quality Assurance, (4) Defect Identification, (5) Conduct of Operations, (6) Technical Safety Requirements, (7) Training, (8) Maintenance Management, and (9) Reporting Operational Occurrences.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/09/91 | 56 FR 64316 |
| NPRM Comment | 03/25/92 | 57 FR 855 |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen Stern, Nuclear Safety Policy Division, (NE-72), Office of Nuclear Safety Policy & Standards, Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, 301 903-2527

RIN: 1901-AA34

1014. RADIATION PROTECTION OF THE PUBLIC AND THE ENVIRONMENT

Significance: Regulatory Program

Legal Authority: 42 USC 2201; 42 USC 7191

CFR Citation: 10 CFR 834

Legal Deadline: None

Abstract: The Department of Energy (DOE) proposes the addition of a new part to its regulations establishing a body of rules for DOE contractor and subcontractor activities that will form the basic requirements for ensuring radiation protection of the public and environment at DOE facilities. These requirements stem from the Department's ongoing effort to strengthen the protection of health, safety, and the environment from the nuclear, radiological, and chemical hazards posed by these DOE facilities. The new part provides radiation protection requirements for the public and environment for DOE and DOE contractor operations. Major elements of the regulation include a dose limitation system for protection of the public; requirements for liquid discharges; reporting and monitoring requirements; and residual radioactive material requirements.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/25/93 | 58 FR 16268 |
| NPRM Comment | 06/22/93 | 58 FR 16268 |
| Period End | | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Andrew Wallo, III, Director, Air, Water and Radiation Div. (EH-232), Office of Environmental Guidance, Department of Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, 202 586-4996

RIN: 1901-AA38

1015. OCCUPATIONAL RADIATION PROTECTION

Significance: Regulatory Program

Legal Authority: 42 USC 2201; 42 USC 7191

CFR Citation: 10 CFR 835

Legal Deadline: None

Abstract: The Department of Energy (DOE) proposes the addition of a new part to its regulations establishing a body of rules for DOE contractor and subcontractor activities that will form the basic requirements for ensuring radiation protection of the occupational worker at DOE facilities. These requirements stem from the Department's ongoing effort to strengthen the protection of health and safety from the nuclear and radiological hazards posed by these DOE facilities. The new part provides radiation protection requirements for the occupational workers for DOE and DOE contractor operations. Major elements of the regulation include increased emphasis on as low as reasonably achievable (ALARA) exposure limits for the protection of workers and requirements for a written Radiation Protection Program.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/09/91 | 56 FR 64344 |
| NPRM Comment | 03/25/92 | 57 FR 855 |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: R. Thomas Bell or Joel Rabovsky, Health Physicist (EH-411), Health Physics Programs Division,

DOE—ENDEP

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Department of Energy, 19901
Germantown Rd., Germantown, MD.
20874, 301 903-3889
RIN: 1901-AA39

1016. POLICY TO IMPLEMENT SECTION 6(C) OF THE NORTHWEST POWER ACT

Legal Authority: 16 USC 839d, Northwest Power Act, sec 6(c)

CFR Citation: Not applicable

Legal Deadline: None

Abstract: Under section 6(c) of the Northwest Power Act, Bonneville must hold a hearing on proposals to (1) acquire a major resource, (2) implement a conservation measure that is equivalent to a major resource, (3) pay or reimburse preconstruction and investigation costs to major resource sponsors, or (4) grant billing credits. As part of the hearing, the Administrator must determine whether the proposed actions are consistent with the Northwest Power and Conservation Planning Council's plan. Bonneville and the Council recently concluded a 5-year review of their respective 6(c) Policies, which establish the basis for holding a 6(c) hearing and the procedures governing the hearings. The scope of the policies was expanded to cover paying or reimbursing preconstruction and investigation expenses to sponsors of major resources, and providing billing credits or services involving a major resource. Bonneville also included a provision for expedited 6(c) hearing procedures under certain conditions.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/20/92 | 57 FR 37792 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phyllis Evans, Public Utilities Specialist (APG), Department of Energy, P.O. Box 3621, Portland, OR 97208, 503 230-5341

RIN: 1901-AA43

1017. • URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

Significance: Regulatory Program

Legal Authority: PL 102-486, sec 1101

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Under section 1101 of the Energy Policy Act of 1992, a fund for the decontamination and decommissioning (D&D) of uranium enrichment facilities is to be established in the Treasury of the United States. The Energy Policy Act requires deposits into the D&D fund of \$480 million a year. To support the D&D fund, DOE is required to collect from domestic utilities an amount not to exceed \$150 million annually (as adjusted for inflation); the remainder of annual deposits to the D&D fund is to be provided through Congressional appropriations. The annual collection of a "special assessment" from domestic utilities is to continue for a period of 15 years, or until the fund accumulates \$2.25 billion.

The fund is to be used to support (1) the D&D of DOE's uranium enrichment facilities and (2) the reimbursement of owners of active uranium and thorium processing sites for a portion of their mine-tailing remediation costs attributable to the production and sale of uranium or thorium to the Federal Government.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 08/02/93 | 58 FR 41164 |
| Interim Final Rule for FY 1993 Special Assessment | 08/02/93 | 58 FR 41160 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: DOE is developing procedures for collecting the special assessment from utilities in two phases: (1) the calculation methodology and collection of special assessments from utilities in fiscal year 1993 were addressed in an interim final rule, published on August 2, 1993; and (2) contributions to be made after fiscal year 1993 were addressed in a proposed rule, also published on August 2, 1993.

Agency Contact: Ross Bradley, Environmental Management Coordinator, Office of Eastern Area Programs (EM-42), Department of Energy, Trevion II Bldg., Washington, DC 20585-0002, 301 903-7646

RIN: 1901-AA52

1018. • REIMBURSEMENT FOR COSTS OF REMEDIAL ACTION AT ACTIVE URANIUM AND THORIUM PROCESSING SITES

Significance: Regulatory Program

Legal Authority: PL 102-486, sec 1001 to 1004

CFR Citation: 10 CFR 765

Legal Deadline: Final, Statutory, April 22, 1993.

PL 102-486, sec. 1002, requires DOE to "issue regulations 180 days after enactment."

Abstract: DOE is required to annually reimburse active uranium and thorium licensees up to \$5.50 per ton of remediated by-product material generated as an incident of uranium or thorium sales to the United States Government. Total reimbursement to all licensees is limited to \$310 million. DOE is required to issue regulations governing the reimbursement process. The rule establishes procedures for: (1) The determination of eligible licensees, by-product material quantities, and reimbursable costs; (2) claim submittal, review, and verification; (3) inflation adjustment; and (4) dispute resolution.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/09/93 | 58 FR 42450 |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David E. Mathes, Director, Division of Off-Site Remediation, Office of Southwestern Area Programs (EM-45), Department of Energy, Trevion II Bldg, Washington, DC 20585-0002, 301 903-7220

RIN: 1901-AA53

1019. • ANNOTATION OF LAND RECORDS FOR REMEDIATED PROPERTIES

Significance: Regulatory Program

Legal Authority: PL 95-604, sec 104(d)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Under section 104(d) of the Uranium Mill Tailings Radiation Control Act of 1978, the Department of Energy (DOE) is required to issue appropriate rules and regulations concerning the annotation of land records of designated inactive uranium

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mill sites and vicinity properties included for remedial action under the Act. The annotation is to be conducted by States and is intended to ensure that future purchasers of remediated inactive uranium mill sites and vicinity properties will be notified, prior to such purchase, of the condition of the land.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/14/89 | 54 FR 29732 |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** State, Federal

Agency Contact: Jacob W. Gatrell, Director, Off-Site Program Division (EM-451), Office of Envir. Rest. & Waste Management, Department of Energy, Trevion II Bldg, GTN, Washington, DC 20585, 301 903-7221

RIN: 1901-AA57

DEPARTMENT OF ENERGY (DOE)

Proposed Rule Stage

Office of Procurement and Assistance Management (PR)

1020. DEAR: PATENT POLICY REVISIONS

Legal Authority: 41 USC 401 et seq, The Office of Federal Procurement Policy Act; 42 USC 7101 et seq, The Department of Energy Organization Act; EO 12352 Procurement Reforms

CFR Citation: 48 CFR 927; 48 CFR 970**Legal Deadline:** None

Abstract: The Department of Energy Acquisition Regulation (DEAR), promulgated March 29, 1984, at 49 FR 11922, supplements and implements the Federal Acquisition Regulation. A more recent Federal Acquisition Circular was issued to establish a FAR part 27 concerning patents. It will be necessary to revise part 927 of the DEAR to supplement and implement the FAR and to explain how DOE patent policy will differ due to our statutory requirements.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/30/93 | |
| NPRM Comment Period End | 11/30/93 | |
| Final Action | 03/01/94 | |
| Final Action Effective | 04/01/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8264

RIN: 1991-AA23

1021. DEPARTMENT OF ENERGY PROPERTY MANAGEMENT REGULATIONS: MANAGEMENT OF MOTOR EQUIPMENT

Legal Authority: 42 USC 7254**CFR Citation:** 41 CFR 109**Legal Deadline:** None

Abstract: Updates the Property Management Regulations regarding management of motor equipment, including motor vehicles, aircraft, and watercraft.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 05/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Robert Wilson, Supply Management Representative, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8260

RIN: 1991-AA28

1022. DEAR: MISCELLANEOUS CHANGES ON ACQUISITION OF MOTOR EQUIPMENT

Legal Authority: 42 USC 7254**CFR Citation:** 48 CFR 908; 48 CFR 970; 48 CFR 945**Legal Deadline:** None

Abstract: To provide additional, and to revise current, policy guidance in the Department of Energy Acquisition Regulation (DEAR) on the acquisition of personal property in the areas of motor equipment management including motor vehicles and aircraft.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 05/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert Wilson, Supply Management Representative, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8260

RIN: 1991-AA32

1023. RESOLUTION OF DISPUTES BETWEEN SUBCONTRACTORS AND DOE MANAGEMENT AND OPERATING CONTRACTORS

Legal Authority: 42 USC 7254; 40 USC 486(c)**CFR Citation:** 48 CFR 970**Legal Deadline:** None

Abstract: Establishes a system, by regulation, to allow subcontractors under DOE Management and Operating contracts access in certain circumstances to the Energy Board of Contract Appeals in resolution of disputes with the contractor. Also clarifies that DOE Contracting Officers lack authority to designate Management and Operating contractors as purchasing agents for DOE absent special authorization.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 01/14/94 | |
| Final Action | 04/29/94 | |
| Final Action Effective | 06/01/94 | |

Small Entities Affected: None**Government Levels Affected:** None

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Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8264

RIN: 1991-AA44

1024. TECHNOLOGY TRANSFER: DOE MANAGEMENT AND OPERATING CONTRACTORS

Legal Authority: PL 101-189, sec 3133; 42 USC 7256(a)

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: Public Law 101-189 amended the Stevenson-Wydler Technology Innovation Act to include DOE management and operating laboratories. Consistent with DOE's Technology Transfer mission, DOE will also authorize the conduct of certain technology transfer activities at its non-laboratory facilities operated by M&O contractors. DOE will need to amend DEAR 970 to standardize the implementation of its technology transfer program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Howard K. Mitchell, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8190

RIN: 1991-AA63

1025. DEBARMENT AND SUSPENSION

Legal Authority: EO 12689

CFR Citation: 10 CFR 1035; 10 CFR 1036

Legal Deadline: None

Abstract: This conforms procurement debarment procedures and nonprocurement debarment procedures to have reciprocal governmentwide effect.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Janet Smith, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585, 202 586-9074

RIN: 1991-AA69

1026. PERSONNEL APPENDICES AND EMPLOYEE RELOCATION UNDER MANAGEMENT AND OPERATING CONTRACTS

Significance: Agency Priority

Legal Authority: 42 USC 7254

CFR Citation: 48 CFR 970 to 3101; 48 CFR 970 to 3102

Legal Deadline: None

Abstract: The rulemaking will (1) establish one basic method -- the personnel appendix -- for recording advance understandings on personnel costs, (2) clarify that only those personnel policies and associated costs which are set forth in the personnel appendix are reimbursable under the contract, (3) make allowable contractors dependent care programs which meet DOE criteria and the contractor's workforce needs, (4) allow reimbursement to contractor employees for tax liabilities incurred as a result of relocating at DOE direction, and (5) clarify provisions on allowable contractor pension costs and describe the Department's contractor pension funding policy. The rule will enhance control over contractor personnel relocation costs.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Eric Tolmach, Director, Program Analysis & Evaluation Division, Office of Contractor Human Resource Mgmt., Department of Energy, Office of Procurement and Assistance Management, Room 4H-023, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-9032

RIN: 1991-AA80

1027. ACQUISITION OF FEDERAL INFORMATION RESOURCES BY CONTRACT

Legal Authority: 40 USC 486(c); 42 USC 7101

CFR Citation: 48 CFR 939; 48 CFR 970.39

Legal Deadline: None

Abstract: Provides procedures governing acquisition of Federal information processing resources by contract.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: E. Simpson, Policy Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., PR-121, Washington, DC 20585, 202 586-8247

RIN: 1991-AA81

1028. DEAR: SECURITY PROCEDURES

Legal Authority: 42 USC 7254

CFR Citation: 48 CFR 904; 48 CFR 952

Legal Deadline: None

Abstract: Revise security procedures regarding foreign ownership, control and influence to clarify requirements and simplify approval process.

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Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/30/93 | |

Small Entities Affected: Undetermined
Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Robert Webb, Procurement Analyst (PR-121), Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8247

RIN: 1991-AA86

1029. DEAR: M&O WORK AUTHORIZATION AND CONTROL SYSTEM

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 970.10; 48 CFR 970.52

Legal Deadline: None

Abstract: Amend the DEAR to require management and operating contracts to utilize an improved contract work authorization and control system.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/15/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard B. Langston, Procurement Analyst (PR-121), Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8247

RIN: 1991-AA91

1030. DEAR: PROJECT CONTROL SYSTEM

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 952.212-73; 48 CFR 970

Legal Deadline: None

Abstract: Amend the Department of Energy Acquisition Regulation (DEAR) to require selected contractors performing project work to have project control system in place which meets the requirements set forth in DOE Notice 4700.5, Project Control System Guidelines.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/31/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Kevin M. Smith, Procurement Analyst, PR-121, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8189

RIN: 1991-AA93

1031. DEAR: RECORDS

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: This amendment would allow ownership of certain records to vest in DOE management and operating contractors, even though produced at Government expense provided the contract contains terms ensuring the Government's right to audit, use, and copy such records.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/15/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard B. Langston, Procurement Analyst (PR-121), Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave.

SW., Washington, DC 20585, 202 586-8247

RIN: 1991-AA96

1032. DEAR: FINANCIAL MANAGEMENT CLAUSES

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: The existing regulation will be revised to provide uniform guidance to management and operating contractors on required financial management contract clauses.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Michael L. Righi, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, PR-122, 1000 Independence Avenue SW., Washington, DC 20585, 202 586-8175

RIN: 1991-AB02

1033. SEISMIC SAFETY STANDARDS

Legal Authority: 42 USC 7254; 42 USC 7256; EO 12699

CFR Citation: 10 CFR 600

Legal Deadline: None

Abstract: This proposed rulemaking brings the Financial Assistance Rules into compliance with Executive Order 12699 of January 5, 1990, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Procurement: This is a procurement-related action for which there is no

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statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Edward Sharp, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585, 202 586-8192

RIN: 1991-AB03

1034. • DEAR: UPDATED COVERAGE

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 904; 48 CFR 917; 48 CFR 936; 48 CFR 943; 48 CFR 952; 48 CFR 970

Legal Deadline: None

Abstract: The existing regulation will be updated to delete obsolete coverage and to clarify existing guidance.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

Agency Contact: Kevin M. Smith, Procurement Analyst, PR-121, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585, 202 586-8189

RIN: 1991-AB04

1035. • PROHIBITION ON CONTRACTING WITH A COMPANY OWNED BY A FOREIGN CONTROLLED ENTITY

Legal Authority: PL 102-484 DOD Authorization Act, 1993

CFR Citation: 48 CFR 904; 48 CFR 925; 48 CFR 952; 48 CFR 970

Legal Deadline: None

Abstract: To prevent defense-critical technologies access by firms owned by foreign controlled entities.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard Langston, Procurement Analyst, PR-121, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave SW., Washington, DC 20585, 202 586-8247

RIN: 1991-AB06

DEPARTMENT OF ENERGY (DOE)

Final Rule Stage

Office of Procurement and Assistance Management (PR)

1036. DEAR: ENVIRONMENTAL, SAFETY AND HEALTH REQUIREMENTS

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 916; 48 CFR 970

Legal Deadline: None

Abstract: The Department of Energy is proposing to amend the Department of Energy Acquisition Regulation to clarify and emphasize environmental protection, safety, and health requirements for contractors.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/28/91 | 56 FR 42584 |
| NPRM Comment Period End | 09/27/91 | 56 FR 42584 |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: P. Devers Weaver, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8250

RIN: 1991-AA53

1037. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: PL 101-121, sec 319

CFR Citation: 10 CFR 1036

Legal Deadline: None

Abstract: The Department will join 28 other Executive agencies in issuing a final common rule for the purpose of implementing new statutory prohibitions and disclosure requirements with regard to certain influencing activities.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| OMB Interim Final Guidance | 12/20/89 | 54 FR 52306 |
| Interim Final Rule | 02/26/90 | 55 FR 6736 |

Action

| Date | FR Cite |
|----------------------|----------------------|
| Further OMB Guidance | 06/15/90 55 FR 24540 |
| Further OMB Guidance | 01/15/92 57 FR 1772 |
| Next Action | Undetermined |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Howard K. Mitchell, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8190

RIN: 1991-AA64

1038. DEAR: MAJOR FRAUD ACT

Legal Authority: 41 USC 2201; 42 USC 7254; PL 100-700, Major Fraud Act of 1988

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: To implement the Major Fraud Act of 1988 with regard to the allowability of a Management and Operating contractor's costs incurred in

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connection with a criminal, civil or administrative proceeding and to otherwise limit DOE reimbursements of such costs.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/13/93 | 58 FR 4141 |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected:

Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Gwendolyn S. Cowan, Director, Business and Financial Policy Division, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8159

RIN: 1991-AA73

1039. RESEARCH OPPORTUNITY ANNOUNCEMENTS

Legal Authority: 42 USC 7101

CFR Citation: 48 CFR 935

Legal Deadline: None

Abstract: To refine the research opportunity announcement process of soliciting and awarding research projects based upon lessons learned during the first annual review and award cycle.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/06/91 | 56 FR 56621 |
| NPRM Comment | 12/06/91 | 56 FR 56621 |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: E. Simpson, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, PR-121, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8247

RIN: 1991-AA82

1040. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: 42 USC 7254; 42 USC 7256

CFR Citation: 10 CFR 600, subpart E

Legal Deadline: None

Abstract: This rulemaking modifies the governmentwide Common Rule pertaining to administrative requirements for grants and cooperative agreements to States, local governments and Indian tribes. The rule was first published in 1988 and this revision updates some provisions of the rule and changes others to address issues that have been raised.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Edward Sharp, Procurement Analyst (PR-122), Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8192

RIN: 1991-AA85

1041. AMENDMENT TO WORKPLACE SUBSTANCE ABUSE PROGRAMS AT DOE SITES

Significance: Agency Priority

Legal Authority: 42 USC 2012 et seq Atomic Energy Act of 1954

CFR Citation: 10 CFR 707

Legal Deadline: None

Abstract: This action will amend the Department's rule governing the use of illegal drugs at DOE sites to ensure that substance abuse programs include provisions that also address misuse and abuse of alcohol. DOE expects to mitigate the potential for harm to the environment and to the public health and safety at DOE sites by contractor employees and other individuals performing health or safety sensitive

functions. Cost incurred will affect primarily cost reimbursement type contracts for managing, operating, constructing, and servicing DOE facilities and certain other on-site contractors and subcontractors.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/22/92 | 57 FR 32664 |
| NPRM Comment | 09/21/92 | 57 FR 32664 |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Juanita E. Smith, Director, Special Assistant for Substance Abuse PR-151, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-9033

RIN: 1991-AA90

1042. DEAR: ORGANIZATIONAL CONFLICTS OF INTEREST

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 909.57

Legal Deadline: None

Abstract: Regulation is to clarify certain aspects of existing regulations covering organizational conflicts of interest in the award of contracts and subcontracts.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 08/02/93 | |
| NPRM Comment | 09/01/93 | |
| Period End | | |
| Final Action | 11/30/93 | |
| Final Action Effective | 12/31/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000

DOE—PR

Final Rule Stage

Independence Avenue SW.,
Washington, DC 20585, 202 586-8264
RIN: 1991-AA95

1043. DEAR: AMENDMENT TO WORKPLACE SUBSTANCE ABUSE PROGRAMS AT DOE SITES

Significance: Agency Priority

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 923.5; 48 CFR 970.2305

Legal Deadline: None

Abstract: To implement revised requirements of 10 CFR 707 concerning alcohol abuse in contracts subject to DOE's Workplace Substance Abuse Programs. This rule would conform the Department of Energy Acquisition Regulation to 10 CFR 707 in this respect. See RIN 1991-AA90.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Edward Simpson, Procurement Analyst, Office of Policy, Department of Energy, Office of Procurement and Assistance Management, Washington, DC 20585, 202 586-8246

RIN: 1991-AA97

1044. DEAR: INTERAGENCY AGREEMENTS

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 917.5

Legal Deadline: None

Abstract: The existing regulation is to be amended to add guidance regarding Interagency Agreements. It will add definitions, define responsibilities and discuss funding methods for funds-out interagency agreements.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/09/93 | 58 FR 36918 |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard Langston, Procurement Analyst (PR-121), Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave, Washington, DC 20585, 202 586-8247

RIN: 1991-AA98

1045. • DEAR: COMPREHENSIVE UPDATES AND CORRECTIONS

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 9

Legal Deadline: None

Abstract: New CFR edition of the Department of Energy Acquisition Regulation in order to make comprehensive updates and corrections.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard Langston, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, PR-121, 1000 Independence Avenue SW., Washington, DC 20585, 202 586-8247

RIN: 1991-AB01

1046. • DEAR: RECOVERED/RECYCLED MATERIALS

Legal Authority: 42 USC 7254; 42 USC 486(c); 42 USC 6962

CFR Citation: 48 CFR 923; 48 CFR 970

Legal Deadline: None

Abstract: This rule is to amend the Department of Energy Acquisition Regulation to provide for the use of products that contain recovered/recycled materials.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |
| Final Action | 04/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: P. Devers Weaver, Procurement Policy Division, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave SW., Washington, DC 20585, 202 586-8250

RIN: 1991-AB05

DEPARTMENT OF ENERGY (DOE)

Office of Procurement and Assistance Management (PR)

Completed Actions

1047. DEAR: MISCELLANEOUS AMENDMENTS NO. 3

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 915; 48 CFR 933; 48 CFR 942; 48 CFR 952; 48 CFR 970; 48 CFR 905

Legal Deadline: None

Abstract: Miscellaneous Amendments - These amendments will perform housekeeping duties such as updating references, correcting editorial errors, and clarifying language. The final rule does not require prior notice and

comment because none of the amendments raises a substantive issue.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/09/93 | 58 FR 32306 |
| Final Action Effective | 07/09/93 | |

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Completed Actions

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Kevin M. Smith, Procurement Analyst (PR-121), Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8189

RIN: 1991-AA60

1048. DEAR: MANAGEMENT AND OPERATING CONTRACTORS AND FACILITY MANAGEMENT DIRECTIVES

Legal Authority: 42 USC 7254 et seq

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: The purpose of this action is to specify that DOE management and operating contractors will comply with applicable DOE directives when performing facility management duties.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/03/91 | 56 FR 43576 |
| NPRM Comment Period End | 10/03/91 | 56 FR 43576 |
| Withdrawn | 06/30/93 | 58 FR 34924 |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard B. Langston, Procurement Analyst, Department of

Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8247

RIN: 1991-AA67

1049. PROTECTIVE SERVICES AND CONTINUITY OF OPERATION

Legal Authority: 41 USC 401; 42 USC 7101

CFR Citation: 48 CFR 937.70

Legal Deadline: None

Abstract: Require labor and management to seek means other than strike or lockout to assure continuity of facility operation under contracts for protective services.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/12/91 | 56 FR 38096 |
| NPRM Comment Period End | 09/11/91 | 56 FR 38096 |
| Final Action | 07/06/93 | 58 FR 36149 |
| Final Action Effective | 08/05/93 | 58 FR 36149 |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard Langston, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., PR-121, Washington, DC 20585, 202 586-8247

RIN: 1991-AA83

1050. DEAR: MISCELLANEOUS AMENDMENTS NO. 4

Legal Authority: 40 USC 486(c); 42 USC 7254

CFR Citation: 48 CFR 904; 48 CFR 906; 48 CFR 913; 48 CFR 915; 48 CFR 916; 48 CFR 919; 48 CFR 922; 48 CFR 952; 48 CFR 970

Legal Deadline: None

Abstract: Miscellaneous Amendments - These amendments will perform housekeeping duties such as updating references, correcting editorial errors, and clarifying language.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/07/93 | 58 FR 36363 |
| Final Action Effective | 08/06/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Kevin M. Smith, Procurement Analyst (PR-121), Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-8189

RIN: 1991-AA92

1051. DEAR: ORGANIZATIONAL CONFLICTS OF INTEREST

Completed:

| Reason | Date | FR Cite |
|--|----------|---------|
| Withdrawn - Duplicate of RIN 1991-AA95 | 08/27/93 | |

RIN: 1991-AA99

DEPARTMENT OF ENERGY (DOE) Office of General Counsel (OGC)

Proposed Rule Stage

1052. PATENT WAIVER REGULATION

Legal Authority: 42 USC 2182; 42 USC 5908; PL 99-661

CFR Citation: 10 CFR 784

Legal Deadline: None

Abstract: The regulation provides procedures and standards for obtaining a waiver of the Government's rights in inventions made under DOE research

and development contracts with entities that are not small businesses or nonprofit institutions, and terms and conditions of such waivers. Currently, DOE waiver policy is provided in DOE Procurement Regulations (41 CFR 9-9.109-6). The proposed regulation places DOE patent waiver policy in a separate regulation, and also provides updates, revisions and clarifications to

waiver policy as contained in 41 CFR 9-9.109-6.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

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Proposed Rule Stage

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Richard E. Constant, Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-2802
RIN: 1990-AA02

1053. FOREIGN GIFTS AND DECORATIONS

Legal Authority: 5 USC 7342; 41 CFR 101-49.001-5

CFR Citation: 10 CFR 1050

Legal Deadline: None

Abstract: The DOE regulations need to be amended to reflect the increase in the dollar amount of "minimal value," as determined by General Services Administration (GSA) regulation. Accordingly, the DOE regulations will reference the GSA regulation. Whether a gift is of "minimal value" is a factor in whether the regulations apply.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: MaryAnn Shebek, Deputy Assistant General Counsel for General Law, Department of Energy, Office of General Counsel, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-1522

RIN: 1990-AA04

1054. PAYMENT OF TRAVEL EXPENSES OF PERSONS WHO ARE NOT GOVERNMENT EMPLOYEES

Legal Authority: 42 USC 7254

CFR Citation: 10 CFR 1060

Legal Deadline: None

Abstract: The regulation needs to be revised to reflect the delegation of authority from the Office of Personnel Management to pay travel expenses of certain job applicants in traveling to preemployment interviews required by the Department.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: MaryAnn Shebek, Deputy Assistant General Counsel for General Law, Department of Energy, Office of General Counsel, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-1522

RIN: 1990-AA15

1055. DOE PATENT LICENSING REGULATIONS—AMENDMENT

Legal Authority: 35 USC 207

CFR Citation: 37 CFR 404; 10 CFR 781

Legal Deadline: None

Abstract: The proposed regulation is based on 37 CFR 404, Commerce Department's regulation on Licensing of Government-Owned Patents. The proposed regulation would amend 10 CFR 781 to reflect current DOE patent licensing policies and procedures, terms, and conditions, while removing any inconsistencies with statutory changes since 1980.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: The date for the notice of proposed rulemaking is undetermined because it is dependent on the issuance of licensing regulations being presently drafted by the Commerce Department.

Agency Contact: Robert J. Marchick, Patent Counsel (GC-42), Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-4792

RIN: 1990-AA18

1056. CONDUCT OF EMPLOYEES

Legal Authority: 42 USC 7211 to 7218; EO 12674

CFR Citation: 10 CFR 1010; 5 CFR 2635

Legal Deadline: None

Abstract: The DOE regulation on conduct of employees needs to be revised to reflect the issuance of the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: MaryAnn Shebek, Deputy Assistant General Counsel for General Law, Department of Energy, Office of General Counsel, 1000 Independence Ave SW., Washington, DC 20585, 202 586-1522

RIN: 1990-AA19

**DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)**

Final Rule Stage

1057. PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION AND PROVISION OF AGENCY WITNESSES IN FEDERAL AND STATE PROCEEDINGS

Legal Authority: 42 USC 7254; 5 USC 301

CFR Citation: 10 CFR 202

Legal Deadline: None

Abstract: DOE currently has a regulation to establish an agencywide procedure for processing subpoenas and/or requests for testimony by DOE officers and employees or requests for DOE records in litigation in which the Department is not a party. The revised regulation would establish or clarify

policies, practices, responsibilities, and procedures to provide for the orderly and efficient handling of requests while minimizing the disruption of official agency business.

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Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 12/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This rule is procedural in nature and is exempt from notice and comment.

Agency Contact: I. Avrum Fingeret, Deputy Assistant General Counsel for Special Litigation (GC-21), Department of Energy, Office of General Counsel,

1000 Independence Ave. SW.,
Washington, DC 20585, 202 586-5678

RIN: 1990-AA12

[FR Doc. 93-25334 Filed 10-22-93; 8:45 am]

BILLING CODE 450-01-F

Federal Register

**Monday
October 25, 1993**

Part VIII

**Department of
Health and Human
Services**

Semiannual Regulatory Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

20 CFR Ch. III

21 CFR Ch. I

42 CFR Chs. I-V

45 CFR Subtitle A, Chs. II, III, and XIII

Unified Agenda of Regulations

AGENCY: Office of the Secretary, HHS.

ACTION: Publication of unified agenda of regulations.

SUMMARY: The President's February 17, 1981, Executive order (12291) and the Regulatory Flexibility Act of 1980 require the Department to publish an agenda of significant regulations being developed and an indication of those regulatory actions that are being analyzed for their effect on small businesses. The Department published its last agenda on April 29, 1993.

FOR FURTHER INFORMATION CONTACT: For further inquiries or comments related to specific regulations listed in the agenda, the public is encouraged to contact the appropriate responsible individual. Questions or comments on the overall agenda should be sent to: Ann White, Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue SW., Washington, DC 20201; telephone: (202) 690-6824.

Claudia Cooley,

Executive Secretary to the Department.

Office of the Secretary—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1058 | Nondiscrimination Requirements (Including on the Basis of Sex or Religion) Applicable to Block Grants and Standard Nondiscrimination Procedures Applicable to Certain Other Programs | 0991-AA02 |
| 1059 | Principles for Determining Costs and Cost Allocation Procedures Applicable to Grants, Contracts, and Other Agreements for Work Performed by Hospitals | 0991-AA12 |
| 1060 | Equal Opportunity in Employment: Public Broadcasting, Public Radio, and Public Telecommunications Entities Receiving Federal Funds From the Corporation for Public Broadcasting | 0991-AA22 |
| 1061 | Civil Money Penalties (CMPs) for Certain Hospital Physician Incentive Plans | 0991-AA45 |
| 1062 | Civil Money Penalties (CMPs) for Certain Practices Relating to Medicare Supplemental Policies | 0991-AA53 |
| 1063 | Standardization and Uniform Application of CMP Procedures | 0991-AA57 |
| 1064 | Civil Money Penalties for Physician Ownership of and Referral to Certain Health Care Entities | 0991-AA65 |
| 1065 | Additional Safe Harbor Provisions Under the Anti-Kickback Statute | 0991-AA66 |
| 1066 | Title VI of the CRA of 1964, Subpart B—National Origin Discrimination in Programs Receiving Fed. Financial Assistance From the DHHS Against Persons of Limited English Proficiency | 0991-AA72 |
| 1067 | Revisions to the PRO Sanctions Process | 0991-AA73 |

Office of the Secretary—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1068 | Audits of Nongovernmental Grantees | 0991-AA29 |
| 1069 | Civil Money Penalties and Exclusions for Assistants at Cataract Surgery | 0991-AA37 |
| 1070 | Civil Money Penalties and Intermediate Sanctions for HMOs and Competitive Medical Plans | 0991-AA44 |
| 1071 | Block Grant Programs | 0991-AA55 |
| 1072 | Uniform Administrative Requirements for Grants and Cooperative Agreements | 0991-AA56 |
| 1073 | Safe Harbors for Protecting Health Plans | 0991-AA69 |
| 1074 | Governmentwide Guidance for New Restrictions on Lobbying; Interim Final Guidance | 0991-AA70 |
| 1075 | Clarification of the OIG Safe Harbor Anti-Kickback Provisions | 0991-AA74 |

Office of the Secretary—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1076 | Mammography Quality Standards Act of 1992 | 0991-AA76 |

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Departmental Management—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1077 | Implementation of the Equal Access to Justice Act in Agency Proceedings | 0990-AA02 |

Social Security Administration—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1078 | OASDI and SSI Programs; Performance Standards Revisions and Other Changes Involving Administrative Requirements and Procedures (381A) | 0960-AD64 |

Social Security Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1079 | Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Musculoskeletal System (143P) | 0960-AB01 |
| 1080 | Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Adjustments in SSI Benefits on Account of Retroactive Benefits Under Title II (061P) | 0960-AB38 |
| 1081 | Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Evaluation Guides for Determining Substantial Gainful Activity (SGA) (147P) | 0960-AB73 |
| 1082 | Old-Age, Survivors, and Disability Insurance Program; Nonpayment of Benefits to Prisoners, Vocational Rehabilitation Exception (166P) | 0960-AC16 |
| 1083 | Supplemental Security Income Program; Continuation of Benefits and Special Eligibility for Certain Severely Impaired Recipients Who Work (171P) | 0960-AC22 |
| 1084 | Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Determining Disability and Blindness; Fee Limitation Policy for Purchase of Laboratory Tests (184P) | 0960-AC41 |
| 1085 | Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Vocational Factors Regulations Restructuring and Clarification (207P) | 0960-AC61 |
| 1086 | Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Interim Disability Benefits (215P) | 0960-AC76 |
| 1087 | Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Medical Improvement Review Standard (MIRS)—Miscellaneous Changes (225P) | 0960-AC81 |
| 1088 | Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Appeals Council Notice Requirements (235P) | 0960-AC93 |
| 1089 | Supplemental Security Income Program; Waiver of SSI Rule for Deeming to Children the Income and Resources of Their Parents for Certain Disabled Children (252P) | 0960-AC96 |
| 1090 | SSI Program; Reduction in Time When Income and Resources of Separated Couples Must Be Treated as Jointly Available for Purposes of SSI Eligibility and Benefits (254P) | 0960-AC98 |
| 1091 | Supplemental Security Income Program; Augmented Benefits (271P) | 0960-AD07 |
| 1092 | Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Representative Payee Reforms (295P) | 0960-AD22 |
| 1093 | Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Fees for Representation of Claimants (296P) | 0960-AD23 |
| 1094 | OASDI and SSI for the Aged, Blind and Disabled; Continuation of Benefits on Account of Participation in a Non-State VR Program (299P) | 0960-AD26 |
| 1095 | Supplemental Security Income for the Aged, Blind, and Disabled; Treatment of Certain Royalties and Honoraria (310P) | 0960-AD35 |
| 1096 | Supplemental Security Income for the Aged, Blind, and Disabled; Exclusion From Income and Resources of Victims' Compensation Payments and State Relocation Assistance (311P) | 0960-AD36 |
| 1097 | Supplemental Security Income for the Aged, Blind, and Disabled; Reimbursement for VR Services Furnished During Certain Months of Non-payment (315P) | 0960-AD39 |
| 1098 | Organization and Procedures; Review by Appeals Council (334P) | 0960-AD45 |
| 1099 | Code of Conduct for the Office of Hearings and Appeals (OHA) Administrative Law Judges and Administrative Appeals Judges (341P) | 0960-AD54 |
| 1100 | Election of Benefits Based on Age by Disabled Widow, Widower, and Surviving Divorced Spouse Beneficiaries (343P) | 0960-AD56 |

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Social Security Administration—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1101 | Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Reorganization of Medical Evidence Regulations (340P) | 0960-AD57 |
| 1102 | SSI Program; SSI Maximum Payment Limit (\$30) When Medicaid Is Not Paying Toward the Cost of Institutional Care Because the Individual Transferred a Resource (345P) | 0960-AD60 |
| 1103 | Supplemental Security Income Program; Treatment of Promissory Notes in Home Replacement Situations (182P) . | 0960-AD61 |
| 1104 | Against Equity and Good Conscience (348P) | 0960-AD62 |
| 1105 | OASDI and SSI; Testing Modifications to the Disability Determination Procedures (359P) | 0960-AD63 |
| 1106 | Appeal Rights Following State-Initiated Mass Change in Federally Administered State Supplementary Payments Resulting in Reduction, Suspension, or Termination of State Supplementary Payments (383P) | 0960-AD66 |
| 1107 | Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Hemic and Lymphatic System, and Malignant Neoplastic Diseases (399P) | 0960-AD67 |
| 1108 | Procedures for Handling Earnings Reports (418P) | 0960-AD70 |
| 1109 | First Eligibility Under Windfall Elimination Provision (428P) | 0960-AD72 |
| 1110 | Conduct of Representatives Under Title II or Title XVI (431P) | 0960-AD73 |
| 1111 | Statement of Earnings and Benefit Estimate (415P) | 0960-AD74 |

Social Security Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1112 | Supplemental Security Income Program; Suspensions, Terminations, and Advance Notice of Adverse Determinations (031F) | 0960-AA22 |
| 1113 | Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Cardiovascular System (141F) | 0960-AA99 |
| 1114 | Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Respiratory System (142F) | 0960-AB00 |
| 1115 | Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Program; Continued Payment of Benefits to Persons in Vocational Rehabilitation Programs (131F) | 0960-AB05 |
| 1116 | Supplemental Security Income Program and Medicaid Assistance; What Is Not Income (121F) | 0960-AB09 |
| 1117 | Supplemental Security Income Program; Exclusions From Income and Resources of Indian Judgment Funds and Per Capita Distributions (201F) | 0960-AB86 |
| 1118 | Supplemental Security Income Program; Payment of Benefits Due Deceased Recipients (174F) | 0960-AC28 |
| 1119 | Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Cancelled Consultative Examinations (181F) | 0960-AC40 |
| 1120 | Supplemental Security Income Program; Proceeds of a Loan, Payment of Pro Rata Share of Household Operating Expenses (180F) | 0960-AC42 |
| 1121 | Old-Age, Survivors, and Disability Insurance Program; Applicability of Government Pension to Certain Federal Employees (188F) | 0960-AC46 |
| 1122 | Supplemental Security Income Program; Continuation of Full Benefit Standard for Certain Persons Institutionalized (198F) | 0960-AC55 |
| 1123 | Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Determination of Disability— Disability-Determining State Agency Substantial Failure (206F) | 0960-AC60 |
| 1124 | Old-Age, Survivors, and Disability Insurance Program; Suspension of Benefits of Deported Nazis; Exemption From Social Security Taxation Because of Religious Beliefs (210F) | 0960-AC68 |
| 1125 | Old-Age, Survivors, and Disability Insurance Program; Medical Criteria for Evaluating Mental Disorders for Adults (222F) | 0960-AC74 |
| 1126 | Supplemental Security Income Program; Redeterminations of Supplemental Security Income Eligibility (223F) | 0960-AC77 |
| 1127 | Supplemental Security Income Program; Treatment of Augmented Veterans' Benefits (231F) | 0960-AC82 |
| 1128 | Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Representation of Claimants for Benefits Under Title II or Title XVI (249F) | 0960-AC87 |
| 1129 | Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Standards Applicable in Determinations of Good Cause, Fault, and Good Faith (247F) | 0960-AC88 |
| 1130 | Supplemental Security Income Program; Exclusion From Income of Domestic Commercial Transportation Tickets Received as Gifts in Determining SSI Income (253F) | 0960-AC97 |
| 1131 | Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Take Into Account Misinformation Provided to Applicants in Determining Date of Application (267F) | 0960-AD05 |
| 1132 | Supplemental Security Income Program; Financial Institution Accounts in the SSI Program (278F) | 0960-AD10 |

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Social Security Administration—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1133 | Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Updating Nomenclature (264F) | 0960-AD11 |
| 1134 | Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Reopening Determinations and Decisions (279F) | 0960-AD12 |
| 1135 | Old-Age, Survivors, and Disability Insurance; Suspension of Auxiliary Benefits When a Disabled Worker Is in an Extended Period of Eligibility (303F) | 0960-AD30 |
| 1136 | Old-Age, Survivors, and Disability Insurance; Continued Entitlement to Benefits of Deemed Spouse Despite Entitlement of Legal Spouse (304F) | 0960-AD31 |
| 1137 | Supplemental Security Income for the Aged, Blind, and Disabled; Exclusion From Income and Resources of Earned Income Tax Credits (319F) | 0960-AD41 |
| 1138 | Old-Age, Survivors, and Disability Insurance and Supplemental Security Income; Limitation of Travel Expenses for Representation of Claimants at Administrative Proceedings (324F) | 0960-AD46 |
| 1139 | Time Limit for Disposition of Resources in the Supplemental Security Income Program (330F) | 0960-AD48 |
| 1140 | Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Payments for Vocational Rehabilitation Services (333F) | 0960-AD50 |
| 1141 | Old-Age, Survivors, and Disability Insurance Program; Considering an Application Filed Under the Railroad Retirement Act as an Application for Social Security Benefits (342F) | 0960-AD59 |
| 1142 | Reliable Information Which Is Currently Available for Determining Benefit Amounts in the Supplemental Security Income Program (382P) | 0960-AD65 |
| 1143 | Federal Old-Age, Survivors, and Disability Insurance Program; Technical Changes to Requirement for Entitlement to Widow(er)'s Benefits (404F) | 0960-AD69 |
| 1144 | Compensation of Qualified Organizations Serving as Representative Payees Under Title II and Title XVI (423F) | 0960-AD71 |

Social Security Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1145 | Revision of Part A and Part B of the Listing of Impairments; Part A and Part B of the Endocrine and Multiple Body System (150F) | 0960-AC06 |
| 1146 | Supplemental Security Income; Determining Disability for a Child Under Age 18 (275F) | 0960-AD09 |
| 1147 | Old-Age, Survivors, and Disability Insurance; Use of State Laws To Determine Child Relationship (286P) | 0960-AD16 |
| 1148 | Supplemental Security Income for the Aged, Blind, and Disabled; Presumptive Disability and Presumptive Blindness (337F) | 0960-AD51 |
| 1149 | Residence and Citizenship Under the Supplemental Security Income Program—Temporary Protected Status (347F) | 0960-AD55 |
| 1150 | Dropout Years, Disposition of Underpayments, and Resolving Overpayments (403F) | 0960-AD68 |

Public Health Service—Office of Assistant Secretary for Health (OASH)—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1151 | Public Health Service Policies on Research Misconduct | 0905-AE02 |

Public Health Service—Office of Assistant Secretary for Health (OASH)—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1152 | Privacy Act; Exempt System | 0905-AD31 |
| 1153 | Standards of Compliance for Abortion-Related Services in Family Planning Service Projects | 0905-AE03 |

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Public Health Service—Substance Abuse and Mental Health Services Administration (SAMHSA)—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1154 | Confidentiality of Substance Abuse Patient Records | 0905-AD97 |
| 1155 | Protection and Advocacy for Individuals With Mental Illness | 0905-AD99 |
| 1156 | Block Grants for Prevention and Treatment of Substance Abuse (Tobacco Provisions) | 0905-AE05 |

Public Health Service—Substance Abuse and Mental Health Services Administration (SAMHSA)—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1157 | Block Grants for Prevention and Treatment of Substance Abuse | 0905-AD98 |

Public Health Service—Centers for Disease Control and Prevention (CDC)—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1158 | NIOSH Revision of Tests and Requirements for Certification of Respiratory Protective Devices | 0905-AB58 |

Public Health Service—Centers for Disease Control and Prevention (CDC)—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1159 | Interstate Shipment of Biological Material That Contains or May Contain Etiologic Agents | 0905-AC89 |
| 1160 | Medical Examination of Aliens | 0905-AD29 |

Public Health Service—Food and Drug Administration (FDA)—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---------------------|------------------------------|
| 1161 | Medical Foods | 0905-AD91 |

Public Health Service—Food and Drug Administration (FDA)—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1162 | Over-the-Counter (OTC) Drug Review | 0905-AA06 |
| 1163 | Policies Concerning Uses of Suffiting Agents | 0905-AB52 |
| 1164 | Infant Formula Act | 0905-AC46 |
| 1165 | Implementation of Title I of the Generic Animal Drug and Patent Term Restoration Act | 0905-AD15 |
| 1166 | Voluntary, Fee-for-Service Seafood Inspection Program | 0905-AD23 |
| 1167 | Prescription Drug Marketing Act of 1987; Policy Information, Guidance, and Clarifications | 0905-AD44 |
| 1168 | Implementation of the Safe Medical Devices Act of 1990 | 0905-AD59 |
| 1169 | Mandatory HACCP Seafood Inspection Program | 0905-AD60 |
| 1170 | Bottled Water | 0905-AD65 |
| 1171 | Reporting of Errors and Accidents Relating to Blood Safety and Withdrawal of Previously Proposed Rule | 0905-AD67 |
| 1172 | Proposed Labeling for Drug Products Based on False or Fraudulent Data | 0905-AD71 |
| 1173 | Review of Warnings, Use Instructions, and Precautionary Information Under Section 314 of the National Childhood Vaccine Injury Act of 1986 | 0905-AD72 |
| 1174 | Part 1260; Human Semen for Artificial Insemination | 0905-AD80 |
| 1175 | Medical Devices; Infant Apnea Monitor; Development of Mandatory Standard | 0905-AD83 |
| 1176 | Investigational New Drug Applications | 0905-AD85 |

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Public Health Service—Food and Drug Administration (FDA)—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1177 | Threshold of Regulation Policy for Components of Food Contact Articles | 0905-AD86 |
| 1178 | Dietary Supplements | 0905-AD90 |
| 1179 | Clinical Investigator Disqualification | 0905-AD94 |
| 1180 | Revocation of Intraocular Lens Investigation Device Exemption | 0905-AD95 |
| 1181 | Mammography Quality Standards Act of 1992 | 0905-AE19 |
| 1182 | Proposal To Establish Procedures for the Safe Processing, Packaging, Storage, and Distribution of Smoked Fish, Smoke-Flavored Fish, and Salted Fish | 0905-AE21 |

Public Health Service—Food and Drug Administration (FDA)—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1183 | New Animal Drug Approval Process | 0905-AA96 |
| 1184 | Abbreviated New Drug Application Regulations (Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984") | 0905-AB63 |
| 1185 | Current Good Manufacturing Practice for Blood and Blood Components; Notification of Consignees Receiving Blood and Blood Components at Increased Risk for Transmitting HIV Infection | 0905-AC90 |
| 1186 | Lead in Foods | 0905-AC91 |
| 1187 | Expediting Approval for Drugs Intended To Treat Life-Threatening and Severely Debilitating Illnesses | 0905-AC94 |
| 1188 | Fees for Certification Services; Insulin and Color Additive Certification Programs | 0905-AD34 |
| 1189 | Specific Requirements on Content and Format of Labeling for Human Prescription Drugs; Revision of "Pediatric Use" Subsection in the Labeling | 0905-AD76 |
| 1190 | Recordkeeping and Reporting: Electronic Products | 0905-AD78 |
| 1191 | General Biological Standards; Alternative Procedures and Exceptions | 0905-AD82 |
| 1192 | Medical Devices; Protective Restraints; Revocation of Exemptions From 510(k) Premarket Notification Procedures and Current Good Manufacturing Practices Regulations | 0905-AD84 |
| 1193 | Food Labeling Review | 0905-AD89 |
| 1194 | Levo-Alpha-Methadol (LAAM) in Maintenance; Joint Proposed Revision of Conditions for Use | 0905-AD92 |
| 1195 | Temporomandibular Joint Implant Classification | 0905-AD93 |
| 1196 | Dietary Supplement Label Review | 0905-AD96 |
| 1197 | Adverse Experience Reporting Required for Licensed Biological Products | 0905-AE18 |

Public Health Service—Food and Drug Administration (FDA)—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1198 | Retention of Bioavailability and Bioequivalence Testing Samples | 0905-AD17 |
| 1199 | Current Good Manufacturing Practice in Manufacture, Processing, Packaging, or Holding; Revision of Certain Labeling Controls | 0905-AD73 |
| 1200 | Imprinting of Oral Solid Dosage Form Drug Products | 0905-AD77 |
| 1201 | New Drug and Abbreviated New Drug Applications; Preapproval Inspection Requirements | 0905-AD79 |

Public Health Service—Health Resources and Services Administration (HRSA)—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1202 | National Health Service Corps Loan Repayment Program; Grants for State Loan Repayment Programs | 0905-AC65 |
| 1203 | Organ Procurement and Transplantation Network Rules | 0905-AD26 |
| 1204 | Health Education Assistance Loan (HEAL) Program: Lenders' Performance Standards | 0905-AD87 |
| 1205 | Medical Facility Construction and Modernization; Requirements for Provision of Services to Persons Unable To Pay | 0905-AE06 |
| 1206 | National Practitioner Data Bank for Adverse Information on Physicians and Other Health Care Practitioners: Authorized Agents | 0905-AE10 |
| 1207 | Grants for Nurse Practitioner and Nurse-Midwifery Programs | 0905-AE11 |

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Public Health Service—Health Resources and Services Administration (HRSA)—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1208 | Grants for Faculty Training Projects in Geriatric Medicine and Dentistry | 0905-AE13 |
| 1209 | National Practitioner Data Bank for Adverse Information on Physicians and Other Health Practitioners: Amendments to Collection of User Fees | 0905-AE15 |
| 1210 | Grants for Health Professions Projects in Geriatrics | 0905-AE16 |

Public Health Service—Health Resources and Services Administration (HRSA)—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1211 | Health Education Assistance Loan (HEAL) Program: School Collection Assistance | 0905-AC87 |
| 1212 | Health Education Assistance Loan (HEAL) Program: Postjudgment Collections | 0905-AD11 |
| 1213 | National Vaccine Injury Compensation (NVIC) Program: Revisions to the Vaccine Injury Table | 0905-AD64 |
| 1214 | Maternal and Child Health (MCH) Project Grants | 0905-AD88 |
| 1215 | Grants for the Establishment of Departments of Family Medicine | 0905-AE17 |

Public Health Service—Health Resources and Services Administration (HRSA)—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1216 | National Practitioner Data Bank: Medical Malpractice Payments Reporting Requirements | 0905-AD70 |

Public Health Service—Indian Health Service (IHS)—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1217 | Indian Health Service Loan Repayment Program Regulations | 0905-AC96 |
| 1218 | Indian Health Service Catastrophic Health Emergency Fund Program | 0905-AC97 |
| 1219 | Revision of Indian Self-Determination Regulations | 0905-AC98 |
| 1220 | Revision of Urban Indian Health Regulations | 0905-AD20 |
| 1221 | Acquisition Under the Buy Indian Act | 0905-AE09 |

Public Health Service—Indian Health Service (IHS)—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1222 | Review of the Determination of an Indian Tribe's Resource Deficiency Level | 0905-AD21 |

Public Health Service—National Institutes of Health (NIH)—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1223 | Grants for Research Projects | 0905-AC02 |
| 1224 | Special Volunteer Services at the National Institutes of Health | 0905-AC95 |
| 1225 | National Institutes of Health AIDS Research Loan Repayment Program | 0905-AD18 |
| 1226 | Traineeships | 0905-AD28 |
| 1227 | Hazardous Substances Basic Research and Training Grants | 0905-AD46 |
| 1228 | National Institutes of Health Construction Grants | 0905-AD49 |
| 1229 | Training Grants | 0905-AD56 |
| 1230 | National Institute of Environmental Health Sciences Hazardous Waste Worker Training | 0905-AD69 |
| 1231 | National Institutes of Health Center Grants | 0905-AE00 |

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Public Health Service—National Institutes of Health (NIH)—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1232 | Responsibilities of Public Health Service Funded Institutions for Promoting Objectivity in Research | 0905-AE01 |
| 1233 | Grants for National Alcohol Research Centers | 0905-AE08 |

Public Health Service—National Institutes of Health (NIH)—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1234 | Minority Biomedical Research Support Program | 0905-AD47 |
| 1235 | National Heart, Lung, and Blood Institute Grants for Prevention and Control Projects | 0905-AD48 |
| 1236 | Standards for Bone Marrow Registries and Centers | 0905-AD51 |

Public Health Service—Agency for Health Care Policy and Research (AHCPR)—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1237 | Grants for Health Services Research, Evaluation, Demonstration, and Dissemination Projects | 0905-AD30 |

Health Care Financing Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1238 | Payment for Clinical Diagnostic Laboratory Services (BRD-309-F) | 0938-AB50 |
| 1239 | Hospice Services (MB-7-P) | 0938-AC52 |
| 1240 | Denial of Payment for Substandard Quality Care (HSQ-132-P) | 0938-AC84 |
| 1241 | Payment for the Cost of Malpractice Insurance for Hospitals Excluded From the Prospective Payment System (BPD-437-P) | 0938-AC97 |
| 1242 | Optional Payment System for Low Medicare Volume Skilled Nursing Facilities (BPD-409-P) | 0938-AD02 |
| 1243 | Medicaid Eligibility of Poverty Level Groups and Extended Coverage of Services (MB-13-P) | 0938-AD17 |
| 1244 | Transfer of Resources for Less Than Fair Market Value (MB-10-P) | 0938-AD18 |
| 1245 | Medicare Coverage of Outpatient Occupational Therapy Services (BPD-425-P) | 0938-AD32 |
| 1246 | Revisions to the Freedom of Information Regulations (OPA-1-P) | 0938-AD60 |
| 1247 | Changes Concerning the Investment Income Offset Policy (BPD-481-P) | 0938-AD72 |
| 1248 | New Minimum Standards for Medicare Supplemental (Medigap) Policies (BPD-491-P) | 0938-AD82 |
| 1249 | Clarification of "Without Fault" as It Applies to Physician Provider and Supplier Liability (BPD-719-P) | 0938-AD95 |
| 1250 | Protection of Income and Resources for Community Spouse (MB-28-P) | 0938-AE12 |
| 1251 | Physician Certification and Plan of Care Requirements and Inspection of Care Reviews (HSQ-178-P) | 0938-AE17 |
| 1252 | Medicaid Payment of Medicare Cost Sharing for Qualified Medicare Beneficiaries and Qualified Disabled and Working Individuals and Specified Low-Income Medicare Beneficiaries (MB-031-P) | 0938-AE38 |
| 1253 | Extended Medicaid Eligibility for Certain Individuals (MB-026-P) | 0938-AE51 |
| 1254 | Post-Contract Beneficiary Protections and Other Provisions (OCC-011-P) | 0938-AE63 |
| 1255 | Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) Services (MB-28-P) | 0938-AE72 |
| 1256 | Coverage of Screening Pap Smears (BPD-705-P) | 0938-AE98 |
| 1257 | Medicare Coverage and Payment of Clinical Psychologist, Other Psychologist, and Clinical Social Worker Services—Medicare (BPD-706-P) | 0938-AE99 |
| 1258 | Coverage of Physician Assistant, Nurse Practitioner, and Clinical Nurse Specialist Services (BPD-708-P) | 0938-AF00 |
| 1259 | Utilization and Quality Control Peer Review Organizations (PROs): Confidential Information (HSQ-190-P) | 0938-AF03 |
| 1260 | Case Management (MB-27-P) | 0938-AF07 |
| 1261 | Day Habilitation and Related Services (MB-37-P) | 0938-AF10 |
| 1262 | Medicaid Third Party Liability: Cost Effectiveness Waivers (MB-89-P) | 0938-AF11 |
| 1263 | OBRA '90 and Miscellaneous Managed Care Technical Amendments (MB-044-P) | 0938-AF15 |
| 1264 | Criteria for the Determination of Reasonable Costs for Medicare—Contracting Prepaid Health Plans (OCC-018-P) | 0938-AF16 |
| 1265 | Provider Reimbursement Determinations and Appeals Revisions (BPD-727-P) | 0938-AF28 |
| 1266 | Alternative Sanctions for Psychiatric Hospitals (HSQ-191-P) | 0938-AF32 |
| 1267 | Medicare, Medicaid, and CLIA Programs: Inspection and Certification Procedures for Laboratories (HSQ-193-P) | 0938-AF33 |

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Health Care Financing Administration—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1268 | Preadmission Review and Authorization, Outpatient Surgery, Preadmission Diagnostic Testing, and Same Day Surgery Under Medicaid (MB-021P) | 0938-AF35 |
| 1269 | Medicaid Qualifying Trusts (MB-011-P) | 0938-AF61 |
| 1270 | Medicaid Payment for Obstetrical and Pediatric Services—Adequate Payment Level Provision (MB-036-P) | 0938-AF62 |
| 1271 | Requirements for Enrollment of Medicaid Recipients Under Cost Effective Employer Based Group Health Plans (MB-047-P) | 0938-AF64 |
| 1272 | Referral to Child Support Enforcement Agencies of Medicaid Families With an Absent Parent (MB-051-P) | 0938-AF68 |
| 1273 | Clarification of Coverage of Inpatient Psychiatric Services (MB-060-P) | 0938-AF73 |
| 1274 | National Coverage Decisions: Rules for Risk Contracting HMOs and CMPs (BPD-732-P) | 0938-AF76 |
| 1275 | Part B Advance Payments to Physicians/Suppliers or Other Entities Furnishing Items or Services Under Medicare Part B (BPO-105-P) | 0938-AF85 |
| 1276 | Federally Qualified Health Center Services (Medicaid) (MB-043-P) | 0938-AF90 |
| 1277 | Minimum Physician Qualifications for Certain Services (MB-059-P) | 0938-AF92 |
| 1278 | Revisions to Rules on Health Care Prepayment Plans (OCC-032-P) | 0938-AF97 |
| 1279 | Retroactive Enrollment (OCC-031-P) | 0938-AF98 |
| 1280 | Medicare Program: Coverage of Certified Nurse-Midwife Services (BPD-496-P) | 0938-AG02 |
| 1281 | Change in Provider Agreement Regulations Related to Federal Employee Health Benefits (BPD-748-P) | 0938-AG03 |
| 1282 | Payment for Extracorporeal Shock Wave Lithotripsy Services Furnished by Ambulatory Surgical Centers (BPD-762-PN) | 0938-AG04 |
| 1283 | Conditions of Participation for Rural Health Clinics (BPD-764-P) | 0938-AG05 |
| 1284 | Intermediary and Carrier Functions (BPO-111-P) | 0938-AG06 |
| 1285 | Revised Medicaid Management Information Systems (MB-38-PN) | 0938-AG10 |
| 1286 | Income and Eligibility Verification System (MB-66-P) | 0938-AG12 |
| 1287 | Medicaid Drug Coverage: Scope and Limitations (MB-67-P) | 0938-AG13 |
| 1288 | Use of Federally Standardized Claims Processing Forms and Procedures (MB-069-P) | 0938-AG14 |
| 1289 | Update of EPO Payment Rate for 1993 (BPD-768-PN) | 0938-AG15 |
| 1290 | Medicare Appeals of Individual Claims (BPD-453-P) | 0938-AG18 |
| 1291 | Revisions to the Definition of End-Stage Renal Disease and Resumption of Entitlement (BPD-738-P) | 0938-AG19 |
| 1292 | Criteria for Approval of End-Stage Renal Disease (ESRD) Payment Exception Requests (BPD-763-P) | 0938-AG20 |
| 1293 | Revised Association for the Advancement of Medical Instrumentation Guidelines on Reuse of Hemodialyzer Filters for End-Stage Renal Dialysis Patients (BPD-766-P) | 0938-AG21 |
| 1294 | Medicare Program: Proposed Additions to and Deletions From the Current List of Covered Surgical Procedures for Ambulatory Surgical Centers (BPD-776-PN) | 0938-AG27 |
| 1295 | Medicare Program: Special Payment Limits for Home Blood Glucose Monitors (BPD-778-PN) | 0938-AG28 |
| 1296 | Appointment of Representatives for Appeal (BPO-120-P) | 0938-AG30 |
| 1297 | Enforcement Requirements for Renal Dialysis Facilities (HSQ-204-P) | 0938-AG31 |
| 1298 | Disclosure of Confidential PRO Information for Research Purposes (HSQ-208-P) | 0938-AG33 |
| 1299 | Community Supported Living Arrangements Services (MB-070-P) | 0938-AG35 |
| 1300 | Medicaid Coverage of Personal Care Services Outside the Home (MB-071-P) | 0938-AG36 |
| 1301 | Medicaid Covered Outpatient Drugs Under Drug Rebate (DVA Law) (MB-072-P) | 0938-AG37 |
| 1302 | Medicare Programs: Limitations on Medicare Coverage of Intermittent Positive Pressure Breathing Machine Therapy (BPD-781-PN) | 0938-AG44 |
| 1303 | Noncoverage of Electrostimulation of Salivary Glands for the Treatment of Xerostomia (Dry Mouth) (BPD-782-PN) | 0938-AG45 |
| 1304 | Medicare Program: Changes to the Inpatient Hospital Prospective Payment Systems and Fiscal Year 1995 Rates (BPD-785-P) | 0938-AG46 |
| 1305 | Telephone Requests for Review of Initial Determinations (BPO-121-P) | 0938-AG48 |
| 1306 | Refinements to the Physician Fee Schedule Geographic Adjustment Factor Values and Other Changes (BPD-789-PN) | 0938-AG52 |
| 1307 | Conditions for Payment for Physicians' Services in Teaching Settings (BPD-792-P) | 0938-AG53 |
| 1308 | Date for Filing Medicare Cost Reports (BPD-794-P) | 0938-AG55 |
| 1309 | Limitations on Revisions to Final Administrative Cost Proposals (BPO-122-P) | 0938-AG57 |
| 1310 | New Look Behind for Intermediate Care Facilities for the Mentally Retarded (ICFs/MR) (HSQ-214-P) | 0938-AG58 |
| 1311 | Effect of Change of Ownership on Provider and Supplier Penalties, Sanctions, and Overpayments (HSQ-215-P) | 0938-AG59 |
| 1312 | Institutional Plan Amendment Findings (MB-078-P) | 0938-AG60 |

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Health Care Financing Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1313 | Medicaid Eligibility and Coverage Requirements (MB-001-F) | 0938-AA58 |
| 1314 | Deduction of Incurred Medical Expenses (Spendedown) (MB-020-FC) | 0938-AB07 |
| 1315 | Home and Community-Based Services and Respiratory Care for Ventilator-Dependent Individuals (MB-8-FC) | 0938-AC55 |
| 1316 | Participation in CHAMPUS and CHAMPVA, Hospital Admissions for Veterans, Discharge Rights Notice, and Hospital Responsibility for Emergency Care (BPD-393-FC) | 0938-AC58 |
| 1317 | Revised Effective Date of Medicare/Medicaid Provider Agreement and Supplier Participation (HSQ-139-F) | 0938-AC88 |
| 1318 | Changes Concerning Suspension of Medicare Payments and Determinations of Allowable Interest Expense (BPO-118-FC) | 0938-AC99 |
| 1319 | Changes Concerning the Definition of Accrual Basis of Accounting (BPD-366-F) | 0938-AD01 |
| 1320 | Criteria and Procedures for Making Medical Services Coverage Decisions That Relate to Health Care Technology (BPD-432-F) | 0938-AD07 |
| 1321 | Revisions to Conditions of Participation for Hospitals and Conditions for Coverage of Suppliers of End-Stage Renal Disease Services (BPD-421-F) | 0938-AD11 |
| 1322 | Prohibition on Unbundling of Hospital Outpatient Services (BPD-426-F) | 0938-AD33 |
| 1323 | Changes to Peer Review Organization Regulations (HSQ-135-F) | 0938-AD38 |
| 1324 | Home and Community-Based Services for the Elderly (MB-019-F) | 0938-AD55 |
| 1325 | Payment for Durable Medical Equipment and Orthotic and Prosthetic Devices (BPD-494-F) | 0938-AD65 |
| 1326 | Medicare Secondary Payer for Disabled Active Individuals (BPD-482-FC) | 0938-AD73 |
| 1327 | Medicare Coverage of Home Health Services, Medicare Conditions of Participation and Home Health Aide Supervision (BPD-469-F) | 0938-AD78 |
| 1328 | Appeals for Enrollees of Prepaid Health Care Plans (OCC-020-F) | 0938-AD79 |
| 1329 | Omnibus Nursing Home Reform Requirements (BPD-488-F) | 0938-AD81 |
| 1330 | Fee Schedule for Payment of Therapeutic and Diagnostic Services Other Than Psychological Testing Provided by Clinical Psychologists and Clinical Social Workers (BPD-495-IFC) | 0938-AD84 |
| 1331 | Survey and Certification of Skilled Nursing Facilities and Nursing Facilities and Enforcement Procedures (HSQ-156-F) | 0938-AD94 |
| 1332 | Diagnosis Codes on Physician Bills (BPD-610-F) | 0938-AE06 |
| 1333 | HMOs: Group Specific Ratings (OCC-009-F) | 0938-AE24 |
| 1334 | HMO Organizational Structure and Services (OCC-019-F) | 0938-AE25 |
| 1335 | "Confined to the Home" Requirements for Home Health Services (BPD-626-F) | 0938-AE34 |
| 1336 | Payment Adjustments for Hospitals That Serve a Disproportionate Number of Low-Income Patients (MB-017-IFC) | 0938-AE35 |
| 1337 | Survey Requirements and Alternative Sanctions for Home Health Agencies (HSQ-169-F) | 0938-AE39 |
| 1338 | Hospital Standard for HIV Infectious Blood (BPD-633-P) | 0938-AE40 |
| 1339 | Medicare, Medicaid, and CLIA Programs: Regulations Implementing the Clinical Laboratory Improvement Amendments of 1988 (CLIA '88) (HSQ-202-F) | 0938-AE47 |
| 1340 | Conditions of Coverage for Organ Procurement Organizations (BPD-646-FC) | 0938-AE48 |
| 1341 | Preadmission Screening and Annual Resident Review (BPD-661-F) | 0938-AE49 |
| 1342 | Resident Assessment in Long-Term Care Facilities (HSQ-180-F) | 0938-AE61 |
| 1343 | Conforming Provisions for 1988 HMO Amendments (OCC-012-F) | 0938-AE64 |
| 1344 | Payment for Nursing and Allied Health Science Education (BPD-685-F) | 0938-AE79 |
| 1345 | Uniform Electronic Cost Reporting System for Hospitals (BPD-689-F) | 0938-AE80 |
| 1346 | Aggregation of Medicare Claims for Administrative Law Judge (ALJ) Hearings and Judicial Review (BPD-694-F) | 0938-AE93 |
| 1347 | Medicare Coverage of Prescription Drugs Used in Immunosuppressive Therapy (BPD-424-F) | 0938-AE94 |
| 1348 | Fire Safety Standards for Hospitals, Long-Term Care Facilities, and Intermediate Care Facilities for the Mentally Retarded (BPD-650-F) | 0938-AE97 |
| 1349 | Allowing Certifications and Recertifications by Nurse Practitioners and Clinical Nurse Specialists for Certain Services (BPD-709-F) | 0938-AF01 |
| 1350 | Changes to the Long-Term Care Facility Survey Process (HSQ-175-FC) | 0938-AF02 |
| 1351 | General Notice on Medicare Secondary Payment (BPO-94-GN) | 0938-AF05 |
| 1352 | Required Coverage of Nurse Practitioner Services—Medicaid (MB-41-F) | 0938-AF12 |
| 1353 | Payment for Federally Qualified Health Center (FQHC) Services (BPD-728-F) | 0938-AF14 |
| 1354 | Granting and Withdrawal of Deeming Authority to National Accreditation Organizations (HSQ-159-F) | 0938-AF17 |
| 1355 | Medicare Coverage of Screening Mammography (BPD-724-F) | 0938-AF26 |
| 1356 | Self-Implementing Coverage and Payment Provisions of Omnibus Budget Reconciliation Act of 1990 (BPD-725-N) | 0938-AF27 |
| 1357 | Physician Ownership of and Referrals to Health Care Facilities That Furnish Clinical Laboratory Services (BPD-674-F) | 0938-AF40 |
| 1358 | Medicaid Payment for Covered Outpatient Drugs Under Rebate Agreements (MB-046-IFC) | 0938-AF42 |
| 1359 | Medicare and Medicaid Programs; Advance Directives (BPD-718-F) | 0938-AF50 |
| 1360 | Durable Medical Equipment (DME) Medical Necessity Forms (BPD-734-FC) | 0938-AF51 |

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Health Care Financing Administration—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1361 | Injectables for Osteoporosis (BPD-735-FC) | 0938-AF52 |
| 1362 | Partial Hospitalization Services in Community Mental Health Centers (BPD-736-IFC) | 0938-AF53 |
| 1363 | Medicare Coverage of EPO for Home Use by Home Dialysis Patients (BPD-737-F) | 0938-AF54 |
| 1364 | Designation of Regional Carriers To Process Claims for Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (BPO-102-F) | 0938-AF59 |
| 1365 | Uniform Payment Mechanism for Hospitals Under Part A of Medicare (BPO-104-FN) | 0938-AF60 |
| 1366 | Exemption of Low-Income Pregnant Women From Eligibility Condition of Establishing Paternity and Seeking Support (MB-048-F) | 0938-AF65 |
| 1367 | Medicaid Drug Use Review Program and Electronic Claims Management System for Outpatient Drug Claims (MB-050-F) | 0938-AF67 |
| 1368 | Medicaid: Outstationed Intake Locations for Certain Low-Income Pregnant Women, Infants and Children (MB-052-IFC) | 0938-AF69 |
| 1369 | Home and Community-Based Care as an Optional Service (MB-053-IFC) | 0938-AF70 |
| 1370 | Optional Spenddown (MB-055-IFC) | 0938-AF72 |
| 1371 | Medicare and Medicaid Programs: Requirements for Physician Incentive Plans in Prepaid Health Care Organizations (OCC-024-F) | 0938-AF74 |
| 1372 | Revisions to Criteria and Standards for Evaluating Intermediaries and Carriers (BP0-083-F) | 0938-AF84 |
| 1373 | Application of Interest Charges to Medicare Secondary Payer Recoveries (BPO-108-GN) | 0938-AF87 |
| 1374 | Medicare Program: Peer Review Organization; General Criteria and Standards for Evaluating Performance of Contract Obligations (HSQ-200-N) | 0938-AF89 |
| 1375 | Computer Matching and Privacy Protection for Medicaid Eligibility (MB-057-F) | 0938-AF91 |
| 1376 | Payment for Preadmission Services (BPD-731-IFC) | 0938-AG00 |
| 1377 | Intermediary and Carrier Checks That Are Lost, Stolen, Defaced, Mutilated, Destroyed, or Paid on Forged Endorsements (BPO-114-FC) | 0938-AG16 |
| 1378 | Revisions to Payment Policies Under the Physician Fee Schedule (BPD-770-F) | 0938-AG22 |
| 1379 | Physician Performance Standard Rates of Increase for 1994 (BPD-774-FN) | 0938-AG25 |
| 1380 | General Evaluation Criteria and Standards for Evaluating Performance of Contract (HSQ-207-GNC) | 0938-AG32 |
| 1381 | Changes in Physician Attestation Requirements (BPD-769-FC) | 0938-AG34 |
| 1382 | Part A Premium for 1994 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement (OACT-043-N) | 0938-AG39 |
| 1383 | Monthly Actuarial Rates and Monthly Supplementary Medical Insurance Premium Rates Beginning January 1, 1994 (OACT-044-N) | 0938-AG40 |
| 1384 | Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for 1994 (OACT-045-N) | 0938-AG41 |
| 1385 | Withdrawal of Coverage of Diagnostic Nocturnal Penile Tumescence Testing (Impotence Testing) (BPD-780-PN) ... | 0938-AG43 |
| 1386 | Schedule of Limits on Home Health Agency Costs Per Visit for Cost Reporting Periods Beginning on or After July 1, 1994 (BPD-786-NC) | 0938-AG47 |
| 1387 | Part A Premium for 1995 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement (OACT-046-N) | 0938-AG49 |
| 1388 | Medicare Program: Monthly Actuarial Rates and Monthly Supplementary Medical Insurance Premium Rates Beginning January 1, 1995 (OACT-047-N) | 0938-AG50 |
| 1389 | Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for 1995 (OACT-048-N) | 0938-AG51 |
| 1390 | Reductions in Payments for HHA Services (BPD-793-NC) | 0938-AG54 |
| 1391 | Reductions in Payments for SNF Services (BPD-795-NC) | 0938-AG56 |
| 1392 | Limitations on Aggregate Payments to Disproportionate Share Hospitals: Federal Fiscal Year 1994 (MB-079-P) | 0938-AG61 |
| 1393 | Required Laboratory Procedures for Rural Health Clinics (BPD-783-FC) | 0938-AG62 |
| 1394 | Freedom of Choice Waiver; Conforming Changes (MB-68-IFC) | 0938-AG63 |

Health Care Financing Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1395 | Administrative Appeals Process for Provider Payment Disputes Including Amending Cost Reports & Reopening Intermediary Payment Determinations & Administrative Review Decisions (BPD-221-P) | 0938-AA33 |
| 1396 | Payment for the Services of Physicians Furnished in Teaching Settings and Other Providers (BPD-142-F) | 0938-AB61 |
| 1397 | PRO Review of Surgical Procedures and Requirements for Second Opinions (HSQ-147-P) | 0938-AC90 |

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Health Care Financing Administration—Completed Actions (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1398 | Clinical Laboratory Improvement Amendments of 1988; Fee Collection (HSQ-177-F) | 0938-AE28 |
| 1399 | Cost Report Settlement Adjustment Factor for Skilled Nursing Facilities and Home Health Agencies (BPD-702-P) .. | 0938-AE87 |
| 1400 | Qualified Family Members (MB-42-F) | 0938-AF13 |
| 1401 | Essential Access Community Hospitals (EACHs) and Rural Primary Care Hospitals (RPCHs) (BPD-713-F) | 0938-AF21 |
| 1402 | Continuation of FFP Following Look-Behind Terminations (HSQ-194-P) | 0938-AF34 |
| 1403 | Payment for Customized Wheelchairs (BPD-730-F) | 0938-AF49 |
| 1404 | Recognition of the Joint Commission on the Accreditation of Healthcare Organizations Standards for Home Healthcare Organizations (BPD-740-F) | 0938-AF56 |
| 1405 | State Share of Financial Participation (MB-062-F) | 0938-AF99 |
| 1406 | Medicare Secondary Payer: Multiemployer Plan Exception (BPO-113-P) | 0938-AG07 |
| 1407 | Changes to the Inpatient Hospital Prospective Payment Systems and Fiscal Year 1994 Rates (BPD-771-F) | 0938-AG23 |
| 1408 | Schedule of Limits on Home Health Agency Costs Per Visit for Cost Reporting Periods Beginning On or After July 1, 1993 (BPD-779-NC) | 0938-AG24 |
| 1409 | Update of Ambulatory Surgical Center Payment Rates for Fiscal Year 1994 (BPD-775-FNC) | 0938-AG26 |
| 1410 | Limitations on Aggregate Payments for Disproportionate Share Hospitals; Fiscal Year 1993—Medicaid (MB-073-N) | 0938-AG38 |
| 1411 | Medicare Program: Fee Schedule for Physicians' Services for Calendar Year 1994 (BPD-773-FNC) | 0938-AG42 |

Administration for Children and Families—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1412 | Revisions to Audit Regulations as a Result of the Child Support Provisions of the Family Support Act of 1988 | 0970-AA74 |
| 1413 | Foster Care, Adoption Assistance, and Child Welfare Services | 0970-AA97 |
| 1414 | Amendments to Developmental Disabilities Rules | 0970-AB11 |
| 1415 | Block Grant Programs (Low-Income Home Energy Assistance Program—LIHEAP)—FY 93 and FY 94 Provisions .. | 0970-AB16 |
| 1416 | Family Violence Prevention and Services | 0970-AB18 |
| 1417 | Child Abuse and Neglect State Grant Program | 0970-AB23 |
| 1418 | Standards for Safe Transportation | 0970-AB24 |
| 1419 | Title IV-E Training | 0970-AB25 |
| 1420 | State Legalization Impact Assistance Grant | 0970-AB28 |
| 1421 | Standards for Purchase of Facilities | 0970-AB31 |
| 1422 | National Voter Registration Act of 1993 Provisions Affecting Public Assistance Agencies | 0970-AB32 |
| 1423 | Child Care—Revised Regulations | 0970-AB33 |

Administration for Children and Families—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1424 | Aid to Families With Dependent Children Program; Extension of Medicaid Eligibility When Support Collections Result in Termination of AFDC Eligibility | 0970-AA07 |
| 1425 | Disregards of Income and Resources | 0970-AA70 |
| 1426 | Essential Persons | 0970-AA93 |
| 1427 | Head Start Performance Standards for Infants, Toddlers, and Pregnant Women | 0970-AB04 |
| 1428 | Adoption and Foster Care Analysis and Reporting System (AFCARS) | 0970-AB05 |
| 1429 | Social Services Block Grant Information Collection | 0970-AB06 |
| 1430 | Technical Changes to the AFDC Program as Required by OBRA 90 | 0970-AB14 |
| 1431 | Block Grant Programs (Low-Income Home Energy Assistance Program —LIHEAP) FY 91 and FY 92 Provisions ... | 0970-AB15 |
| 1432 | Refugee Cash Assistance and Refugee Medical Assistance | 0970-AB27 |

Administration for Children and Families—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1433 | Safeguarding Information; Federal Income Tax Refund Offset | 0970-AA88 |

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Administration for Children and Families—Completed Actions (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1434 | Require Recoupment of Overpayments From Current Recipients | 0970-AA94 |
| 1435 | Requirements Applicable to Title IV-E Foster Care and Title IV-B Child Welfare Services | 0970-AB07 |
| 1436 | Income and Eligibility Verification System | 0970-AB13 |
| 1437 | Administrative Waiver Process | 0970-AB17 |
| 1438 | Policy Regarding Smoking in Head Start Facilities | 0970-AB22 |
| 1439 | Omnibus Regulation for Miscellaneous Revisions and Technical Changes | 0970-AB26 |
| 1440 | Assistance for United States Citizens Returned From Foreign Countries | 0970-AB29 |
| 1441 | State Legalization Impact Assistance Grants | 0970-AB30 |

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Office of the Secretary (OS)

1058. NONDISCRIMINATION REQUIREMENTS (INCLUDING ON THE BASIS OF SEX OR RELIGION) APPLICABLE TO BLOCK GRANTS AND STANDARD NONDISCRIMINATION PROCEDURES APPLICABLE TO CERTAIN OTHER PROGRAMS

Legal Authority: 42 USC 9906; 42 USC 300x-7; 42 USC 708; 42 USC 8625; 42 USC 9821; 42 USC 9849; 42 USC 1397; 42 USC 300w-7

CFR Citation: 45 CFR 94

Legal Deadline: None

Abstract: To implement the nondiscrimination requirements applicable to block grants authorized by the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35, as amended by the Omnibus Budget Reconciliation Act of 1990, P.L. 101-508.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 01/21/86 | 51 FR 2806 |
| NPRM Comment Period End | 03/24/86 | 51 FR 2806 |
| Second NPRM | 12/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Marcella Haynes, Director, Policy & Special Projects Staff, Office for Civil Rights, Department of Health and Human Services, Office of the Secretary, 330 Independence Ave., SW., Rm. 5034, Washington, DC 20201, 202 619-0671

RIN: 0991-AA02

1059. PRINCIPLES FOR DETERMINING COSTS AND COST ALLOCATION PROCEDURES APPLICABLE TO GRANTS, CONTRACTS, AND OTHER AGREEMENTS FOR WORK PERFORMED BY HOSPITALS

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74, app E

Legal Deadline: None

Abstract: This action will revise the Department's current cost principles for research and development activities under grants and contracts with hospitals to make them compatible with cost principles issued by OMB for State and local units of government, educational institutions and nonprofit organizations.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State

Additional Information: The current OMB project to completely rewrite its Circular A-87, "Cost Principles for State and Local Governments" includes proposed revisions of the interest allowability provision. OMB is considering the possibility of adopting uniform provisions on interest in each of its Circulars on Cost Principles, A-87, A-21 for Educational Institutions and A-122 for Nonprofit Organizations. If this occurs, HHS will consider adopting the same provisions for interest costs incurred by hospitals under Federal research and training awards.

Agency Contact: Edward M. Tracy, Director, Division of Cost Policy and Oversight, Department of Health and

Human Services, Office of the Secretary, Room 1067 Cohen Bldg, 200 Independence Ave. SW., Washington, DC 20201, 202 401-2806

RIN: 0991-AA12

1060. EQUAL OPPORTUNITY IN EMPLOYMENT: PUBLIC BROADCASTING, PUBLIC RADIO, AND PUBLIC TELECOMMUNICATIONS ENTITIES RECEIVING FEDERAL FUNDS FROM THE CORPORATION FOR PUBLIC BROADCASTING

Legal Authority: 47 USC 398

CFR Citation: 45 CFR 87.1-40

Legal Deadline: None

Abstract: Implements the Equal Opportunity in Employment Provisions of the Public Telecommunications Financing Act of 1978, Pub. L. 95-567, 47 U.S.C. 398(b)(1). This provision requires that equal opportunity in employment be afforded to all persons and that no person shall be subjected to discrimination in employment on the grounds of race, color, religion, national origin, or sex by the Public Broadcasting Service, National Public Radio, and public telecommunications entities receiving Federal funds from the Corporation for Public Broadcasting.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| ANPRM | 03/13/79 | 44 FR 14582 |
| NPRM | 12/21/79 | 44 FR 75676 |
| NPRM Comment Period End | 01/20/80 | 44 FR 75676 |
| Second NPRM | 12/00/93 | |

Small Entities Affected: Businesses

HHS—OS

Proposed Rule Stage

Government Levels Affected: Local, State

Public Compliance Cost: Yearly
Recurring Cost: \$6,000

Additional Information: Because of concerns expressed by interested parties and time elapsed since issuance of the ANPRM, HHS/OS/OCR will be announcing a new NPRM.

Agency Contact: Marcella Haynes, Director, Policy & Special Projects Staff, Office for Civil Rights, Department of Health and Human Services, Office of the Secretary, 330 Independence Ave., SW., Room 5034, Washington, DC 20201, 202 619-0671

RIN: 0991-AA22

1061. CIVIL MONEY PENALTIES (CMPS) FOR CERTAIN HOSPITAL PHYSICIAN INCENTIVE PLANS

Legal Authority: PL 99-509, Sec 9313

CFR Citation: 42 CFR 1001; 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule would prohibit a hospital from knowingly making incentive payments to a physician as an inducement to reduce or limit services provided to Medicare or Medicaid beneficiaries who are under the direct care of that physician. The rule would also set forth standards governing the imposition of CMPs for each such individual for whom payments are made.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 04/00/94 | |
| NPRM Comment Period End | 06/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence Avenue SW., Washington, DC 20201, 202 619-3270

RIN: 0991-AA45

1062. CIVIL MONEY PENALTIES (CMPS) FOR CERTAIN PRACTICES RELATING TO MEDICARE SUPPLEMENTAL POLICIES

Legal Authority: PL 100-360, Sec 428(b); PL 101-508, Sec 4351; PL 101-

508, Sec 4353(a); PL 101-508, Sec 4354; PL 101-508, Sec 4355(a); PL 101-508, Sec 4357

CFR Citation: 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule would authorize the imposition of CMPs against individuals or entities who knowingly and willfully use misleading and fraudulent practices in the advertisement, solicitation, offering for sale, or delivery of Medicare supplemental health insurance (Medigap) policies. Penalties would also be established for failure to meet Medigap policy loss-ratio requirements, failure to comply with policy simplification standards, and failure to obtain Secretarial certification of Medigap policies in States with non-approved regulatory programs.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence Avenue SW., Washington, DC 20201, 202 619-3270

RIN: 0991-AA53

1063. STANDARDIZATION AND UNIFORM APPLICATION OF CMP PROCEDURES

Legal Authority: PL 99-509, Sec 9320; PL 99-509, Sec 9331; PL 99-509, Sec 9332; PL 99-509, Sec 9338; PL 100-203, Sec 4045; PL 100-203, Sec 4049; PL 100-203, Sec 4051; PL 100-203, Sec 4062; PL 100-203, Sec 4064; PL 100-203, Sec 4085; PL 100-360, Sec 202; PL 101-508, Sec 4109; PL 101-508, Sec 4155; PL 101-508, Sec 4163(b)(2); PL 101-508, Sec 4401(b)

CFR Citation: 42 CFR 1001; 42 CFR 1002; 42 CFR 1003

Legal Deadline: None

Abstract: This rulemaking would standardize the procedures for imposing civil money penalties and related sanctions authorized by statutes incorporating provisions of section 1128A of the Social Security Act. In addition to standardizing OIG's existing CMP procedures, this rule would

include provision for CMPs and related exclusions for various Medicare Part B violations resulting from OBRA '86, OBRA '87, OBRA '90 and PL 100-360.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence Avenue SW., Washington, DC 20201, 202 619-3270

RIN: 0991-AA57

1064. CIVIL MONEY PENALTIES FOR PHYSICIAN OWNERSHIP OF AND REFERRAL TO CERTAIN HEALTH CARE ENTITIES

Significance: Agency Priority

Legal Authority: PL 101-239, Sec 6204; PL 101-508, Sec 4207(e); PL 101-508, Sec 4207(m)(2)

CFR Citation: 42 CFR 1003

Legal Deadline: Final, Statutory, October 1, 1991.

Abstract: This rule will implement new civil money penalty authorities regarding prohibited physician ownership and referral arrangements as set forth in Section 1877 of the Social Security Act.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This rulemaking is being developed in conjunction with RIN 0938-AF40.

Agency Contact: Joel Jay Schaer, Regulations Officer, Office of Inspector General, OMP, Department of Health and Human Services, Office of the Secretary, 330 Independence Avenue SW., Washington, DC 20201, 202 619-3270

RIN: 0991-AA65

HHS—OS

Proposed Rule Stage

1065. ADDITIONAL SAFE HARBOR PROVISIONS UNDER THE ANTI-KICKBACK STATUTE**Legal Authority:** PL 100-93, Sec 2; PL 100 93, Sec 14**CFR Citation:** 42 CFR 1001**Legal Deadline:** None

Abstract: This final rule will set forth additional "safe harbor" provisions, as authorized by section 14 of PL 100-93. The final rule delineates business and payment practices relating to the Medicare and State health care programs that will be immunized from either criminal or civil prosecution in accordance with the Medicare/Medicaid anti-kickback statute.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/21/93 | 58 FR 49008 |
| NPRM Comment | 11/22/93 | |
| Period End | | |
| Final Action | 07/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Joel Jay Schaer, Regulations Officer, Office of Inspector General, OMP, Department of Health and Human Services, Office of the Secretary, 330 Independence Avenue SW., Washington, DC 20201, 202 619-3270

RIN: 0991-AA66**1066. TITLE VI OF THE CRA OF 1964, SUBPART B—NATIONAL ORIGIN DISCRIMINATION IN PROGRAMS RECEIVING FED. FINANCIAL ASSISTANCE FROM THE DHHS AGAINST PERSONS OF LIMITED ENGLISH PROFICIENCY****Legal Authority:** 42 USC 2000d-1**CFR Citation:** 45 CFR 80**Legal Deadline:** None

Abstract: Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs and activities that receive Federal financial assistance. This addition as Subpart B to the Department's Title VI regulation will address a serious barrier to equal access to health and human services—the denial of services and other unequal or discriminatory treatment to persons of Limited English Proficiency (LEP). Persons of LEP tend to be disproportionately represented in certain national origin groups. The inability to communicate with persons of LEP therefore may have the effect of discriminating against certain persons on the basis of national origin. This regulation will establish standards for compliance by recipients and provide guidance to OCR Regional Offices in conducting complaint investigations and compliance reviews. Compliance with these regulations would improve access to services for persons regardless of national origin. The alternative would be to do nothing about the identified problem, which would be detrimental to national origin groups.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment | 02/00/94 | |
| Period End | | |
| Final Action | 04/00/94 | |
| Final Action Effective | 05/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Marcella Haynes, Director, Policy and Special Projects Staff, Department of Health and Human

Services, Office of the Secretary, 330 Independence Avenue, SW., Room 5034, Washington, DC 20201, 202 619-0671

RIN: 0991-AA72**1067. REVISIONS TO THE PRO SANCTIONS PROCESS**

Legal Authority: 42 USC 1302; 42 USC 1320c-5; PL 100-93, sec 6; PL 100-93, sec 8; PL 100-93, sec 10; PL 100-203, sec 4095; PL 101-508, sec 4205

CFR Citation: 42 CFR 1004**Legal Deadline:** None

Abstract: This rule would revise and update the procedures governing the imposition and adjudication of sanctions predicated on recommendations of State Peer Review Organizations. These changes are necessitated by statutory revisions resulting from PL 100-93, PL 100-203, and PL 101-508. This rule will also set forth new appeal and reinstatement procedures that are presently codified in 42 CFR part 1004.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 03/00/94 | |
| NPRM Comment | 05/00/94 | |
| Period End | | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence Avenue SW., Washington, DC 20201, 202 619-3270

RIN: 0991-AA73**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

Office of the Secretary (OS)

Final Rule Stage

1068. AUDITS OF NONGOVERNMENTAL GRANTEES**Significance:** Agency Priority**Legal Authority:** 5 USC 301**CFR Citation:** 45 CFR 74.62**Legal Deadline:** None

Abstract: This action will implement OMB Circular A-133 which was issued on March 8, 1990. The Circular provides governmentwide standards for non-Federal audits of colleges and universities and other nonprofit recipients of Federal grants and contracts and requires such audits for fiscal periods beginning on or after

January 1, 1990. The Circular exempts hospitals not affiliated with institutions of higher education. The HHS implementation of the Circular will contain a definition of affiliation on which the public will be afforded an opportunity to provide comments. The Circular and these amendments replace

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the audit requirements currently contained in OMB Circular A-110.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|------------|
| Interim Final Rule | 03/01/91 | 56 FR 8712 |
| Interim Final Rule Effective | 03/01/91 | 56 FR 8712 |
| Comment Period End | 04/30/91 | 56 FR 8712 |
| Next Action Undetermined | | |

Small Entities Affected: Organizations

Government Levels Affected: Local, State

Additional Information: Only a small number of public comments on the interim final rule's definition of affiliation were received. However, they contained some misunderstandings about the HHS definition and its effects, as well as a number of suggestions for possible changes thereto. We are carefully considering those comments and expect to issue a final rule responding to misunderstandings and making some minor changes to the definition.

Agency Contact: Edward M. Tracy, Director, Division of Cost Policy and Oversight, Department of Health and Human Services, Office of the Secretary, Room 1067 Cohen Bldg., 200 Independence Ave. SW., Washington, DC 20201, 202 401-2806

RIN: 0991-AA29

1069. CIVIL MONEY PENALTIES AND EXCLUSIONS FOR ASSISTANTS AT CATARACT SURGERY

Legal Authority: PL 99-272, Sec 9307; PL 99-514, Sec 1895(b)(16)

CFR Citation: 42 CFR 1001; 42 CFR 1003

Legal Deadline: None

Abstract: These final regulations provide for the imposition of civil money penalties and exclusions against physicians billing the Medicare program or program beneficiaries for services of an assistant at surgery for cataract operations where prior approval has not been granted. This rule specifically responds to various comments raised as a result of the interim final, and makes a number of technical corrections to those final regulations.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 04/10/87 | 52 FR 11649 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence Avenue SW., Washington, DC 20201, 202 619-3270

RIN: 0991-AA37

1070. CIVIL MONEY PENALTIES AND INTERMEDIATE SANCTIONS FOR HMOS AND COMPETITIVE MEDICAL PLANS

Legal Authority: PL 99-509, Sec 9312; PL 99-509, Sec 9434; PL 100-203, Sec 4014; PL 100-360, Sec 224; PL 100-380, Sec 411; PL 101-239; Sec 6411

CFR Citation: 42 CFR 1003; 42 CFR 417; 42 CFR 431; 42 CFR 434

Legal Deadline: None

Abstract: This final rule will broaden the Secretary's authority to impose intermediate sanctions and civil money penalties against eligible organizations that substantially fail to provide Medicare or Medicaid enrollees with required medically necessary items and services, or that practice certain marketing, enrollment, reporting or claims payment abuses.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/22/91 | 56 FR 33403 |
| NPRM Comment Period End | 09/20/91 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, OMP, 330 Independence Avenue SW., Washington, DC 20201, 202 619-3270

RIN: 0991-AA44

1071. BLOCK GRANT PROGRAMS

Legal Authority: PL 100-485; PL 100-607; PL 100-690

CFR Citation: 45 CFR 96

Legal Deadline: None

Abstract: Recent legislation modified technical, administrative and reporting requirements for several of the

Department's block grants. This notice would propose regulatory changes to reflect these statutory changes and to clarify certain other block grant regulatory provisions.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 07/17/92 | 57 FR 31682 |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Glenn Kamber, Department of Health and Human Services, Office of the Secretary, 200 Independence Avenue SW., Washington, DC 20201, 202 690-7150

RIN: 0991-AA55

1072. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74; 45 CFR 92

Legal Deadline: None

Abstract: OMB is in the process of issuing updated fiscal and administrative guidance on requirements governing grants (including cooperative agreements). Separate guidance will be provided for grants awarded to governments and those awarded to colleges and universities and other nonprofit organizations. In separating grant rules for governments from those of other recipients, OMB recognizes the unique competence of States to administer grants and embraces the concept of Federalism. HHS regulations governing grants to these entities will have to be updated to accommodate these changes. HHS regulations governing grants to governments which implement OMB Circular A-102 are codified in 45 CFR part 92. Those governing grants to colleges and universities and other nonprofit organizations which implement OMB Circular A-110 are codified in 45 CFR part 74.

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------------------|---------|
| Final Action | 11/00/93 | |
| 45 CFR 74 | | |
| NPRM | 06/24/87 (52 FR 23729) | |
| NPRM Comment Period End | 08/23/87 | |
| 45 CFR 92 | | |
| NPRM | 11/04/88 (53 FR 44715) | |
| NPRM Comment Period End | 01/03/89 | |
| NPRM Canceled | 10/29/90 (55 FR 45289) | |

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Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Charles Gale, Director, Division of Grants Policy and Oversight, Department of Health and Human Services, Office of the Secretary, Rm 517D, HHH Bldg., 200 Independence Avenue SW., Washington, DC 20201, 202 690-6377
RIN: 0991-AA56

1073. SAFE HARBORS FOR PROTECTING HEALTH PLANS

Significance: Agency Priority
Legal Authority: PL 100-93, Sec 2; PL 100-93, Sec 14
CFR Citation: 42 CFR 1001
Legal Deadline: None
Abstract: This rule establishes additional "safe harbor" provisions, as authorized by section 14 of PL 100-93. This rule protects certain health care plans, such as health maintenance organizations, that offer incentives to enrollees or that enter into negotiated price reduction agreements with contract health care providers.

Timetable:

| Action | Date | FR Cite |
|------------------------------------|----------|-------------|
| Final Rule With Comment Period | 11/05/92 | 57 FR 52723 |
| Extension of Public Comment Period | 01/07/93 | 58 FR 2989 |
| Interim Final Rule | 11/05/93 | 57 FR 52723 |
| Final Action | 03/00/94 | |

Small Entities Affected: None
Government Levels Affected: None
Additional Information: The OIG is currently assessing the public comments received and will be issuing a revised final rule.

Agency Contact: Joel Jay Schaar, Regulations Officer, Office of the Inspector General, OMP, Department of Health and Human Services, Office of the Secretary, 330 Independence Avenue SW., Washington, DC 20201, 202 619-3270
RIN: 0991-AA69

1074. GOVERNMENTWIDE GUIDANCE FOR NEW RESTRICTIONS ON LOBBYING; INTERIM FINAL GUIDANCE

Significance: Regulatory Program
Legal Authority: 31 USC 1352
CFR Citation: 45 CFR 93
Legal Deadline: None
Abstract: This interim final rule is in response to section 319 of P.L. 101-121. Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, cooperative agreement, loan or a Federal commitment to insure or guarantee a loan, must disclose lobbying activities.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 6736 |
| Next Action Undetermined | | |

Small Entities Affected: None
Government Levels Affected: Local, State
Agency Contact: Charles Gale, Director, Division of Grants Policy and

Oversight, Department of Health and Human Services, Office of the Secretary, Rm 517D, HHH Bldg., 200 Independence Avenue SW., Washington, DC 20201 202 690-6574
RIN: 0991-AA70

1075. CLARIFICATION OF THE OIG SAFE HARBOR ANTI-KICKBACK PROVISIONS

Legal Authority: PL 100-93, sec 14
CFR Citation: 42 CFR 1001
Legal Deadline: None

Abstract: This final rule clarifies various aspects of the original set of safe harbor provisions that were published on July 29, 1991 (56 FR 35953) and that are currently set forth in 42 CFR 1001.952(a)-(k). This clarifying document modifies the final safe harbor provisions to give greater clarity to their original intent.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 02/00/94 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Joel Jay Schaar, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of the Inspector General, OMP, 330 Independence Avenue SW., Washington, DC 20201, 202 619-3270
RIN: 0991-AA74

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
 Office of the Secretary (OS)**

Completed Actions

1076. MAMMOGRAPHY QUALITY STANDARDS ACT OF 1992

RIN: 0991-AA76

Completed:

| Reason | Date | FR Cite |
|----------------------|----------|---------|
| Transfer Development | 07/09/93 | |
| to RIN 0905-AE19 | | |

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Departmental Management (HSDM)**1077. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS****Legal Authority:** 5 USC 504(c)(1)**CFR Citation:** 45 CFR 13**Legal Deadline:** None

Abstract: The Equal Access to Justice Act generally requires agencies to pay attorney fees to parties prevailing against the Government in certain types of administrative proceedings. It requires each agency to issue rules implementing the Act as it applies to these proceedings. As originally

enacted, the Act had a sunset clause. A statutory amendment eliminated the sunset provision and made other changes in the Act. The instant regulation would amend 45 CFR part 13 (HHS's regulation implementing the Act) to eliminate the corresponding sunset provision and to make other changes conforming with the statutory changes.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/19/87 | 52 FR 23911 |
| NPRM Comment Period End | 08/17/87 | |

Action:

Final Action 11/00/93

Final Action Effective 11/00/93

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Eileen Bradley, Associate General Counsel, Business and Administrative Law Division, Department of Health and Human Services, Room 5362, HHS Cohen Building, 330 Independence Avenue SW., Washington, DC 20201, 202 619-0150

RIN: 0990-AA02

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Prerule Stage

Social Security Administration (SSA)**1078. OASDI AND SSI PROGRAMS; PERFORMANCE STANDARDS REVISIONS AND OTHER CHANGES INVOLVING ADMINISTRATIVE REQUIREMENTS AND PROCEDURES (381A)****Legal Authority:** 42 USC 421; 42 USC 1302; 42 USC 405(a)**CFR Citation:** 20 CFR 404.1640; 20 CFR 404.1641; 20 CFR 404.1642; 20 CFR 404.1643; 20 CFR 404.1644; 20 CFR 404.1645; 20 CFR 404.1650; 20 CFR 416.1040; 20 CFR 416.1041; 20 CFR 416.1042; 20 CFR 416.1043; 20 CFR 416.1044; 20 CFR 416.1045; 20 CFR 416.1050**Legal Deadline:** None

Abstract: This announces SSA's intent to review and revise the performance standards that are currently used to evaluate the accuracy and the timeliness of the disability determinations made by State agencies under Titles II and XVI of the Social Security Act. It also invites public comments on the current performance standards and other indicators that may be appropriate for measuring the operational effectiveness of State agencies.

Timetable:**Action:**

ANPRM 00/00/00

Small Entities Affected: None**Government Levels Affected:** State

Agency Contact: Alicia Matthews, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1713

RIN: 0960-AD64

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Social Security Administration (SSA)**1079. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MUSCULOSKELETAL SYSTEM (143P)****Significance:** Agency Priority**Legal Authority:** 42 USC 1302; 42 USC 405; 42 USC 1383**CFR Citation:** 20 CFR 404.1500ff, appendix 1**Legal Deadline:** None

Abstract: Sections 1.00 and 101.00 of appendix 1 to the Disability Regulations (404.1501 through 404.1599) describe those musculoskeletal impairments which are considered severe enough to prevent a person from doing any gainful activity

or, in the case of a child under age 18, age-appropriate activities. We are proposing comprehensive revisions to these sections to ensure that the medical evaluation criteria are up to date and consistent with the latest advances in medicine. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 12/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 968-0512

RIN: 0960-AB01

1080. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; ADJUSTMENTS IN SSI BENEFITS ON ACCOUNT OF RETROACTIVE BENEFITS UNDER TITLE II (061P)

Legal Authority: 42 USC 405; 42 USC 1320a-6; 42 USC 1302; 42 USC 1383; PL 98-369, Sec 2815; 42 USC 1383b; 42 USC 1327

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CFR Citation: 20 CFR 404.408b; 20 CFR 416.1123; 20 CFR 416.1402(m); 20 CFR 416.1123a; 20 CFR 404.902

Legal Deadline: None

Abstract: Sec. 2615 of Pub. L. 98-369 amended sec. 1127 of the Social Security Act to eliminate windfalls that permitted some people who were paid Old-Age, Survivors and Disability Insurance (OASDI) and Supplemental Security Income (SSI) benefits retroactively to receive more in total benefits for the same period than if they had been paid the benefits when regularly due. The two main changes are: (1) SSI benefits will be reduced where retroactive OASDI benefits have been paid before the SSI benefits. Under prior law, reductions could be made only in retroactive OASDI benefits and only when the retroactive SSI had been paid first. (2) OASDI or SSI benefits payable upon reinstatement following a period of suspension or termination will be reduced by the amount of SSI benefits that would not have been paid if the OASDI benefits had been paid when regularly due. We will amend our regulations to conform to the statutory changes. Any costs/savings are associated with the legislation being implemented and not with the regulations themselves.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 410 965-8471

RIN: 0960-AB38

1081. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; EVALUATION GUIDES FOR DETERMINING SUBSTANTIAL GAINFUL ACTIVITY (SGA) (147P)

Legal Authority: PL 98-460, Sec 10; PL 99-643; PL 100-203; PL 101-508

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None

Abstract: These proposed changes will clarify how the Social Security

Administration evaluates a person's work activity. These regulations also will increase the monthly earnings amount that constitutes services for trial work period purposes and change the rules to allow the value of any subsidy or impairment-related work expenses to be deducted in determining that monthly earnings amount. These regulations also reflect statutory changes with respect to the trial work period and the re-entitlement period.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cassandra Bond, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1794

RIN: 0960-AB73

1082. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; NONPAYMENT OF BENEFITS TO PRISONERS, VOCATIONAL REHABILITATION EXCEPTION (166P)

Legal Authority: 42 USC 402(x)(1); 42 USC 405

CFR Citation: 20 CFR 404.468; 20 CFR 404.469 (New)

Legal Deadline: None

Abstract: Existing regulations at 20 CFR 404.468(d) provide a vocational rehabilitation exception to the nonpayment of benefits to prisoners provision described at 20 CFR 404.468(a). Under the exception, the nonpayment provision does not apply if a prisoner who is entitled to benefits on the basis of disability is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by a court of law. In addition, the Secretary must determine that the program is expected to result in the individual being able to do substantial gainful activity upon release and within a reasonable time. No benefits will be paid to the prisoner for any month prior to the approval of the program. The proposed regulations would set out more definitive criteria for applying the exception and would define terms, such as "rehabilitation program,"

"court of law," and "reasonable time," for purposes of applying the exception.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 965-8470

RIN: 0960-AC16

1083. SUPPLEMENTAL SECURITY INCOME PROGRAM; CONTINUATION OF BENEFITS AND SPECIAL ELIGIBILITY FOR CERTAIN SEVERELY IMPAIRED RECIPIENTS WHO WORK (171P)

Legal Authority: PL 99-643, Sec 2; PL 99-643, Sec 4; PL 101-508, Sec 5032; PL 101-508, Sec 5033; 42 USC 1382a; 42 USC 1382h

CFR Citation: 20 CFR 416.260; 20 CFR 416.261; 20 CFR 416.262; 20 CFR 416.265; 20 CFR 416.268; 20 CFR 416.269; 20 CFR 416.1112; 20 CFR 416.1402; 20 CFR 426.264

Legal Deadline: None

Abstract: These proposed regulations will implement statutory changes contained in sections 2 and 4 of PL 99-643. These provisions: (1) make section 1619 of the Social Security Act permanent; and (2) simplify the transitions among regular SSI status, special benefit status, and special Supplemental Security Income status for Medicaid purposes. The proposed regulations also will involve the statutory change contained in sections 5032 and 5033 of Pub. L. 101-508 which eliminate the age-65 limit for eligibility for special Supplemental Security Income status for Medicaid purposes and which liberalizes the impairment-related work exclusion of section 1612(b)(4)(B)(ii).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard M. Bresnick, Legal Assistant, Department of Health

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and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 965-1758

RIN: 0960-AC22

1084. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINING DISABILITY AND BLINDNESS; FEE LIMITATION POLICY FOR PURCHASE OF LABORATORY TESTS (184P)

Legal Authority: 42 USC 421(a); 42 USC 1302; 42 USC 1383b

CFR Citation: 20 CFR 404.1624a (New); 20 CFR 416.1024a (New)

Legal Deadline: None

Abstract: These proposed regulations would place a limitation on the rates of payment a State may pay for laboratory tests purchased by State agencies. Under these proposed regulations a State agency would be required to limit the amounts it pays for laboratory tests to the maximum payment level contained in the Health Care Financing Administration's (HCFA) National Limitation Amounts for Laboratory Fee Schedules. Currently the only payment requirement is that the rates of payment not exceed the highest rates paid by Federal or other agencies in the State for the same or similar types of services.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Richard M. Bresnick, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1758

RIN: 0960-AC41

1085. OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; VOCATIONAL FACTORS REGULATIONS RESTRUCTURING AND CLARIFICATION (207P)

Legal Authority: 42 USC 405; 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1520; 20 CFR 404.1550 to 404.1567; 20 CFR 416.920; 20 CFR 416.950 to 416.967

Legal Deadline: None

Abstract: Based upon adjudicative experience, we are proposing clarifications and a restructuring of the disability vocational evaluation regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 965-6243

RIN: 0960-AC61

1086. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; INTERIM DISABILITY BENEFITS (215P)

Legal Authority: 42 USC 423(h); 42 USC 1383(a); PL 100-647, Sec 8001

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None

Abstract: These regulations implement a section of Pub. L. 100-647 that authorizes interim benefit payments whenever an Administrative Law Judge (ALJ) decides that a claimant is entitled to benefits based on disability or blindness and the Secretary has not issued his final decision within 110 days after the date of the ALJ's determination.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1759

RIN: 0960-AC76

1087. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; MEDICAL IMPROVEMENT REVIEW STANDARD (MIRS)—MISCELLANEOUS CHANGES (225P)

Legal Authority: 42 USC 405; 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1579; 20 CFR 404.1594; 20 CFR 404.1598; 20 CFR 416.994

Legal Deadline: None

Abstract: These proposed regulations will make no policy changes but are needed to make a number of technical corrections to our existing regulations pertaining to how we decide whether disability continues or ends.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 966-0512

RIN: 0960-AC81

1088. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; APPEALS COUNCIL NOTICE REQUIREMENTS (235P)

Legal Authority: 42 USC 401(g); 42 USC 405(a); 42 USC 405(b); 42 USC 405(d) to 405(h); 42 USC 421(d); 42 USC 1302; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 404.973; 20 CFR 416.1473

Legal Deadline: None

Abstract: These proposed regulations amend the existing regulations to clarify the requirements that the Appeals Council (AC) notify the parties of its reasons for reviewing a case and the issues to be decided. The proposed regulations clarify the AC's procedures with regard to providing the notice required by the regulations and do not represent any change in policy. These regulations are intended to remove any ambiguities in the current regulations concerning the circumstances and the

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manner in which the AC provides notice to the parties.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1769

RIN: 0960-AC93

1089. SUPPLEMENTAL SECURITY INCOME PROGRAM; WAIVER OF SSI RULE FOR DEEMING TO CHILDREN THE INCOME AND RESOURCES OF THEIR PARENTS FOR CERTAIN DISABLED CHILDREN (252P)

Legal Authority: 42 USC 1382c(f)(2)

CFR Citation: 20 CFR 416.415; 20 CFR 416.1148; 20 CFR 416.1165; 20 CFR 416.1202

Legal Deadline: None

Abstract: These proposed regulations reflect the provisions of section 8010 of Pub. L. 101-239 which waive the SSI income and resource deeming rules (which deem the income and resources of a disabled child's parents to the child if the child is living at home) for disabled children who were eligible for SSI benefits while in a medical institution and who qualify for Medicaid under a State home care plan authorized under title XIX when deeming parental income and resources would make the disabled child ineligible for SSI benefits or eligible for a payment of less than the personal needs allowance. This was effective June 1, 1990.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/22/93 | 58 FR 49249 |
| NPRM Comment Period End | 11/22/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations,

6401 Security Boulevard, Baltimore, MD 21235, 410 966-0512

RIN: 0960-AC96

1090. SSI PROGRAM; REDUCTION IN TIME WHEN INCOME AND RESOURCES OF SEPARATED COUPLES MUST BE TREATED AS JOINTLY AVAILABLE FOR PURPOSES OF SSI ELIGIBILITY AND BENEFITS (254P)

Legal Authority: 42 USC 1382c(b)

CFR Citation: 20 CFR 416.120(c); 20 CFR 416.305; 20 CFR 416.430; 20 CFR 416.432; 20 CFR 416.532(c); 20 CFR 416.554; 20 CFR 416.1130(c); 20 CFR 416.1147; 20 CFR 416.1801(c); 20 CFR 416.1802(b); 20 CFR 416.1806; 20 CFR 416.1811; 20 CFR 416.1830(a); 20 CFR 416.1832(c) and (d)

Legal Deadline: None

Abstract: This proposed regulation requires that a married couple be treated as separate individuals for purposes of SSI eligibility and benefit determination beginning with the month after the month they begin living apart. This change is effective October 1, 1990.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 966-0512

RIN: 0960-AC98

1091. SUPPLEMENTAL SECURITY INCOME PROGRAM; AUGMENTED BENEFITS (271P)

Legal Authority: 42 USC 1382a

CFR Citation: 20 CFR 416.1121; 20 CFR 416.1122

Legal Deadline: None

Abstract: These proposed regulations will state the Supplemental Security Income program policy on the treatment of benefits from other programs that have been augmented to provide for dependents. Our current regulations only provide policy regarding the treatment of the primary

beneficiary's portion of an augmented Department of Veterans Affairs benefit.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8470

RIN: 0960-AD07

1092. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; REPRESENTATIVE PAYEE REFORMS (295P)

Significance: Regulatory Program

Legal Authority: PL 101-508, Sec 5105

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations, which reflect certain provisions of PL 101-508, modify existing representative payee procedures by requiring the Social Security Administration (SSA) to do a more extensive investigation of representative payee applicants; generally limit to 1 month the deferral or suspension of direct payment of benefits pending selection of a payee; provide stricter standards in determining the fitness of representative payee applicants to manage benefit payments on behalf of beneficiaries; require SSA to repay to the beneficiary or an alternate payee, an amount equal to any misused funds resulting from SSA's negligent failure to investigate or monitor a representative payee; and require SSA to compile and maintain a centralized file of certain beneficiary and payee information.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 12/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security

HHS—SSA

Proposed Rule Stage

Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1769

RIN: 0960-AD22

1093. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; FEES FOR REPRESENTATION OF CLAIMANTS (296P)

Significance: Agency Priority

Legal Authority: PL 101-508, Sec 5106

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: We propose to amend the regulations to reflect section 5106(a) of Pub. L. 101-508 which modifies the manner in which past-due benefits are calculated and the process by which SSA approves fees charged by persons representing claimants before the Agency.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1769

RIN: 0960-AD23

1094. OASDI AND SSI FOR THE AGED, BLIND AND DISABLED; CONTINUATION OF BENEFITS ON ACCOUNT OF PARTICIPATION IN A NON-STATE VR PROGRAM (299P)

Legal Authority: PL 101-508, Sec 5113

CFR Citation: 20 CFR 404.316; 20 CFR 404.337; 20 CFR 404.352; 20 CFR 404.902; 20 CFR 404.1586; 20 CFR 404.1596; 20 CFR 404.1597; 20 CFR 416.1321; 20 CFR 416.1338; 20 CFR 416.1402

Legal Deadline: None

Abstract: These regulations will implement section 5113 of Pub. L. 101-508, which amends sections 225(b) and 1631 (a)(6) of the Act to extend eligibility for continuation of benefits under these sections to persons who are participating in a non-State VR

program. Prior to these amendments, the law only provided for continuation of benefits when a person was participating in a State VR Program. These regulatory changes will bring our regulations into conformity with the amendments to the law.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8471

RIN: 0960-AD26

1095. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; TREATMENT OF CERTAIN ROYALTIES AND HONORARIA (310P)

Legal Authority: PL 101-508, Sec 5034(a)(1)(B); 42 USC 1382a(a)(1)(E)

CFR Citation: 20 CFR 416.1110; 20 CFR 416.1111; 20 CFR 416.1121

Legal Deadline: None

Abstract: These regulations amend the Supplemental Security Income regulations to reflect a statutory change in the treatment of royalties in connection with any publication of the works of an individual and that portion of honoraria received for services rendered, from unearned income to earned income.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8470

RIN: 0960-AD35

1096. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; EXCLUSION FROM INCOME AND RESOURCES OF VICTIMS' COMPENSATION PAYMENTS AND STATE RELOCATION ASSISTANCE (311P)

Legal Authority: PL 101-508, Sec 5031; PL 101-508, Sec 5035

CFR Citation: 20 CFR 416.1124; 20 CFR 416.1161(a); 20 CFR 416.1204(a); 20 CFR 416.1210; 20 CFR 416.1229 (New); 20 CFR 416.1239 (New)

Legal Deadline: None

Abstract: These regulations will provide for the exclusion from income and from resources (for nine months) in the Supplemental Security Income Program payments received by a person from a State established fund to aid victims of crime and payments received as State or local government relocation assistance.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: RIN 0960-AD37 has been merged with this action.

Agency Contact: Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1753

RIN: 0960-AD36

1097. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; REIMBURSEMENT FOR VR SERVICES FURNISHED DURING CERTAIN MONTHS OF NON-PAYMENT (315P)

Legal Authority: PL 101-508, Sec 5037

CFR Citation: 20 CFR 416.1321; 20 CFR 416.1331; 20 CFR 416.1338; 20 CFR 416.1402; 20 CFR 416.2201

Legal Deadline: None

Abstract: These regulations reflect section 5037 of Pub. L. 101-508, which amends section 1615 of the Act, to provide for reimbursement for VR services furnished during certain months of nonpayment of Supplemental Security Income benefits. Prior to these amendments there was

HHS—SSA

Proposed Rule Stage

no provision in the law for such reimbursement.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8471

RIN: 0960-AD39

1098. ORGANIZATION AND PROCEDURES; REVIEW BY APPEALS COUNCIL (334P)

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 422.205

Legal Deadline: None

Abstract: We propose to amend our regulations to give Appeals Officers of the Appeals Council authority to deny requests for review of hearing decisions. Presently, this authority rests only with members of the Appeals Council.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, 410 965-1709

RIN: 0960-AD45

1099. CODE OF CONDUCT FOR THE OFFICE OF HEARINGS AND APPEALS (OHA) ADMINISTRATIVE LAW JUDGES AND ADMINISTRATIVE APPEALS JUDGES (341P)

Legal Authority: EO 12674 as modified by EO 12731;; 42 USC 405

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations will propose a Code of Conduct for OHA Administrative Law Judges and Administrative Appeals Judges.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1769

RIN: 0960-AD54

1100. ELECTION OF BENEFITS BASED ON AGE BY DISABLED WIDOW, WIDOWER, AND SURVIVING DIVORCED SPOUSE BENEFICIARIES (343P)

Legal Authority: 42 USC 405

CFR Citation: 20 CFR 404.335; 20 CFR 404.336; 20 CFR 404.337

Legal Deadline: None

Abstract: We propose to amend our regulations to permit the election of benefits based on age by widows, widowers and surviving divorced spouses (hereinafter, collectively widows) who are at least age 60 and who are already entitled to widow's benefits based on disability. This proposal would allow the widow to choose which of the two types of widow's benefits is more advantageous. The estimated increase in benefit payments is less than \$500,000 per year for fiscal years 1992-1995.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cassandra Bond, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1794

RIN: 0960-AD56

1101. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; REORGANIZATION OF MEDICAL EVIDENCE REGULATIONS (340P)

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None

Abstract: We are working on a reorganization of the medical evidence sections of our regulations so that the numbering of the sections will conform with Federal Register requirements which state that section numbers with alpha characters should not be used in designating units within the CFR system.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alicia Matthews, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1713

RIN: 0960-AD57

1102. SSI PROGRAM; SSI MAXIMUM PAYMENT LIMIT (\$30) WHEN MEDICAID IS NOT PAYING TOWARD THE COST OF INSTITUTIONAL CARE BECAUSE THE INDIVIDUAL TRANSFERRED A RESOURCE (345P)

Legal Authority: 42 USC 1382b; 42 USC 1382(e)(1)

CFR Citation: 20 CFR 416.414

Legal Deadline: None

Abstract: These proposed regulations amend existing regulations to include language explaining that the \$30 maximum monthly SSI payment limit applies when Medicaid is not paying toward the cost of institutional care because the individual transferred a resource for less than fair market value.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

HHS—SSA

Proposed Rule Stage

Agency Contact: Lawrence V. Dudar, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1759

RIN: 0960-AD60

1103. SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF PROMISSORY NOTES IN HOME REPLACEMENT SITUATIONS (182P)

Legal Authority: 42 USC 1302; 42 USC 1302(b)

CFR Citation: 20 CFR 416.1212

Legal Deadline: None

Abstract: This proposed regulation explains how the Social Security Administration (SSA) treats promissory notes and similar installment sales contracts and the proceeds generated therefrom when received as a result of the sale of a home which is excluded from resources under the Supplemental Security Income (SSI) program. This proposed regulation provides for application of the "home replacement exclusion" in these situations where timely reinvestment of the installments into another home, which is similarly excludable as the principal place of residence, is made.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1762

RIN: 0960-AD61

1104. AGAINST EQUITY AND GOOD CONSCIENCE (348P)

Legal Authority: 30 USC 923; 42 USC 404; 42 USC 1383

CFR Citation: 20 CFR 404.509; 20 CFR 410.561d; 20 CFR 416.554

Legal Deadline: None

Abstract: These proposed regulations amend the existing regulations to change how we determine when

recovery of an overpayment would be against equity and good conscience. Currently, regulations permit determinations that recovery of an overpayment would be against equity and good conscience under three specific conditions. The proposed regulations will provide for the "against equity and good conscience" determination to be based on an examination and consideration of a variety of factors such as cause and result of overpayment and fairness as they affect both the beneficiary and the Social Security Administration.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8470

RIN: 0960-AD62

1105. OASDI AND SSI; TESTING MODIFICATIONS TO THE DISABILITY DETERMINATION PROCEDURES (359P)

Significance: Regulatory Program

Legal Authority: 42 USC 405(a); 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.906; 20 CFR 416.1406

Legal Deadline: None

Abstract: We propose to add new rules which would establish authority to test modifications to the disability determination procedures that we follow under titles II and XVI of the Social Security Act. On a limited basis, we may test procedures designed to improve the disability claims process. These models are designed to provide us with comprehensive information regarding the effect of these procedures on the disability process. They would enable us to measure whether, and to what degree, the disability process may be improved, especially with respect to obtaining the correct decision earlier in the process and shortening aggregate processing times. We would measure costs and determine the feasibility of each model. The intended result of

testing these models would be to enable SSA to make recommendations for national implementation of improvements to the disability process.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 09/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry D. Lerner, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1762

RIN: 0960-AD63

1106. APPEAL RIGHTS FOLLOWING STATE-INITIATED MASS CHANGE IN FEDERALLY ADMINISTERED STATE SUPPLEMENTARY PAYMENTS RESULTING IN REDUCTION, SUSPENSION, OR TERMINATION OF STATE SUPPLEMENTARY PAYMENTS (383P)

Significance: Regulatory Program

Legal Authority: 42 USC 405(a); 42 USC 1302(a); 42 USC 1382e; 42 USC 1383(d)(1)

CFR Citation: 20 CFR 416.1401; 20 CFR 416.1402; 20 CFR 416.1403

Legal Deadline: None

Abstract: The regulation addresses the problem of appeals filed by supplemental security income recipients whose payments are reduced, suspended or terminated because of a decrease in the amount of federally administered State supplementary payments. The decrease results from a State-initiated across-the-board reduction in the amount of State supplementary payments due to legislative or executive action by a State. The Social Security Administration cannot change the State's decision to reduce the amount of State supplementary payments. Therefore, in cases where State-initiated changes in the amount of State supplementary payments cause a reduction, suspension or will be attended the right to administrative and judicial respect to the issue of the calculation of his or her State supplementary payment.

HHS—SSA

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/10/93 | 58 FR 42514 |
| NPRM Comment Period End | 10/12/93 | |
| Final Action | 03/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8471

RIN: 0960—AD66

1107. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; HEMIC AND LYMPHATIC SYSTEM, AND MALIGNANT NEOPLASTIC DISEASES (399P)

Significance: Agency Priority**Legal Authority:** 42 USC 1302; 42 USC 1383; 42 USC 405**CFR Citation:** 20 CFR 404.1500ff.appendix 1**Legal Deadline:** None

Abstract: Sections 7.00 and 107.00 (hemic and lymphatic system), and 13.00 and 113.00 (malignant neoplastic diseases) of appendix 1 to Subpart P of Part 404 of the Disability Regulations (404.1501 through 404.1599) describe those impairments which are considered severe enough to prevent a person from engaging in any gainful activity, or in the case of a child under age 18, age-appropriate activities. We are proposing revisions to these sections to ensure that the medical evaluation criteria are up-to-date and consistent with the latest advances in medical knowledge and treatment. The Supplemental Security Income program incorporates and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security

Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-6243

RIN: 0960—AD67

1108. • PROCEDURES FOR HANDLING EARNINGS REPORTS (418P)

Legal Authority: 42 USC 405(a); 42 USC 1302(a); 42 USC 1320b-1**CFR Citation:** 20 CFR 422.115; 20 CFR 422.120**Legal Deadline:** None

Abstract: These regulations will update our current regulations to reflect the procedures we use for handling employers' wage reports that lack a correct social security number. Additionally, the regulations will include our requirements for employers to file corrections of erroneous wage reports. The regulations will also include a description of our process for providing pension plan information under the Employee Retirement Income Security Act of 1974. There are no significant costs.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 05/00/94 | |

Small Entities Affected: Businesses**Government Levels Affected:** Local, Federal

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8471

RIN: 0960—AD70

1109. • FIRST ELIGIBILITY UNDER WINDFALL ELIMINATION PROVISION (428P)

Legal Authority: 42 USC 405(a); 42 USC 415(a)(7); 42 USC 1302(a)**CFR Citation:** 20 CFR 404.213; 20 CFR 404.460; 20 CFR 404.503; 20 CFR 404.510**Legal Deadline:** None

Abstract: Current regulations on the windfall elimination provision do not explain how SSA will treat the purchase of noncovered retroactive service, e.g., the purchase of coverage for military service. The regulations will state that we will accept such

service in determining whether an insured individual is exempt from the windfall provision because he or she became eligible before 1986 for a pension based on noncovered employment. The regulations will also include three technical amendments. First, we will delete a cross reference which erroneously indicates that a person otherwise eligible for an underpayment of benefits must be the parent of an insured individual. Second, we will change age 72 to age 70 regarding deductions for net earnings from self-employment. Third, we will delete the German Democratic Republic and Albania from the list of countries to which payment of benefits is restricted.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 05/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8471

RIN: 0960—AD72

1110. • CONDUCT OF REPRESENTATIVES UNDER TITLE II OR TITLE XVI (431P)

Legal Authority: 42 USC 405(a); 42 USC 406; 42 USC 1302(a); 42 USC 1383(d)(1); 42 USC 1383(d)(2)**CFR Citation:** 20 CFR 404.1700ff; 20 CFR 416.1500ff**Legal Deadline:** None

Abstract: These regulations explain who may serve as a representative, how claimants appoint and discharge representatives, the necessary qualifications which representatives must possess, and rules of conduct and standards of responsibility that a representative must follow.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** Undetermined

Agency Contact: Philip Berge, Legal Assistant, Department of Health and

HHS—SSA

Proposed Rule Stage

Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1769

RIN: 0960—AD73

1111. • STATEMENT OF EARNINGS AND BENEFIT ESTIMATE (415P)

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1320b-13

CFR Citation: 20 CFR 404.811; 20 CFR 404.812; 20 CFR 422.125

Legal Deadline: None

Abstract: Section 1143(c) of the Social Security Act requires that by not later than September 30, 1995, we must furnish a social security account statement to each eligible individual

who has attained age 60 by October 1, 1994, is not receiving social security benefits, and for whom we can determine a current mailing address. During fiscal year 1995 through 1999, we must furnish such a statement to eligible individuals attaining age 60 in the fiscal year they turn age 60. Similarly, beginning no later than October 1, 1999, we must provide such a statement annually to eligible individuals age 25 or over. In these regulations, we provide who will be sent a statement, who will not be sent a statement, how we will determine addresses, and the contents of the statements. We have not yet compiled all the costs. These regulations will benefit the public by implementing section 1143(c) which will help

individuals verify that we have entered their correct earnings into our records and by showing the benefits to which such individuals may become entitled.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8471

RIN: 0960—AD74

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)**

Final Rule Stage

1112. SUPPLEMENTAL SECURITY INCOME PROGRAM; SUSPENSIONS, TERMINATIONS, AND ADVANCE NOTICE OF ADVERSE DETERMINATIONS (031F)

Legal Authority: 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c; 42 USC 1382d; 42 USC 1383; PL 99-643, Sec 3; PL 99-643, Sec 4; PL 100-203, Sec 9103; PL 100-203, Sec 9112; PL 100-203, Sec 9115; PL 101-239, Sec 8009; PL 101-508, Sec 5038; PL 101-508, Sec 5105

CFR Citation: 20 CFR 416B; 20 CFR 416G; 20 CFR 416M

Legal Deadline: None

Abstract: This regulation reorganizes, revises, and clarifies the rules on stopping, reducing, suspending, and terminating an SSI beneficiary's SSI benefits. This regulation's purpose is to make these rules easier to read and understand. These rules also reflect the following statutory enactments: (1) section 3 of Pub. L. 99-643, (2) section 4 of Pub. L. 99-643, (3) section 9103 of Pub. L. 100-203, (4) section 9112 of Pub. L. 100-203, (5) section 9115 of Pub. L. 100-203, (6) section 8009 of Pub. L. 101-239, (7) section 5038 of Pub. L. 101-508, and (8) section 5105 of Pub. L. 101-508.

Timetable:

| Action | Date | FR Cite |
|------------------------------------|----------|-------------|
| Notice of Decision to Develop Regs | 08/19/79 | 44 FR 35241 |

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/08/86 | 51 FR 17067 |
| NPRM Comment Period End | 07/07/86 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1759

RIN: 0960—AA22

1113. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; CARDIOVASCULAR SYSTEM (141F)

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 405

CFR Citation: 20 CFR 404.1500ff, appendix 1

Legal Deadline: None

Abstract: Sections 4.00 and 104.00 of appendix 1 of the Disability regulations (404.1501 through 404.1599) describe cardiovascular impairments considered severe enough to prevent an individual from doing any gainful activity or, in the case of a child under age 18, age-appropriate activities. Because of the advances in medical technologies and

practice in this area we are revising the criteria in the Listing of Impairments to bring these sections up to date. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/09/91 | 56 FR 31266 |
| NPRM Comment Period End | 09/09/91 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 966-0512

RIN: 0960—AA99

1114. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; RESPIRATORY SYSTEM (142F)

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 405

CFR Citation: 20 CFR 404.1500ff, appendix 1

Legal Deadline: None

HHS—SSA

Final Rule Stage

Abstract: Sections 3.00 and 103.00 of appendix 1 to the Disability Regulations (404.1501 through 404.1599) describe those respiratory impairments which are considered severe enough to prevent a person from engaging in any gainful activity or, in the case of a child under age 18, age-appropriate activities. We are proposing revisions to require consideration of the nature and clinical manifestations of respiratory disorders and the limitations such disorders impose on the individual's ability to function. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance programs.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/18/91 | 56 FR 52231 |
| NPRM Comment Period End | 12/17/91 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Cassandra Bond, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 965-1794

RIN: 0960—AB00

1115. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAM; CONTINUED PAYMENT OF BENEFITS TO PERSONS IN VOCATIONAL REHABILITATION PROGRAMS (131F)

Legal Authority: 42 USC 405; 42 USC 425; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.316; 20 CFR 404.337; 20 CFR 404.352; 20 CFR 404.902; 20 CFR 404.1586; 20 CFR 404.1596; 20 CFR 404.1597; 20 CFR 416.1321; 20 CFR 416.1338; 20 CFR 416.1331; 20 CFR 416.1402

Legal Deadline: None

Abstract: These changes permits the continued payment of disability benefits to persons who medically recover while participating in a vocational rehabilitation (VR) program, without regard to whether the person was expected at the onset of the VR program to medically recover before the scheduled completion date of the

program and without regard to whether the person has any residual functional limitation. These changes bring the regulations into conformity with certain court decisions.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 05/14/86 | 51 FR 17616 |
| Final Action | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 965-8471

RIN: 0960—AB05

1116. SUPPLEMENTAL SECURITY INCOME PROGRAM AND MEDICAID ASSISTANCE; WHAT IS NOT INCOME (121F)

Legal Authority: 42 USC 1382a

CFR Citation: 20 CFR 416.1103(a); 42 CFR 433.136; 42 CFR 435.725(a); 42 CFR 435.725(c); 42 CFR 435.726(a); 42 CFR 435.726(c); 42 CFR 435.733(a); 42 CFR 435.733(c); 42 CFR 435.735(a); 42 CFR 435.735(c); 42 CFR 435.832(a); 42 CFR 435.832(c); 42 CFR 436.832(a); 42 CFR 436.832(c)

Legal Deadline: None

Abstract: The rule changes SSI policy to consider Department of Veterans Affairs payments resulting from unusual medical expenses not to be income for SSI purposes.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/24/88 | 53 FR 32252 |
| NPRM Comment Period End | 10/24/88 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 965-8470

RIN: 0960—AB09

1117. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSIONS FROM INCOME AND RESOURCES OF INDIAN JUDGMENT FUNDS AND PER CAPITA DISTRIBUTIONS (201F)

Legal Authority: PL 97-458; PL 98-64; PL 100-241

CFR Citation: 20 CFR 416K Appendix; 20 CFR 416.1234; 20 CFR 416.1236

Legal Deadline: None

Abstract: The proposed regulation reflects the provisions of the following statutes: (1) Pub. L. 97-458, enacted January 12, 1983, which provides that Indian judgment funds held in trust or distributed per capita pursuant to a plan prepared by the Secretary of Interior and not disapproved by a joint resolution of Congress are excluded from income and resources under the Supplemental Security Income Program; (2) Pub. L. 98-64 enacted August 2, 1983, which provides for the exclusion of all funds held in trust by the Secretary of the Interior for an Indian tribe and distributed per capita to a member of that tribe; and (3) Pub. L. 100-241, enacted February 3, 1988, which provides for the exclusion from income and resources of certain items received by an individual Alaskan native or descendant from an Alaskan native corporation. The program and administrative impact of these regulations are negligible, i.e., less than \$1 million and/or 30 workyears.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/27/92 | 57 FR 33137 |
| NPRM Comment Period End | 09/25/92 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 965-8470

RIN: 0960—AB86

1118. SUPPLEMENTAL SECURITY INCOME PROGRAM; PAYMENT OF BENEFITS DUE DECEASED RECIPIENTS (174F)

Legal Authority: 42 USC 1383(b)(1)(A)

CFR Citation: 20 CFR 416.340(d); 20 CFR 416.345(e); 20 CFR 416.533; 20

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CFR 416.536; 20 CFR 416.537(b); 20 CFR 416.538(a); 20 CFR 416.538(b); 20 CFR 416.538(c); 20 CFR 416.538(d); 20 CFR 416.542(b); 20 CFR 416.542(c); 20 CFR 416.543; 20 CFR 416.1402(k); 20 CFR 416.1402(l); 20 CFR 416.1402(m); ...

Legal Deadline: None

Abstract: Section 8 of Pub. L. 99-643 provides that effective for benefits payable for months after May 1986, an underpayment shall be paid to any surviving spouse of a deceased SSI recipient whether or not the spouse was eligible for SSI, if such spouse was living in the same household with the recipient at the time of death, or within the 6 months immediately preceding the month of death; or to the parent(s) of a deceased recipient who was a blind or disabled child at the time the underpayment occurred if the recipient was living with the parent(s) at the time of death or within the 6 months immediately preceding the month of death. These proposed regulations would also reflect a policy change that would continue the appeals process (versus automatic dismissal), at the Administrative Law Judge or Appeals Council level, for the survivors' entitlement to an underpayment if they meet certain conditions.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/10/90 | 55 FR 37249 |
| NPRM Comment Period End | 11/09/90 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CFR CITATION CONT: 20 CFR 416.1457(c)(4); 20 CFR 416.1471 (b)

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 965-1795

RIN: 0960-AC28

1119. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CANCELLED CONSULTATIVE EXAMINATIONS (181F)

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.1624; 20 CFR 416.1024

Legal Deadline: None

Abstract: We are considering the development of a final rule to provide that we will no longer pay for consultative examinations when services are not rendered because the scheduled appointment was broken or otherwise not kept. Presently, the States decide whether to pay for these canceled examinations and such payments have already been abolished in 22 States. The total elimination of these payments will establish a uniform national policy.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/07/88 | 53 FR 39487 |
| NPRM Comment Period End | 12/06/88 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Richard M. Bresnick, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1758

RIN: 0960-AC40

1120. SUPPLEMENTAL SECURITY INCOME PROGRAM; PROCEEDS OF A LOAN, PAYMENT OF PRO RATA SHARE OF HOUSEHOLD OPERATING EXPENSES (180F)

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 416.1103; 20 CFR 416.1133

Legal Deadline: None

Abstract: Money borrowed (a loan) is not income for SSI purposes and therefore has no effect on a person's SSI benefits. These regulations will state that only cash transactions may be considered loans. These regulations will also provide that the one-third reduction rule which applies when a person who lives in another's household and receives in-kind support and maintenance will not apply if the SSI recipient pays his or her pro rata share in cash and no later than the month under consideration. No additional costs or savings are anticipated.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/20/90 | 55 FR 33922 |
| NPRM Comment Period End | 10/19/90 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 965-8470

RIN: 0960-AC42

1121. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; APPLICABILITY OF GOVERNMENT PENSION TO CERTAIN FEDERAL EMPLOYEES (188F)

Legal Authority: 42 USC 402(b); 42 USC 402(c); 42 USC 402(e); 42 USC 402(f); 42 USC 402(g); PL 100-203, Sec 9007; PL 100-647, Sec 8014

CFR Citation: 20 CFR 404.408a

Legal Deadline: None

Abstract: This final rule would reflect provisions of the Omnibus Budget Reconciliation Act of 1987 (PL 100-203, sec 9007) on the Government pension offset and provisions of the Technical and Miscellaneous Revenue Act of 1988 (PL 100-647), which also contained new rules on the government pension offset.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/12/89 | 54 FR 51036 |
| NPRM Comment Period End | 02/12/90 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 965-8471

RIN: 0960-AC46

HHS—SSA

Final Rule Stage

1122. SUPPLEMENTAL SECURITY INCOME PROGRAM; CONTINUATION OF FULL BENEFIT STANDARD FOR CERTAIN PERSONS INSTITUTIONALIZED (198F)

Legal Authority: PL 100-203, Sec 9115; PL 99-643, Sec 3

CFR Citation: 20 CFR 416.211; 20 CFR 416.212; 20 CFR 416.413; 20 CFR 416.414; 20 CFR 416.1149; 20 CFR 416.1167; 20 CFR 416.1325; 20 CFR 416.2040; 20 CFR 416.410; 20 CFR 416.4127; 20 CFR 416.640; 20 CFR 416.1147

Legal Deadline: None

Abstract: These regulations conform to statutory amendments which require continued payment for up to three months based on the full payment rate to certain persons eligible for SSI payments under sections 1619 or 1611 of the Social Security Act who enter certain medical or psychiatric institutions. Without the provisions, SSI benefits would be reduced or suspended.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/28/92 | 57 FR 44519 |
| NPRM Comment Period End | 11/27/92 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 965-1759

RIN: 0960—AC55

1123. OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINATION OF DISABILITY—DISABILITY-DETERMINING STATE AGENCY SUBSTANTIAL FAILURE (206F)

Legal Authority: 42 USC 421; 42 USC 1302

CFR Citation: 20 CFR 404.1641; 20 CFR 404.1670; 20 CFR 404.1680; 20 CFR 404.1682; 20 CFR 404.1683; 20 CFR 416.1041; 20 CFR 416.1070; 20 CFR 416.1080; 20 CFR 416.1082; 20 CFR 416.1083

Legal Deadline: None

Abstract: The final rules contain procedures for determining when a State agency has substantially failed to make disability determinations in accordance with applicable Federal law. If it is determined that a State agency has substantially failed to make disability determinations in a manner consistent with Federal regulations or other written guidelines, the Social Security Administration, in accordance with section 221 of the Social Security Act (42 USC 421), must assume the responsibility for making the disability determinations. The costs or savings likely to result from implementation of these regulations are not predictable.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 03/14/91 | 56 FR 11025 |
| NPRM Comment Period End | 05/13/91 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 410 966-0512

RIN: 0960—AC60

1124. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; SUSPENSION OF BENEFITS OF DEPORTED NAZIS; EXEMPTION FROM SOCIAL SECURITY TAXATION BECAUSE OF RELIGIOUS BELIEFS (210F)

Legal Authority: PL 100-647, Sec 8007; 42 USC 402(n); 42 USC 402(v); PL 101-239; PL 101-649, Sec 603(b)

CFR Citation: 20 CFR 404.305; 20 CFR 404.464; 20 CFR 404.1039 (New); 20 CFR 404.1068; 20 CFR 404.1075

Legal Deadline: None

Abstract: This regulation reflects a provision of Pub. L. 100-647 which extends the current law treatment of self-employed workers who may claim an exemption from Social Security coverage if they are members of a religious faith that is opposed to participation in Social Security programs to employees in cases where both the employee and the employer are members of a qualifying religious faith. It also reflects a provision of Pub. L. 101-649 which concerns the

suspension of Social Security benefits when an individual is deported.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/28/91 | 56 FR 24043 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1759

RIN: 0960—AC68

1125. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; MEDICAL CRITERIA FOR EVALUATING MENTAL DISORDERS FOR ADULTS (222F)

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1382c

CFR Citation: 20 CFR 404.1500ff, app 1; 20 CFR 404.1520a; 20 CFR 404.1528; 20 CFR 416.920a; 20 CFR 416.928

Legal Deadline: None

Abstract: These amendments revise the medical evaluation criteria for mental disorders for the Social Security and Supplemental Security Income disability programs. The revisions will reflect advances in medical treatment and in methods of evaluating certain mental impairments and will provide up-to-date medical criteria for use in the evaluation of disability claims based on mental disorders.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/18/91 | 56 FR 33130 |
| NPRM Comment Period End | 09/18/91 | |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard M. Bresnick, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1758

RIN: 0960—AC74

HHS—SSA

Final Rule Stage

1126. SUPPLEMENTAL SECURITY INCOME PROGRAM; REDETERMINATIONS OF SUPPLEMENTAL SECURITY INCOME ELIGIBILITY (223F)

Legal Authority: 42 USC 1302; 42 USC 1381a; 42 USC 1382; 42 USC 1382; 42 USC 1382d(c); 42 USC 1382h(a); 42 USC 1383; 42 USC 1383c

CFR Citation: 20 CFR 416.204

Legal Deadline: None

Abstract: We propose to amend our regulations on redeterminations of Supplemental Security Income eligibility and benefit amounts. Our current rules do not include in the redetermination period the month of eligibility, the month of application, or the month of the last redetermination or eligibility update. The redeterminations omit these months and, as a result, we do not have an accounting of all living arrangements, income, resources, and other relevant factors for the period of eligibility. We propose to change our rules to include in the redetermination period all months from the first day of the month of first eligibility, application, or update for the first redetermination and all months from the first day of the month of the last redetermination for subsequent redeterminations.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/20/92 | 57 FR 54732 |
| NPRM Comment Period End | 01/19/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8470

RIN: 0960-AC77

1127. SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF AUGMENTED VETERANS' BENEFITS (231F)

Significance: Agency Priority

Legal Authority: 42 USC 1382a

CFR Citation: 20 CFR 416.1123

Legal Deadline: None

Abstract: These regulations describe the treatment of the dependent's portion of an augmented Department of Veterans Affairs benefit as income to the dependent by the SSI program.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/18/90 | 55 FR 20612 |
| NPRM Comment Period End | 07/17/90 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8470

RIN: 0960-AC82

1128. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; REPRESENTATION OF CLAIMANTS FOR BENEFITS UNDER TITLE II OR TITLE XVI (249F)

Significance: Agency Priority

Legal Authority: PL 101-239, Sec 10307

CFR Citation: 20 CFR 404.1705; 20 CFR 416.1505

Legal Deadline: None

Abstract: These proposed regulations will provide that information regarding the options for obtaining an attorney and the availability of legal services organizations will be included with the notice sent to claimants who receive an adverse determination.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/28/91 | 56 FR 55475 |
| NPRM Comment Period End | 12/27/91 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1769

RIN: 0960-AC87

1129. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; STANDARDS APPLICABLE IN DETERMINATIONS OF GOOD CAUSE, FAULT, AND GOOD FAITH (247F)

Significance: Agency Priority

Legal Authority: PL 101-239, Sec 10305

CFR Citation: 20 CFR 404; 20 CFR 16

Legal Deadline: None

Abstract: These regulations will implement a section of P.L. 101-239 that requires that we take into account a claimant's physical, mental, educational or language limitations, including any lack of facility with the English language, when we make certain determinations involving the claimant's good cause, fault or good faith in taking or not taking certain actions.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/30/91 | 56 FR 55848 |
| NPRM Comment Period End | 12/30/91 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1769

RIN: 0960-AC88

1130. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION FROM INCOME OF DOMESTIC COMMERCIAL TRANSPORTATION TICKETS RECEIVED AS GIFTS IN DETERMINING SSI INCOME (253F)

Legal Authority: 42 USC 1382a(b)(15)

CFR Citation: 20 CFR 416.1124; 20 CFR 416.1161

Legal Deadline: None

Abstract: Pursuant to 42 USC 1382a(b)(15), gifts of certain commercial transportation tickets are excluded from income for SSI purposes, if they are not converted to cash. These proposed rules will reflect the statutory provision which is effective as of March 1, 1990.

HHS—SSA

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/24/92 | 57 FR 44146 |
| NPRM Comment | 11/23/92 | |
| Period End | | |
| Final Action | 11/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 966-0512

RIN: 0960-AC97

1131. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; TAKE INTO ACCOUNT MISINFORMATION PROVIDED TO APPLICANTS IN DETERMINING DATE OF APPLICATION (267F)

Legal Authority: 42 USC 402(j); 42 USC 1383(e); PL 101-239, Sec 10302

CFR Citation: 20 CFR 404.612; 20 CFR 404.614; 20 CFR 404.615; 20 CFR 404.633 (New); 20 CFR 404.902; 20 CFR 404.903; 20 CFR 416.310; 20 CFR 416.325; 20 CFR 416.351 (New); 20 CFR 416.1402; 20 CFR 416.1403

Legal Deadline: None

Abstract: These regulations implement section 10302 of P.L. 101-239 which provides for the establishment of a deemed filing date of an application for Social Security or Supplemental Security Income benefits in any case where it is determined to the satisfaction of the Secretary that an individual failed to apply for these benefits because of misinformation provided to the individual by an officer or employee of the Social Security Administration about the individuals eligibility for the benefits.

Timetable:

| Action | Date | FR Cite |
|-----------------|----------|-------------|
| NPRM | 10/16/92 | 57 FR 47415 |
| NPRM; Amendment | 01/22/93 | 58 FR 5687 |
| NPRM Comment | 03/23/93 | |
| Period End | | |
| Final Action | 01/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security

Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1762

RIN: 0960-AD05

1132. SUPPLEMENTAL SECURITY INCOME PROGRAM; FINANCIAL INSTITUTION ACCOUNTS IN THE SSI PROGRAM (278F)

Legal Authority: 42 USC 1383

CFR Citation: 20 CFR 416.1201(b); 20 CFR 416.1208 (New)

Legal Deadline: None

Abstract: Title XVI of the Act and SSI regulations are silent on the issue of how funds held in accounts at financial institutions are attributed for resource purposes. These regulations provide criteria to be used for determining ownership of financial institution accounts.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/27/92 | 57 FR 22187 |
| NPRM Comment | 07/27/92 | |
| Period End | | |
| Final Action | 01/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1762

RIN: 0960-AD10

1133. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; UPDATING NOMENCLATURE (264F)

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404; 20 CFR 410; 20 CFR 416; 20 CFR 422

Legal Deadline: None

Abstract: This regulation amends current regulations to replace outdated nomenclature and terminology, to eliminate little used rules and provisions which are no longer in effect, and to correct technical errors such as misspellings and incorrect cross-references.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 03/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Cassandra Bond, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1794

RIN: 0960-AD11

1134. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; REOPENING DETERMINATIONS AND DECISIONS (279F)

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.987; 20 CFR 416.1487

Legal Deadline: None

Abstract: These rules revise our current regulations to clarify that the Agency on its own initiative, as well as at the request of any person claiming a right under the Social Security or Supplemental Security Income programs, may reopen and revise a final administrative determination or decision.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/28/91 | 56 FR 55477 |
| NPRM Comment | 12/27/91 | |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1762

RIN: 0960-AD12

1135. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; SUSPENSION OF AUXILIARY BENEFITS WHEN A DISABLED WORKER IS IN AN EXTENDED PERIOD OF ELIGIBILITY (303F)

Legal Authority: PL 101-508, Sec 5118

HHS—SSA

Final Rule Stage

CFR Citation: 20 CFR 401a; 20 CFR 1529a

Legal Deadline: None

Abstract: These regulations reflect section 5118 of Pub. L. 101-508, which amends section 223 of the Social Security Act to provide that the benefits of dependents of a disability insurance beneficiary who has completed a 9 month trial work period and is in an extended period of eligibility, will not be paid during this period, if the disabled worker's benefits are not payable.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1795

RIN: 0960-AD30

1136. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; CONTINUED ENTITLEMENT TO BENEFITS OF DEEMED SPOUSE DESPITE ENTITLEMENT OF LEGAL SPOUSE (304F)

Legal Authority: PL 101-508, Sec 5119

CFR Citation: 20 CFR 404.331; 20 CFR 404.332; 20 CFR 404.336; 20 CFR 404.337; 20 CFR 404.340; 20 CFR 404.341; 20 CFR 404.346

Legal Deadline: None

Abstract: These regulations reflect section 5119 of Pub. L. 101-508, which amends section 216 and 203 of the Social Security Act to provide for the payment of benefits to both a legal spouse and a deemed spouse, or to both a legal widow and a deemed widow. That is, the existence of a legal spouse would no longer prevent a deemed spouse from receiving benefits on a worker's record or terminate the benefits of a deemed spouse who was already receiving benefits on the worker's record.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1759

RIN: 0960-AD31

1137. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; EXCLUSION FROM INCOME AND RESOURCES OF EARNED INCOME TAX CREDITS (319F)

Legal Authority: 42 USC 1302; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1383

CFR Citation: 20 CFR 416.210; 20 CFR 416.1110; 20 CFR 416.1111; 20 CFR 416.1112; 20 CFR 416.1161; 20 CFR 416.1210; 20 CFR 416.1235 (New)

Legal Deadline: NPRM, Statutory, January 1, 1991.

Abstract: This regulation reflects section 11115 of Pub. L. 101-508 (the Omnibus Budget Reconciliation Act of 1990), which increases earned income tax credit (EITC) rates and excludes payments related to EITC from income in the month of receipt and from resources in the month of receipt and in the month following the month of receipt, under the Supplemental Security Income, Aid to Families With Dependent Children, Medicaid, and Food Stamp programs.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/25/92 | 57 FR 44348 |
| NPRM Comment Period End | 11/24/92 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry D. Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1762

RIN: 0960-AD41

1138. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME; LIMITATION OF TRAVEL EXPENSES FOR REPRESENTATION OF CLAIMANTS AT ADMINISTRATIVE PROCEEDINGS (324F)

Legal Authority: PL 101-508, Sec 5106(c)

CFR Citation: 20 CFR 404.999c(d); 20 CFR 416.1498(d)

Legal Deadline: None

Abstract: These regulations amend our regulations governing payment of certain travel expenses of representatives in connection with administrative proceedings under the Social Security Act to implement section 5106(c) of Pub. L. 101-508. Section 5106(c) amended sections 201(j), 1631(h) and 1817(i) of the Social Security Act to provide that the amount available for payment under these sections for travel by a representative to attend a proceeding before an administrative law judge or other adjudicator shall not exceed the maximum amount allowable for travel originating within the geographic area of the office having jurisdiction over the proceeding.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/19/93 | 58 FR 4950 |
| Final Action | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Philip Berge, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1769

RIN: 0960-AD46

1139. TIME LIMIT FOR DISPOSITION OF RESOURCES IN THE SUPPLEMENTAL SECURITY INCOME PROGRAM (330F)

Legal Authority: 42 USC 1302; 42 USC 1382b(b)

CFR Citation: 20 CFR 416.1242

Legal Deadline: None

Abstract: The regulation revises 20 CFR 416.1242(a) to indicate that the time period for disposal of property begins on the date SSA accepts the

HHS—SSA

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individual's signed written agreement, provided that, on or before that date, SSA has determined that the individual meets the eligibility requirements in 20 CFR 416.202, with the exception of the resource requirement. The proposed rules further state that if SSA receives a signed agreement prior to the date it determines that all nonresource requirements are met, SSA's acceptance of the written agreement will not occur (and thus, the time period for disposal of property will not begin) until SSA notifies the individual that all nonresource requirements are met.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/01/92 | 57 FR 29244 |
| NPRM Comment Period End | 08/31/92 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Henry Lerner, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, 410 965-1762

RIN: 0960-AD48

1140. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; PAYMENTS FOR VOCATIONAL REHABILITATION SERVICES (333F)

Significance: Regulatory Program**Legal Authority:** 42 USC 405; 42 USC 422; 42 USC 1302; 42 USC 1382d; 42 USC 1383**CFR Citation:** 20 CFR 404; 20 CFR 416**Legal Deadline:** None

Abstract: The rules amend our regulations governing payments to States or alternate participants for vocational rehabilitation (VR) services provided to disabled or blind Social Security or Supplemental Security Income beneficiaries. They expand the use of non-State VR providers in situations in which a State VR agency declines to provide services to a beneficiary; ensure in appropriate cases that payment may be made only for those VR services that contribute to a beneficiary's return to work; prescribe

the specific kinds of VR services for which payment may be made; and make other changes intended to improve the VR payment programs.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/24/92 | 57 FR 32926 |
| NPRM Comment Period End | 09/22/92 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Jack Schanberger, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8471

RIN: 0960-AD50

1141. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; CONSIDERING AN APPLICATION FILED UNDER THE RAILROAD RETIREMENT ACT AS AN APPLICATION FOR SOCIAL SECURITY BENEFITS (342F)

Legal Authority: 42 USC 402; 42 USC 405(a); 42 USC 423; 42 USC 428; 42 USC 1302**CFR Citation:** 20 CFR 404.611**Legal Deadline:** None

Abstract: The regulation will amend the existing regulation to clarify that an application filed with the Railroad Retirement Board (RRB) for an annuity under the Railroad Retirement Act of 1974, as amended, is also an application for Social Security benefits under title II of the Social Security Act, unless the claimant specifies otherwise. This regulation will clarify that a claim filed with the RRB under the Railroad Unemployment Insurance Act is not a claim for Social Security benefits.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/19/92 | 57 FR 47584 |
| NPRM Comment Period End | 12/18/92 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Jack Schanberger, Legal Assistant, Office of Regulations, Department of Health and Human Services, Social Security

Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-8471

RIN: 0960-AD59

1142. RELIABLE INFORMATION WHICH IS CURRENTLY AVAILABLE FOR DETERMINING BENEFIT AMOUNTS IN THE SUPPLEMENTAL SECURITY INCOME PROGRAM (382P)

Significance: Agency Priority**Legal Authority:** 42 USC 1302; 42 USC 1382(a) to 1382(c); 42 USC 1382(e); 42 USC 1382a; 42 USC 1382f; 42 USC 1383**CFR Citation:** 20 CFR 416.420**Legal Deadline:** NPRM, Judicial, March 16, 1993.

Abstract: Pursuant to the Court order in *Gould, et al. v. Sullivan*, No. C2-87-964 (S.D. Ohio, October 2, 1992), we are proposing a rule for determining benefits in the SSI program. Under section 1611(c)(4)(A) of the Social Security Act, if the Secretary determines that reliable information is currently available concerning the income and other circumstances of an individual for a month, the Secretary may use that information to determine an individual's SSI benefit amount for that month. This discretionary method of determining SSI benefit amounts is an exception to the use of information from a prior month, known as retrospective monthly accounting (RMA), as provided in section 1611(c)(1) of the Act. The proposed rule will explain that the Secretary has determined that no information exists which is reliable and currently available to use in computing SSI benefit amounts pursuant to section 1611(c)(4).

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 03/16/93 | 58 FR 14191 |
| NPRM Comment Period End | 05/17/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1762

RIN: 0960-AD65

HHS—SSA

Final Rule Stage

1143. FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; TECHNICAL CHANGES TO REQUIREMENT FOR ENTITLEMENT TO WIDOW(ER)'S BENEFITS (404F)

Legal Authority: 42 USC 416(c)(6); 42 USC 416(g)(16)

CFR Citation: 20 CFR 404.335

Legal Deadline: None

Abstract: This rule clarifies the rules regarding entitlement requirements to widow(er)'s benefits for those individuals who were, the month before they married the insured, entitled to or potentially entitled to mother's or father's benefits on the account of another individual.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1713

RIN: 0960-AD69

1144. • COMPENSATION OF QUALIFIED ORGANIZATIONS SERVING AS REPRESENTATIVE PAYEES UNDER TITLE II AND TITLE XVI (423F)

Legal Authority: 42 USC 405(a); 42 USC 405(j); 42 USC 1302; 42 USC 1383(a)(2)

CFR Citation: 20 CFR 404.2040; 20 CFR 404.2040a; 20 CFR 416.640; 20 CFR 416.640a

Legal Deadline: None

Abstract: These additional changes to the final regulations which were

published on June 1, 1992 will require a representative payee to set aside a personal needs allowance of all institutionalized beneficiaries; preclude a qualified organization that serves as representative payee from taking a fee from the personal needs allowance of all institutionalized beneficiaries; and allow a qualified organization to collect its fee from services from conserved benefits in limited circumstances.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, 410 965-1769

RIN: 0960-AD71

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Completed Actions

Social Security Administration (SSA)

1145. REVISION OF PART A AND PART B OF THE LISTING OF IMPAIRMENTS; PART A AND PART B OF THE ENDOCRINE AND MULTIPLE BODY SYSTEM (150F)

CFR Citation: 20 CFR 404.1500ff, app 1

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 07/02/93 | 58 FR 36008 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry J. Short, 410 965-6243

RIN: 0960-AC06

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/09/93 | 58 FR 47532 |
| Final Action Effective | 09/09/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cassandra Bond, 410 965-1754

RIN: 0960-AD09

1147. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; USE OF STATE LAWS TO DETERMINE CHILD RELATIONSHIP (286P)

CFR Citation: 20 CFR 404.354

Completed:

| Reason | Date | FR Cite |
|----------------------------|----------|---------|
| No Further Action Expected | 07/21/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, 410 965-8471

RIN: 0960-AD16

1148. SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED; PRESUMPTIVE DISABILITY AND PRESUMPTIVE BLINDNESS (337F)

Significance: Regulatory Program

CFR Citation: 20 CFR 416.933

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 07/02/93 | 58 FR 36059 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry J. Short, 410 965-6243

RIN: 0960-AD51

1146. SUPPLEMENTAL SECURITY INCOME; DETERMINING DISABILITY FOR A CHILD UNDER AGE 18 (275F)

Significance: Regulatory Program

CFR Citation: 20 CFR 416.901; 20 CFR 416.902; 20 CFR 416.905; 20 CFR 416.906; 20 CFR 416.913; 20 CFR 416.916; 20 CFR 416.920; 20 CFR 416.921; 20 CFR 416.923; 20 CFR 416.924; 20 CFR 416.924a; 20 CFR 416.924b; 20 CFR 416.924c; 20 CFR 416.924d; 20 CFR 416.924e

1149. RESIDENCE AND CITIZENSHIP UNDER THE SUPPLEMENTAL SECURITY INCOME PROGRAM—TEMPORARY PROTECTED STATUS (347F)

CFR Citation: 20 CFR 416.1619 (New)

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/03/93 | 58 FR 41181 |
| Final Action Effective | 08/03/93 | |

Small Entities Affected: None

HHS—SSA

Completed Actions

Government Levels Affected: None
Agency Contact: Harry J. Short, 410 965-6243
RIN: 0960-AD55

1150. DROPOUT YEARS, DISPOSITION OF UNDERPAYMENTS, AND RESOLVING OVERPAYMENTS (403F)
CFR Citation: 20 CFR 404.221; 20 CFR 404.503; 20 CFR 404.510
Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 06/01/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Jack Schanberger, 410 965-8471
RIN: 0960-AD68

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Office of Assistant Secretary for Health (OASH)

Proposed Rule Stage

1151. PUBLIC HEALTH SERVICE POLICIES ON RESEARCH MISCONDUCT

Legal Authority: 42 USC 289b; 42 USC 290aa
CFR Citation: 42 CFR 93
Legal Deadline: None
Abstract: The proposed regulation will revise the definition of research misconduct, identify responsibilities of

institutions receiving allegations of research misconduct involving PHS-supported research, provide a hearing opportunity for persons found to have engaged in research misconduct, and set forth other policies of the Department of Health and Human Services related to research integrity.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Dr. Lawrence Rhoades, Director, Division of Policy and Education, Office of Research Integrity, Department of Health and Human Services, Public Health Service, 5515 Security Lane, Suite 700, Rockville, MD 20852, 301 443-5300
RIN: 0905-AE02

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Office of Assistant Secretary for Health (OASH)

Final Rule Stage

1152. PRIVACY ACT; EXEMPT SYSTEM

Legal Authority: 5 USC 552a; 5 USC 301
CFR Citation: 45 CFR 5b-11
Legal Deadline: None
Abstract: The Department of Health and Human Services proposes to exempt a new system of records, 09-37-0021, "Public Health Service Records Related to Investigations of Scientific Misconduct" from certain requirements of the Privacy Act. The purpose of this exemption is to protect records compiled in the course of an allegation assessment and/or investigation and to protect the identity of the confidential source of information. There are no known costs associated with the NPRM. The benefits will be that the investigative files will not be disclosed inappropriately and promises to withhold identities of confidential sources will be honored.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/12/92 | 57 FR 25004 |
| NPRM Comment Period End | 07/13/92 | 57 FR 25004 |
| Final Action | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Dr. Lawrence Rhoades, Director, Division of Policy and Education, Department of Health and Human Services, Public Health Service, 5515 Security Lane, Suite 700, Rockville, MD 20852, 301 443-5300
RIN: 0905-AD31

Abstract: This rule would return the Family Planning Service Program, funded under Title X of the Public Health Service Act, to the compliance standards operative prior to February 2, 1988, with regard to the statutory provision prohibiting abortion as a method of family planning in projects funded under that title.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 02/05/93 | 58 FR 7464 |
| NPRM Comment Period End | 08/09/93 | 58 FR 34024 |
| Final Action | 12/00/93 | |

Small Entities Affected: None
Government Levels Affected: State
Agency Contact: Gerald Bennett, Acting Deputy Assistant Secretary for Population Affairs, Department of Health and Human Services, Public Health Service, P.O.Box 23783, Washington, DC 20026-3783, 202 690-8335
RIN: 0905-AE03

1153. STANDARDS OF COMPLIANCE FOR ABORTION-RELATED SERVICES IN FAMILY PLANNING SERVICE PROJECTS

Significance: Agency Priority
Legal Authority: 42 USC 300a-4
CFR Citation: 42 CFR 59
Legal Deadline: None

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Proposed Rule Stage
Public Health Service (PHS)—Substance Abuse and Mental Health Services Administration (SAMHSA)

1154. CONFIDENTIALITY OF SUBSTANCE ABUSE PATIENT RECORDS

Legal Authority: 42 USC 290dd-2, as amended by PL 102-321; 42 USC 290dd-3, as amended by PL 102-321

CFR Citation: 42 CFR 2

Legal Deadline: None

Abstract: This action modifies rules at 42 CFR part 2 to clarify coverage of general medical facilities in light of U.S. v. Eide, 875 F.2d 1429, 1438 (9th Cir. 1989).

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 05/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: William A. Quinlan, Jr., Regulations Officer, SAMHSA, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 12C-15, Rockville, MD 20857, 301 443-4640

RIN: 0905-AD97

1155. PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS

Legal Authority: 42 USC 10801 et seq. as amended by P.L. 102-173

CFR Citation: 45 CFR subchapter H

Legal Deadline: Final, Statutory, May 27, 1992.

Section 9 of P.L. 102-173, enacted on 11/27/91, sets this deadline.

Abstract: Sets requirements for funding State and State-designated systems for protecting and advocating for individuals with mental illness. By law, these requirements must be set out in regulations. These requirements are intended to be published with revisions to 45 CFR 1385 et seq. These rules govern formula grants from the Administration on Developmental Disabilities for protecting and advocating for individuals with developmental disabilities.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 02/00/94 | |
| NPRM Comment Period End | 04/00/94 | |
| Final Action | 09/00/94 | |

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: State

Agency Contact: William A. Quinlan, Jr., Regulations Officer, SAMHSA, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 12C-15, Rockville, MD 20857, 301 443-4640

RIN: 0905-AD99

1156. BLOCK GRANTS FOR PREVENTION AND TREATMENT OF SUBSTANCE ABUSE (TOBACCO PROVISIONS)

Significance: Agency Priority

Legal Authority: 42 USC 300x-21

CFR Citation: 45 CFR 96; 45 CFR 130

Legal Deadline: None

Abstract: Sets standards and procedures for enforcement of State law against sale of tobacco products to minors as a condition of full funding of Federal block grants to States for prevention and treatment of substance abuse. These requirements apply beginning in fiscal year 1994 except, under certain conditions, in fiscal year 1995.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/26/93 | 58 FR 45156 |
| NPRM Comment Period End | 10/25/93 | 58 FR 45156 |
| Final Action | 03/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: William A. Quinlan, Regulations Officer, Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, 12-C-15, Rockville, MD 20857, 301 443-4640

RIN: 0905-AE05

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Final Rule Stage
Public Health Service (PHS)—Substance Abuse and Mental Health Services Administration (SAMHSA)

1157. BLOCK GRANTS FOR PREVENTION AND TREATMENT OF SUBSTANCE ABUSE

Legal Authority: 42 USC 300-x et seq. as amended by PL 102-321

CFR Citation: 45 CFR 96

Legal Deadline: Final, Statutory, August 25, 1992.

Awards to States after January 1, 1993 cannot be made until implementing regulations are published.

Abstract: Sets requirements for block grants for prevention and treatment of substance abuse. The requirements include criteria for approval of State plans which must by statute be

prescribed in regulations. These provisions are effective immediately. However, States have 90 days from the effective date to bring previously submitted FY 1993 applications into substantial compliance and need to submit applications in the prescribed format beginning only with 1994 applications.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 03/31/93 | 58 FR 17062 |
| Interim Final Rule Comment Period End | 06/01/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: William A. Quinlan, Jr., Regulations Officer, SAMHSA, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 12C-15, Rockville, MD 20857, 301 443-4640

RIN: 0905-AD98

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Public Health Service (PHS)—Centers for Disease Control and Prevention (CDC)

1158. NIOSH REVISION OF TESTS AND REQUIREMENTS FOR CERTIFICATION OF RESPIRATORY PROTECTIVE DEVICES**Significance:** Regulatory Program**Legal Authority:** 30 USC 842(h); 30 USC 844; 30 USC 957**CFR Citation:** 30 CFR 11; 42 CFR 84**Legal Deadline:** None

Abstract: The proposed rule addresses three major problems of the current regulation by (1) substantially upgrading laboratory performance tests for certifying respirators; (2) adding quantitative face seal performance tests; and (3) replacing current certification tests that are design- or application-specific with tests that are performance-based. The first NPRM for revising 42 CFR part 84 was published in the Federal Register on August 27, 1987 (52

FR 32402). In response to the many comments on the first proposal, NIOSH is in the process of developing a second NPRM.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| NPRM | 08/27/87 | 52 FR 32402 |
| First Public Hearing | 01/20/88 | 52 FR 37639 |
| Second Public Hearing | 01/27/88 | 52 FR 37639 |
| NPRM Public Comment Period End | 03/28/88 | 53 FR 5595 |
| Second NPRM Published | 11/00/93 | |
| Final Action | 06/00/94 | |
| Final Action Effective | 06/00/94 | |
| Second NPRM Comment Period End | 12/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None**Public Compliance Cost:** Initial Cost: \$14,000,000; Yearly Recurring Cost: \$14,000,000; Base Year for Dollar Estimates: 1992**Analysis:** Regulatory Impact Analysis; Regulatory Flexibility Analysis**Additional Information:** Yearly recurring cost to public will drop from \$14,000,000 to \$6,400,000 in year six and all following years.

Agency Contact: Richard Metzler, Chief, Cert. & Quality Assurance Br., Division of Safety Research, NIOSH, Department of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention, 944 Chestnut Ridge Road, Morgantown, WV 26505, 304 284-5713

RIN: 0905-AB58

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)—Centers for Disease Control and Prevention (CDC)

1159. INTERSTATE SHIPMENT OF BIOLOGICAL MATERIAL THAT CONTAINS OR MAY CONTAIN ETIOLOGIC AGENTS**Significance:** Agency Priority**Legal Authority:** 42 USC 216; 42 USC 264; 42 USC 271**CFR Citation:** 42 CFR 72**Legal Deadline:** None

Abstract: The revised regulation will clarify and expand the requirements for proper packaging and handling of etiologic agents during interstate shipment. The revised regulation will ensure that all biological material that could contain etiologic agents is packaged in a manner for interstate shipment that minimizes the potential for leakage and possible contamination of the environment and minimizes direct physical contact with the contents by package handlers. The revised regulation is not expected to have a major impact on the cost of shipping these materials.

Timetable:

| Action | Date | FR Cite |
|--------|----------|------------|
| NPRM | 03/02/90 | 55 FR 7678 |

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM Comment Period End | 05/09/90 | 55 FR 7678 |
| Final Action | 12/00/93 | |
| Final Action Effective | 03/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Jonathan Y. Richmond, Ph.D., Director, Office of Health and Safety, Centers for Disease Control and Prevention, Department of Health and Human Services, Public Health Service, 1600 Clifton Road NE., Atlanta, GA 30333, 404 639-3883

RIN: 0905-AC89

1160. MEDICAL EXAMINATION OF ALIENS**Significance:** Agency Priority**Legal Authority:** 8 USC 1182; 8 USC 1224; 8 USC 1225; 42 USC 216; 42 USC 249; 42 USC 252; PL 101-649**CFR Citation:** 42 CFR 34**Legal Deadline:** Final, Statutory, May 31, 1991.**Abstract:** This is a proposed revision in the regulations for the medical

examination of aliens. The regulations were developed to provide for the physical and mental examination of aliens within the United States or in other countries as required by the Immigration and Nationality Act. This revision would update the regulations in accordance with current epidemiologic concepts and medical diagnostic standards.

Timetable:

| Action | Date | FR Cite |
|----------------------------------|----------|-------------|
| Interim Final Rule | 05/31/91 | 56 FR 25000 |
| Interim Final Comment Period End | 08/02/91 | 56 FR 25000 |
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** State, Federal

Agency Contact: Charles R. McCance, Director, Division of Quarantine, Department of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention, Mailstop E-04, Atlanta, GS 30333, 404 639-1455

RIN: 0905-AD29

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Prerule Stage

1161. MEDICAL FOODS

Significance: Agency Priority

Legal Authority: 21 USC 321; 21 USC 341; 21 USC 342; 21 USC 343; 21 USC 348; 21 USC 350; 21 USC 351; 21 USC 352; 21 USC 355; 21 USC 360ee; 21 USC 371

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Food and Drug Administration is considering development of regulations for medical foods, as defined by the Orphan Drug

Act Amendments of 1988 (21 USC 360ee(b)(3)) to assure, among other things, the safety and effectiveness of these products, proper labeling of the nutrient content and purported uses, including adequate and appropriate directions for use, and duality control and good manufacturing practices.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|---------|
| ANPRM | 11/00/93 | |
| ANPRM Comment | 01/00/94 | |
| Period End | | |

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Agency Contact: Carol Lang, Regulatory Branch, Division of Programs and Enforcement Policy, Office of Spec Nut., Department of Health and Human Services, Public Health Service, Center for Food Safety and Applied Nutrition, (HFS-456) 200 C St. SW Washington, DC 20204, 202 205-5372

RIN: 0905-AD91

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Proposed Rule Stage

1162. OVER-THE-COUNTER (OTC) DRUG REVIEW

Significance: Agency Priority

Legal Authority: 21 USC 321p; 21 USC 351; 21 USC 352; 21 USC 353; 21 USC 355; 21 USC 360a; 21 USC 371a

CFR Citation: 21 CFR 310; 21 CFR 330; 21 CFR 333; 21 CFR 334; 21 CFR 335; 21 CFR 336; 21 CFR 337; 21 CFR 338; 21 CFR 339; 21 CFR 340; 21 CFR 341; 21 CFR 342; 21 CFR 343; 21 CFR 344; 21 CFR 345; ...

Legal Deadline: None

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. NOTE: NPRM for "Antidotes, Toxic Ingestion Products" was combined with NPRM for "Emetic Products" and repropose as "Poison Treatment Products." NPRM for "Astringent (Wet Dressings) Products" was included in the NPRM for "Skin Protectant Products." NPRM for "Diaper Rash Products" was included in NPRMs for "Antifungal," "Antimicrobial," "External Analgesic" and "Skin Protectant Products." NPRM for "Fever Blister/Cold Sore Products (External)" was included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Insect Bites and Stings (Relief) Products" was included in NPRMs for "External Analgesic" and "Skin Protectant Products." "Poison Ivy/Oak/Sumac

Prevention" was included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Mercurial (Topical) Products" to be included in revised NPRM (cont)

Timetable:

| Action | Date | FR Cite |
|--|----------|---------------|
| Acne (Topical) Products | | |
| ANPRM | 03/23/82 | (47 FR 12430) |
| NPRM | 01/15/85 | (50 FR 2172) |
| NPRM (Amendment) | 08/07/91 | (56 FR 37622) |
| Final Action | 08/16/91 | (56 FR 41008) |
| Alcohol (Oral) in OTC Drug Products | | |
| NPRM | 11/00/93 | |
| Alcohol (Topical) Products (To be merged w/other rulemkg) | | |
| ANPRM | 05/21/82 | (47 FR 22324) |
| Anorectal Products | | |
| ANPRM | 05/27/80 | (45 FR 35576) |
| NPRM | 08/15/88 | (53 FR 30756) |
| Final Action | 08/03/90 | (55 FR 31776) |
| Final Action (LYCD) | 09/02/93 | (58 FR 46746) |
| Antacid Drug Products | | |
| ANPRM | 04/05/73 | (38 FR 8714) |
| NPRM | 11/12/73 | (38 FR 31260) |
| Final Action | 06/04/74 | (39 FR 9862) |
| NPRM (Amendment) (Overindulgence) | 12/24/91 | (56 FR 66754) |
| Final Action (Amendment) (Warning) | 08/26/93 | (58 FR 45204) |
| NPRM (Amendment) (Testing) | 09/23/93 | (58 FR 49826) |
| NPRM (Amendment) (Sodium Bicarb.) | 02/00/94 | |
| Anthelmintic Products | | |
| ANPRM | 09/09/80 | (45 FR 59541) |
| NPRM | 08/24/82 | (47 FR 37062) |
| Final Action | 08/01/86 | (51 FR 27756) |

Antibiotic First Aid Products

ANPRM 04/01/77 (42 FR 17642)
 NPRM 07/09/82 (47 FR 29986)
 Final Action 12/11/87 (52 FR 47312)
 NPRM (Amendment) 08/18/89 (54 FR 34188)
 Final Action 03/15/90 (55 FR 9721)
 NPRM (Amendment) 05/11/90 (55 FR 19868)
 NPRM (Amendment) 06/08/90 (55 FR 23450)
 Final Action (Amendment) 10/03/90 (55 FR 40379)
 Final Action (Amendment) 12/05/90 (55 FR 50171)

Anticaries Products

ANPRM 03/28/80 (45 FR 20666)
 NPRM 09/30/85 (50 FR 39854)
 NPRM 06/15/88 (53 FR 22430)
 Final Action 03/00/94

Antidiarrheal Products

ANPRM 03/21/75 (40 FR 12924)
 NPRM 04/30/86 (51 FR 16138)
 Final Action 02/00/94

Antidotes, Toxic Ingestion Prdts (Now Poison Treatment Prdts)

ANPRM 01/05/82 (47 FR 444)

Antiemetic Products

ANPRM 03/21/75 (40 FR 12934)
 NPRM 07/13/79 (44 FR 41064)
 Final Action 04/30/87 (52 FR 15886)
 NPRM (Amendment) 08/26/93 (58 FR 45216)
 Final Action 00/00/00

Antiflatulent Drug Products

NPRM 11/12/73 (38 FR 31260)
 Final Action 06/04/74 (39 FR 19877)
 NPRM (Amendment) 01/29/88 (53 FR 2716)

Antifungal (Topical) Products

ANPRM 03/23/82 (47 FR 12480)
 NPRM 12/12/89 (54 FR 51136)
 NPRM (Amendment) (Diaper Rash) 06/20/90 (55 FR 25240)
 Final Action (Amdt.) (Diaper Rash) 12/18/92 (57 FR 60430)
 Final Action (Partial) 09/02/93 (58 FR 46744)
 Final Action 09/23/93 (58 FR 49890)

HHS—PHS—FDA

Proposed Rule Stage

Antimicrobial Products

ANPRM 09/13/74 (39 FR 33103)
 NPRM 01/06/78 (43 FR 1210)
 NPRM (Amendment) (Diaper Rash)
 06/20/90 (55 FR 25246)

Antiperspirant Products

ANPRM 10/10/78 (43 FR 46694)
 NPRM 08/20/82 (47 FR 36492)
 Final Action 00/00/00

Antiseptic First Aid

ANPRM 09/13/74 (39 FR 33103)
 NPRM 01/06/78 (43 FR 1210)
 NPRM (Revised) 07/22/91 (56 FR 33644)
 Final Action 00/00/00

Antiseptic Products (Professional Use)

ANPRM 09/13/74 (39 FR 33103)
 NPRM 01/06/78 (43 FR 1210)
 NPRM (Revised) 03/00/94

Aphrodisiac Products

ANPRM 10/01/82 (47 FR 43572)
 NPRM 01/15/85 (50 FR 2168)
 Final Action 07/07/89 (54 FR 28780)

Aspirin (Heart Labeling)

NPRM 10/00/93

Aspirin (Reye Syndrome)

NPRM 10/00/93

Astringent (Wet Dressings) Prdts (Merged w/other rulemkg)

ANPRM 09/07/82 (47 FR 39436)

Benign Prostatic Hypertrophy Products

ANPRM 10/01/82 (47 FR 43566)
 NPRM 02/20/87 (52 FR 5406)
 Final Action 02/27/90 (55 FR 6926)

Ball Ointments

ANPRM 06/29/82 (47 FR 28306)
 NPRM 01/26/88 (53 FR 2198)
 Final Action 11/00/93

Camphorated Oil Drug Products

ANPRM 09/26/80 (45 FR 63869)
 Final Action 09/21/82 (47 FR 41716)

Cholecystokinetic Products

ANPRM 02/12/80 (45 FR 9286)
 NPRM 08/24/82 (47 FR 37068)
 Final Action 06/10/83 (48 FR 27004)
 NPRM (Amendment) 08/15/88 (53 FR 30786)
 Final Action (Amendment) 02/28/89 (54 FR 8320)

Corn and Callus Remover Products

ANPRM 01/05/82 (47 FR 522)
 NPRM 02/20/87 (52 FR 5412)
 Final Action 08/14/90 (55 FR 33258)

Cough/Cold (Anticholinergic) Products

ANPRM 09/09/76 (41 FR 38312)
 NPRM 07/09/82 (47 FR 30002)
 Final Action 11/08/85 (50 FR 46582)

Cough/Cold (Antihistamine) Products

ANPRM 09/09/76 (41 FR 38312)
 NPRM 01/15/85 (50 FR 2200)
 NPRM (Amendment) 08/24/87 (52 FR 31892)
 Final Action 12/09/92 (57 FR 58356)

Cough/Cold (Antitussive) Products

ANPRM 09/09/76 (41 FR 38312)
 NPRM 10/19/83 (48 FR 48576)
 Final Action 08/12/87 (52 FR 30042)
 NPRM (Amendment) 07/06/89 (54 FR 28442)
 NPRM (Amendment) 10/02/89 (54 FR 40412)
 Final Action (Amendment) 07/06/90 (55 FR 27806)
 Final Action (Amendment) 10/03/90 (55 FR 40381)
 NPRM (Amendment)(Warning) 06/19/92 (57 FR 27666)
 NPRM (Amendment)(Ingredients) 12/09/92 (57 FR 58378)
 Final Action (Warning) 10/00/93

Cough/Cold (Bronchodilator) Products

ANPRM 09/09/76 (41 FR 38312)
 NPRM 10/26/82 (47 FR 47520)
 Final Action 10/02/86 (51 FR 35326)
 NPRM (Amendment)(Warning) 06/19/92 (57 FR 27662)
 Final Action (Amendment)(Warning) 10/00/93

Cough/Cold (Combination) Products

ANPRM 09/09/76 (41 FR 38312)
 NPRM 08/12/88 (53 FR 30522)
 Final Action 00/00/00

Cough/Cold (Expectorant) Products

ANPRM 09/09/76 (41 FR 38312)
 NPRM 07/09/82 (47 FR 30002)
 Final Action 02/28/89 (54 FR 8494)
 Final Action (Technical Changes) 06/30/92 (57 FR 29176)

Cough/Cold (Expectorant/Ipecac) Products

Final Action 09/14/92 (57 FR 41857)

Cough/Cold (Nasal Decongestant) Products

ANPRM 09/09/76 (41 FR 38312)
 NPRM 01/15/85 (50 FR 2220)
 NPRM (Amendment) 06/19/92 (57 FR 27658)
 Final Action 03/00/94

Dandruff, Seborrheic Dermatitis and Psoriasis Control Products

ANPRM 12/03/82 (47 FR 54646)
 NPRM 07/30/86 (51 FR 27346)
 Final Action 12/04/91 (56 FR 63554)
 NPRM (Amendment) 04/05/93 (58 FR 17554)
 Final Action (Amendment) 02/00/94

Daytime Sedatives

ANPRM 12/08/75 (40 FR 57292)
 NPRM 06/13/78 (43 FR 25544)
 Final Action 06/22/79 (44 FR 36378)

Diaper Rash Products (Merged w/other rulemkg)

ANPRM 09/07/82 (47 FR 39406)

Digestive Aid Products

ANPRM 01/05/82 (47 FR 454)
 NPRM 01/29/88 (53 FR 2706)
 Final Action 03/00/94

Emetic Products

ANPRM 03/21/75 (40 FR 12939)
 NPRM 09/05/78 (43 FR 39544)

Exocrine Pancreatic Insufficiency Products

ANPRM 12/21/79 (44 FR 75666)
 NPRM 11/08/85 (50 FR 46594)
 NPRM (Reproposed) 07/15/91 (56 FR 32282)
 Final Action 00/00/00

External Analgesic Products

ANPRM 12/04/79 (44 FR 69768)
 NPRM 02/08/83 (48 FR 5852)
 NPRM (Amendment) (Dandruff) 07/30/86 (51 FR 27360)
 NPRM (Amendment) (Anorectal) 08/25/88 (53 FR 32592)
 NPRM (Amendment) (Polson Ivy) 10/03/89 (54 FR 40818)
 NPRM (Amendment) (Fvr Bilster/Ext) 01/31/90 (55 FR 3370)
 NPRM (Amendment) (1%Hydrocortisone) 02/27/90 (55 FR 6932)
 NPRM (Amendment) (Diaper Rash) 06/20/90 (55 FR 25234)
 Final Action (Diaper Rash) 12/18/92 (57 FR 60426)
 Final Action 00/00/00

Fever Bilster Products (Internal)

ANPRM 01/05/82 (47 FR 502)
 NPRM 06/17/85 (50 FR 25156)
 Final Action 06/30/92 (57 FR 29166)

Fvr Bilster/Cold Sore Prdts (Ext.) (To be merged w/other rulemkg)

ANPRM 09/07/82 (47 FR 39436)

Hair Grower and Hair Loss Prevention Products

ANPRM 11/07/80 (45 FR 73955)
 NPRM 01/15/85 (50 FR 2190)
 Final Action 07/07/89 (54 FR 28772)

Hormone (Topical) Products

ANPRM 01/05/82 (47 FR 430)
 NPRM 10/02/89 (54 FR 40618)
 Final Action 09/09/93 (58 FR 57608)

Hypo/Hyperphosphatemia Products

ANPRM 12/09/80 (45 FR 81154)
 NPRM 01/15/85 (50 FR 2160)
 Final Action 05/11/90 (55 FR 19852)

Ingrown Toenail Relief Products

ANPRM 10/17/80 (45 FR 69128)
 NPRM 09/03/82 (47 FR 39120)
 Final Action 09/09/93 (58 FR 47602)

Insect Bite & Sting (Relief) Prdts (Merged w/other rulemkg)

ANPRM 09/07/82 (47 FR 39412)

Insect Repellent Drug Products (Internal)

ANPRM 01/05/82 (47 FR 424)
 NPRM 06/10/83 (48 FR 26986)
 Final Action 06/17/85 (50 FR 25170)

Internal Analgesic Products

ANPRM 07/08/77 (42 FR 35346)
 NPRM 11/16/88 (53 FR 46204)
 NPRM (Amendment) (Overindulgence) 12/24/91 (56 FR 66762)
 NPRM (Amendment)((Sodium Bicarb) 02/00/94

Internal Analgesic Products (Overindulgence)

Final Action 00/00/00

Internal Deodorant Products

ANPRM 01/05/82 (47 FR 512)
 NPRM 06/17/85 (50 FR 25162)
 Final Action 05/11/90 (55 FR 19862)

Labeling of Drug Products for OTC Use

NPRM 04/05/93 (58 FR 17553)
 Final Action 12/00/93

HHS—PHS—FDA

Proposed Rule Stage

Laxative Products

ANPRM 03/21/75 (40 FR 12902)
 NPRM 01/15/85 (50 FR 2124)
 NPRM (Amendment) 10/01/86 (51 FR 35136)
 NPRM (Amendment) 09/02/93 (58 FR 46589)
 Final Action 00/00/00

Leg Muscle Cramps (Nocturnal Relief) Products

ANPRM 10/01/82 (47 FR 43562)
 NPRM 11/08/85 (50 FR 46588)
 Final Action 03/00/94

Male Genital Desensitizer Products

ANPRM 09/07/82 (47 FR 39412)
 NPRM 10/02/85 (50 FR 40260)
 Final Action 06/19/92 (57 FR 27654)

Menstrual Products

ANPRM 12/07/82 (47 FR 55075)
 NPRM 11/16/88 (53 FR 46194)

Mercurial (Topical) Products (To be merged w/other rulemkg)

ANPRM 01/05/82 (47 FR 436)

Nailbiting/Thumbsucking Deterrent Products

ANPRM 10/17/80 (45 FR 69122)
 NPRM 09/03/82 (47 FR 39096)
 Final Action 09/02/93 (58 FR 46749)

Nighttime Sleep Aid Products

ANPRM 12/08/75 (40 FR 57292)
 NPRM 06/13/78 (43 FR 25544)
 Final Action 02/14/89 (54 FR 6814)
 NPRM (Amendment) 08/26/93 (58 FR 45217)
 Final Action 00/00/00

NDA Labeling Exclusivity

NPRM 01/00/94

Ophthalmic Products

ANPRM 05/06/80 (45 FR 30002)
 NPRM 06/28/83 (48 FR 29788)
 Final Action 03/04/88 (53 FR 7076)
 Final Action (Anti-infective) 12/18/92 (57 FR 60416)

Oral Discomfort (Relief) Products

ANPRM 05/25/82 (47 FR 22712)
 NPRM 09/24/91 (56 FR 48302)

Oral Health Care Products

ANPRM 05/25/82 (47 FR 22760)
 NPRM 01/27/88 (53 FR 2436)
 NPRM (Amendment) (Antimicrobials) 03/00/94
 Final Action 00/00/00

Oral Mucosal Injury Products (Merged w/Oral Health Care)

ANPRM 11/02/79 (44 FR 63270)
 NPRM 07/26/83 (48 FR 33984)

Oral Wound Healing Products

ANPRM 11/02/79 (44 FR 63270)
 NPRM 07/26/83 (48 FR 33984)
 Final Action 07/18/86 (51 FR 26112)

Otic Products (Earwax)

NPRM 07/09/82 (47 FR 36012)
 Final Action 08/08/86 (51 FR 28656)

Otic Products (Swimmers Ear)

NPRM 07/30/86 (51 FR 27366)
 Final Action 00/00/00

Overindulgence Remedies

ANPRM 10/01/82 (47 FR 43540)
 NPRM 12/24/91 (56 FR 66742)
 NPRM (Amendment)(Warning) 05/05/93 (58 FR 26886)

Overindulgence Remedies/Prevention of Inebriation

ANPRM 10/01/82 (47 FR 43540)
 Final Action 07/19/83 (48 FR 32872)

Pediculicide Products

ANPRM 08/29/82 (47 FR 28312)
 NPRM 04/03/89 (54 FR 13480)
 Final Action 01/00/94

Poison Ivy/Oak/Sumac Prevention (Merged w/other rulemkg)

ANPRM 09/07/82 (47 FR 39412)

Poison Treatment Products

NPRM 01/15/85 (50 FR 2244)
 Final Action 00/00/00

Reporting of Adverse Reactions

NPRM 12/00/93

Skin Bleaching Products

ANPRM 11/03/78 (43 FR 51546)
 NPRM 09/03/82 (47 FR 39108)
 NPRM (Reproposed) 03/00/94

Skin Protectant Products

ANPRM 08/04/78 (43 FR 34628)
 NPRM 02/15/83 (48 FR 6820)
 NPRM (Amendment) (Astringent) 04/03/89 (54 FR 13490)
 NPRM (Amendment) (Poison Ivy) 10/03/89 (54 FR 40808)
 NPRM (Amendment) (Fvr Blister/Ext) 01/31/90 (55 FR 3362)
 NPRM (Amendment) (Diaper Rash) 06/20/90 (55 FR 25204)
 Final Action (Astringent) 01/00/94
 Final Action 00/00/00

Smoking Deterrent Products

ANPRM 01/05/82 (47 FR 480)
 NPRM 07/03/85 (50 FR 27552)
 Final Action 06/01/93 (58 FR 31236)

Sodium Labeling

NPRM 04/25/91 (56 FR 19222)
 Final Action 00/00/00

Status of Certain Category II and III Ingredients

NPRM 05/16/90 (55 FR 20434)
 Final Action 11/07/90 (55 FR 48914)
 NPRM 08/25/92 (57 FR 38568)
 Final Action 05/10/93 (58 FR 27636)

Stimulant (Overindulgence) Products

NPRM (Amendment) 12/24/91 (56 FR 66758)

Stimulant Products

ANPRM 12/08/75 (40 FR 57292)
 NPRM 06/13/78 (43 FR 25544)
 Final Action 02/29/88 (53 FR 6100)

Stomach Acidifier Products

ANPRM 10/19/79 (44 FR 60316)
 NPRM 01/15/85 (50 FR 2184)
 Final Action 08/17/88 (53 FR 31270)

Sunscreen Products

ANPRM 08/25/78 (43 FR 38206)
 NPRM 05/12/93 (58 FR 28194)

Sweet Spirits of Nitre

ANPRM 02/22/80 (45 FR 11846)
 Final Action 06/27/80 (45 FR 43400)

Topical Drug Products Containing Benzoyl Peroxide (Labeling)

NPRM 02/00/94

Vaginal Contraceptive Products

ANPRM 12/12/80 (45 FR 82014)
 NPRM 12/00/93

Vaginal Drug Products

ANPRM 10/13/83 (48 FR 46694)
 NPRM 01/00/94

Vitamin/Mineral Products

ANPRM 03/16/79 (44 FR 16126)
 Withdrawal 11/27/81 (46 FR 57914)

Wart Remover Products

ANPRM 10/03/80 (45 FR 65809)
 NPRM 09/03/82 (47 FR 39102)
 NPRM (Amendment) 03/27/87 (52 FR 9992)

Final Action 08/14/90 (55 FR 33246)
 NPRM (Amendment) (Directions) 12/00/93

Water Soluble Gums

NPRM 10/30/90 (55 FR 45782)
 Final Action 08/26/93 (58 FR 45194)

Weight Control Products

ANPRM 02/26/82 (47 FR 8466)
 NPRM 10/30/90 (55 FR 45788)
 Final Action 08/08/91 (56 FR 37792)
 NPRM (Amendment) 03/00/94

Small Entities Affected: None**Government Levels Affected:** None

Additional Information: ABSTRACT CONT: for "Antimicrobial Products." NPRM for "Alcohol (Topical) Products" to be included in revised NPRM for "Antimicrobial Products." The NPRM for "Antimicrobial Products" is being revised because it is being updated and split into two sections: first aid products and health care products.

SMALL ENTITIES AFFECTED: The effects, if any, vary depending on the individual rulemaking. However, the agency anticipates that the rules would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: William E.

Gilbertson, Director, Monograph Review Staff, Office of OTC Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-210), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8000

RIN: 0905-AA06

1163. POLICIES CONCERNING USES OF SULFITING AGENTS**Significance:** Agency Priority

Legal Authority: 21 USC 321; 21 USC 336; 21 USC 341; 21 USC 342; 21 USC 343; 21 USC 348; 21 USC 371

CFR Citation: 21 CFR 182.3616; 21 CFR 182.3637; 21 CFR 182.3739; 21 CFR 182.3766; 21 CFR 182.3798; 21 CFR 182.3862; 21 CFR 100; 21 CFR 130.9

Legal Deadline: None

Abstract: Acceptable evidence and information exist to show that a subgroup of asthmatics is at moderate

HHS—PHS—FDA

Proposed Rule Stage

to severe risk for a severe reaction upon exposure to sulfites. The agency's primary tool for handling a situation where population subgroups may be at increased risk from a food ingredient that is safe for most people is to use labeling to inform those persons who need or want to avoid the ingredient. The agency issued a final rule, effective January 7, 1987, that requires that when a sulfiting agent is present in a finished food at 10 parts per million or greater, the sulfiting agent must be declared on the label. In addition, FDA issued a final rule, effective August 8, 1986, prohibiting the use of sulfiting agents on raw fruits and vegetables intended to be served or sold raw to consumers (e.g., in salad bars). On December 10, 1987, FDA announced its tentative conclusion that there is no longer a basis to find that the use of sulfiting agents on "fresh" potatoes served or sold unpackaged to consumers is GRAS. On December 19, 1988, FDA proposed to affirm, with specific limitations, that certain other uses of sulfiting agents are GRAS (cont)

Timetable:

Food Labeling; Declaration of Sulfiting Agents

NPRM 04/03/85 (50 FR 13306)
 Final Action 07/09/86 (51 FR 25012)
 Effective Date 01/09/87 (51 FR 25012)

GRAS Status of the Use of Sulfiting Agents on Fresh Potatoes

NPRM-To be Merged w/Frozen Potatoes
 12/10/87 (52 FR 46968)
 Final Action 03/15/90 (55 FR 9826)

GRAS Status of Certain Other Food Uses of Sulfiting Agents, Etc.

NPRM 12/19/88 (53 FR 51065)
 Final Action 06/00/94

Revoking Use of Sulfiting Agents on Fruits & Vegetables, Etc.

NPRM 08/14/85 (50 FR 32836)
 Final Action 07/09/86 (51 FR 25021)
 Final Action Effective 08/09/86 (51 FR 25021)

Status of the Use of Sulfiting Agents on Minimally Processed &

NPRM 01/00/94

Status of the Use of Sulfiting Agents on Shrimp

NPRM 12/19/88 (53 FR 51065)
 Final Action 01/00/94

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: and to establish labeling requirements for sulfiting agents in standardized foods.

On March 15, 1990 (55 FR 9826), FDA issued a final rule prohibiting the use of sulfiting agents on "fresh" potatoes

(55 FR 9826) and requested data and information concerning the use of sulfiting agents on frozen potatoes (55 FR 9834).

On August 3, 1990, the United States District Court for the Middle District of Pennsylvania declared the final rule concerning fresh potatoes to be "null and void" based on perceived procedural defects in the rulemaking proceeding. The Government appealed the district court's decision. On May 22, 1991, the U.S. Court of Appeals for the Third Circuit en banc affirmed, by an equally divided vote and without opinion, the decision of the district court invalidating on procedural grounds FDA's final rule revoking the GRAS status of the use of sulfiting agents on fresh potatoes.

FDA's repropoed rule will include the GRAS status of sulfiting agents on both minimally processed (formerly fresh) and frozen potatoes.

Agency Contact: JoAnn Ziyad, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS-207), 200 C Street SW., Washington, DC 20204, 202 254-9528

RIN: 0905-AB52

1164. INFANT FORMULA ACT

Significance: Regulatory Program

Legal Authority: 21 USC 350a

CFR Citation: 21 CFR 107; 21 CFR 106

Legal Deadline: None

Abstract: The agency published on December 24, 1991, a final rule implementing the Infant Formula Act of 1986. The rule establishes infant formula record and record retention requirements. The agency is also preparing a proposed rule that will establish current good manufacturing practice regulations, quality control procedures, quality factors, notification requirements and reports for the production of infant formulas.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Final Action | 12/24/91 | 58 FR 66566 |
| NPRM | 03/00/94 | |
| NPRM Comment Period End | 05/00/94 | |
| Current Good Mfg. Practices; Qual Control Proc | | |
| NPRM | 10/00/93 | |

Infant Form Cons Comp, Micro Test & Recd Retention Req

NPRM 01/26/89 (54 FR 3783)
 NPRM (Comment Period End) 03/27/89 (54 FR 3783)

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carolyn W. Miles, Nutritionist, Regulatory Branch, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS-456) 200 C Street SW., Washington, DC 20204, 202 205-5372

RIN: 0905-AC46

1165. IMPLEMENTATION OF TITLE I OF THE GENERIC ANIMAL DRUG AND PATENT TERM RESTORATION ACT

Significance: Regulatory Program

Legal Authority: 21 USC 360b

CFR Citation: 21 CFR 514

Legal Deadline: Final, Statutory, November 15, 1989.

Abstract: The agency proposes to amend its regulations to implement title I of the Generic Animal Drug and Patent Term Restoration Act which established new standards for marketing approval of generic copies of animal drug products approved after 1962.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Lonnie W. Luther, Chief, Generic Animal Drug and Quality Control Staff, Department of Health and Human Services, Public Health Service, Center for Veterinary Medicine (HFV-102), 7500 Standish Place, Rockville, MD 20855, 301 295-8623

RIN: 0905-AD15

1166. VOLUNTARY, FEE-FOR-SERVICE SEAFOOD INSPECTION PROGRAM

Significance: Regulatory Program

Legal Authority: 21 USC 372a

CFR Citation: 21 CFR 197

Legal Deadline: None

Abstract: The Food and Drug Administration and the National

Marine Fisheries Service are exploring the feasibility of establishing a voluntary, fee-for-service inspection program for fish and fish products, to be operated by both agencies.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 06/27/90 | 55 FR 26334 |
| ANPRM Comment | 10/05/90 | 55 FR 36289 |
| Period End | | |
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Mary Snyder, Chief, Policy Branch, Office of Seafood, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety & Applied Nutrition (HFS-416), 200 C Street SW., Washington, DC 20204, 202 254-3888

RIN: 0905-AD23

1167. PRESCRIPTION DRUG MARKETING ACT OF 1987; POLICY INFORMATION, GUIDANCE, AND CLARIFICATIONS

Legal Authority: PL 100-293 Prescription Drug Marketing Act of 1987

CFR Citation: 21 CFR 203

Legal Deadline: None

Abstract: The Prescription Drug Marketing Act of 1987 (PDMA) amended the Federal Food, Drug, and Cosmetic Act to: (1) require State licensing of wholesale distributors of prescription human drugs under Federal guidelines including minimum standards for storage, handling, and recordkeeping; (2) ban the reimportation of prescription human drugs produced in the United States, except when reimported by the manufacturer for emergency use; (3) ban the sale, trade, or purchase of drug samples; (4) ban trafficking in or counterfeiting of drug coupons; (5) mandate storage, handling, and recordkeeping requirements for drug samples; (6) require licensed practitioners to request drug samples in writing; (7) prohibit, with certain exceptions, the resale of prescription human drugs purchased by hospitals or health care facilities; and (8) set forth criminal and civil penalties for violations of these provisions. In the Federal Register of September 14, 1990 (55 FR 38012), FDA issued a final rule

setting forth Federal guidelines for State licensing of wholesale drug distributors. This proposed rule would provide (cont)

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: information, guidance, and clarification of those sections of PDMA that are not related to State licensing of wholesale distributors.

Agency Contact: Richard L. Arkin, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 7500 Standish Place, Rockville, MD 20855, 301 594-1049

RIN: 0905-AD44

1168. IMPLEMENTATION OF THE SAFE MEDICAL DEVICES ACT OF 1990

Significance: Regulatory Program

Legal Authority: PL 101-629 Safe Medical Devices Act of 1990

CFR Citation: 21 CFR 860; 21 CFR 820; 21 CFR 807; 21 CFR 803; 21 CFR 17; 21 CFR 812; 21 CFR 7; 21 CFR 814; 21 CFR 821; 21 CFR 861; 21 CFR 895

Legal Deadline:

NPRM, Statutory, August 28, 1991, for Medical Device T.

Final, Statutory, November 28, 1991, for Exemption of Hum.

Other, Statutory, December 1, 1991, for Classification o.

Final, Statutory, November 28, 1992, for Medical Device T.

Abstract: The Safe Medical Devices Act of 1990 (SMDA), enacted November 28, 1990, was intended to assure marketed devices are safe and effective, FDA learns quickly of device problems, and has authority to remove defective devices from the market. The act directs or authorizes FDA to develop these regulations: Medical Device Reporting--This rule will require healthcare facilities and distributors to report deaths and serious injuries/illnesses related to medical devices. Medical Device Tracking--This regulation will require manufacturers to

track certain devices to the user. Classification of Transitional Devices--FDA issued a notice to require submission of adverse safety and effectiveness data on transitional devices. FDA will now propose to keep each device in class III, or reclassify it in class I or II. Good Manufacturing Practices for Medical Devices--FDA will propose to add preproduction design validation in existing CGMP regulations. Exemption of Humanitarian Devices--The proposed rule gives procedures for applications for certain premarket review exemptions for humanitarian devices. (cont)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 00/00/00 | |

Assignment of Agency Component for Review of Premarket Applictns

Notice (Public Hearing) 07/12/91 (56 FR 31951)

Final Action 11/21/91 (56 FR 31951)

Civil Money Penalties

NPRM 05/26/93 (58 FR 30680)

Final Action 00/00/00

Classification of Transitional Devices

Notice 11/14/91 (56 FR 57960)

Notice(Extension of Comment Period) 03/10/92 (57 FR 8462)

Notice (Extension of Deadline) 11/30/92 (57 FR 56586)

Notice (Extension of Deadline) 11/30/92 (57 FR 56586)

Notice (Contact Lenses) 12/00/93

CGMPs for Medical Devices

ANPRM (Revisions;Request for Cmnts) 06/15/90 (55 FR 24544)

ANPRM (Suggested Changes;Availbty) 11/30/90 (55 FR 49644)

ANPRM (Extension of Comment Period) 02/14/91 (56 FR 5985)

Notice (Open Public Advsy Cmte Mtg) 04/17/91 (56 FR 15628)

NPRM 11/00/93

Exemption of Humanitarian Devices

NPRM 12/21/92 (57 FR 60491)

Final Action 03/00/94

Medical Device Reporting

Notice (Public Conf.;Rqst for Info) 03/28/91 (56 FR 12934)

NPRM 11/26/91 (56 FR 60024)

Final Rule (Distributor Reporting) 09/01/93 (58 FR 46514)

Final Action 12/00/93

Medical Device Tracking

NPRM 03/27/92 (57 FR 10702)

NPRM 05/29/92 (57 FR 22971)

Final Action 05/29/92 (57 FR 22966)

Final Action (Not. Stat. Eff. Date 08/16/93 (58 FR 43442)

Miscellaneous Procedural Changes in Medical Device Regulations

Final Action 12/10/92 (57 FR 58400)

Pre-Amendment Class III Devices

Notice 03/00/94

Recall of Medical Devices

NPRM 12/00/93

HHS—PHS—FDA

Proposed Rule Stage

Reports of Removals and Corrections of Medical Devices

NPRM 12/00/93

Safe Medical Devices Act of 1990; Implementation Plans

Notice 04/05/91 (56 FR 14111)

Summaries of Safety & Effectiveness for Premarket Notification

Final Action 04/28/92 (57 FR 18062)

Notice (Stay of Effective Date) 06/01/92 (57 FR 23059)

Final Action 01/00/94

Temporary Suspension of a Premarket Approval Application

NPRM 10/12/93 (58 FR 52729)

Small Entities Affected: Businesses**Government Levels Affected:** Undetermined**Additional Information:** ABSTRACT CONT: Summaries of Safety and Effectiveness for Premarket

Notification--A final rule will set forth information to be included in data summaries on which substantial equivalence determinations are made. Recall of Medical Devices--FDA will propose procedures for using its authority to order device recalls and notifications. Reports of Removal and Corrections--FDA will propose procedures for manufacturers to report to FDA health-related market removals and corrections of devices. Civil Penalties--FDA intends to issue regulations to establish procedures for a hearing to which persons are entitled before the imposition of civil penalties. Procedural Changes in Medical Device Regulations--This final rule made revisions in regulations necessary because of procedural changes made by the SMDA. Premarket Review of Combination Products--FDA published a final rule establishing procedures for determining which FDA center will review premarket approval applications for products that are a combination of a device and a drug or biologic.

Agency Contact: Joseph M. Sheehan, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, 12720 Twinbrook Parkway, Rockville, MD 20852, 301 443-4874

RIN: 0905-AD59

1169. MANDATORY HACCP SEAFOOD INSPECTION PROGRAM**Significance:** Agency Priority**Legal Authority:** 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic

Act; 21 USC 374 Federal Food, Drug, and Cosmetic Act; 42 USC 264 Public Health Service Act

CFR Citation: 21 CFR 123**Legal Deadline:** None

Abstract: The Food and Drug Administration intends to issue requirements for the safe processing and importing of fish and fishery products in keeping with Hazard Analysis Critical Control Point (HACCP) principles. HACCP involves the identification and monitoring of "critical control points" in a processing or other operation the failure of which can render a product adulterated. HACCP has been strongly endorsed by the National Academy of Sciences for use by the seafood industry.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Businesses**Government Levels Affected:** Federal

Agency Contact: Philip Spiller, Deputy Director, Office of Seafood, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, (HFS-401) 200 C Street SW., Washington, DC 20204, 202 254-3885

RIN: 0905-AD60

1170. BOTTLED WATER**Legal Authority:** 21 USC 341; 21 USC 343(h); 21 USC 349; 21 USC 371(a)**CFR Citation:** 21 CFR 103

Legal Deadline: Other, Statutory. Other deadline is for publication of NPRM or Notice within 180 days of EPA final action.

Abstract: In fulfillment of its mandate under the Safe Drinking Water Act, EPA is currently in the midst of reviewing and establishing standards for contaminants in public drinking water such as pathogenic bacteria, pesticides and organic chemicals. When EPA establishes such standards for public drinking water, FDA is required to take appropriate action to amend its regulations for bottled drinking water or state its reasons for not doing so. FDA also establishes identity standards for a food when it has determined that the standard will promote honesty and fair dealing in the interest of consumers.

Timetable:**Beverages; Bottled Water**

NPRM 01/05/93 (58 FR 393)

Final Action 03/00/94

Microbiological Quality Standard

NPRM 10/06/93 (58 FR 25042)

Final Action 07/00/94

Quality Standard for Lead and Copper

NPRM 01/05/93 (58 FR 389)

Quality Standards for Lead and Copper

Final Action 10/00/93

Quality Standards for 24 Contaminants

NPRM 08/04/93 (58 FR 41612)

Final Action 06/00/94

Quality Standards for 39 Contaminants

NPRM 01/05/93 (58 FR 382)

Final Action 11/00/93

Quality Standards for 7 Volatile Organic Chemicals

NPRM 03/21/91 (56 FR 11979)

Final Action 01/05/93 (58 FR 378)

Small Entities Affected: Undetermined**Government Levels Affected:** None

Agency Contact: Michael E. Kashtock, Supervisory Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS-306), 200 C Street SW., Washington, DC 20204, 202 205-4681

RIN: 0905-AD65

1171. REPORTING OF ERRORS AND ACCIDENTS RELATING TO BLOOD SAFETY AND WITHDRAWAL OF PREVIOUSLY PROPOSED RULE**Significance:** Agency Priority

Legal Authority: 21 USC 321; 21 USC 331; 21 USC 351 to 353; 21 USC 355; 21 USC 360; 21 USC 360i; 21 USC 371; 21 USC 374; 42 USC 216; 42 USC 262 to 264

CFR Citation: 21 CFR 600; 21 CFR 606**Legal Deadline:** None

Abstract: All licensed blood establishments are required to notify FDA promptly of errors or accidents in the manufacture of products that may effect the safety, purity, or potency of any biological product (21 CFR 600.14). The reporting of certain errors or accidents occurring in the manufacture of blood and blood components is necessary so that FDA can respond where the public health may be endangered and provide added assurance as to the continued safety, identity, quality, purported quality, and purity of blood and blood components. FDA has determined that errors and accidents that are detected and

corrected before a finished unit is removed from the unprocessed inventory and made available for release and distribution do not affect the safety of the blood supply and need not be reported to the agency. The proposed rule would require licensed establishments, unlicensed establishments, and transfusion services to report and keep records. The cost to licensed establishments would be minimal (cont)

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Additional Information: ABSTRACT CONT: Since they already are required to report, licensed establishments would only have to make some changes in standard operating procedures. Unlicensed establishments are already required to keep records and conduct investigations. Under the proposed rule they would have to establish reporting procedures and report to FDA. The transfusion services would have to assure their recordkeeping and investigation procedures are sufficient and establish reporting procedures. Reporting by transfusions services is expected to be minimal.

Agency Contact: JoAnn Minor, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFM-635), 1401 Rockville Pike, Suite 200N, Rockville, MD 20852-1448, 301 594-3074

RIN: 0905-AD67

1172. PROPOSED LABELING FOR DRUG PRODUCTS BASED ON FALSE OR FRAUDULENT DATA

Significance: Agency Priority

Legal Authority: 21 USC 321; 21 USC 331; 21 USC 351 to 353; 21 USC 355 to 358; 21 USC 360 to 360b; 21 USC 371; 21 USC 374; 21 USC 376; 42 USC 216; 42 USC 241; 42 USC 262; 42 USC 263b to 263n; 42 USC 264

CFR Citation: 21 CFR 201

Legal Deadline: None

Abstract: The agency proposes to revise its regulations pertaining to human drug product labeling. The proposed revisions would subject drug products whose labeling was based in whole or in part on false or fraudulent data or information to the statutory requirements in sections 502(f) (1) of the Federal Food, Drug, and Cosmetic Act. The proposal would also interpret the term "false or fraudulent labeling."

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard L. Arkin, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Division of Regulatory Affairs, Center for Drug Evaluation and Research (HFD-362), 301 594-1049

RIN: 0905-AD71

1173. REVIEW OF WARNINGS, USE INSTRUCTIONS, AND PRECAUTIONARY INFORMATION UNDER SECTION 314 OF THE NATIONAL CHILDHOOD VACCINE INJURY ACT OF 1986

Significance: Agency Priority

Legal Authority: PL 99-660, sec 314

CFR Citation: Not applicable

Legal Deadline: Final, Statutory, June 22, 1989.

Abstract: Section 314 of the National Childhood Vaccine Injury Act of 1986 mandated that the warnings, use instructions, and precautionary information of specified childhood vaccines be reviewed and that their adequacy in warning health care professionals of the nature and extent of dangers posed by such vaccines be determined. This precautionary information is contained in the package insert of each vaccine licensed by the agency. FDA held a public meeting to receive public comment on the adequacy of these package inserts.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Notice of Public Meeting; Public Comment on Package Inserts | 07/31/92 | 57 FR 33915 |
| NPRM | 08/00/94 | |

Small Entities Affected: None

Government Levels Affected: State

Additional Information: A public meeting was held on 9/18/92 on Section 314 Labeling Review. Presentations were made by FDA, CDC, manufacturers, parents groups, and the public on the adequacy of the current labeling.

Agency Contact: JoAnn Minor, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research, 1401 Rockville Pike, Suite 200N (HFM-635), Rockville, MD 20852-1448, 301 594-3074

RIN: 0905-AD72

1174. PART 1260; HUMAN SEMEN FOR ARTIFICIAL INSEMINATION

Significance: Regulatory Program

Legal Authority: 42 USC 271; 42 USC 264

CFR Citation: 21 CFR 1260

Legal Deadline: None

Abstract: FDA is proposing regulations intended to prevent the transmission of communicable disease through the use of human semen for artificial insemination. The proposed regulations would provide for the registration with FDA of establishments collecting, manufacturing, and distributing semen intended for artificial insemination. Registered facilities would be required to meet standards intended to ensure that semen donors are appropriately screened and tested, that the collected semen is not contaminated with an agent of communicable disease through errors or poor practices, and that records are kept documenting that the appropriate procedures have been followed. Registered facilities meeting these standards would receive a certification from FDA that would permit the continued distribution of semen intended for artificial insemination. Human semen collected from a donor who is the spouse or other sexually intimate partner of the intended recipient would not fall under the scope of the proposed regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: Businesses, Organizations

HHS—PHS—FDA

Proposed Rule Stage

Government Levels Affected:
Undetermined

Agency Contact: Ann Reed Gaines, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research, (HFM-635) 1401 Rockville Pike, Suite 200N, Rockville, MD 20852-1448, 301 594-3074

RIN: 0905-AD80

1175. MEDICAL DEVICES; INFANT APNEA MONITOR; DEVELOPMENT OF MANDATORY STANDARD**Legal Authority:** 21 USC 360d**CFR Citation:** 21 CFR 800**Legal Deadline:** None

Abstract: FDA is proposing a mandatory standard for infant apnea monitors which are intended for use on infants to detect cessation of breathing. The standard includes requirements for infant apnea monitors in four areas: Patient monitoring, electrical, mechanical and environmental, and labeling. FDA considered reliance upon voluntary standards to address risks presented by these devices but determined that a mandatory standard is necessary.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| ANPRM | 07/08/83 | 48 FR 31392 |
| NPRM | 11/00/93 | |

Small Entities Affected: Businesses**Government Levels Affected:**
Undetermined

Agency Contact: James J. McCue, Jr., Chief, Operations Staff, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, (HFZ-84), 5600 Fishers Lane, Rockville, MD 20857, 301 443-4874

RIN: 0905-AD83

1176. INVESTIGATIONAL NEW DRUG APPLICATIONS**Significance:** Regulatory Program**Legal Authority:** 21 USC 321; 21 USC 331; 21 USC 351; 21 USC 352; 21 USC 353; 21 USC 355; 21 USC 356; 21 USC 357; 21 USC 371; 42 USC 262**CFR Citation:** 21 CFR 312**Legal Deadline:** None

Abstract: The agency is considering several steps that could be taken to facilitate the early phases of clinical investigations of drug and biologic products, as part of the larger effort to speed the development and approval of promising new therapeutic products, without jeopardizing the safety of human study subjects or the quality of the data obtained. These steps are intended to eliminate the need for investigators to submit, and for FDA to review and approve, protocols that present minimal risk to subjects and do not require FDA involvement as part of an efficient drug development effort.

FDA is considering an amendment to 21 CFR Part 312 to exempt certain clinical investigations from the investigational new drug (IND) requirements, provided that specific requirements are met. The investigator would have to submit protocols for qualified studies to an institutional review board (IRB) rather than FDA.

Timetable: Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** None

Agency Contact: Richard Klein, Office of Health Affairs, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, HFY-20, Rockville, MD 20857, 301 443-1382

RIN: 0905-AD85

1177. THRESHOLD OF REGULATION POLICY FOR COMPONENTS OF FOOD CONTACT ARTICLES**Significance:** Regulatory Program**Legal Authority:** 21 USC 321; 21 USC 341; 21 USC 342; 21 USC 346a; 21 USC 348; 21 USC 371**CFR Citation:** 21 CFR 170; 21 CFR 171; 21 CFR 174**Legal Deadline:** None

Abstract: FDA is proposing a policy for determining when the likelihood/extent of migration of a component of a food contact article is so trivial as not to require regulation as a food additive. A substance considered under this Threshold of Regulation Policy would undergo an abbreviated review by FDA, as opposed to the extensive review and formal issuance of a regulation required for other food additives. This proposal lists the criteria which must be met for a food-contact material to be reviewed under this policy and identifies the types of data that FDA will need for

its review. This policy will reduce regulatory cost and delays and thereby bring important and innovative products to market faster.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Edward J. Machuga, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS-216), 200 C Street, SW., Washington, DC 20204, 202 254-9528

RIN: 0905-AD86

1178. DIETARY SUPPLEMENTS**Significance:** Agency Priority**Legal Authority:** 21 USC 321; 21 USC 342; 21 USC 343; 21 USC 348; 21 USC 350; 21 USC 371**CFR Citation:** Not yet determined**Legal Deadline:** None

Abstract: FDA is reviewing the manner in which it regulates dietary supplements, including products containing vitamins, minerals, amino-acids, herbs, and other similar nutritional substances. In an ANPRM on June 18, 1993, the FDA requested public comment on approaches, consistent with the requirements of the Federal Food, Drug, and Cosmetic Act (the act) for assuring the safety of such products offered as dietary supplements. FDA also announced the agency's intention to bring amino acid-containing dietary supplement products into compliance with the law and requests manufacturers of these products to submit any additional information that may be available on the safety and use of individual amino acids or combinations of amino acids as ingredients in dietary supplements. FDA also announced the availability of a report entitled "Dietary Supplements Task Force Final Report" and requested comment on the recommendations made in this report.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 06/18/93 | 58 FR 36690 |
| ANPRM Comment Period End | 08/17/93 | 58 FR 33690 |
| NPRM | 00/00/00 | |

HHS—PHS—FDA

Proposed Rule Stage

Small Entities Affected: Businesses
Government Levels Affected: State, Federal
Agency Contact: Judith Kraus, Consumer Safety Officer, Department of Health and Human Services, Public Health Service, Office of Special Nutritionals (HFS-456) Center for Food Safety and Applied Nutrition, 200 C St. SW Washington, DC 20204, 202 205-5372
RIN: 0905-AD90

1179. CLINICAL INVESTIGATOR DISQUALIFICATION

Significance: Agency Priority
Legal Authority: 21 USC 360j(g)
CFR Citation: 21 CFR 812
Legal Deadline: None

Abstract: The rule would amend the investigational device exemption (IDE) regulations to provide for a procedure for disqualification of clinical investigators in cases of fraud or other serious violations of the regulations. Persons whose disqualification is proposed would be entitled to an opportunity for hearing.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 10/06/93 | 58 FR 52144 |

Small Entities Affected: Businesses
Government Levels Affected: None
Agency Contact: Joseph M. Sheehan, Chief, Regulations Staff, Department of Health and Human Services, Public Health Service, FDA, CDRH (HFZ-84), 5600 Fishers Lane, Rockville, MD 20857, 301 443-4874
RIN: 0905-AD94

1180. REVOCATION OF INTRAOCULAR LENS INVESTIGATION DEVICE EXEMPTION

Significance: Agency Priority
Legal Authority: 21 USC 360j(g)
CFR Citation: 21 CFR 813; 21 CFR 812
Legal Deadline: None

Abstract: The rule would revoke the separate investigational device exemption regulation for intraocular lenses (IOLs). IOLs would then be subject to the same IDE regulation (21 CFR Part 812) as all other devices. The IOL-IDE regulation was originally created as an interim measure.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 10/06/93 | 58 FR 52142 |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Joseph M. Sheehan, Chief, Regulations Staff, Department of Health and Human Services, Public Health Service, FDA, CDRH (HFZ-84), 5600 Fishers Lane, Rockville, MD 20857, 301 443-4874
RIN: 0905-AD95

1181. MAMMOGRAPHY QUALITY STANDARDS ACT OF 1992

Significance: Regulatory Program
Legal Authority: PL 102-539
 Mammography Quality Standards Act of 1992

CFR Citation: Not yet determined
Legal Deadline: Final, Statutory, July 27, 1993.
 Standards for accreditation bodies are required by July 27, 1993.

Abstract: The purpose of the Mammography Quality Standards Act of 1992, enacted October 27, 1992, is to assure quality in all aspects of the practice of mammography. The primary mechanism for this is oversight of all mammography facilities through a certification and inspection program. Only facilities certified by the Secretary will be permitted to produce, process, or interpret mammographic images. The statute also requires the establishment of an advisory committee to set regulatory quality standards and also provides for the establishment of surveillance systems to evaluate breast cancer screening programs.

Regulations are required in several areas: Issuance and denial of certificates; standards for accreditation bodies; approval or withdrawal of approval of accreditation bodies; quality standards for facilities; certification of personnel, an inspection program, a user fee program, and an enforcement program. The statute mandates other activities for which regulations may also be necessary, although not specifically required.

Timetable:

| | | |
|---|----------|--|
| Approval of Accrediting Bodies | | |
| NPRM | 12/00/93 | |
| Quality Standards for Mammography Facilities | | |
| NPRM | 12/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Jur Strobos, Chief, Policy Research Staff, Office of Policy, Department of Health and Human Services, Food and Drug Administration, HF-20, 5600 Fishers Lane, Rockville, MD 20857, 301 443-5004

RIN: 0905-AE19

1182. • PROPOSAL TO ESTABLISH PROCEDURES FOR THE SAFE PROCESSING, PACKAGING, STORAGE, AND DISTRIBUTION OF SMOKED FISH, SMOKE-FLAVORED FISH, AND SALTED FISH

Significance: Regulatory Program
Legal Authority: 21 USC 321; 21 USC 342; 21 USC 403; 21 USC 371; 21 USC 374; 21 USC 264

CFR Citation: 21 CFR 122

Legal Deadline: None

Abstract: FDA will propose procedures for the safe processing, packaging, storage, and distribution of fish that are hot-process smoked, hot-process smoke-flavored, cold-process smoked, or cold-process smoke-flavored and salted. FDA is proposing these regulations in an effort to reduce the public health risk from Clostridium botulinum spore outgrowth and toxin production associated with the manufacture of smoked, smoke-flavored, or salted fish products, as well as to control Listeria monocytogenes and other microbiological hazards associated with these foods. Three factors heighten concern about these potential hazards: The smoked fish industry's recent increasing use of vacuum packaging, a key factor in the 1960's smoked fish botulism outbreaks (45 percent of the companies visited in a 1988-1989 FDA and New York State survey vacuum package these products); the fact that seven of nine recent inspections of smoked fish processing facilities in New York State have found L. monocytogenes in the environment or in products; and the failure or many in the smoked fish industry to follow necessary sanitary manufacturing procedures and safe processing parameters in production (cont)

HHS—PHS—FDA

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Businesses
Government Levels Affected: None
Additional Information: ABSTRACT
CONT: of these products. This action

is being taken on the agency's own initiative and as part of the agency's enhanced seafood program (see 56 FR 7869, February 26, 1991), including proposing to require the monitoring of selected processes in keeping with the Hazard Analysis Critical Control Point (HAACP) principles.

Agency Contact: Mary L. Snyder, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, (HFS-416), 200 C. St. SW., Washington, DC, 20204, 202 254-3888

RIN: 0905-AE21

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Final Rule Stage

1183. NEW ANIMAL DRUG APPROVAL PROCESS

Legal Authority: 21 USC 360b; 21 USC 371

CFR Citation: 21 CFR 514.1; 21 CFR 514.8

Legal Deadline: None

Abstract: On December 17, 1991, the agency published a proposed revision of the existing regulations that are consistent with the current procedural regulations for human drugs where appropriate. The New Animal Drug Application (NADA) revisions would articulate general requirements in regulations containing performance standards and would complement them through detailed guidelines on, among other matters, appropriate ways of meeting requirements for submission of chemistry, pharmacology, and statistical data that would better address the intricate scientific issues involved. A separate proposed rule for reporting requirements for marketed animal drugs also published on that date.

Timetable:

New Animal Drug Approval Process
 NPRM 12/17/91 (56 FR 65544)
 NPRM 10/00/84

Reporting Requirements for Marketed Animal Drugs
 NPRM 12/17/91 (56 FR 65581)
 Final Action 04/00/94

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Contact Lonnie W. Luther for information concerning new animal drug approval process.

For information concerning reporting requirements for marketed animal drugs, contact Andrew J. Beaulieu, Director, Division of Therapeutic Drugs for Food Animals, Center for Veterinary Medicine, Food and Drug

Administration, 5600 Fishers Lane, Rockville, MD 20857, (301) 443-3044.

Agency Contact: Lonnie W. Luther, Chief, Generic Animal Drugs and Quality Control Staff, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-102), 7500 Standish Place, Rockville, MD 20855, 301 295-8623

RIN: 0905-AA96

1184. ABBREVIATED NEW DRUG APPLICATION REGULATIONS (TITLE I OF THE "DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984")

Significance: Agency Priority

Legal Authority: 21 USC 355 title I

CFR Citation: 21 CFR 10; 21 CFR 310; 21 CFR 314; 21 CFR 320

Legal Deadline: None

Abstract: Until the passage of title I of the Drug Price Competition and Patent Term Restoration Act of 1984, abbreviated new drug application (ANDA) procedures were only available for generic products equivalent to pioneer drugs approved before 1962. Title I opened up the ANDA policy to generic copies of products approved after 1962. On July 10, 1989 (54 FR 28872), FDA proposed regulations to implement Title I. The proposal provides for the submission of abbreviated new drug applications for generic versions of drug products first approved after 1962. These new provisions will benefit consumers by making generic drug products available more quickly.

The agency is reviewing the public comments submitted in response to the proposed rule and preparing the final rule in two segments. The first segment will establish requirements for format and content of an ANDA, suitability

petitions, and certain administrative actions. The second segment will establish requirements for patent certification and exclusivity.

Timetable:

| Action | Date | FR Cite |
|----------------------------------|----------|-------------|
| NPRM | 07/10/89 | 54 FR 28872 |
| NPRM Comment Period End | 10/10/89 | 54 FR 28872 |
| NPRM Extension of Comment Period | 10/11/89 | 54 FR 41629 |
| NPRM Public Comment Period End | 01/09/90 | 54 FR 41629 |
| NPRM Extension of Comment Period | 01/16/90 | 55 FR 1471 |
| NPRM Public Comment Period End | 04/09/90 | 55 FR 1471 |

Content and Format, Suitability Petitions
 Final Action 04/28/92 (57 FR 17950)

Patent Certification and Exclusivity
 Final Action 04/00/94

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip L. Chao, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 7500 Standish Place, Rockville, MD 20855, 301 594-1049

RIN: 0905-AB63

1185. CURRENT GOOD MANUFACTURING PRACTICE FOR BLOOD AND BLOOD COMPONENTS; NOTIFICATION OF CONSIGNEES RECEIVING BLOOD AND BLOOD COMPONENTS AT INCREASED RISK FOR TRANSMITTING HIV INFECTION

Significance: Agency Priority

Legal Authority: 21 USC 351 to 360k; 21 USC 374; 42 USC 262 to 264

CFR Citation: 21 CFR 606; 21 CFR 610

Legal Deadline: None

HHS—PHS—FDA

Final Rule Stage

Abstract: The agency currently requires that all blood and blood components intended for the manufacture of any product be tested for antibody to human immunodeficiency virus (HIV). In instances when the blood of a donor is found to contain antibodies to HIV, some blood centers have initiated a program of voluntary "look-back" to notify consignees of blood and blood components obtained from the donor's prior donations. Consignees may withdraw or destroy such blood and blood products, and may trace and notify recipients. A well-conducted look-back program can provide an effective mechanism for identifying, testing, and counseling transfusion recipients who are at increased risk of HIV infection—those who receive blood from a donor later found to be infected with HIV. The agency is considering a proposal to establish a mandatory look-back program. The proposal would require blood collection facilities to develop a procedure to notify consignees promptly whenever a blood donor who has previously donated blood or source plasma is found to be positive for the antibody to HIV; and to keep appropriate records (cont)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/30/93 | 58 FR 34962 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: when such notification has been made. The purpose of the rulemaking is to ensure that the consignees are notified and take appropriate action.

Agency Contact: Paula McKeever, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFM-635), 1401 Rockville Pike, Suite 200N, Rockville, MD 20852-1448, 301 594-3074

RIN: 0905-AC90

1186. LEAD IN FOODS

Significance: Regulatory Program

Legal Authority: 21 USC 321; 21 USC 336; 21 USC 342(a); 21 USC 346; 21 USC 346a; 21 USC 348; 21 USC 371

CFR Citation: 21 CFR 109; 21 CFR 182; 21 CFR 189

Legal Deadline: None

Abstract: In light of the public health concerns raised by continuing findings concerning the effects of low levels of exposure to lead, particularly exposure by pregnant women, infants, and children, the agency is undertaking a comprehensive effort to further reduce lead levels in food where controllable or avoidable sources of lead addition to food can be identified. The goal of FDA is to reduce consumer's exposure to lead in the diet to the lowest level that can be practicably obtained. FDA has identified several potential sources of dietary lead exposure that it intends to address in proposed rules in its initiatives to reduce exposure to lead in the diet. The agency is also considering rulemaking concerning lead glazed ceramic foodware based upon a June 1, 1989 NPRM (54 FR 23485).

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/01/89 | 54 FR 23485 |
| NPRM Comment Period End | 07/31/89 | 54 FR 23485 |

Prohibit Use of Lead Soldered Food Cans

NPRM 06/21/93 (58 FR 33860)
Final Action 08/00/94

Prohibit Use of Tin-Coated Lead Foil Capsules on Wine Bottles

NPRM 11/25/92 (57 FR 55485)
Final Action 01/00/94

Tolerance for Lead in Wine

NPRM 06/00/94

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael E. Kashtock, Supervisory Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS-306), 200 C Street SW., Washington, DC 20204, 202 205-4681

RIN: 0905-AC91

1187. EXPEDITING APPROVAL FOR DRUGS INTENDED TO TREAT LIFE-THREATENING AND SEVERELY DEBILITATING ILLNESSES

Significance: Agency Priority

Legal Authority: 21 USC 351 to 357; 21 USC 371; 42 USC 262

CFR Citation: 21 CFR 312

Legal Deadline: None

Abstract: In the Federal Register of October 21, 1988 (53 FR 41561), FDA issued an interim rule, effective upon date of publication, with opportunity for public comment, that set forth procedures designed to speed the availability of new therapies to desperately ill patients, while preserving appropriate guarantees for safety and effectiveness. These procedures are intended to facilitate the development, evaluation, and marketing of such products, especially where no satisfactory alternative therapies exist. These procedures reflect the recognition that physicians and patients are generally willing to accept greater risks or side effects from products that treat life-threatening and severely-debilitating illness. These procedures also reflect the recognition that the benefits of the drug need to be evaluated in light of the severity of the disease being treated. The procedures apply to life-threatening or severely debilitating illnesses. The agency is reviewing the public comments submitted in response to the interim rule and preparing a Federal Register document that will respond to these comments. The (cont)

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 10/21/88 | 53 FR 41561 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: agency is also considering the recommendations contained in the report of the "National Committee to Review Current Procedures for Approval of New Drugs for Cancer and AIDS."

Agency Contact: Philip L. Chao, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 7500 Standish Place, Rockville, MD 20855, 301 594-1049

RIN: 0905-AC94

1188. FEES FOR CERTIFICATION SERVICES; INSULIN AND COLOR ADDITIVE CERTIFICATION PROGRAMS

Significance: Agency Priority

HHS—PHS—FDA

Final Rule Stage

Legal Authority: 21 USC 502; 21 USC 506; 21 USC 701; 21 USC 706

CFR Citation: 21 CFR 80.10; 21 CFR 429.55

Legal Deadline: None

Abstract: In the Federal Register of October 4, 1991 (56 FR 50248), FDA issued an interim rule effective on November 4, 1991 with opportunity for public comment, revising the fee schedule for insulin certification services. The fees are intended to recover the full costs of operation of FDA's insulin certification program, including the unfunded liability of the Civil Service Retirement Fund and appropriate overhead costs of the Public Health Service and Department of Health and Human Services. FDA is also considering similar amendments to the regulations governing fees for the color additive certification program.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| Interim Final Rule (Insulin) | 10/04/91 | 56 FR 50248 |
| Final Action (Color Additives) | 03/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: David R. Petak, Chief, Accounting Branch, Office of Management, Department of Health and Human Services, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301 443-1766

RIN: 0905-AD34

1189. SPECIFIC REQUIREMENTS ON CONTENT AND FORMAT OF LABELING FOR HUMAN PRESCRIPTION DRUGS; REVISION OF "PEDIATRIC USE" SUBSECTION IN THE LABELING

Significance: Agency Priority

Legal Authority: 21 USC 321; 21 USC 331; 21 USC 351 to 353; 21 USC 355 to 358; 21 USC 360 to 360b; 21 USC 371; 21 USC 374; 21 USC 376; 42 USC 216; 42 USC 241; 42 USC 262; 42 USC 263b to 263n; 42 USC 264

CFR Citation: 21 CFR 201

Legal Deadline: None

Abstract: In the Federal Register of October 16, 1992 (57 FR 47423), the agency proposed to amend its regulations pertaining to the specific content and format of prescription drug

labeling by revising the current "Pediatric Use" subsection of professional labeling to provide for the inclusion of more complete information about use of a drug in children and about hazards associated with this use. This regulatory action is intended to respond to concerns in FDA and elsewhere that current prescription drug labeling does not contain adequate information about the use of drugs in children. The agency is reviewing the public comments submitted in response to the proposed rule and preparing a final rule.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 10/16/92 | 57 FR 47423 |
| NPRM Comment Period End | 12/15/92 | 57 FR 47423 |
| Final Action | 08/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard L. Arkin, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, (HFD-362), 301 594-1049

RIN: 0905-AD76

1190. RECORDKEEPING AND REPORTING: ELECTRONIC PRODUCTS

Legal Authority: 21 USC 360hh; 21 USC 360ii; 21 USC 360jj; 21 USC 360kk; 21 USC 360ll; 21 USC 360mm; 21 USC 360nn; 21 USC 360oo; 21 USC 360oo

CFR Citation: 21 CFR 1000; 21 CFR 1002

Legal Deadline: None

Abstract: The Final Rule would amend FDA regulations on Recordkeeping and Reporting of adverse events and other information relating to radiation emitting electronic products. The timing and content of certain reports will be revised to enhance the usefulness of the information. This action will result in improved protection of the public health while reducing the regulatory burden on manufacturers and distributors.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| ANPRM | 07/02/82 | 47 FR 29004 |
| ANPRM | 11/16/82 | 47 FR 51706 |
| ANPRM | 07/01/85 | 50 FR 27024 |

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 10/25/90 | 55 FR 43066 |
| NPRM Comment Period End | 01/22/91 | 55 FR 43066 |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph M. Sheehan, Chief, Regulations Staff, Department of Health and Human Services, Public Health Service, Food and Drug Administration, Center for Devices and Radiological Health (HFZ-84), 5600 Fishers Ln, Rockville, MD 20857, 301 443-4874

RIN: 0905-AD78

1191. GENERAL BIOLOGICAL STANDARDS; ALTERNATIVE PROCEDURES AND EXCEPTIONS

Significance: Agency Priority

Legal Authority: 42 USC 262

CFR Citation: 21 CFR 610; 21 CFR 640

Legal Deadline: None

Abstract: The Food and Drug Administration is amending its regulations governing biological products. This amendment would authorize the Director, Center for Biologics Evaluation and Research, to approve an exception or alternative to any regulation in 21 CFR governing biological products. The regulation will provide flexibility needed to accommodate rapid changes in biotechnology and to assure the continued availability of biological products.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Stephen Ripley, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research, 1401 Rockville Pike, Suite 200N (HFM-635), Rockville, MD 20852-1448, 301 594-3074

RIN: 0905-AD82

HHS—PHS—FDA

Final Rule Stage

**1192. MEDICAL DEVICES;
PROTECTIVE RESTRAINTS;
REVOCATION OF EXEMPTIONS FROM
510(K) PREMARKET NOTIFICATION
PROCEDURES AND CURRENT GOOD
MANUFACTURING PRACTICES
REGULATIONS**

Significance: Agency Priority

Legal Authority: 21 USC 351; 21 USC 360; 21 USC 360c; 21 USC 360e; 21 USC 360y; 21 USC 371

CFR Citation: 21 CFR 880.6760; 21 CFR 890.3910

Legal Deadline: None

Abstract: FDA has become aware through various sources of numerous reports of complications including permanent physical injuries, severe psychological disabilities, other serious injuries and deaths that have been attributed to incorrect supervision, handling or application of protective restraint devices by medical or paramedical personnel. Complications associated with protective restraint devices frequently result from misuse of the devices. To address potential misuse, manufacturers should include specific directions for use, to the extent that such directions are not currently available or not attached to or kept with the garment. Revocation of the premarket notification exemptions will allow FDA to collect information about the current availability and actual employment of directions for use and to monitor the introduction into commerce of new and changed protective restraints. Revocation of the exempting Current Good Manufacturing Practice regulation will allow FDA to require the necessary controls over labeling. FDA is also considering educational programs to address this problem. FDA anticipates total first year costs of \$930,000 for this regulation. (CONT)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/19/92 | 57 FR 27397 |
| NPRM Comment Period End | 08/18/92 | 57 FR 27397 |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected:
Undetermined

Additional Information: ABSTRACT
CONT: These costs will be offset by the saving of lives and reduced product liability exposure.

Agency Contact: Patricia Dubill,
Department of Health and Human
Services, Food and Drug
Administration, Center for Devices and
Radiological Health, (HFZ-84), 5600
Fishers Lane, Rockville, MD 20857, 301
443-4874

RIN: 0905-AD84

1193. FOOD LABELING REVIEW

Significance: Regulatory Program

Legal Authority: 15 USC 1453; 15 USC 1454; 15 USC 1455; 21 USC 321; 21 USC 331; 21 USC 342; 21 USC 343; 21 USC 348; 21 USC 371

CFR Citation: 21 CFR 100; 21 CFR 101; 21 CFR 102; 21 CFR 161

Legal Deadline: Final, Statutory, May 8, 1993.

Abstract: The Nutrition Labeling and Education Act of 1990 (NLEA) requires that most foods bear nutrition labeling. In developing the final rules that were published on January 6, 1993, the agency identified three areas that should be the subject of additional rulemaking: a definition for the nutrient content claim "healthy"; a definition for "nonfunctional slack-fill"; and requirements for the identification of certain ingredients on food labels. Proposed regulations addressing these issues were published on January 6, 1993. On May 12, 1993, FDA announced that, in accordance with the NLEA, the regulation it proposed on January 6, 1993, on nonfunctional slack-fill was considered final rule. The proposed regulation defines the circumstances in which the slack-fill within a package is nonfunctional and, therefore, misleading. FDA will issue a final rule that responds to the comments received to the January 6, 1993, proposal and separate the requirements of the proposed rule. FDA also proposed on June 15, 1993, to amend its January 6, 1993 final rules on nutrient content and health claims to have the provisions that exempted restaurant menus from the requirements for how nutrient (cont)

Timetable:

Misleading Containers; Nonfunctional Slack Fill

NPRM 01/06/93 (58 FR 2957)
Final Action 11/00/93

**Nutrient Content Claims and Health Claims;
Restaurant Foods**

NPRM 06/15/93 (58 FR 33055)
Final Action 12/00/93

**Nutrient Content, Definition of the Term,
Healthy**

NPRM 01/06/93 (58 FR 2944)
Final Action 04/00/94

**Protein Hydrolysates; Broth in Tuna; and
Labeling**

NPRM (Declaration of Ingredients)
01/06/93 (58 FR 2950)

Final Action (Dec. of Ingredients) 06/00/94

Small Entities Affected: Businesses

Government Levels Affected: State
Federal

Additional Information: ABSTRACT
CONT: content claims and health claims are to be made. The FDA also proposed to modify the provisions that delay the effective date of these regulations for small restaurant firms for one year. These actions were proposed following reconsideration of the provisions in question.

Agency Contact: F. Edward
Scarborough, Director, Office of Food
Labeling, Department of Health and
Human Services, Public Health Service,
Center for Food Safety and Applied
Nutrition, (HFS-150) 200 C St. SW
Washington, DC 20204, 202 205-4561

RIN: 0905-AD89

**1194. LEVO-ALPHA-METHADOL
(LAAM) IN MAINTENANCE; JOINT
PROPOSED REVISION OF
CONDITIONS FOR USE**

Significance: Agency Priority

Legal Authority: 21 USC 355; 21 USC 371; 21 USC 823; 42 USC 241(d); 42 USC 290ee-3; 42 USC 257a

CFR Citation: 21 CFR 291

Legal Deadline: None

Abstract: The Food and Drug Administration and the National Institute on Drug Abuse are issuing an interim rule, to be effective upon date of publication with opportunity for public comment, that revises the conditions for the treatment of narcotic addiction to provide for the use of LAAM, when approved, in the maintenance treatment of narcotic addicts. This action will allow narcotic treatment programs to provide an additional treatment drug for use in the maintenance treatment of narcotic addicts. The only narcotic drug currently approved for use in the treatment of narcotic addiction is methadone.

HHS—PHS—FDA

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Interim Final Rule | 07/20/93 | 58 FR 38704 |
| Interim Final Rule Comment Period End | 09/20/93 | 58 FR 38704 |
| Final Action | 07/00/94 | |

Small Entities Affected: None**Government Levels Affected:** Local, State

Agency Contact: Thomas C. Kuchenberg, Regulatory Counsel, Department of Health and Human Services, Public Health Service, Division of Regulatory Affairs, Food and Drug Administration, Center for Drug Evaluation and Research, 301 594-1046

RIN: 0905-AD92

1195. TEMPOROMANDIBULAR JOINT IMPLANT CLASSIFICATION**Significance:** Agency Priority**Legal Authority:** 21 USC 360c; 21 USC 360e**CFR Citation:** 21 CFR 872.3940; 21 CFR 872.3950; 21 CFR 872.3960; 21 CFR 872.3970**Legal Deadline:** None

Abstract: The final rule would classify into class III (Premarket approval) certain temporomandibular joint (TMJ) prostheses including the interarticular disc prosthesis (the interpositional implant), the mandibular condyle prosthesis, and the glenoid fossa prosthesis. This action would allow FDA to require manufacturers of these devices to submit premarket approval applications demonstrating the safety and effectiveness of these devices. The devices present a risk of implant loosening or displacement; foreign body reaction; degenerative changes to the natural articulating surfaces; infection; and loss of implant integrity.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/18/92 | 57 FR 43165 |
| NPRM Comment Period End | 12/08/92 | 57 FR 56876 |
| Final Action | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Joseph M. Sheehan, Chief, Regulations Staff, Department of Health and Human Services, Public Health Service, FDA, CDRH (HFZ-84),

5600 Fishers Lane, Rockville, MD 20857, 301 443-4874

RIN: 0905-AD93

1196. DIETARY SUPPLEMENT LABEL REVIEW**Significance:** Regulatory Program**Legal Authority:** 15 USC 1453; 15 USC 1454; 15 USC 1455; 21 USC 321; 21 USC 342; 21 USC 343; 21 USC 348; 21 USC 371**CFR Citation:** 21 CFR 101**Legal Deadline:** NPRM, Statutory, June 15, 1993. Final, Statutory, December 31, 1993.

If final regulations on labeling of Dietary Supplements are not published by 12/31/93, the proposed regulations shall be considered the final regulations.

Abstract: With the publication of various final rules on January 6, 1993, the agency completed action on its food labeling initiative under the Nutrition Labeling and Education Act of 1990. Rulemaking on nutrition labeling of dietary supplements was delayed due to requirements of the Dietary Supplement Act of 1992 (DSA), which amended the law to provide that the agency would issue proposed regulations for dietary supplements by June 15, 1993, and final regulations by December 31, 1993. Three proposed regulations were developed and published on June 18, 1993; Health Claims for Dietary Supplements, Nutrient Content Claims for Dietary Supplements, and Mandatory Nutrition Labeling for Dietary Supplements. Final regulations will be published to implement the provisions of the DSA.

Timetable:

| Health Claims and Label Statements; Dietary Supplements | Date | FR Cite |
|--|----------|-------------|
| NPRM Folic Acid and Neural Tube Def | 10/00/93 | |
| Final Action | 12/00/93 | |
| Health Claims; Dietary Supplements | Date | FR Cite |
| NPRM 06/18/93 (58 FR 33700) | 06/18/93 | 58 FR 33700 |
| Final Action | 12/00/93 | |
| Nutrient Content Claims; Dietary Supplements | Date | FR Cite |
| NPRM 06/18/93 (58 FR 33731) | 06/18/93 | 58 FR 33731 |
| Final Action | 12/00/93 | |
| Nutrition Labeling; Dietary Supplements | Date | FR Cite |
| NPRM 06/18/93 (58 FR 33715) | 06/18/93 | 58 FR 33715 |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses**Government Levels Affected:** State, Federal

Agency Contact: F. Edward Scarbrough, Director, Office of Food Labeling, Department of Health and Human Services, Public Health Service, Center for Food Safety and Applied Nutrition, 200 C St. SW., Washington, DC 20204, 202 205-4561

RIN: 0905-AD96

1197. ● ADVERSE EXPERIENCE REPORTING REQUIRED FOR LICENSED BIOLOGICAL PRODUCTS**Significance:** Agency Priority**Legal Authority:** 21 USC 321; 21 USC 351; 21 USC 352; 21 USC 353; 21 USC 355; 21 USC 360; 21 USC 371; 21 USC 374; 42 USC 216; 42 USC 262; 42 USC 263; 42 USC 263L; 42 USC 264; 42 USC 300AA 5**CFR Citation:** 21 CFR 600**Legal Deadline:** None

Abstract: FDA is amending the regulations to require manufacturers, packers, and distributors (hereafter referred to as LICENSED MANUFACTURERS of licensed biological products to report to FDA within 15 working days all adverse experiences associated with the use of a biological product that are both serious and unexpected; any significant increase in the frequency of a serious, but expected adverse experience; periodically all other adverse experiences; and product distribution and disposition data. FDA is taking this action to provide a mechanism under which LICENSED MANUFACTURERS would inform the agency, on a timely basis, of any unanticipated safety problems with marketed biological products.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 03/29/90 | 55 FR 11611 |
| NPRM Comment Period End | 05/29/90 | 55 FR 11611 |
| Final Action | 11/00/93 | |

Small Entities Affected: Businesses, Organizations**Government Levels Affected:** State

Agency Contact: Paula McKeever, Consumer Safety Officer, Department of Health and Human Services, Public Health Service, 1401 Rockville Pike, Suite 200N, Rockville, MD 20852-1448, 301 594-3074

RIN: 0905-AE18

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Completed Actions

1198. RETENTION OF BIOAVAILABILITY AND BIOEQUIVALENCE TESTING SAMPLES

Significance: Regulatory Program
CFR Citation: 21 CFR 312; 21 CFR 314; 21 CFR 320
Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/28/93 | 58 FR 25918 |
| Final Action Effective | 05/28/93 | 58 FR 25918 |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Marilyn L. Watson, 301 295-8038
RIN: 0905-AD17

CFR Citation: 21 CFR 211
Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/03/93 | 58 FR 41348 |
| Final Action Effective | 08/03/93 | 58 FR 41348 |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Thomas C. Kuchenberg, 301 295-8046
RIN: 0905-AD73

Agency Contact: Deborah Wolf, 301 594-1046
RIN: 0905-AD77

1201. NEW DRUG AND ABBREVIATED NEW DRUG APPLICATIONS; PREAPPROVAL INSPECTION REQUIREMENTS

Significance: Agency Priority
CFR Citation: 21 CFR 314

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/08/93 | 58 FR 47340 |
| Final Action Effective | 10/08/93 | 58 FR 47340 |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Marilyn L. Watson, 301 594-1038
RIN: 0905-AD79

1199. CURRENT GOOD MANUFACTURING PRACTICE IN MANUFACTURE, PROCESSING, PACKAGING, OR HOLDING; REVISION OF CERTAIN LABELING CONTROLS

Significance: Agency Priority

1200. IMPRINTING OF ORAL SOLID DOSAGE FORM DRUG PRODUCTS
CFR Citation: 21 CFR 206; 21 CFR 207; 21 CFR 314
Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/13/93 | 58 FR 47948 |
| Final Action Effective | 09/13/95 | 58 FR 47948 |

Small Entities Affected: None
Government Levels Affected: None

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

Proposed Rule Stage

1202. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM; GRANTS FOR STATE LOAN REPAYMENT PROGRAMS

Legal Authority: PL 100-177; PL 101-597
CFR Citation: 42 CFR 62.21 to 62.30; 42 CFR 62.51 to 62.58
Legal Deadline: None
Abstract: The National Health Service Corps (NHSC) Revitalization Amendments of 1990, PL 101-597, amends Section 338B of the PHS Act which authorizes the NHSC Loan Repayment Program. These Amendments also revise the State Loan Repayment Program at Section 338I of the PHS Act. The interim rule relating to both these programs as published April 3, 1989, will be revised to reflect the 1990 amendments. Regulations governing the Special Repayment Program established under PL 100-177 were published on 11/6/91 in final form under RIN: 0905-AD58, separate from this NPRM (RIN: 0905-AC65). The amended NHSC Loan Repayment Program (RIN: 0905-AD57) removes the provision which limits the Secretary's loan repayment to one month in advance of services.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 04/03/89 | 56 FR 13458 |
| NPRM | 03/00/94 | |

Small Entities Affected: None
Government Levels Affected: State
Agency Contact: Rhoda Abrams, Director, Office of Program and Policy Development, Bureau of Primary Health Care, Department of Health and Human Services, Public Health Service, East-West Tower Bldg., 4350 East-West Highway, 7th Floor, Bethesda, MD 20814, 301 594-4060
RIN: 0905-AC65

Medicaid participating hospitals that perform organ transplants to be members of and abide by the rules and requirements of the Organ Procurement and Transplantation Network (OPTN) as established by section 372 of the Public Health Service Act. Section 1138 also requires that for organ procurement costs attributable to payments to an Organ Procurement Organization (OPO) to be paid by Medicare or Medicaid, the OPO must be a member of and abide by the rules and requirements of the OPTN. No other entity (for example, a histocompatibility laboratory) is required to be a member of or abide by the rules of the OPTN under the provisions of the statute. It is the Department's position that no rule, requirement, policy, or other issuance of the OPTN will be considered to be a "rule or requirement" of the Network within the meaning of section 1138 unless the Secretary has formally approved that rule. The OPTN is currently in operation and these rules will impose no further cost or provide any benefit other than that which now exists.

1203. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK RULES
Significance: Regulatory Program
Legal Authority: 42 USC 1320b-8 section 1138 of the Social Security Act; 42 USC 274 Section 372 of the Public Health Service Act
CFR Citation: 42 CFR 121
Legal Deadline: None
Abstract: Section 1138 of the Social Security Act requires Medicare and

HHS—PHS—HRSA

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 00/00/00 | |
| NPRM Comment Period End | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Judy Braslow, Director, Division of Organ Transplantation, Bureau of Health Resources Development, Department of Health and Human Services, Public Health Service, Room 11A-22, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-7577

RIN: 0905-AD26

1204. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: LENDERS' PERFORMANCE STANDARDS

Legal Authority: 42 USC 216; 42 USC 292 to 292o

CFR Citation: 42 CFR 60

Legal Deadline: NPRM, Statutory, October 13, 1993.

Abstract: This Notice of Proposed Rulemaking proposes to amend the existing regulations governing the HEAL Program to establish standards for lenders and holders as required by the Health Professions Education Extension Amendments of 1992 (Pub. L. 102-408). These standards would provide lenders and holders a greater incentive to work to maintain low HEAL default rates and, thus, improve the long-term solvency of the Student Loan Insurance Fund.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Michael Heningburg, Director, Division of Student Assistance, Bureau of Health Professions, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Parklawn Building, Room 8-48, Rockville, Maryland 20857, 301 443-1173

RIN: 0905-AD87

1205. MEDICAL FACILITY CONSTRUCTION AND MODERNIZATION; REQUIREMENTS FOR PROVISION OF SERVICES TO PERSONS UNABLE TO PAY

Legal Authority: 42 USC 291 et seq; 42 USC 300q et seq

CFR Citation: 42 CFR 124 subpart F

Legal Deadline: None

Abstract: The proposed rule would revise the rules currently governing how certain health care facilities, assisted under titles VI and XVI of the Public Health Service Act, fulfill the assurance given in their applications for assistance that they would provide a reasonable volume of services to persons unable to pay. Public comment on the current rules and operational experience with them has indicated the need to revise the current requirements with respect to nonprofit facilities that provide substantial amounts of free or below-cost care under their own programs but are unable, under current requirements, to credit such care toward fulfillment of their assurance. The intended effect of these proposed rules is to allow qualified facilities to satisfy their uncompensated services assurance through their continued provision of free or below-cost health services.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |

Small Entities Affected: Organizations**Government Levels Affected:** None

Agency Contact: Charlotte G. Pascoe, Director, Div. of Facilities and Compliance, Bureau of Health Resources Development, Department of Health and Human Services, Health Resources and Services Administration, Room 11-19 Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-5656

RIN: 0905-AE06

1206. NATIONAL PRACTITIONER DATA BANK FOR ADVERSE INFORMATION ON PHYSICIANS AND OTHER HEALTH CARE PRACTITIONERS: AUTHORIZED AGENTS

Legal Authority: 42 USC 11131

CFR Citation: 45 CFR 60

Legal Deadline: None

Abstract: This Notice of Proposed Rulemaking proposes to amend the existing regulations for the National Practitioner Data Bank for Adverse Information on Physicians and Other Health Care Practitioners (45 CFR part 60) to clarify the use of authorized agents by individuals who self-query the Data Bank.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Thomas C. Croft, Director, Division of Quality Assurance, Bureau of Health Professions, Department of Health and Human Services, Health Resources and Services Administration, Room 8-67, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-2300

RIN: 0905-AE10

1207. GRANTS FOR NURSE PRACTITIONER AND NURSE-MIDWIFERY PROGRAMS

Legal Authority: 42 USC 216; 42 USC 296m

CFR Citation: 42 CFR 57, subpart Y

Legal Deadline: None

Abstract: This Notice of Proposed Rulemaking amends the Grants for Nurse Practitioner and Nurse Midwifery Programs regulations to bring the existing regulations into conformity with amendments made by the Health Professions Extension Amendments of 1992 (Pub. L. 102-408) and to include other changes to bring the regulations into line with current national nursing standards for education and practice.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Marla E. Salmon, ScD, RN, Director, Division of Nursing, Bureau of Health Professions, Department of Health and Human Services, Health Resources and Services Administration, 9-35, Parklawn

HHS—PHS—HRSA

Proposed Rule Stage

Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-5786
RIN: 0905-AE11

1208. • GRANTS FOR FACULTY TRAINING PROJECTS IN GERIATRIC MEDICINE AND DENTISTRY

Legal Authority: 42 USC 216; 42 USC 294o

CFR Citation: 42 CFR 57, subpart PP

Legal Deadline: None

Abstract: This Notice of Proposed Rulemaking amends the Grants for Faculty Training Projects in Geriatric Medicine and Dentistry regulations to bring the existing regulations into conformity with technical amendments made by the Health Professions Extension Amendments of 1992 (Pub. L. 102-408); to propose two new definitions for "relevant advanced training or experience" and "geriatric psychiatry"; and to remove a section regarding the period of time for fellowship appointments for more flexibility in implementing the program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Neil H. Sampson, Director, Division of Associated, Dental & Public Health Professions, BHPPr, Department of Health and Human Services, Health Resources and Services

Administration, Room 8-101, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-6853

RIN: 0905-AE13

1209. • NATIONAL PRACTITIONER DATA BANK FOR ADVERSE INFORMATION ON PHYSICIANS AND OTHER HEALTH PRACTITIONERS: AMENDMENTS TO COLLECTION OF USER FEES

Legal Authority: 42 USC 11137

CFR Citation: 45 CFR 60

Legal Deadline: None

Abstract: This NPRM proposes to amend the existing regulations for the National Practitioner Data Bank for Adverse Information on Physicians and Other Health Care Practitioners (45 CFR part 60) to make the regulations consistent with the Appropriations Act of 1993 and base the Data Bank user fees on the full cost of operating the Data Bank. It further removes the fee exemption for individuals who request information on themselves.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas C. Croft, Director, Division of Quality Assurance Bureau of Health Professions, Department of Health and Human Services, Health Resources and Services Administration, Room 8-67, Parklawn

Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-2300

RIN: 0905-AE15

1210. • GRANTS FOR HEALTH PROFESSIONS PROJECTS IN GERIATRICS

Legal Authority: 42 USC 216; 42 USC 294o

CFR Citation: 42 CFR 57, subpart OO

Legal Deadline: None

Abstract: This Final Rule amends the Grants for Health Professions Projects in Geriatrics regulations to bring the existing regulations into conformity with technical amendments made by the Health Professions Extension Amendments of 1992 (Pub. L. 102-408) and to include other changes to bring the regulations into line with current grant program policies.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Neil H. Sampson, Director, Division of Associated, Dental & Public Health Professions, BHPPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-101, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-6853

RIN: 0905-AE16

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

1211. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: SCHOOL COLLECTION ASSISTANCE

Legal Authority: 42 USC 216; 42 USC 292 to 292o

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: This rule amends existing regulations governing the HEAL program to provide schools with authority to withhold services from defaulted HEAL borrowers. This provision is designed to assist schools in reducing their default rates.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 10/01/90 | 55 FR 40140 |
| NPRM Comment Period End | 11/30/90 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James W. Farrington, D.M.D., Deputy Director, Division of Student Assistance, BHPPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 8-48,

Parklawn Building, Rockville, MD 20857, 301 443-1173

RIN: 0905-AC87

1212. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: POSTJUDGMENT COLLECTIONS

Legal Authority: 42 USC 216; 42 USC 292 to 292o

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: In accordance with the statutory requirement in the Drug Abuse Treatment Technical Corrections.

HHS—PHS—HRSA

Final Rule Stage

Act of 1989, which amended section 733(h)(2) of the Public Health Service Act, this rule amends existing regulations governing the Health Education Assistance Loan (HEAL) program to specify postjudgment collection procedures which a lender or holder must follow prior to filing a default claim.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/31/90 | 55 FR 35687 |
| NPRM Comment Period End | 10/30/90 | |
| Final Action | 03/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Michael Heningburg, Director, Division of Student Assistance, BHP, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-1173

RIN: 0905-AD11

1213. NATIONAL VACCINE INJURY COMPENSATION (NVIC) PROGRAM: REVISIONS TO THE VACCINE INJURY TABLE

Significance: Regulatory Program**Legal Authority:** 42 USC 216; 42 USC 300aa-14; 42 USC 300aa-1 note.**CFR Citation:** 42 CFR 100**Legal Deadline:** NPRM, Statutory, December 22, 1990.

Section 312 of PL 99-660 requires the Secretary to propose regulations to amend the Vaccine Injury Table, based on the findings of the Institute of Medicine (IOM) study, (cont)

Abstract: The National Vaccine Injury Compensation (NVIC) Program, administered by the Secretary, and governed by subtitle 2 of title XXI of the Public Health Service Act, as enacted by the National Childhood Vaccine Injury Act of 1986 (the Act), provides a system of no-fault compensation for certain individuals who have been injured by specific childhood vaccines. The nature of the injuries, disabilities, illnesses, conditions, and deaths which will be presumed to result from the administration of specific vaccines, and the time period in which the first symptom or manifestation of onset

must occur for this presumption to apply, are outlined in section 2114 of the Act in what is known as the Vaccine Injury Table. This Final Rule makes refinements to the Vaccine Injury Table to more accurately reflect current scientific knowledge about the conditions that result from vaccines which will result in appropriate compensation for injuries related to vaccines.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/14/92 | 57 FR 36878 |
| Public Hearing | 10/29/92 | 57 FR 49055 |
| NPRM Comment Period End | 02/11/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Additional Information: LEGAL DEADLINE CONT: within 3 years of the effective date of title III (12/22/87). Since the IOM study was not completed until August 1991, it was not possible to meet this legal deadline. This section also requires the Final regulation to be published 6 months after the NPRM. Given the 180-day comment period, the 6-month requirement is an impossibility.

Agency Contact: Thomas E. Balbier, Jr., Director, Division of Vaccine Injury Compensation Program, BHP, Department of Health and Human Services, Health Resources and Services Administration, Room 702, Montrose Building, 6001 Montrose Road, Rockville, Maryland 20852, 301 443-6593

RIN: 0905-AD64

1214. MATERNAL AND CHILD HEALTH (MCH) PROJECT GRANTS

Legal Authority: 42 USC 702(a)**CFR Citation:** 42 CFR 51a**Legal Deadline:** None

Abstract: This proposed rule revises existing regulations governing the Maternal and Child Health (MCH) Federal Set-Aside programs to accommodate changing policy concerns, implement data collection requirements established under the Omnibus Budget Reconciliation Act (OBRA) of 1989 (Pub. L. 101-239), and make other technical or clarifying changes. This proposed rule will bring the existing regulations up-to-date with

current Department policy and statutory amendments to these programs.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/21/93 | 58 FR 38995 |
| NPRM Comment Period End | 09/20/93 | 58 FR 38995 |
| Final Action | 01/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Local, State, Federal

Agency Contact: Lynn Squire, Reports Clearance Officer/Office of Program Development, Maternal & Child Health Bureau, Department of Health and Human Services, Health Services Administration, 5600 Fishers Lane, Parklawn Building, Room 18-20, Rockville, Maryland 20857, 301 443-2778

RIN: 0905-AD88

1215. GRANTS FOR THE ESTABLISHMENT OF DEPARTMENTS OF FAMILY MEDICINE

Legal Authority: 42 USC 216; 42 USC 293k**CFR Citation:** 42 CFR 57, subpart R**Legal Deadline:** None

Abstract: This Notice of Proposed Rulemaking amends the Grants for the Establishment of Departments of Family Medicine regulations to expand the definition of "academic administrative unit" to clarify which academic administrative units are eligible for support under the authority of section 747 of the Public Health Service Act.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 03/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Marc L. Rivo, M.D., Director, Division of Medicine, Bureau of Health Professions, Department of Health and Human Services, Health Resources and Services Administration, Room 4C-25, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-6190

RIN: 0905-AE17

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Completed Actions
Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

1216. NATIONAL PRACTITIONER DATA BANK: MEDICAL MALPRACTICE PAYMENTS REPORTING REQUIREMENTS

CFR Citation: 45 CFR 60

Completed:

| Reason | Date | FR Cite |
|--|----------|---------|
| Seeking legislative amendment in lieu of regulatory action | 10/13/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas C. Croft, 301 443-2300

RIN: 0905-AD70

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Proposed Rule Stage
Public Health Service (PHS)—Indian Health Service (IHS)

1217. INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM REGULATIONS

Legal Authority: PL 100-713

CFR Citation: 42 CFR 36

Legal Deadline: None

Abstract: Public Law 100-713, enacted November 23, 1988, authorized a program in which health professionals would have their health professions education loans repayed in amounts up to a maximum of \$25,000 per year in exchange for service in an Indian health program. The Secretary is directed to implement some provisions by regulations, i.e., waiver provision.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Wesley Picciotti, Chief, Scholarship Branch, Indian Health Service, Department of Health and Human Services, Public Health Service, 12300 Twinbrook Parkway, Suite 100, Rockville, MD 20852, 301 443-6197

RIN: 0905-AC96

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. McCloskey, Dir., Div. of Legislation and Regulations, Indian Health Service, Department of Health and Human Services, Public Health Service, Rm. 6-34, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, 301 443-1116

RIN: 0905-AC97

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 11/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Additional Information: 1. The Act (P.L. 100-472) provides that except for construction contracts, the Office of Federal Procurement Policy Act and Federal Acquisition Regulations shall not apply to self-determination contracts. Therefore, implementing regulations for the Indian Self-Determination Act amendments will include a subpart on construction contracts which, unlike other self-determination awards, will be made subject to certain procurement rules (e.g., FARS, HSARS, FSARS). 2. There is a statutory requirement to implement P.L. 93-638 regulations. 3. There is a paperwork burden associated with the action. It will be included with the overall clearance package.

Agency Contact: Richard J. McCloskey, Dir., Div. of Legislation and Regulations, Indian Health Service, Department of Health and Human Services, Public Health Service, Rm. 6-34, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, 301 443-1116

RIN: 0905-AC98

1218. INDIAN HEALTH SERVICE CATASTROPHIC HEALTH EMERGENCY FUND PROGRAM

Legal Authority: PL 100-713

CFR Citation: 42 CFR 36

Legal Deadline: None

Abstract: Public Law 100-713, enacted November 23, 1988, authorized a new program establishing a catastrophic health emergency fund. The Secretary is directed to establish the program by regulations consistent with provisions of the Law including a definition of a catastrophic disease.

1219. REVISION OF INDIAN SELF-DETERMINATION REGULATIONS

Significance: Regulatory Program

Legal Authority: PL 93-638; PL 100-202; PL 100-446; PL 100-472; PL 100-581; PL 101-301; 25 USC 450

CFR Citation: 42 CFR 36; 48 CFR 380.4; 48 CFR 352.280-4

Legal Deadline: NPRM, Statutory, May 5, 1989. Final, Statutory, August 5, 1989.

Abstract: Public Law 93-638 passed in 1975, requires the IHS to turn over administrative responsibility for services delivery programs to tribes so requesting, using the mechanism of contracting. Public Law 93-638 also authorizes the IHS to make grants to tribe(s) for the planning, development, and or operations of health programs. Public Law 100-472, enacted October 5, 1988, made significant changes to the statute and required that regulations implementing the amendments be promulgated in final within ten months of enactment. The law provides for tribal consultation and participation in the development of the regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

1220. REVISION OF URBAN INDIAN HEALTH REGULATIONS

Legal Authority: PL 100-713

CFR Citation: 42 CFR 36

Legal Deadline: None

Abstract: P.L. 100-713, enacted November 23, 1988, requires the Secretary to prescribe, by regulation, the criteria for selecting urban Indian organizations to enter into contracts.

HHS—PHS—IHS

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment | 02/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. McCloskey, Dir., Div. of Legislation and Regulations, Indian Health Service, OPEL, Department of Health and Human Services, Public Health Service, Parklawn Building, Room 6-34, 5600 Fishers Lane, Rockville, MD 20857, 301 443-1116

RIN: 0905-AD20

1221. • ACQUISITION UNDER THE BUY INDIAN ACT

Legal Authority: 25 USC 47

CFR Citation: 48 CFR ch 3, app A

Legal Deadline: None

Abstract: This regulation will update and standardize existing regulations for the Buy Indian Act to coincide with the Department of Interior regulations at 48 CFR Chapter 14. There are no costs associated with these revised regulations. These revisions will increase competition among Indian economic enterprises and facilitate economic development of Indian reservations by increasing opportunities for Indian businesses.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPHM | 11/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is a statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

Agency Contact: Myrna Mooney, Small and Disadvantaged Business Utilization, Specialist, Department of Health and Human Services, Public Health Service, 12300 Twinbrook Parkway - Suite 450, Rockville, MD 20852, 301 443-1480

RIN: 0905-AE09

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)—Indian Health Service (IHS)

1222. REVIEW OF THE DETERMINATION OF AN INDIAN TRIBE'S RESOURCE DEFICIENCY LEVEL

Legal Authority: PL 100-713

CFR Citation: 42 CFR 36

Legal Deadline: None

Abstract: P.L. 100-713, enacted November 23, 1988, requires the Secretary to establish, by regulation,

procedures which would allow any Indian tribe to petition the Secretary for a review of any determination of the health resources deficiency level of such tribe.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/10/91 | 56 FR 51189 |
| NPRM Comment | 12/09/91 | 56 FR 51189 |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. McCloskey, Dir., Div. of Legislation and Regulations, Indian Health Service, OPEL, Department of Health and Human Services, Public Health Service, Parklawn Building, Room 6-34, 5600 Fishers Lane, Rockville, MD 20857, 301 443-1116

RIN: 0905-AD21

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Public Health Service (PHS)—National Institutes of Health (NIH)

1223. GRANTS FOR RESEARCH PROJECTS

Legal Authority: 21 USC 360ii; 29 USC 669(a); 30 USC 951; 42 USC 216; 42 USC 241; 42 USC 242; 42 USC 242a; 42 USC 247b(k)(3); 42 USC 280b; 42 USC 284; 42 USC 285e-4; 42 USC 285g-4; 42 USC 285n; 42 USC 285o-4; 42 USC 286b-4; ...

CFR Citation: 42 CFR 52

Legal Deadline: None

Abstract: Regulations covering grants for research projects will be amended to show changes necessitated by enactment of Public Laws 99-158, 99-660, 100-607, 101-549, 101-613, 102-222, 102-321, and 102-588, and to show

their applicability to various programs administered by the Centers for Disease Control and the Food and Drug Administration previously omitted from the regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: LEGAL AUTHORITY CONT: 42 USC 300a-2; 42 USC 300a-4; 42 USC 300z-7; 42 USC 300cc-14; 42 USC 300cc-15; 42 USC

300cc-20; 42 USC 300cc-41; 42 USC 4487b; 42 USC 7403

Agency Contact: John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, National Institutes of Health, 9000 Rockville Pike, 31/3B07, Bethesda, MD 20892, 301 496-4606

RIN: 0905-AC02

1224. SPECIAL VOLUNTEER SERVICES AT THE NATIONAL INSTITUTES OF HEALTH

Legal Authority: 42 USC 216; 42 USC 282(b)(10); 42 USC 284(b)(1)(k); 42 USC 2850-4(b)(4)

HHS—PHS—NIH

Proposed Rule Stage

CFR Citation: 45 CFR 57a**Legal Deadline:** None

Abstract: Regulations concerning the acceptance and use of voluntary and uncompensated services at the National Institutes of Health, as authorized under PHS Act sections 402(b)(10), 405(b)(1)(k), and 464P(b)(4) will be promulgated.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/09/93 | 58 FR 42270 |
| NPRM Comment | 10/08/93 | |
| Period End | | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Stephen C. Benowitz, Director, Division of Personnel Management, Department of Health and Human Services, Public Health Service, NIH, Bldg. 1, Rm. B1-60, 9000 Rockville Pike, Bethesda, MD 20892, 301 496-3592

RIN: 0905-AC95

1225. NATIONAL INSTITUTES OF HEALTH AIDS RESEARCH LOAN REPAYMENT PROGRAM

Legal Authority: 42 USC 216; 42 USC 288-1**CFR Citation:** 42 CFR 68**Legal Deadline:** None

Abstract: Section 634 of PL 100-607 creates a new program through which health professionals can obtain federally funded repayment of educational loans by conducting AIDS research as NIH employees. The new regulations will cover this program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Marc Horowitz, Director, NIH AIDS Research Loan Repayment Program, Department of Health and Human Services, Public Health Service, Office of AIDS Research, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892, 301 496-0357

RIN: 0905-AD18

1226. TRAINEESHIPS

Legal Authority: 42 USC 216; 42 USC 284(b)(1)(C); 42 USC 286b-3; 42 USC 287c-1**CFR Citation:** 42 CFR 63**Legal Deadline:** None

Abstract: Regulations concerning National Institutes of Health, National Center for Nursing Research, and National Library Medicine traineeships will be revised in their entirety to cover traineeships awarded under the authority provided in PHS Act sections 405(b)(1)(C), 474, and 484.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/06/93 | 58 FR 42039 |
| NPRM Comment | 10/05/93 | |
| Period End | | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: John Migliore, NIH Regulations Officer, Department of Health and Human Services, Public Health Service, National Institutes of Health, 9000 Rockville Pike, Bldg. 31, Rm. 3B11, Bethesda, MD 20892, 301 496-4606

RIN: 0905-AD28

1227. HAZARDOUS SUBSTANCES BASIC RESEARCH AND TRAINING GRANTS

Legal Authority: 42 USC 9660; 42 USC 216**CFR Citation:** 42 CFR 65a**Legal Deadline:** None

Abstract: Regulations will be promulgated concerning grants for research and training made for the purpose of understanding, assessing, and reducing the adverse effect on human health of exposure to hazardous substances. The grants are authorized by section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as added by section 209 of the Superfund Amendments and Reauthorization Act (SARA) of 1986, P.L. 99-499.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Dr. William A. Suk, Program Administrator, Division of Extramural Research and Training, Department of Health and Human Services, Public Health Service, NIEHS P.O. Box 12233, Research Triangle Park, NC 27709, 919 541-0797

RIN: 0905-AD46

1228. NATIONAL INSTITUTES OF HEALTH CONSTRUCTION GRANTS

Legal Authority: 42 USC 216; 42 USC 285a-2; 42 USC 285a-3; 42 USC 285b-3; 42 USC 285b-4; 42 USC 285d-6; 42 USC 285i; 42 USC 300cc-41**CFR Citation:** 42 CFR 52b**Legal Deadline:** None

Abstract: Regulations concerning NCI construction grants will be amended to more clearly show their general applicability to all NIH extramural programs with construction grant authority. Additionally, the regulations will be amended to show new administrative and technical requirements, add new procedures for the recovery of grant funds for facilities no longer used for biomedical research, show new PHS Act section numbers, and update the listing of other HHS regulations relevant to construction grants.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, Public Health Service, National Institutes of Health, 9000 Rockville Pike, Bldg. 31, Rm 3B11, Bethesda, Maryland 20892, 301 496-4606

RIN: 0905-AD49

1229. TRAINING GRANTS

Legal Authority: 42 USC 216; 42 USC 285a-2(b)(3); 42 USC 285b; 42 USC 285c; 42 USC 285c-2; 42 USC 285d; 42 USC 285d-2; 42 USC 285e, 285e-1, 285f to 285g; 42 USC 285g-4(b)(1); 42 USC 285h to 285i; 42 USC 285j-1; 42 USC 285l; 42 USC 285m; 42 USC 287c-1; 42 USC 300cc-15(b)(1); ...**CFR Citation:** 42 CFR 63a**Legal Deadline:** None

HHS—PHS—NIH

Proposed Rule Stage

Abstract: New regulations concerning non-NRSA training grants authorized by various PHS Act sections and training activities authorized by section 103(h)(2) of the Clean Air Act, as amended by section 901 of the Clean Air Act Amendments of 1990, P.L. 101-549. The regulations are intended to serve as a standing set of regulations that could be adapted for future training grant programs.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** 42 USC 300cc-41 (a)(5)(C); 42 USC 740(h)(2)

Agency Contact: John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, Public Health Service, National Institutes of Health, 9000 Rockville Pike, Bldg. 31, Rm 3B-11, Bethesda, MD 20892, 301 496-4606

RIN: 0905-AD56

Agency Contact: John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, Public Health Service, National Institutes of Health, 9000 Rockville Pike, Bldg. 31, Rm. 3B11, Bethesda, MD 20892, 301 496-4606

RIN: 0905-AD69

1231. NATIONAL INSTITUTES OF HEALTH CENTER GRANTS

Legal Authority: 42 USC 216; 42 USC 285a-3; 42 USC 285b-4; 42 USC 285c-5; 42 USC 285d-6; 42 USC 285e-2; 42 USC 285e-3; 42 USC 285m-3; 42 USC 300cc-16; 42 USC 285o-2

CFR Citation: 42 CFR 52a**Legal Deadline:** None

Abstract: NIH Center Grants regulations will be amended to show their applicability to the Drug Abuse Research Centers Program authorized by PHS Act, section 464N, as added by section 123 of the ADAMHA Reorganization Act, P.L. 102-321.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, Public Health Service, Building 31, Room 3B-11, 9000 Rockville Pike, Bethesda, MD 20892, 301 496-4606

RIN: 0905-AE00

1232. RESPONSIBILITIES OF PUBLIC HEALTH SERVICE FUNDED INSTITUTIONS FOR PROMOTING OBJECTIVITY IN RESEARCH

Legal Authority: 42 USC 216; 42 USC 289b-1

CFR Citation: 42 CFR 50, subpart F; 42 CFR 309**Legal Deadline:** Final, Statutory, December 8, 1993.

Final rules implementing 42 U.S.C. 289b-1 must be issued not later than 180 days after June 10, 1993

Abstract: PHS proposes to issue regulations requiring the institutions that apply for or receive funding for biomedical, behavioral, and certain

other health-related research under the PHS Act to assume full responsibility for ensuring that the financial interests of the respective institution and the employees of the institution do not compromise the objectivity with which PHS-funded research is conducted or reported.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses, Organizations**Government Levels Affected:** None

Agency Contact: Dr. George J. Galasso, Associate Director for Extramural Affairs, Department of Health and Human Services, Public Health Service, NIH, Shannon Building, Room 152, Bethesda, Maryland 20892, 301 496-5356

RIN: 0905-AE01

1233. GRANTS FOR NATIONAL ALCOHOL RESEARCH CENTERS

Legal Authority: 42 USC 216, 285n-2

CFR Citation: 42 CFR 54a**Legal Deadline:** None

Abstract: Regulations governing grants for alcohol abuse and alcoholism prevention, treatment, and rehabilitation services, and National Alcohol Research Centers will be amended to set forth changes necessitated by enactment of the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) Reorganization Act, Public Law 102-321, and other changes necessary to update the regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, Public Health Service, National Institutes of Health, Bldg. 31, Rm. 3B-11, 9000 Rockville Pike, Bethesda, MD 20892, 301 496-2832

RIN: 0905-AE08

1230. NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES HAZARDOUS WASTE WORKER TRAINING

Legal Authority: 42 USC 9660a; 42 USC 1816

CFR Citation: 42 CFR 65**Legal Deadline:** None

Abstract: Regulations concerning the NIEHS Hazardous Waste Worker Training Program will be amended to make them applicable to grants administered under the Hazardous Materials Employee Training Grant Program. The grants are authorized under section 118 of the Hazardous Materials Transportation Act (HMTA), 49 USC App. 1816, as amended by the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) of 1990, P.L. 101-615.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/29/93 | 58 FR 50897 |
| NPRM Comment Period End | 11/29/93 | |

Small Entities Affected: None**Government Levels Affected:** None

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—National Institutes of Health (NIH)

Final Rule Stage

1234. MINORITY BIOMEDICAL RESEARCH SUPPORT PROGRAM

Legal Authority: 42 USC 216; 42 USC 241(a)(3)

CFR Citation: 42 CFR 52c

Legal Deadline: None

Abstract: NIH regulations concerning the Minority Biomedical Research Support (MBRS) Program will be amended to (1) change the name of Part 52c to correspond to the present name of the program, (2) update the authority citation and section 52c.7, and (3) revise the definition of "ethnic minorities" in section 52c.2 to correspond to the present operational definition used in administering the program.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/20/92 | 57 FR 37745 |
| NPRM Comment Period End | 10/19/92 | 57 FR 37745 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, Public Health Service, National Institutes of Health, 9000 Rockville Pike, Bldg. 31, Rm. 3B11, Bethesda, Maryland 20892, 301 496-4606

RIN: 0905-AD47

1235. NATIONAL HEART, LUNG, AND BLOOD INSTITUTE GRANTS FOR PREVENTION AND CONTROL PROJECTS

Legal Authority: 42 USC 216; 42 USC 285b-1

CFR Citation: 42 CFR 52e

Legal Deadline: None

Abstract: NIH regulations covering NHLBI grants for prevention and control projects will be amended to correct PHS Act section numbers necessitated by amendments to that Act. The Table of Contents will be amended as part of the program to simplify regulatory language. Additionally references in section 52e.8 to other HHS regulations and policies that apply to awards made under Part 52e will be updated.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/19/92 | 57 FR 37502 |
| NPRM Comment Period End | 10/18/92 | 57 FR 37502 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, Public Health Service, National Institutes of Health, 9000 Rockville Pike, Bldg. 31, Rm. 3B11, Bethesda, Maryland 20892, 301 496-4606

RIN: 0905-AD48

1236. STANDARDS FOR BONE MARROW REGISTRIES AND CENTERS

Legal Authority: 42 USC 216; 42 USC 274k

CFR Citation: 42 CFR 122

Legal Deadline: Final, Statutory, May 14, 1991.

Abstract: Regulations will be promulgated to implement title I of PL 101-616, Transplant Amendments Act of 1990, which added section 379 to the Public Health Service Act. Section 379 authorizes the Secretary to establish and maintain a National Bone Marrow Donor Registry, and further provides that the Secretary shall establish and enforce criteria, standards, and procedures for entities participating in the National Bone Marrow Donor Program, including the National Registry.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul R. McCurdy, MD, Special Assistant for Clinical Hematology, Div. of Blood Diseases and Resources, NHLBI, Department of Health and Human Services, Public Health Service, Federal Building, Room 516, 7550 Wisconsin Avenue, Bethesda, MD 20892, 301 496-8387

RIN: 0905-AD51

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Public Health Service (PHS)—Agency for Health Care Policy and Research (AHCPR)**1237. GRANTS FOR HEALTH SERVICES RESEARCH, EVALUATION, DEMONSTRATION, AND DISSEMINATION PROJECTS****Legal Authority:** 42 USC 299c-1(e)**CFR Citation:** 42 CFR 67**Legal Deadline:** None

Abstract: This NPRM proposes to revise the regulations under 42 CFR part 67 governing grants for health services research and grants for health services research centers made by the former National Center for Health Services Research and Health Care Technology Assessment (NCHSR).

Public Law 101-239, enacted on December 19, 1989, established the Agency for Health Care Policy and Research to replace the NCHSR, and in title IX of the PHS Act and section 1142 of the Social Security Act provided the new agency with a much expanded role in health services research. The NPRM will reflect applicable provisions of these statutes, as subsequently amended by P. L. 102-410.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Linda K. Demlo, Ph.D., Director, Office of Program Development, Agency for Health Care Policy and Research, Department of Health and Human Services, Public Health Service, Suite 603, 2101 East Jefferson Street, Rockville, MD 20852, 301 594-2453

RIN: 0905-AD30

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Health Care Financing Administration (HCFA)

Proposed Rule Stage

1238. PAYMENT FOR CLINICAL DIAGNOSTIC LABORATORY SERVICES (BPD-309-F)

Legal Authority: 42 USC 1395l(a)(1)(D); 42 USC 1395l(a)(2)(D); 42 USC 1395l(b)(3); 42 USC 1395l(h); 42 USC 1395cc(a)(2)(A); 42 USC 1396b(i)(7)

CFR Citation: 42 CFR 405.501; 42 CFR 405.502; 42 CFR 405.505; 42 CFR 405.506; 42 CFR 405.511; 42 CFR 405.556; 42 CFR 405.1310; 42 CFR 413.170; 42 CFR 414.350 to 414.378; 42 CFR 424.55; 42 CFR 424.64; 42 CFR 431.54; 42 CFR 447.10; 42 CFR 447.300; 42 CFR 447.321

Legal Deadline: None

Abstract: This regulation would incorporate provisions of Public Laws 98-369, 99-272, 99-509, 100-203, 100-647, 101-239 and 101-508 regarding payment and "assignment" for diagnostic clinical laboratory tests establishing in regulations the methods for implementing fee schedules. This rule would set forth the methods by which the fee schedules would be updated and would allow certain adjustments for exceptions to the fee schedule. It will also reflect a statutory revision mandated by the Omnibus Budget Reconciliation Act of 1993.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/18/93 | 58 FR 43156 |
| NPRM Comment Period End | 10/18/93 | 58 FR 43156 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Payment, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4497

RIN: 0938-AB50

1239. HOSPICE SERVICES (MB-7-P)

Legal Authority: 42 USC 1396d(a)(18); 42 USC 1396d(o); 42 USC 1396a(a)(13)(D); 42 USC 1396o(a)(2)(E)

CFR Citation: 42 CFR 418.32; 42 CFR 435.218; 42 CFR 435.231; 42 CFR 440.185; 42 CFR 447.53; 42 CFR 447.327; 42 CFR 447.381 to 447.384; 42 CFR 435.726; 42 CFR 435.735; 42 CFR 436.231

Legal Deadline: None

Abstract: This regulation would implement section 9505 of PL 99-272 by establishing eligibility and coverage requirements, payment procedures and conditions of participation for optional Medicaid coverage of hospice care. It would also implement section 9435(b) of PL 99-509 regarding payment for hospice care for individuals residing in a nursing facility or intermediate care facility in a State that has not elected to cover hospice services. It also would implement sections 4705 and 4717 of PL 101-508 which further clarifies conditions for payment and the scope of benefits.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 08/00/94 | |

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400 EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-5659

RIN: 0938-AC52

1240. DENIAL OF PAYMENT FOR SUBSTANDARD QUALITY CARE (HSQ-132-P)

Legal Authority: 42 USC 1320c-3(a); 42 USC 1395cc(a)(1)(K); 42 USC 1395u; 42 USC 1395pp(b)

CFR Citation: 42 CFR 462.105; 42 CFR 466; 42 CFR 473; 42 CFR 476; 42 CFR 489.21

Legal Deadline: None

Abstract: This final rule implements section 9403 of PL 99-272; section 9353(c) of PL 99-509; section 4096(a) of PL 100-203; and section 4205 of PL 101-508. In accordance with these statutory provisions, Peer Review Organizations (PROs) are authorized to deny Medicare payment to a physician or hospital for services furnished that are of substandard quality. Beneficiaries are protected from liability for the cost of the services where payment is denied because services were of substandard quality.

Timetable:

| Action | Date | FR Cite |
|--------|----------|------------|
| NPRM | 01/18/89 | 54 FR 1956 |

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM Comment Period End | 03/20/89 | 54 FR 1956 |
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information:

TIMETABLE: Pending review in light of the Health Care Quality Improvement Initiative under the PRO program.

Agency Contact: Harvey Brook, Office of Peer Review, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 410 966-6853

RIN: 0938-AC84

1241. PAYMENT FOR THE COST OF MALPRACTICE INSURANCE FOR HOSPITALS EXCLUDED FROM THE PROSPECTIVE PAYMENT SYSTEM (BPD-437-P)

Legal Authority: 42 USC 1395x(v)(1)(A)

CFR Citation: 42 CFR 413.56

Legal Deadline: None

Abstract: This rule would revise the method Medicare uses to determine payment for the costs of malpractice insurance incurred by a hospital. A hospital would receive payment for its malpractice insurance costs based on the utilization formula adopted by the Secretary at the beginning of the Medicare program. That is, malpractice insurance costs will be included in the general and administrative cost center, along with other provider overhead costs, to be apportioned to the Medicare program based on the hospital's Medicare patient utilization.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Paul Trimble, Special Assistant, Office of Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise

HHS—HCFA

Proposed Rule Stage

Bldg., 6325 Security Blvd., Baltimore, MD 21207, 410 966-4509

RIN: 0938-AC97

1242. OPTIONAL PAYMENT SYSTEM FOR LOW MEDICARE VOLUME SKILLED NURSING FACILITIES (BPD-409-P)

Legal Authority: 42 USC 1395yy(d)

CFR Citation: 42 CFR 413.200; 42 CFR 413.202; 42 CFR 413.204; 42 CFR 413.208; 42 CFR 413.210; 42 CFR 413.212; 42 CFR 413.214; 42 CFR 413.216; 42 CFR 413.220; 42 CFR 413.221; 42 CFR 413.1; 42 CFR 413.24

Legal Deadline: None

Abstract: This rule proposes to establish optional prospective payment rates for routine services furnished by certain skilled nursing facilities. The prospective rate would be on a per diem basis and would include payment for the cost of furnishing general inpatient routine services and associated capital-related costs. Ancillary services will be paid on the basis of reasonable cost. This rule would propose instructions for determining eligibility for payment under this system, and the methodology for calculating the prospective payment rates. Freestanding SNFs electing to be paid under this prospective payment system may file a simplified cost report.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4513

RIN: 0938-AD02

1243. MEDICAID ELIGIBILITY OF POVERTY LEVEL GROUPS AND EXTENDED COVERAGE OF SERVICES (MB-13-P)

Significance: Agency Priority

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1396a(l); 42 USC 1396a(f); 42 USC 1396a(m); 42 USC 1396b(f); 42

USC 1396r-1; 42 USC 1396a(a)(47); 42 USC 1396a(e)(6); 42 USC 1396a(e)(7); 42 USC 1396a(a)(17)

CFR Citation: 42 CFR 431; 42 CFR 435; 42 CFR 436; 42 CFR 440; 42 CFR 447

Legal Deadline: None

Abstract: This rule would amend the Medicaid regulations to incorporate changes relating to Medicaid eligibility groups and coverage of services made by the Medicare Catastrophic Coverage Act of 1988 (PL 100-360), the Omnibus Budget Reconciliation Acts of 1990, 1989, 1987, and 1986, (PL 101-508, PL 101-239, PL 100-203 and PL 99-509), and the Homeless Eligibility Clarification Act of the Anti-Drug Abuse Act of 1986 (PL 99-570). This rule would also add eligibility groups of pregnant women, infants and children, and aged and disabled individuals with incomes up to specified percentage of the Federal poverty line; clarify eligibility of homeless individuals; and add provisions for the presumptive eligibility period for pregnant women who, based on preliminary information, appear to meet income requirements under Medicaid.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Eligibility Policy, Medicaid Bureau, Department of Health and Human Services, Health Care Financing Administration, Room 323 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4451

RIN: 0938-AD17

1244. TRANSFER OF RESOURCES FOR LESS THAN FAIR MARKET VALUE (MB-10-P)

Legal Authority: 42 USC 1396p(c)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: These regulations would conform the Medicaid regulations to section 1917(c) of the Social Security Act, which was entirely revised by section 303(b) of the Medicare Catastrophic Coverage Act of 1988 (PL 100-360) as amended by section 608(d)(16)(B) of the Family Support Act

(PL 100-485) and section 6411(e)(1) of OBRA '89 (PL 101-239). Section 1917(c) now requires that State Medicaid agencies provide individuals with a period of ineligibility for nursing facility services or home and community based services for up to 30 months if these individuals or their spouses made transfers of assets for less than fair market value during a prohibited period. The period of ineligibility applies if the individual or spouse made a transfer of assets for less than fair market value at any time during or after the 30-month period immediately before (1) the date the individual became institutionalized, if he or she was entitled to Medicaid on that date, or (2) the date he or she applied for Medicaid while institutionalized. Section 1917(c) (cont)

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: ABSTRACT CONT: also exempts certain specific transfers of assets from the period of ineligibility. This rule will also reflect statutory revisions mandated by OBRA '93.

Agency Contact: Marinos Svolos, Director, Division of Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323 EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4451

RIN: 0938-AD18

1245. MEDICARE COVERAGE OF OUTPATIENT OCCUPATIONAL THERAPY SERVICES (BPD-425-P)

Legal Authority: 42 USC 1395x(g); 42 USC 1395x(p); 42 USC 1395x(w)(1)

CFR Citation: 42 CFR 400.202; 42 CFR 410; 42 CFR 424; 42 CFR 484; 42 CFR 485; 42 CFR 489

Legal Deadline: None

Abstract: This proposed rule would implement section 9337 of PL 99-509 which provides Medicare coverage for outpatient occupational therapy services furnished by providers and independent practitioners, identical to the coverage for outpatient physical therapy. It also would implement

section 6133(a) of PL 101-239 which increased the payment limit for outpatient occupational therapy services provided by independent practitioners. This proposed rule would also redesignate current subpart Q of part 405 of the Medicare rules as new part 485.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marsha Klamner, Program Analyst, Alternative Delivery Organizations Branch, Department of Health and Human Services, Health Care Financing Administration, Rm. 401, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4632

RIN: 0938-AD32

1246. REVISIONS TO THE FREEDOM OF INFORMATION REGULATIONS (OPA-1-P)

Legal Authority: 5 USC 552; EO 12600

CFR Citation: 42 CFR 401.101 to 401.104; 42 CFR 401.110 to 401.112; 42 CFR 401.120 to 401.125; 42 CFR 401.130 to 401.138; 42 CFR 401.140 to 401.145; 42 CFR 401.150 to 401.154

Legal Deadline: None

Abstract: This rule proposes changes to the regulations implementing the Freedom of Information Act (FOIA). The regulations are being revised based on HCFA's experience with the FOIA in administering the Medicare and Medicaid programs. This rule would also conform HCFA's FOIA regulations to regulations published by the Department of Health and Human Services, as well as to guidance issued by the Office of Management and Budget, the Department of Justice, Presidential Executive Order 12600, and to the Freedom of Information Reform Act of 1986.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Maria A. Friedman, Director, Office of Public Affairs, Department of Health and Human

Services, Health Care Financing Administration, Room 317 HHH Building, 200 Independence Avenue SW., Washington, DC 20201, 202 690-8390

RIN: 0938-AD60

1247. CHANGES CONCERNING THE INVESTMENT INCOME OFFSET POLICY (BPD-481-P)

Legal Authority: 42 USC 1395x(v)

CFR Citation: 42 CFR 413.153; 42 CFR 413.130

Legal Deadline: None

Abstract: This proposed rule would require that "necessary interest" be offset by investment income for purposes of Medicare reasonable cost reimbursement. Rather than offset interest expense by investment income, we are proposing to reduce (dollar for dollar) allowable debt principal related to patient care by the principal amount of investment funds generated from operations related to patient care and subsequently invested in nonpatient care activities or in another provider's patient care activities.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William J. Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4513

RIN: 0938-AD72

1248. NEW MINIMUM STANDARDS FOR MEDICARE SUPPLEMENTAL (MEDIGAP) POLICIES (BPD-491-P)

Legal Authority: 42 USC 1395u; 42 USC 1395ss

CFR Citation: 42 CFR 403.200; 42 CFR 403.201; 42 CFR 403.205; 42 CFR 403.206; 42 CFR 403.210; 42 CFR 403.211 to 403.220; 42 CFR 403.222; 42 CFR 403.224; 42 CFR 403.226; 42 CFR 403.228; 42 CFR 403.229; 42 CFR 403.231; 42 CFR 403.332; 42 CFR 403.239; 42 CFR 403.250 to 403.258

Legal Deadline: None

Abstract: This rule would organize and codify in regulations the statutory changes to Medigap provisions made in 1987, 1988, 1989, and 1990. It will contain specific procedures for review of State regulatory plans (and individual policies) as required in the Omnibus Budget Reconciliation Act of 1990. These procedures are needed to permit Medigap insurance sales to continue uninterrupted as the program phases in during 1992 and 1993. The new standards were enacted by OBRA '87, and '90, the Medicare Catastrophic Coverage Act of 1988 and the Medicare Catastrophic Coverage Repeal Act of 1989.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information:

TIMETABLE: Under development.

Agency Contact: Thomas E. Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4607

RIN: 0938-AD82

1249. CLARIFICATION OF "WITHOUT FAULT" AS IT APPLIES TO PHYSICIAN PROVIDER AND SUPPLIER LIABILITY (BPD-719-P)

Legal Authority: 42 USC 1395gg

CFR Citation: 42 CFR 405.350 to 405.355; 42 CFR 405.356 to 405.361; 20 CFR 404.506 to 510

Legal Deadline: None

Abstract: This rule would amend the Medicare regulations to clarify our interpretation of "without fault" as it applies to physician, provider, supplier and beneficiary liability for overpayments. This definition would result in greater uniformity of determinations by carriers and intermediaries. Additionally, this proposed rule would incorporate pertinent SSA regulations located at 20 CFR 404.506 - 404.510.

HHS—HCFA

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Paul Olenick, Director, Division of Medicare Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4472

RIN: 0938-AD95

1250. PROTECTION OF INCOME AND RESOURCES FOR COMMUNITY SPOUSE (MB-23-P)**Legal Authority:** 42 USC 1396r-5

CFR Citation: 42 CFR 435.630; 42 CFR 435.632; 42 CFR 435.634; 42 CFR 435.636; 42 CFR 435.638; 42 CFR 435.640; 42 CFR 435.642; 42 CFR 435.644; 42 CFR 435.646; 42 CFR 435.648

Legal Deadline: None

Abstract: These regulations would interpret section 303(a) of the Medicare Catastrophic Coverage Act of 1988, as amended by section 608(d)(16)(A) of the Family Support Act (PL 100-485), section 6411(e)(3) of OBRA '89 (PL 101-239) and section 4714 of OBRA '90 (PL 101-508). Section 303(a) allocates income and resources between a spouse who is institutionalized and the spouse remaining in the community. It also provides special post-eligibility rules for institutionalized individuals who have spouses in the community. The revision would allow the community spouse to retain more income to meet living expenses.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Local, State

Agency Contact: Marinos Svolos, Director, Division of Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4451

RIN: 0938-AE12

1251. PHYSICIAN CERTIFICATION AND PLAN OF CARE REQUIREMENTS AND INSPECTION OF CARE REVIEWS (HSQ-178-P)

Legal Authority: 42 USC 1396b(g); 42 USC 1396a(a)(30); 42 USC 1396a(a)(44)

CFR Citation: 42 CFR 400; 42 CFR 440; 42 CFR 441; 42 CFR 456; 42 CFR 483

Legal Deadline: None

Abstract: This proposed rule would make the requirements for physician certification and development of a plan of care general State plan requirements. States would no longer be required to make quarterly showings that they had determined compliance with those requirements or with utilization review. A quarterly demonstration to the Secretary of an effective program of medical review as demonstrated by a satisfactory utilization control program would be limited to Inspections of Care (IOCs) in participating Intermediate Care Facilities/Mentally Retarded (ICFs/MR) and psychiatric hospitals. This rule will establish review criteria specifically for ICFs/MRs that ensure essential client protections and focus on the provision of active treatment. This rule will also clarify utilization control requirements included in 42 CFR part 456, Subpart S.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Helene Fredeking, Director, Division of Long Term Care Services, Department of Health and Human Services, Health Care Financing Administration, 2-D-2, ME, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-6807

RIN: 0938-AE17

1252. MEDICAID PAYMENT OF MEDICARE COST SHARING FOR QUALIFIED MEDICARE BENEFICIARIES AND QUALIFIED DISABLED AND WORKING INDIVIDUALS AND SPECIFIED LOW-INCOME MEDICARE BENEFICIARIES (MB-031-P)

Legal Authority: 42 USC 1396a(a)(10)(E); Clause VIII of the matter following 42 USC 1396a(a)(10)(F); 42 USC 1396a(e)(8); 42

USC 1396a(m)(4); 42 USC 1396a(n); 42 USC 1396b(f)(4); 42 USC 1396d(a); 42 USC 1396d(p); 42 USC 1302

CFR Citation: 42 CFR 431.625; 42 CFR 435; 42 CFR 436; 42 CFR 441.256; 42 CFR 447.600 to 447.620; 42 CFR 447.51; 42 CFR 447.53

Legal Deadline: None

Abstract: These rules would propose to require States to include in their State plans payment of Medicare cost-sharing for specified low-income Medicare beneficiaries (SLMBS), Qualified Medicare Beneficiaries (QMB) and Qualified Disabled and Working Individuals (QDWI). The territories have the option to do the same. We would define cost-sharing, specify criteria for determining QMB status, propose requirements and options for payment amounts and limitations, and provide for Federal financial participation in State payments for Medicare cost-sharing on behalf of QMBs. For QDWIs Federal financial participation would be limited to Medicare, Part A premium. The changes would implement provisions of the Medicare Catastrophic Coverage Act of 1988 as modified by the Family Support Act of 1988, the Technical and Miscellaneous Revenue Act of 1988, the Omnibus Budget Reconciliation Act of 1989, and the Omnibus Budget Reconciliation Act of 1990. Many of these provisions went into effect January 1, 1989.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None**Government Levels Affected:** Local, State

Agency Contact: Marinos Svolos, Director, Division of Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4451

RIN: 0938-AE38

1253. EXTENDED MEDICAID ELIGIBILITY FOR CERTAIN INDIVIDUALS (MB-026-P)

Legal Authority: 42 USC 1396r-6; 42 USC 1396r(b)

CFR Citation: 42 CFR 435; 42 CFR 436; 42 CFR 440; 42 CFR 447

HHS—HCFA

Proposed Rule Stage

Legal Deadline: None

Abstract: This regulation would revise current regulations to reflect that participants in work supplement programs are deemed to be AFDC recipients under the State plan and make Medicaid eligibility mandatory for those individuals; to provide extended Medicaid benefits to certain families when they become ineligible for AFDC solely because of increased earnings from, or hours of, employment; and to revise certain conditions of eligibility that minor parents and pregnant minors must meet before receiving Medicaid benefits.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Marinos Svolos, Director, Division of Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4451

RIN: 0938-AE51

1254. POST-CONTRACT BENEFICIARY PROTECTIONS AND OTHER PROVISIONS (OCC-011-P)

Legal Authority: 42 USC 1395mm

CFR Citation: 42 CFR 417

Legal Deadline: None

Abstract: This rule would provide Medicare beneficiaries with certain coverage for pre-existing conditions under supplemental insurance after non-renewal or termination of a Medicare HMO or CMP contract; provide a 30-day open enrollment period for individuals who would otherwise lose prepaid Medicare coverage as a result of termination, non-renewal or reduction in service area of a risk contract; accelerate the deadline for risk contracting HMOs and CMPs to submit adjusted community rate proposals, require all HMOs and CMPs to furnish a copy of an executed enrollment application form to Medicare applicants, and require HCPs to meet same application procedures as HMOs and CMPs.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Tracy Jensen, Office of Coordinated Care Policy and Planning, Department of Health and Human Services, Health Care Financing Administration, Room 4360 Cohen Building, 330 Independence Ave. SW., Washington, DC 20201, 202 619-2158

RIN: 0938-AE63

1255. EARLY AND PERIODIC SCREENING, DIAGNOSTIC, AND TREATMENT (EPSDT) SERVICES (MB-28-P)

Significance: Regulatory Program

Legal Authority: 42 USC 1396a(a)(43); 42 USC 1396d(r)

CFR Citation: 42 CFR 441.50; 42 CFR 440.40

Legal Deadline: None

Abstract: Section 6403 of the Omnibus Budget Reconciliation Act of 1989 defines in new section 1905(r) of the Social Security Act the following EPSDT services: screening services, vision services, dental services and hearing services. It also extends EPSDT services to include such other necessary health care, diagnostic services, treatment, and other measures described in section 1905(a) of the Act to correct or ameliorate defects and illnesses and conditions discovered by the screening services whether or not the services are covered under the State plan. Section 6403 also amended section 1902(a)(43) of the Act to require States to report to the Secretary certain information about EPSDT services provided under the plan during each fiscal year. This rule would set forth requirements to implement these statutory provisions.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 10/01/93 | 58 FR 51288 |
| NPRM Comment Period End | 11/30/93 | 58 FR 51288 |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Robert Wardwell, Director, Division of Coverage Policy,

Department of Health and Human Services, Health Care Financing Administration, Room 400, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5659
RIN: 0938-AE72

1256. COVERAGE OF SCREENING PAP SMEARS (BPD-705-P)

Legal Authority: 42 USC 1395x(s)(14); 42 USC 1395x(nn)

CFR Citation: 42 CFR 410.10; 42 CFR 411.15; 42 CFR 410.56

Legal Deadline: None

Abstract: This rule would establish regulations under section 6115 of the Omnibus Budget Reconciliation Act of 1989 to govern Medicare Part B coverage of screening pap smears and related medically necessary services (including a physician's interpretation of the test results) provided to a woman for the early detection of cervical cancer.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: William Larson, Program Analyst, Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4639

RIN: 0938-AE98

1257. MEDICARE COVERAGE AND PAYMENT OF CLINICAL PSYCHOLOGIST, OTHER PSYCHOLOGIST, AND CLINICAL SOCIAL WORKER SERVICES—MEDICARE (BPD-706-P)

Significance: Agency Priority

Legal Authority: 42 USC 1395l(c); 42 USC 1395x(hh)(2); 42 USC 1395x(ii)

CFR Citation: 42 CFR 410; 42 CFR 417; 42 CFR 424

Legal Deadline: None

Abstract: This rule would address provisions of section 6113 of the Omnibus Budget Reconciliation Act of 1989 (OBRA '89) and section 4157 of the Omnibus Budget Reconciliation Act of 1990 (OBRA '90). Section 6113 of

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Proposed Rule Stage

OBRA '89 provides coverage for the services of clinical psychologists (CPs) and clinical social workers. It requires CPs to agree to consult with the patient's primary care or attending physician. Also, it eliminates the dollar limitation that previously applied to mental health services although the 62.5 percent limitation still applies. OBRA '89 also provides coverage for clinical social worker services, but places two limitations on separate payment, which apply to services provided to inpatients of hospitals and skilled nursing facilities that are Medicare participating. Section 4157 of OBRA '90 unbundled CP services from the definition of "inpatient hospital services."

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Regina Walker, Program Analyst, Office of Coverage & Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-6735

RIN: 0938-AE99

1258. COVERAGE OF PHYSICIAN ASSISTANT, NURSE PRACTITIONER, AND CLINICAL NURSE SPECIALIST SERVICES (BPD-708-P)

Legal Authority: 42 USC 1395x(s)(2)(K); 42 USC 1395u(b)(12); 42 USC 1395x(aa)

CFR Citation: 42 CFR 405; 42 CFR 410

Legal Deadline: None

Abstract: This proposed rule would conform Medicare regulations to the provisions in sections 9338 of the Omnibus Budget Reconciliation Act of 1986, 4076(a) of the Omnibus Budget Reconciliation Act of 1987, 6114 of the Omnibus Budget Reconciliation Act of 1989, and 4155 of the Omnibus Budget Reconciliation Act of 1990. These sections amended portions of the Social Security Act (the Act) concerning the coverage of and payment for certain services described in section 1861(s)(2)(K) of the Act that are performed by physician assistants, nurse practitioners, and clinical nurse specialists.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: Businesses**Government Levels Affected:** None

Agency Contact: William Larson, Program Analyst, Office of Coverage & Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4639

RIN: 0938-AF00

1259. UTILIZATION AND QUALITY CONTROL PEER REVIEW ORGANIZATIONS (PROS): CONFIDENTIAL INFORMATION (HSQ-190-P)

Legal Authority: 42 USC 1320c-9

CFR Citation: 42 CFR 476

Legal Deadline: None

Abstract: This rule would revise existing regulations to clarify which PRO information is considered confidential, to whom confidential information may be disclosed, and the conditions for disclosure.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Harvey Brook, Office of Peer Review, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2, ME Bldg., 6325 Security Blvd., Baltimore, MD 21207, 410 966-6853

RIN: 0938-AF03

1260. CASE MANAGEMENT (MB-27-P)

Legal Authority: 42 USC 1396d; 42 USC 1396n

CFR Citation: 42 CFR 431.51(c); 42 CFR 440.190; 42 CFR 440.250; 42 CFR 441.10; 42 CFR 441.18; 42 CFR 447.327; 42 CFR 431.54

Legal Deadline: None

Abstract: This rule would place in our regulations provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, the Omnibus Budget Reconciliation Act of

1986, the Tax Reform Act of 1986, the Technical Miscellaneous Revenue Act of 1988, and the Omnibus Budget Reconciliation Act of 1987 dealing with case management services. These regulations would provide for optimal Medicaid coverage of case management services furnished to specific groups in specific geographic areas or political subdivisions within a State.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions**Government Levels Affected:** Local, State**Additional Information:**

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-5659

RIN: 0938-AF07

1261. DAY HABILITATION AND RELATED SERVICES (MB-37-P)

Legal Authority: PL 101-239, Sec 6411(g)

CFR Citation: 42 CFR 440

Legal Deadline: None

Abstract: Section 6411(g) of the Omnibus Budget Reconciliation Act of 1989 prohibits disallowance on day habilitation services included in State plans which were approved on or before June 30, 1989. This prohibition will continue until clarifying regulations are promulgated. This rule would specify the types of day habilitation and related services that a State may cover under paragraph (9) or (13) of section 1905(a) of the Social Security Act on behalf of persons with mental retardation or with related conditions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

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Proposed Rule Stage

Agency Contact: Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-5659
RIN: 0938-AF10

1262. MEDICAID THIRD PARTY LIABILITY: COST EFFECTIVENESS WAIVERS (MB-39-P)

Legal Authority: 42 USC 1396a(a)(25)
CFR Citation: 42 CFR 433.138; 42 CFR 433.139
Legal Deadline: None

Abstract: This rule would provide States with the opportunity to request waivers of certain third party liability requirements if the State has more cost effective methods than those required to be used under current regulations. These requirements relate to methods and procedures for determining liability of third parties to pay for services furnished under Medicaid and for paying claims. The waivers would apply to administratively imposed requirements, not statutory requirements.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Richard Friedman, Director, Division of Payment Systems, Department of Health and Human Services, Health Care Financing Administration, 273, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-3292

RIN: 0938-AF11

1263. OBRA '90 AND MISCELLANEOUS MANAGED CARE TECHNICAL AMENDMENTS (MB-044-P)

Legal Authority: 42 USC 1396b(m); 42 USC 1396a(e)(2)(A)
CFR Citation: 42 CFR 434.21 to 44; 42 CFR 447.361; 42 CFR 447.362

Legal Deadline: None

Abstract: This rule would require certain health insuring organizations to be subject to the regulations governing prepaid health plans. This proposed

rule would also allow State-only funds to be paid to Medicaid contracting entities. These funds would not be considered when computing the rate at which Federal financial participation is made. This rule would also incorporate several technical amendments from section 4732 of OBRA '90.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State

Additional Information:

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Mary Dewane, Director, Medicaid Coordinated Care Office, Department of Health and Human Services, Health Care Financing Administration, Room 233, ELR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-9507

RIN: 0938-AF15

1264. CRITERIA FOR THE DETERMINATION OF REASONABLE COSTS FOR MEDICARE —CONTRACTING PREPAID HEALTH PLANS (OCC-018-P)

Significance: Agency Priority

Legal Authority: 42 USC 1395mm(h); 42 USC 1395x(v)(1)(A)

CFR Citation: 42 CFR 417.532(a)(3); 42 CFR 417.802; 42 CFR 417.800(c)

Legal Deadline: None

Abstract: This rule would remove the absolute payment limit that is to be applied to Prepaid Health Organizations' cost contracts under section 1876 of the Social Security Act. This regulation would also set forth the revised criteria that HCFA will use in determining claimed costs that are reasonable and therefore reimbursable for prepaid health organizations with cost contracts under section 1876 and agreements under section 1833.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jennifer Messersmith, Program Analyst, Office of Coordinated Care Policy and Planning, Department of Health and Human Services, Health Care Financing Administration, 4360 Cohen Bldg., 330 Independence Ave. SW., Washington, DC 20201, 202 401-2325

RIN: 0938-AF16

1265. PROVIDER REIMBURSEMENT DETERMINATIONS AND APPEALS REVISIONS (BPD-727-P)

Legal Authority: 42 USC 1395oo
CFR Citation: 42 CFR 405 subpart R
Legal Deadline: None

Abstract: This regulation would update and clarify regulations governing the Provider Reimbursement Review Board and would deal with such issues as the prospective payment system, jurisdiction of the Board, time periods for filing appeals, and define more specifically "good cause" for late filings.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 08/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Paul Olenick, Director, Division of Medicare & Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4472

RIN: 0938-AF28

1266. ALTERNATIVE SANCTIONS FOR PSYCHIATRIC HOSPITALS (HSQ-191-P)

Legal Authority: 42 USC 1395cc; 42 USC 1396a
CFR Citation: 42 CFR 488
Legal Deadline: None

Abstract: These regulations would provide an alternative to terminating a psychiatric hospital's participation in the Medicare and Medicaid programs for facilities found to be out of compliance with participation requirements. These alternative

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Proposed Rule Stage

sanctions could be imposed instead of terminating a psychiatric hospital's participation in the Medicare and Medicaid programs where deficiencies do not present immediate jeopardy to the health and safety of psychiatric hospital patients.

These amendments are necessary to conform HCFA regulations to changes made by section 6020 of the Omnibus Budget Reconciliation Act of 1989 (PL 101-239) and section 4755 of the Omnibus Budget Reconciliation Act of 1990 (PL 101-508).

The purpose of the legislation is to encourage correction of deficiencies that do not jeopardize patient health and safety before termination becomes necessary.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Pam Vocke, Director, Division of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2, ME, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-7089

RIN: 0938-AF32

1267. MEDICARE, MEDICAID, AND CLIA PROGRAMS: INSPECTION AND CERTIFICATION PROCEDURES FOR LABORATORIES (HSQ-193-P)

Legal Authority: 42 USC 1395w-2; 42 USC 263a

CFR Citation: 42 CFR 493

Legal Deadline: None

Abstract: This rule would implement procedures for States to follow in inspecting and certifying laboratories under the Clinical Laboratory Improvement Amendments of 1988 (PL 100-578). This rule is needed to carry out the authority of the Department of Health and Human Services to inspect laboratories, as mandated by section 353(g) of the Public Health Service Act, and to take enforcement actions as authorized by section 353(h) and (i) of the Public Health Services Act and section 1846 of the Social Security Act.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Pam Vocke, Director, Division of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 ME, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-7089

RIN: 0938-AF33

1268. PREADMISSION REVIEW AND AUTHORIZATION, OUTPATIENT SURGERY, PREADMISSION DIAGNOSTIC TESTING, AND SAME DAY SURGERY UNDER MEDICAID (MB-021P)

Legal Authority: 42 USC 1396(a)(30)(A)

CFR Citation: 42 CFR 431

Legal Deadline: None

Abstract: This rule would amend current Medicaid rules to require that State Medicaid plans include programs requiring preadmission review and approval for selected surgical procedures and medical treatment; identify surgical procedures that can be safely performed on an ambulatory basis; require diagnostic testing prior to admission; and schedule hospital admission on the same day as surgery.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: State

Additional Information:

TIMETABLE: Pending issuance of statutorily mandated Report to Congress.

Agency Contact: Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5659

RIN: 0938-AF35

1269. MEDICAID QUALIFYING TRUSTS (MB-011-P)

Legal Authority: 42 USC 1396a(k)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: This rule would implement section 1902(k) of the Social Security Act by defining Medicaid Qualifying Trusts (MQT); establishing rules for counting as available income or resources the maximum amount that could be paid to or on behalf of a Medicaid applicant or recipient from the body of the MQT, from income to the trust, or from both; and permitting States to waive the application of the rule in situations in which its application would result in undue hardships.

The purpose of the rule is to prevent individuals who have sufficient income and resources to pay for medical care from sheltering that income and resources through MQTs so that they can then become eligible for Medicaid.

This rule will reflect statutory revisions mandated by OBRA '93.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marinos Svokos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4451

RIN: 0938-AF61

1270. MEDICAID PAYMENT FOR OBSTETRICAL AND PEDIATRIC SERVICES—ADEQUATE PAYMENT LEVEL PROVISION (MB-036-P)

Legal Authority: 42 USC 1396a(a)(30)(A); 42 USC 1396a(s); 42 USC 1396r-7

CFR Citation: 42 CFR 430.12; 42 CFR 430.16; 42 CFR 447.204; 42 CFR 447.300; 42 CFR 447.301; 42 CFR 447.393; 42 CFR 447.397

Legal Deadline: None

Abstract: This rule would implement section 1902(a)(30)(A) of the Social Security Act, which requires that Medicaid payment rates be established at a level to ensure access to services for Medicaid recipients is at least equal to the access available to the general population in the geographic area. It

HHS—HCFA

Proposed Rule Stage

would also implement section 1926 of the Social Security Act by establishing State plan requirements concerning obstetrical and pediatric services.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: State

Additional Information:

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Bernard Truffer, Director, Division of Payment Policy, Department of Health and Human Services, Health Care Financing Administration, Room 291 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-0691

RIN: 0938-AF62

1271. REQUIREMENTS FOR ENROLLMENT OF MEDICAID RECIPIENTS UNDER COST EFFECTIVE EMPLOYER BASED GROUP HEALTH PLANS (MB-047-P)

Significance: Agency Priority

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1396a(u)(1); 42 USC 1396d(a); 42 USC 1396a(a)(25); 42 USC 1396a(e); 42 USC 1396e

CFR Citation: 42 CFR 435.2; 42 CFR 435.3; 42 CFR 435.10; 42 CFR 435.186; 42 CFR 435.188

Legal Deadline: None

Abstract: This rule would amend our regulations to provide for continuation of payment of health insurance premiums for individuals who are entitled to elect COBRA continuation coverage under a group health plan provided by an employer with 75 or more employees; require Medicaid recipients to apply for enrollment in employer-based cost effective group health plans as a condition of Medicaid eligibility; require State agencies to pay for premiums, deductibles, coinsurances and other cost sharing obligations under employer-based cost effective group health plans, and define "COBRA continuation coverage" and "COBRA beneficiaries." (COBRA refers to the Consolidated Omnibus Reconciliation Act of 1985, PL 99-272.)

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: State, Federal

Additional Information:

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Marinos Svolo, Director, Division of Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4451

RIN: 0938-AF64

1272. REFERRAL TO CHILD SUPPORT ENFORCEMENT AGENCIES OF MEDICAID FAMILIES WITH AN ABSENT PARENT (MB-051-P)

Legal Authority: 42 USC 1396k

CFR Citation: 42 CFR 433.160

Legal Deadline: None

Abstract: This rule would require State Medicaid agencies to refer Medicaid families with an absent parent to child support enforcement (CSE) agencies. Section 9142 of the Omnibus Budget Reconciliation Act of 1987 required CSE agencies to provide all CSE services to such Medicaid families who have assigned to the State their rights to medical support. The purpose of these rules is to require States to make this referral to State CSE agencies to ensure that those recipients requiring CSE services receive them.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/22/93 | 58 FR 49272 |
| NPRM Comment Period End | 11/22/93 | 58 FR 49272 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marinos Svolo, Director, Division of Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323 EHR, 6325 Security Boulevard, Baltimore, MD 21207, 410 966-4451

RIN: 0938-AF68

1273. CLARIFICATION OF COVERAGE OF INPATIENT PSYCHIATRIC SERVICES (MB-060-P)

Legal Authority: 42 USC 1396d(h)(1)(A)

CFR Citation: 42 CFR 440; 42 CFR 441

Legal Deadline: None

Abstract: This rule would establish settings, other than psychiatric hospitals, in which inpatient psychiatric services may be covered under State Medicaid plans. It would implement section 4755(a)(1) of the Omnibus Budget Reconciliation Act of 1990.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: State

Additional Information:

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5659

RIN: 0938-AF73

1274. NATIONAL COVERAGE DECISIONS: RULES FOR RISK CONTRACTING HMOS AND CMPS (BPD-732-P)

Legal Authority: 42 USC 1395mm(c)(2)

CFR Citation: 42 CFR 417

Legal Deadline: None

Abstract: Under this rule, Health Maintenance Organizations (HMOs) and Competitive Medical Plans (CMPs) that have entered into risk contracts with HCFA would no longer be required to absorb the expense of furnishing to their Medicare enrollees any new or additional Medicare benefit that is the subject of a national coverage decision, which the Secretary projects will result in a significant change in the organization's costs, if the cost of the benefit is not reflected in HCFA's monthly per capita payments to the HMO or CMP.

This rule implements section 4204(c) of the Omnibus Budget Reconciliation Act of 1990.

HHS—HCFA

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joanne Sinsheimer, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4620

RIN: 0938-AF76

1275. PART B ADVANCE PAYMENTS TO PHYSICIANS/SUPPLIERS OR OTHER ENTITIES FURNISHING ITEMS OR SERVICES UNDER MEDICARE PART B (BPO-105-P)

Significance: Agency Priority

Legal Authority: 42 USC 1395u(c)

CFR Citation: 42 CFR 421.212

Legal Deadline: None

Abstract: This rule would amend Medicare regulations to provide advance payment to physicians, suppliers, or entities that furnish items or services under Medicare Part B. These payments could be made only when claims processing is so delayed that interest payments alone are insufficient to adequately compensate the provider, in light of cash flow needs. This change is intended to result in more efficient and economical administration of the Medicare program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Jim O'Shea, Program Analyst, Division of Account Management & Collection, Department of Health and Human Services, Health Care Financing Administration, Room 1-E-6, ME Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-7521

RIN: 0938-AF85

1276. FEDERALLY QUALIFIED HEALTH CENTER SERVICES (MEDICAID) (MB-043-P)

Legal Authority: 42 USC 1396a(a)(13); 42 USC 1396b(m); 42 USC 1396d(l); 42 USC 1396n(b)

CFR Citation: 42 CFR 440; 42 CFR 447

Legal Deadline: None

Abstract: These regulations would establish a new category of facilities known as federally Qualified Health Centers (FQHCs) and a new category of Medicaid services known as FQHC services. This new type of facility includes community health centers, migrant health centers and health care for the homeless programs, which are receiving or are eligible to receive certain grants from the Public Health Service, and health programs or facilities operated by an Indian tribe or tribal organization. These regulations would establish requirements for coverage and payment of FQHC services under the Medicaid program. These regulations would implement section 6404 of OBRA '89 (PL 101-239) and section 4704 of OBRA '90 (PL 101-508) and reflect statutory revisions mandated.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information:

TIMETABLE: Pending resolution of complex policy and operational issues.

Agency Contact: Bernard Truffer, Director, Division of Payment Policy, Department of Health and Human Services, Health Care Financing Administration, Room 291, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4576

RIN: 0938-AF90

1277. MINIMUM PHYSICIAN QUALIFICATIONS FOR CERTAIN SERVICES (MB-059-P)

Legal Authority: 42 USC 1396b(i)

CFR Citation: 42 CFR 441

Legal Deadline: None

Abstract: This rule would establish qualifications that physicians must meet as a condition for payment under

Medicaid for services furnished to children under 21 and to pregnant women (and women during the 60 days following termination of pregnancy). Section 4752(e) of PL 101-508 establishes these requirements for services furnished on or after January 1, 1992. The regulation and legislation are intended to assure that high quality services are furnished to women and children.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/06/93 | 58 FR 42041 |
| NPRM Comment | 10/06/93 | 58 FR 42042 |

Period End

Final Action Effective 00/00/00

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Bob Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5659

RIN: 0938-AF92

1278. REVISIONS TO RULES ON HEALTH CARE PREPAYMENT PLANS (OCC-032-P)

Legal Authority: 42 USC 1395l; 31 USC 9701

CFR Citation: 42 CFR 417

Legal Deadline: None

Abstract: This regulation would impose a range of requirements on Health Care Prepayment Plans (HCPPs) corresponding to certain provisions for prepaid health plans under section 1876 of the Social Security Act. The expanded regulatory requirements would increase beneficiary protections and strengthen Federal oversight of the HCFA program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: George Stuehler, Office of Coordinated Care Policy and Planning, Department of Health and Human Services, Health Care Financing Administration, Room 4360, Cohen Building, 330 Independence Avenue

HHS—HCFA

Proposed Rule Stage

SW., Washington, DC 20201, 202 619-3166
 RIN: 0938-AF97

1279. RETROACTIVE ENROLLMENT (OCC-031-P)

Legal Authority: 42 USC 1395mm
CFR Citation: 42 CFR 417
Legal Deadline: None

Abstract: This regulation would allow retroactive enrollment of up to 90 days for individuals enrolling with an eligible organization (which has a risk-sharing contract under section 1876 of the Social Security Act) under a health benefit plan operated, sponsored, or contributed to, by the individual's employer or former employer (or the employer or former employer of the individual's spouse). The regulation would implement section 4204(e) of the Omnibus Budget Reconciliation Act of 1990, PL 101-508. In addition, the rule would permit the Secretary to authorize retroactive disenrollment in specific cases.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Agency Contact: Tracy Jensen, Office of Coordinated Care Policy & Planning, Department of Health and Human Services, Health Care Financing Administration, Room 4360, Cohen Building, 330 Independence Avenue SW., Washington, DC 20201, 202 619-2158

RIN: 0938-AF98

1280. MEDICARE PROGRAM: COVERAGE OF CERTIFIED NURSE-MIDWIFE SERVICES (BPD-496-P)

Legal Authority: 42 USC 1395k(a)(2)(B)(iii); 42 USC 1395l(a)(1)(K); 42 USC 1395x(s)(2)(L); 42 USC 1395x(gg)
CFR Citation: 42 CFR 405; 42 CFR 410; 42 CFR 491

Legal Deadline: None

Abstract: This rule would specify that Medicare Part B Coverage includes the services of a certified nurse-midwife furnished independent of the supervision of a physician (if that

practice is allowed under the State law of the State in which the service is furnished). Section 4073 of the Omnibus Budget Reconciliation Act of 1987, as amended by Section 411(h)(4) of the Medicare Catastrophic Coverage Act of 1988 established separate Medicare Part B coverage of certified nurse-midwife services furnished after June 30, 1988.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined
Government Levels Affected: None

Agency Contact: David Higbee, Chief, Medical Services Branch, Bureau of Policy Development, Department of Health and Human Services, Health Care Financing Administration, Rm. 437, EHR, 6325 Security Boulevard, Baltimore, MD 21207-5187, 410 966-4636

RIN: 0938-AG02

1281. CHANGE IN PROVIDER AGREEMENT REGULATIONS RELATED TO FEDERAL EMPLOYEE HEALTH BENEFITS (BPD-748-P)

Legal Authority: 5 USC 8904(b)
CFR Citation: 42 CFR 489
Legal Deadline: None

Abstract: Existing Medicare conditions of participation and provider agreements do not require that hospitals accept the Medicare Prospective Payment System (PPS) rate as payment in full when issued by a Federal Employee Health Benefit (FEHB) plan for an enrollee not entitled to Medicare Part A. Section 7002(f) of Pub. L. 101-508 requires that FEHB plans limit their inpatient payment for retired FEHB enrollees who are age 65 and older, but who are not entitled to receive hospital insurance benefits under Medicare, to rates that would have been paid by Medicare under PPS. It also requires the Secretary to consider termination of the Medicare provider agreement when a hospital knowingly and willfully attempts to collect, on a repeated basis, from the patient the difference between the Medicare payment rates and the hospital's charge, less any deductible or coinsurance obligation. This rule will bring our regulations into accord with 5 USC 8904(b).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Tom Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 401 EHR, 6325 Security Boulevard, Baltimore, MD 21207, 410 966-4607

RIN: 0938-AG03

1282. PAYMENT FOR EXTRACORPOREAL SHOCK WAVE LITHOTRIPSY SERVICES FURNISHED BY AMBULATORY SURGICAL CENTERS (BPD-762-PN)

Significance: Agency Priority

Legal Authority: 42 USC 1395l(i)(2)

CFR Citation: 42 CFR 416.120; 42 CFR 416.125; 42 CFR 416.130

Legal Deadline: None

Abstract: This proposed notice complies with the court order by the U.S. District Court for the District of Columbia on March 12, 1992, in The American Lithotripsy Society v. Louis W. Sullivan, M.D. The court order stays implementation of the Medicare payment rate announced on December 31, 1991 (56 FR 67666) for Extracorporeal Shock Wave Lithotripsy Services furnished in Medicare Participating Ambulatory Surgical Centers and use of the payment rate in determining the Medicare allowance in hospital out-patient departments until the Secretary publishes certain information relevant to the setting of the Extracorporeal Shock Wave Lithotripsy Rate, receives comments, and publishes a final notice.

Timetable:

| Action | Date | FR Cite |
|---------------------------|----------|-------------|
| Proposed Notice | 10/01/93 | 58 FR 51355 |
| Public Comment Period End | 11/30/93 | 58 FR 51355 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernadette Schumaker, Director, Division of Special Payment Programs, Department of Health and Human Services, Health

HHS—HCFA

Proposed Rule Stage

Care Financing Administration, Room 1-A-5, ELR, 6325 Security Boulevard, Baltimore, MD 21207-5187, 410 966-4568

RIN: 0938-AG04

1283. CONDITIONS OF PARTICIPATION FOR RURAL HEALTH CLINICS (BPD-764-P)

Legal Authority: PL 101-203, sec 4077(a); PL 100-203, sec 6113; PL 101-239, sec 6213; PL 101-508, sec 4067; PL 101-508, sec 4161(b); PL 101-508, sec 4155(d)

CFR Citation: 42 CFR 405 subpart X; 42 CFR 410 subpart B; 42 CFR 491 subpart A

Legal Deadline: None

Abstract: This rule would update our regulations to incorporate several health care coverage and payment provisions contained in Public Laws 100-203, 101-239, and 101-508 (the Omnibus Budget Reconciliation Acts of 1987, 1989 and 1990).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jacqueline Sheridan, Chief, Alternative Delivery Organizations Branch, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Boulevard, Baltimore, MD 21207, 410 966-4635

RIN: 0938-AG05

1284. INTERMEDIARY AND CARRIER FUNCTIONS (BPO-111-P)

Legal Authority: 42 USC 1395h; 42 USC 1395u

CFR Citation: 42 CFR 421.100; 42 CFR 421.200

Legal Deadline: None

Abstract: Current regulations list functions that intermediaries and carriers must perform. All intermediaries and all carriers must perform all the enumerated functions. This rule would change the regulations to bring them into greater conformance with the Medicare statute, which gives the Health Care Financing Administration flexibility to move some

functions from one contractor to another to reduce inefficiency, lower cost or achieve better program administration.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Alan Bromberg, Program Analyst, Div. of Contractor Planning & Management, BPO, Department of Health and Human Services, Health Care Financing Administration, 3-F-1 ME Building, 6325 Security Boulevard, Baltimore, MD 21207, 410 966-7441

RIN: 0938-AG06

1285. REVISED MEDICAID MANAGEMENT INFORMATION SYSTEMS (MB-38-PN)

Legal Authority: 42 USC 1396b(r)

CFR Citation: 42 CFR 433.1; 42 CFR 431.17; 42 CFR 447.10; 42 CFR 447.45; 42 CFR 74.20; 42 CFR 74.21

Legal Deadline: None

Abstract: This notice sets forth revised general functional requirements for the Medicaid Management Information System (MMIS). The MMIS consists of software and hardware used to process Medicaid claims and to retrieve and produce utilization and management information about services that are required by the Medicaid agency or Federal Government for administrative or audit purposes. The revised requirements allow States more flexibility to exercise variations in the implementation. (Systems concepts without prescribing a particular system design or solution.)

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| Notice | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Richard Friedman, Director, Division of Payment Systems, Medicaid Bureau, Department of Health and Human Services, Health Care Financing Administration, Room 273, ELR, 6325 Security Boulevard, Baltimore, MD 21207, 410 966-3292

RIN: 0938-AG10

1286. INCOME AND ELIGIBILITY VERIFICATION SYSTEM (MB-66-P)

Legal Authority: 42 USC 1320b-7

CFR Citation: 42 CFR 435.940; 42 CFR 435.945; 42 CFR 435.948; 42 CFR 435.952; 42 CFR 435.953; 42 CFR 435.955; 42 CFR 435.960; 42 CFR 435.965

Legal Deadline: None

Abstract: This rule would amend our regulations to allow States more flexibility to limit their income and eligibility verification system data match requests to only those matches that are productive or useful. States would be required to submit plans of alternative income and eligibility verification system procedures for approval by the Health Care Financing Administration. The flexibility offered by this change would afford States the freedom to design more efficient data matches.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: State

Additional Information:

TIMETABLE: Pending publication of AFDC regulation (RIN 0970-AB13).

Agency Contact: Donna Jarosinski, Program Analyst, Medicaid Bureau, Department of Health and Human Services, Health Care Financing Administration, Room 273, EHR, 6325 Security Boulevard, Baltimore, MD 21207, 410 966-5928

RIN: 0938-AG12

1287. MEDICAID DRUG COVERAGE: SCOPE AND LIMITATIONS (MB-67-P)

Legal Authority: 42 USC 1396a(a)(54); 42 USC 1396b(i); 42 USC 1396r-8

CFR Citation: 42 CFR 440.120; 42 CFR 441.25

Legal Deadline: None

Abstract: This rule would revise the regulations governing the coverage of prescription drugs under Medicaid to clarify coverage requirements for those prescription drugs that do not fall under the drug rebate program under section 1927 of the Social Security Act. The drug rebate program was established by section 4401 of the Omnibus Budget Reconciliation Act of

HHS—HCFA

Proposed Rule Stage

1990, PL 101-508. The rule also would further define drug "substances" for which Federal financial participation would be available and clarify whether drugs covered under Medicaid include drug-related supplies and devices or enteral nutrition products.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: State

Additional Information:

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Linda Sizelove, Chief, Medicaid Coverage Branch, Medicaid Bureau, Department of Health and Human Services, Health Care Financing Administration, Room 400, EHR, 6325 Security Boulevard, Baltimore, MD 21207, 410 966-4626

RIN: 0938-AG13

1288. USE OF FEDERALLY STANDARDIZED CLAIMS PROCESSING FORMS AND PROCEDURES (MB-069-P)

Significance: Regulatory Program

Legal Authority: 42 USC 1301

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This rule concerns the steps that HCFA intends to take to streamline Medicaid claims processing by developing and requiring the use of a universal Medicaid claims processing form, as well as electronic data transmission standards. These steps are part of a strategy developed by the Department to reduce administrative costs and burden throughout the health care system. We anticipate that the increased use of electronic claims will help reduce administrative costs by eliminating the need for burdensome paperwork and duplication of effort.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| ANPRM | 10/19/92 | 57 FR 47587 |
| NPRM Comment Period End | 12/18/92 | 57 FR 47587 |
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Richard Friedman, Director, Division of Payment Systems, Medicaid Bureau, Department of Health and Human Services, Health Care Financing Administration, Room 273, EHR, 6325 Security Boulevard, Baltimore, MD 21207, 410 966-3292

RIN: 0938-AG14

1289. UPDATE OF EPO PAYMENT RATE FOR 1993 (BPD-768-PN)

Significance: Agency Priority

Legal Authority: 42 USC 1395rr

CFR Citation: 42 CFR 413.70

Legal Deadline: None

Abstract: This Notice proposes the calendar year 1993 payment rate for Human Recombinant Erythropoietin (EPO), a drug used to treat anemia in patients receiving hemodialysis treatments. Section 1881(b) of the Social Security Act and our regulations at 42 CFR 413.70 require that we publish changes to the EPO rate.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Bernadette Schumaker, Director, Division of Special Payment Programs, Department of Health and Human Services, Health Care Financing Administration, RH 1-A-5 ELR, 6325 Security Boulevard, Baltimore, MD 21207, 410 966-4567

RIN: 0938-AG15

1290. MEDICARE APPEALS OF INDIVIDUAL CLAIMS (BPD-453-P)

Legal Authority: 42 USC 1395ff

CFR Citation: 42 CFR 405.732; 42 CFR 405.752; 42 CFR 405.801; 42 CFR 405.837; 42 CFR 405.838; 42 CFR 405.839; 42 CFR 405.840; 42 CFR 405.871

Legal Deadline: None

Abstract: This rule would implement sections 9313(a)(1) and 9341 of PL 99-509. Section 9313(a)(1) permits providers, physicians or suppliers to represent beneficiaries, with certain limitations, in pursuing appeals of adverse determinations regarding claims for benefits under Medicare Part A or Part B. Section 9341 extends to Medicare Part B claimants the right to

a hearing before an administrative law judge if the amount in controversy is at least \$500 and to judicial review, provided the amount in controversy is at least \$1,000. Section 9341 also limits the review of national coverage determinations and prohibits judicial review of any regulation or instruction, initially issued before January 1, 1981, relating to a method of determining the amount of payment under Part B.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 07/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Olenick, Director, Division of Medicare Eligibility Policy, BPD, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4472

RIN: 0938-AG18

1291. REVISIONS TO THE DEFINITION OF END-STAGE RENAL DISEASE AND RESUMPTION OF ENTITLEMENT (BPD-738-P)

Legal Authority: 42 USC 426-1

CFR Citation: 42 CFR 406.13

Legal Deadline: None

Abstract: This rule would revise the definition of end-stage renal disease to clarify that only those individuals whose kidneys have failed and for whom the disease is expected to be a life-long affliction are eligible for Medicare and end-stage renal disease benefits. This rule would also specify that Medicare enrollment resumes for individuals who again begin a regular course of renal dialysis treatments after a previous course is terminated (with or without kidney transplant) and include the same considerations for those who have a second transplant.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Olenick, Director, Division of Medicare Eligibility Policy, BPD, Department of Health and Human Services, Health

HHS—HCFA

Proposed Rule Stage

Care Financing Administration, Room 401, EHR Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4472

RIN: 0938-AG19

1292. CRITERIA FOR APPROVAL OF END-STAGE RENAL DISEASE (ESRD) PAYMENT EXCEPTION REQUESTS (BPD-763-P)

Legal Authority: 42 USC 1395rr

CFR Citation: 42 CFR 413.170; 42 CFR 413.172; 42 CFR 413.174; 42 CFR 413.176; 42 CFR 413.178; 42 CFR 413.179; 42 CFR 413.180; 42 CFR 413.182; 42 CFR 413.184; 42 CFR 413.186; 42 CFR 413.188; 42 CFR 413.190; 42 CFR 413.192; 42 CFR 413.194; 42 CFR 413.196; ...

Legal Deadline: None

Abstract: These regulations specify the criteria HCFA would use to determine if a facility furnishing dialysis services to patients with end stage renal disease qualifies for a higher payment under an exception to the prospectively determined payment rate.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mike Powell, Program Analyst, Division of Special Payment Policy, BPD, Department of Health and Human Services, Health Care Financing Administration, Room 1-A-5, EHR Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4557

RIN: 0938-AG20

1293. REVISED ASSOCIATION FOR THE ADVANCEMENT OF MEDICAL INSTRUMENTATION GUIDELINES ON REUSE OF HEMODIALYZER FILTERS FOR END-STAGE RENAL DIALYSIS PATIENTS (BPD-766-P)

Legal Authority: 42 USC 1395rr

CFR Citation: 42 CFR 405.2140; 42 CFR 405.2150

Legal Deadline: None

Abstract: This rule would incorporate by reference, in our regulations, the 1992 edition of the Association for the Advancement of Medical

Instrumentation voluntary guidelines and standards on "Recommended Practice for Reuse of Hemodialyzers." These revised guidelines clarify certain issues and reflect current medical technology on reuse of hemodialyzer filters.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne Marie Hummel, Director, Division of Medical Services Coverage Policy, BPD, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4637

RIN: 0938-AG21

1294. MEDICARE PROGRAM: PROPOSED ADDITIONS TO AND DELETIONS FROM THE CURRENT LIST OF COVERED SURGICAL PROCEDURES FOR AMBULATORY SURGICAL CENTERS (BPD-776-PN)

Legal Authority: 42 USC 1395i(1)

CFR Citation: None

Legal Deadline: None

Abstract: This notice would implement section 1833(i)(1) of the Social Security Act, which requires, in part, that the list of covered ambulatory surgical center (ASC) procedures be reviewed and updated at least every 2 years. The last update was published December 31, 1991. This notice announces and solicits public comment on the specific proposed additions to, and deletions from, the list of surgical procedures for which facility services are covered when the procedures are performed in a Medicare participating ASC. The notice also announces and solicits public comment on our proposal to change our criteria for deleting procedures from the ASC list. Additionally, it announces and solicits public comment on the assignment of payment groups for each addition. Finally, it reflects statutory revisions mandated by OBRA '93.

Timetable:

| Action | Date | FR Cite |
|-----------------|----------|---------|
| Proposed Notice | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jacqueline Sheridan, Chief, Alternative Delivery Organizations Branch, BPD, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4635

RIN: 0938-AG27

1295. MEDICARE PROGRAM: SPECIAL PAYMENT LIMITS FOR HOME BLOOD GLUCOSE MONITORS (BPD-778-PN)

Significance: Agency Priority

Legal Authority: 42 USC 1395l; 42 USC 1395u(b)

CFR Citation: None

Legal Deadline: None

Abstract: This notice would establish special payment limits for standard home blood glucose monitors, identified as code EO607 of the HCFA common procedure coding system. The notice is intended to prevent excessive payment for these items.

Timetable:

| Action | Date | FR Cite |
|-----------------|----------|---------|
| Proposed Notice | 01/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Joel Kaiser, Program Analyst, Medical Services Payment Branch, BPD, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4499

RIN: 0938-AG28

1296. APPOINTMENT OF REPRESENTATIVES FOR APPEAL (BPO-120-P)

Legal Authority: 42 USC 1395ff

CFR Citation: 42 CFR 405.870; 42 CFR 405.701(c)

Legal Deadline: None

Abstract: This rule would clarify current regulations concerning: who can be appointed as representatives at Medicare appeal proceedings; the appointment procedure for representatives; whether a representative may be paid for his or her services; and the representative's specific responsibilities. These changes

HHS—HCFA

Proposed Rule Stage

would improve the administration of the claims appeal process.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lisa Vriezen, Chief Appeals Branch, Bureau of Program Operations, Department of Health and Human Services, Health Care Financing Administration, G-E-7 Meadows East Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-6477

RIN: 0938-AG30

1297. ENFORCEMENT REQUIREMENTS FOR RENAL DIALYSIS FACILITIES (HSQ-204-P)

Legal Authority: 42 USC 1395r(h)

CFR Citation: 42 CFR 405; 42 CFR 405.2181; 42 CFR 405.2182; 42 CFR 405.2184

Legal Deadline: None

Abstract: This rule would implement section 12 of PL 100-93, which amended section 1881 of the Social Security Act by adding a new paragraph (h). Paragraph (h) broadens the Secretary's authority to impose alternative sanctions on suppliers of ESRD services when the noncompliance of the supplier does not immediately jeopardize patient health and safety. Alternative sanctions provide HCFA with a more flexible response to facility deficiencies short of termination.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 07/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Debbie Schoenemann, Chief, Survey and Certification Procedures Branch, HSQ, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-6771

RIN: 0938-AG31

1298. DISCLOSURE OF CONFIDENTIAL PRO INFORMATION FOR RESEARCH PURPOSES (HSQ-208-P)

Significance: Agency Priority

Legal Authority: 42 USC 1320c-9

CFR Citation: 42 CFR 1320c-9

Legal Deadline: None

Abstract: This rule would allow Peer Review Organizations (PROs) to disclose confidential information to researchers without the consent of the individuals who would be identified. Currently, PROs can only disclose to the public nonconfidential aggregate data where no one is specifically identified. The Statute, however, provides for limited disclosure in case there are circumstances the Secretary shall by regulations provide to assure adequate protection of the rights and interest of patients, health care practitioners, or providers. HCFA is now emphasizing the sharing of PRO data for educational and research purposes as evidenced by the implementation of the Uniform Clinical Data Set and the Health Care Quality Improvement Initiative. This regulatory revision will make confidential PRO information accessible to researchers while still protecting the identities of beneficiaries and practitioners from unwarranted disclosure. PRO flexibility to share information with researchers is comparable with the revised requirements in the PRO's Fourth Scope of Work contract.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: Organizations

Government Levels Affected: State, Federal

Agency Contact: Mike Rappaport, Director, Division of Systems Management, Health Standards Quality Bureau, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-3, Meadows East Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-6759

RIN: 0938-AG33

1299. COMMUNITY SUPPORTED LIVING ARRANGEMENTS SERVICES (MB-070-P)

Legal Authority: 42 USC 1395u

CFR Citation: 42 CFR 435.3; 42 CFR 435.260; 42 CFR 440.1; 42 CFR 440.190; 42 CFR 441.400; 42 CFR 441.402; 42 CFR 441.404; 42 CFR 441.406; 42 CFR 441.408; 42 CFR 441.410; 42 CFR 441.412; 42 CFR 441.414

Legal Deadline: None

Abstract: This rule would specify requirements that must be met in order for a State to be eligible to provide community supported living arrangements services to individuals with developmental disabilities as an optional Medicaid service.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: State

Additional Information:

TIMETABLE: Pending resolution of Complex Policy Issues.

Agency Contact: Mary Jean Duckett, Chief, Home and Community Based Waivers Branch, MB, Department of Health and Human Services, Health Care Financing Administration, Room 400, EHR Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5640

RIN: 0938-AG35

1300. MEDICAID COVERAGE OF PERSONAL CARE SERVICES OUTSIDE THE HOME (MB-071-P)

Legal Authority: 42 USC 1396d(a)(7)

CFR Citation: 42 CFR 440.70

Legal Deadline: None

Abstract: This rule would implement the provisions of section 4721 of the Omnibus Budget Reconciliation Act of 1990 by adding personal care services to the statutory definition of home health services and providing that personal care services may be furnished in a home or other location. These statutory provisions are effective for services furnished on or after October 1, 1994. This rule will also reflect statutory revisions mandated by OBRA '93.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: State

HHS—HCFA

Proposed Rule Stage

Additional Information:

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Linda Sizelove, Chief, Medicaid Coverage Policy Branch, Medicaid Bureau, Department of Health and Human Services, Health Care Financing Administration, Room 400, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4626

RIN: 0938-AG36

1301. MEDICAID COVERED OUTPATIENT DRUGS UNDER DRUG REBATE (DVA LAW) (MB-072-P)

Legal Authority: PL 102-585

CFR Citation: 42 CFR 447

Legal Deadline: None

Abstract: This rule would implement section 601 of the Veterans Health Care Act (PL 102-585) which amended requirements under the Social Security Act covering payment for outpatient prescription drugs under Medicaid and provisions for Medicaid drug rebates.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Estelle Chisholm, Program Analyst, Medicaid Bureau, Department of Health and Human Services, Health Care Financing Administration, Room 300, EHR Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 965-2048

RIN: 0938-AG37

1302. • MEDICARE PROGRAMS: LIMITATIONS ON MEDICARE COVERAGE OF INTERMITTENT POSITIVE PRESSURE BREATHING MACHINE THERAPY (BPD-781-PN)

Legal Authority: 42 USC 1395x; 42 USC 1395y

CFR Citation: None

Legal Deadline: None

Abstract: Intermittent positive pressure breathing (IPPB) machine therapy is currently covered under Medicare as

durable medical equipment for patients whose ability to breathe is severally impaired. Based on a Public Health Service recommendation, we propose to place limitations on Medicare coverage of IPPB machine therapy.

Timetable:

| Action | Date | FR Cite |
|-----------------|----------|---------|
| Proposed Notice | 02/00/94 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Anne Marie Hummel, Director, Division of Medical Services Coverage Policy, BPD, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4637

RIN: 0938-AG44

1303. • NONCOVERAGE OF ELECTROSTIMULATION OF SALIVARY GLANDS FOR THE TREATMENT OF XEROSTOMIA (DRY MOUTH) (BPD-782-PN)

Legal Authority: 42 USC 1395y

CFR Citation: None

Legal Deadline: None

Abstract: This notice announces the Medicare program's intent to exclude from coverage electrostimulation of the salivary glands in the treatment of xerostomia secondary to Sjogren's Syndrome. Public Health Service (PHS) studies show that there is insufficient data to establish the clinical utility of electrostimulation to evaluate its long-term effectiveness, or to identify those xerostomia patients who would benefit from this procedure. Also, PHS reports that electrostimulation is not widely accepted as a treatment for xerostomia secondary to Sjogren's Syndrome.

Timetable:

| Action | Date | FR Cite |
|-----------------|----------|---------|
| Proposed Notice | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne Marie Hummel, Director, Division of Medical Services Coverage Policy, BPD, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR Building, 6325 Security

Boulevard, Baltimore, Maryland 21207, 410 966-4637

RIN: 0938-AG45

1304. • MEDICARE PROGRAM: CHANGES TO THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEMS AND FISCAL YEAR 1995 RATES (BPD-785-P)

Significance: Agency Priority

Legal Authority: 42 USC 1395ww

CFR Citation: 42 CFR 412; 42 CFR 413

Legal Deadline: NPRM, Statutory, May 1, 1994. Final, Statutory, September 1, 1994.

Abstract: This rule will make revisions to the inpatient hospital prospective payment systems for operating costs and capital-related costs. It also will include changes in the methods, amounts, and factors used to determine the prospective payment rates applicable to discharges occurring during FY 1995. In addition, the final rule sets forth the rate-of-increase limits for hospitals and hospital units excluded from the prospective payment systems.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 05/00/94 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: State, Federal

Agency Contact: Barbara Wynn, Director, Division of Hospital Payment Policy, BPD, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-1, ELR Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4529

RIN: 0938-AG46

1305. • TELEPHONE REQUESTS FOR REVIEW OF INITIAL DETERMINATIONS (BPO-121-P)

Legal Authority: 42 USC 1395ff

CFR Citation: 42 CFR 405.807

Legal Deadline: None

Abstract: Current Medicare regulations allow a Medicare beneficiary to appeal, in writing, decisions to deny payment for a claim under supplementary medical insurance. This rule would allow a beneficiary to appeal an initial

HHS—HCFA

Proposed Rule Stage

payment determination either in writing or by telephone.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 07/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rosaline Little, Division of Carrier Procedures, BPO, Department of Health and Human Services, Health Care Financing Administration, G-A-7 Meadows East Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-6972

RIN: 0938-AG48

1306. • REFINEMENTS TO THE PHYSICIAN FEE SCHEDULE GEOGRAPHIC ADJUSTMENT FACTOR VALUES AND OTHER CHANGES (BPD-789-PN)

Significance: Agency Priority

Legal Authority: 42 USC 1395w-4

CFR Citation: 42 CFR None

Legal Deadline: Other, Statutory, January 1, 1995.

Abstract: This notice would announce new geographic practice cost index (GPCI) values reflecting updated data and methodological refinements. The statute requires HCFA to comprehensively review and update the GPCI values at least every 3 years. Since the initial GPCI values went into effect in 1992, this proposed notice represents the first triennial overhaul of the GPCIs. The final notice would be published later in 1994, and the values effective January 1, 1995.

In addition, the notice will announce changes that HCFA proposes to make to the physician fee schedule.

Timetable:

| Action | Date | FR Cite |
|-----------------|----------|---------|
| Proposed Notice | 07/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Ulikowski, Health Insurance Specialist, Office of Payment Policy, BPD, Department of Health and Human Services, Health Care Financing Administration, 1-H-5, ELR Building, 6325 Security Boulevard, Baltimore, Maryland, 410 966-5721

RIN: 0938-AG52

1307. • CONDITIONS FOR PAYMENT FOR PHYSICIANS' SERVICES IN TEACHING SETTINGS (BPD-792-P)

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1395w

CFR Citation: 42 CFR 405; 42 CFR 415

Legal Deadline: None

Abstract: This rule would establish in regulations current payment policy concerning teaching physicians' services. It would also establish in regulations certain policies relating to the coverage and payment of the services of residents in settings other than hospitals. (This proposed rule will supersede the proposed rule published on February 7, 1989 (54 FR 5946)).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 05/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: William Morse, Program Analyst, Physician and Practitioner Payment Branch, Department of Health and Human Services, Health Care Financing Administration, 1-H-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4520

RIN: 0938-AG53

1308. • DATE FOR FILING MEDICARE COST REPORTS (BPD-794-P)

Legal Authority: 42 USC 1395g

CFR Citation: 42 CFR 405.376; 42 CFR 413.24

Legal Deadline: None

Abstract: This rule would extend the 3-month timeframe allowed providers for filing cost reports with intermediaries to a 5-month timeframe. It would also extend the amount of time allowed to the intermediaries to provide Provider Summary Reports to the providers before the providers can prepare the cost report.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and

Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4513

RIN: 0938-AG55

1309. • LIMITATIONS ON REVISIONS TO FINAL ADMINISTRATIVE COST PROPOSALS (BPO-122-P)

Legal Authority: 42 USC 1395g; 42 USC 1395h; 42 USC 1395u; 42 USC 1395kk

CFR Citation: 42 CFR 421.10

Legal Deadline: None

Abstract: This rule would establish a time limit beyond which fiscal intermediaries and carriers may not claim reimbursement for incurred administrative costs. Under current procedures, these costs are claimed on an intermediary's or carrier's final administrative cost proposed report submitted shortly after the close of the fiscal year but open to revision. We propose to no longer accept revisions to that report submitted significantly after the report's due date.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Don Posen, Health Insurance Specialist, Bureau of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 343, ME Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-7533

RIN: 0938-AG57

1310. • NEW LOOK BEHIND FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED (ICFS/MR) (HSQ-214-P)

Legal Authority: 42 USC 1396i

CFR Citation: 42 CFR 442.116

Legal Deadline: None

Abstract: The rule would add regulations to delineate HCFA/DHHS authority to cancel the Medicaid approval of an intermediate care facility for the mentally retarded (ICF/MR) if

HHS—HCFA

Proposed Rule Stage

HCFA determines that the facility has failed to meet Medicaid certification requirements. The rule would also eliminate the current regulatory policy by which States are entitled to up to 120 days of FFP for ICFs/MR having been terminated from the Medicaid program, while their appeals are pending.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Pamela V. Vocke, Director, Division of Program Operations, Health Standards and Quality Bureau, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2, ME Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-7089

RIN: 0938-AG58

1311. • EFFECT OF CHANGE OF OWNERSHIP ON PROVIDER AND SUPPLIER PENALTIES, SANCTIONS, AND OVERPAYMENTS (HSQ-215-P)

Legal Authority: 42 USC 1395hh

CFR Citation: 42 CFR 405.1803; 42 CFR 405.1811; 42 CFR 405.1835; 42 CFR 489.18

Legal Deadline: None

Abstract: This rule would amend regulations on provider agreements to clarify the effect a change of ownership has on penalties and sanctions incurred by Medicare providers and suppliers. It would state that all Medicare penalties and sanctions are automatically assigned to a new owner unless otherwise stated in the change of ownership. It would also extend the same principle to overpayments; i.e., we would amend the regulations on provider overpayments to require the new owner of a provider or a supplier to be liable for any Medicare overpayments paid to the previous owner unless otherwise stated in the change of ownership. Finally, we would clarify the effect of a leasing arrangement has on a provider agreement and on supplier approval.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Pamela V. Vocke, Director of Program Operations, Health Standards and Quality Bureau, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2, ME Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-7089

RIN: 0938-AG59

1312. • INSTITUTIONAL PLAN AMENDMENT FINDINGS (MB-078-P)

Legal Authority: 42 USC 1396a(a)(13)(A); PL 97-35, Sec 2173

CFR Citation: 42 CFR 430; 42 CFR 447

Legal Deadline: None

Abstract: This rule would provide guidance to States on institutional plan amendment findings and clarify the provisions of the regulations governing effective dates of plan amendments for Medicaid payments of hospital and long term care services. This proposed rule would promote increased economy in the administration of the Medicaid program while retaining State flexibility to the maximum extent possible.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Bernie Truffer, Director, Division of Payment Policy, Department of Health and Human Services, Health Care Financing Administration, Room 233, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-1357

RIN: 0938-AG60

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Health Care Financing Administration (HCFA)

Final Rule Stage

**1313. MEDICAID ELIGIBILITY AND
 COVERAGE REQUIREMENTS (MB-001-
 F)**

Significance: Regulatory Program

Legal Authority: 42 USC 1396a(a)(10);
 42 USC 1396a(f); 42 USC 1396a(a)(17);
 42 USC 1396b(f)(1); 42 USC 1396d(a)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: This final rule amends the regulations for determining Medicaid eligibility. The amendments implement or conform the regulations to various statutes, including the Tax Equity and Fiscal Responsibility Act of 1982 (PL 97-248), the Omnibus Budget Reconciliation Act (OBRA) of 1987 (PL 100-203), the Medicare Catastrophic

Coverage Act of 1988 (PL 100-360), OBRA '89 (PL 101-239) and OBRA '90 (PL 101-508). The amendments also make some administrative changes to clarify policy and enhance the efficient operation of the Medicaid program.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| NPRM | 09/26/89 | 54 FR 39421 |
| NPRM Comment Period End | 11/27/89 | 54 FR 39421 |
| Final Rule With Comment Period | 01/19/93 | 58 FR 4908 |
| Public Comment Period End | 02/16/93 | 58 FR 4908 |
| Effective Date Generally | 02/18/93 | 58 FR 9120 |

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|---|----------|------------|
| Effective Date for Secs. 435.604, 435.606, 436.604, and 436.606 | 04/19/93 | 58 FR 9120 |
| Final Action | 00/00/00 | |

Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information:

TIMETABLE: Pending review of complex policy issues.

Agency Contact: Marinos Svolos, Director, Division of Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323 EHR, 6325

HHS—HCFA

Final Rule Stage

Security Blvd., Baltimore, MD 21207,
410 966-4451

RIN: 0938-AA58

**1314. DEDUCTION OF INCURRED
MEDICAL EXPENSES (SPENDDOWN)
(MB-020-FC)**

Legal Authority: 42 USC 1396a(a)(10);
42 USC 1396a(a)(17)

CFR Citation: 42 CFR 435.732; 42 CFR
435.831; 42 CFR 436.831

Legal Deadline: None

Abstract: These regulations will permit States to revise the process by which medical expenses are considered in determining Medicaid eligibility. This process applies when an individual's income level during a budget period would ordinarily preclude eligibility except that incurred medical expenses reduce income to the eligibility level.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| NPRM | 09/02/83 | 48 FR 39959 |
| NPRM Comment Period End | 11/01/83 | 48 FR 39959 |
| Final Rule With Comment Period | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Marinos Svolos,
Director, Division of Eligibility Policy,
Department of Health and Human
Services, Health Care Financing
Administration, Room 323 East High
Rise Bldg., 6325 Security Boulevard,
Baltimore, MD 21207, 410 966-4451

RIN: 0938-AB07

**1315. HOME AND COMMUNITY-BASED
SERVICES AND RESPIRATORY CARE
FOR VENTILATOR-DEPENDENT
INDIVIDUALS (MB-8-FC)**

Legal Authority: 42 USC 1396n(c)

CFR Citation: 42 CFR 435.726; 42 CFR
435.735; 42 CFR 440.180; 42 CFR
441.301; 42 CFR 441.302; 42 CFR
441.303; 42 CFR 441.304; 42 CFR
441.305; 42 CFR 441.306; 42 CFR
441.307; 42 CFR 441.308; 42 CFR
441.310; 42 CFR 440.185; 42 CFR
440.250

Legal Deadline: None

Abstract: This rule revises the regulations for home and community based services as required by section 9502 of PL 99-272, sections 9408 and 9411 of PL 99-509, sections 4102 and

4118 of PL 100-203, sections 411(k)(10)(A) and 411(k)(10)(H) of PL 100-360, section 8427 of PL 100-647, and sections 4741 and 4742 of PL 101-508.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/01/88 | 53 FR 19950 |
| NPRM Comment Period End | 07/31/88 | 53 FR 19950 |
| Final Action | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local,
State

Additional Information:

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Robert Wardwell,
Director, Division of Coverage Policy,
Department of Health and Human
Services, Health Care Financing
Administration, Room 400 EHR, 6325
Security Blvd., Baltimore, MD 21207,
410 966-5659

RIN: 0938-AC55

**1316. PARTICIPATION IN CHAMPUS
AND CHAMPVA, HOSPITAL
ADMISSIONS FOR VETERANS,
DISCHARGE RIGHTS NOTICE, AND
HOSPITAL RESPONSIBILITY FOR
EMERGENCY CARE (BPD-393-FC)**

Legal Authority: 42 USC 1395x; 42
USC 1395cc; 42 USC 1395dd

CFR Citation: 42 CFR 488.18; 42 CFR
489.20; 42 CFR 489.24; 42 CFR 489.25;
42 CFR 489.26; 42 CFR 489.27; 42 CFR
489.53; 42 CFR 1003

Legal Deadline: None

Abstract: This final rule with comment period will formally implement statutory requirements that require Medicare participating hospitals with emergency departments to provide upon request medical examinations and treatments for individuals with emergency medical conditions and women in labor. A participating hospital that has specialized capabilities or facilities (such as burn, shock trauma, or neonatal intensive care units) must accept an appropriate transfer if they have the capacity to treat the individual. Hospitals failing to meet those requirements may have their Medicare provider agreements terminated, and hospitals and responsible physicians may be subject to civil money penalties. Under section

9122 of PL 99-272, Medicare participating hospitals are required to accept CHAMPUS and CHAMPVA payment as payment in full for services provided to CHAMPUS and CHAMPVA beneficiaries. These regulations will also implement section 9305(b) of PL 99-509, which requires Medicare hospitals to give patients a notice of their discharge rights.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| NPRM | 06/16/88 | 53 FR 22513 |
| NPRM Comment Period End | 08/15/88 | 53 FR 22513 |
| Final Rule With Comment Period | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thomas Hoyer,
Director, Division of Provider Services
Coverage Policy, Department of Health
and Human Services, Health Care
Financing Administration, Room 401
EHR Bldg., 6325 Security Blvd.,
Baltimore, MD 21207, 410 966-4607

RIN: 0938-AC58

**1317. REVISED EFFECTIVE DATE OF
MEDICARE/MEDICAID PROVIDER
AGREEMENT AND SUPPLIER
PARTICIPATION (HSQ-139-F)**

Legal Authority: 42 USC 1395cc; 42
USC 1396i

CFR Citation: 42 CFR 440.10; 42 CFR
440.70; 42 CFR 442.13; 42 CFR 488.11;
42 CFR 489.13; 42 CFR 498.3

Legal Deadline: None

Abstract: This rule will establish uniform rules for determining the effective date of participation for all providers and suppliers whose Medicare or Medicaid approval requires onsite surveys by the State survey agency. Also, it provides criteria for determining the effective date of participation for those providers and suppliers who are deemed to meet the conditions by an accreditation. It would also specify that those dissatisfied with a decision on their effective date of participation under Medicare are entitled to a Medicare reconsideration and hearing on the decision.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 10/08/92 | 57 FR 46362 |

HHS—HCFA

Final Rule Stage

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM Comment Period End | 12/07/92 | |
| Final Action | 03/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Pam Vocke, Director, Division of Program Operations, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 410 966-7089

RIN: 0938-AC88

1318. CHANGES CONCERNING SUSPENSION OF MEDICARE PAYMENTS AND DETERMINATIONS OF ALLOWABLE INTEREST EXPENSE (BPO-118-FC)

Legal Authority: 42 USC 1320b-4; 42 USC 1395g; 42 USC 1395x(v)(1)(A); 42 USC 1395l; 42 USC 1395gg

CFR Citation: 42 CFR 413.153; 42 CFR 405.370; 42 CFR 413.5(c)(3); 42 CFR 405.371; 42 CFR 405.372; 42 CFR 405.373; 42 CFR 405.375

Legal Deadline: None

Abstract: This rule will change the Medicare regulations to provide for the following: (1) elimination of the requirement that in case of overpayments to health care providers, the contractor makes a determination that a suspension of payment is needed to protect the program against financial loss before the payment can be suspended; (2) clarification of procedures and roles of contractors, HCFA, and the OIG relating to suspension of payment; (3) elimination of the requirement that investment income of providers from gifts, grants, and endowments be offset against allowable interest expenses if that investment income is commingled with other funds; and (4) extension of the list of exceptions to the interest expense investment income offset provision to include investment income from deferred compensation plans and self-insurance funds.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 08/22/88 | 53 FR 31888 |

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| NPRM Comment Period End | 10/21/88 | 53 FR 31888 |
| Final Rule With Comment Period | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending resolution of complex administrative issues.

Agency Contact: Sam Guida, Director, Div. of Acct Managmt & Collections, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-E-6 Meadows East Building, 6325 Security Blvd., Baltimore, MD 21207, 410 966-7495

RIN: 0938-AC99

1319. CHANGES CONCERNING THE DEFINITION OF ACCRUAL BASIS OF ACCOUNTING (BPD-366-F)

Legal Authority: 42 USC 1395x(v)(1)(A)

CFR Citation: 42 CFR 413.24

Legal Deadline: None

Abstract: This rule revises the Medicare regulations to clarify the definition of "accrual basis of accounting" to indicate that expenses must be incurred by a provider of health care services before Medicare will pay its share of those expenses. This change is intended to incorporate into the regulations Medicare's longstanding policy regarding the circumstances under which we recognize, for the purposes of program payment, a provider's claim for costs for which it has not actually expended funds during the current cost reporting period.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/09/91 | 56 FR 50834 |
| NPRM Comment Period End | 12/09/91 | 56 FR 50834 |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4513

RIN: 0938-AD01

1320. CRITERIA AND PROCEDURES FOR MAKING MEDICAL SERVICES COVERAGE DECISIONS THAT RELATE TO HEALTH CARE TECHNOLOGY (BPD-432-F)

Legal Authority: 42 USC 1395y

CFR Citation: 42 CFR 400.200; 42 CFR 405.201; 42 CFR 405.203; 42 CFR 405.205; 42 CFR 405.207; 42 CFR 405.209

Legal Deadline: None

Abstract: The rule will establish in regulations generally applicable standards and procedures for determinations as to whether and under what circumstances specific medical items and services should be paid for under Medicare. It establishes and explains the criteria relied upon for determining whether an item or service is "reasonable and necessary." The objective of the criteria and procedures set forth in this rule is to assure that Federal funds are expended only for medical services that are properly covered under the Medicare program.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 01/30/89 | 54 FR 4302 |
| NPRM Comment Period End | 03/31/89 | 54 FR 4302 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Anne Marie Hummel, Director, Division of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 401 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 410 966-4637

RIN: 0938-AD07

1321. REVISIONS TO CONDITIONS OF PARTICIPATION FOR HOSPITALS AND CONDITIONS FOR COVERAGE OF SUPPLIERS OF END-STAGE RENAL DISEASE SERVICES (BPD-421-F)

Legal Authority: 42 USC 1395x(e)(6)(B); 42 USC 1395x(oe); PL 99-509, Sec 9339(d)

CFR Citation: 42 CFR 405; 42 CFR 482

Legal Deadline: None

HHS—HCFA

Final Rule Stage

Abstract: This final rule will require hospitals, as a condition of participation, to provide a discharge planning process for Medicare patients in accordance with section 9305(c) of PL 99-509. Revisions will also implement section 6025 of PL 101-239 to allow a doctor of dental surgery or dental medicine to be a hospital medical director if the laws of the State in which the hospital is located permit. The preamble to this final rule withdraws proposed regulations for the qualifications of laboratory directors under section 9339(d) of PL 99-509. The information collection burden of several end-stage renal disease regulations is reduced.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/16/88 | 53 FR 22506 |
| NPRM Comment | 08/15/88 | 53 FR 22506 |
| Period End | | |
| Final Action | 01/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Thomas Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401 EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4607

RIN: 0938-AD11

1322. PROHIBITION ON UNBUNDLING OF HOSPITAL OUTPATIENT SERVICES (BPD-426-F)

Legal Authority: 42 USC 1395y(a)(14); 42 USC 1395cc(a)(1)(H); 42 USC 1395cc(g); 42 USC 1395x(w)(1)

CFR Citation: 42 CFR 405; 42 CFR 409; 42 CFR 410; 42 CFR 411; 42 CFR 412; 42 CFR 489; 42 CFR 1003

Legal Deadline: None

Abstract: These regulations will implement sections 9343(c)(1), (c)(2), and (c)(3) of the Omnibus Budget Reconciliation Act of 1986, as amended by section 4157 of the Omnibus Budget Reconciliation Act of 1990. This rule, issued jointly by HCFA and OIG, will prohibit Medicare payment for most nonphysician services furnished to a hospital outpatient by a provider or supplier other than the hospital, unless the services are furnished under an arrangement with the hospital. The hospital will be obligated by its provider agreement to furnish the

services directly or under an arrangement. These regulations also authorize OIG to impose a civil money penalty, not to exceed \$2,000, against any individual who knowingly and willfully presents, or causes to be presented, a bill or request for payment for a hospital outpatient service under Part B of Medicare in violation of an arrangement.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/05/88 | 53 FR 29486 |
| NPRM Comment | 10/04/88 | 53 FR 29486 |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses**Government Levels Affected:** None**Additional Information:**

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 401 EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4607

RIN: 0938-AD33

1323. CHANGES TO PEER REVIEW ORGANIZATION REGULATIONS (HSQ-135-F)

Legal Authority: 42 USC 1395y(a); 42 USC 1320c; 42 USC 1396a(a)(30); 42 USC 1395cc(a)

CFR Citation: 42 CFR 400.200; 42 CFR 411.15; 42 CFR 431.630; 42 CFR 433.15; 42 CFR 462.1; 42 CFR 462.101; 42 CFR 462.102; 42 CFR 462.106; 42 CFR 462.107; 42 CFR 66.1; 42 CFR 466.71; 42 CFR 466.76; 42 CFR 466.78; 42 CFR 466.83

Legal Deadline: None

Abstract: This rule sets forth several changes to regulations that govern Peer Review Organizations (PROs) and is based on legislative changes contained in the Consolidated Omnibus Budget Reconciliation Act of 1985 (PL 99-272) and the Omnibus Budget Reconciliation Act of 1986 (PL 99-503). In addition, several technical changes have been proposed, as a result of experience gained with the PRO program by HCFA. This rule also implements the new quality review requirements for certain Medicaid Health Maintenance Organization contracts.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 03/16/88 | 53 FR 8654 |
| NPRM Comment | 05/16/88 | 53 FR 8654 |
| Period End | | |
| Final Action | 02/00/94 | |

Small Entities Affected: None**Government Levels Affected:** Undetermined

Agency Contact: Harvey Brook, Office of Peer Review, Department of Health and Human Services, Health Care Financing Administration, Rm. 2-D-2 Meadows East Bldg., 6325 Security Blvd., Baltimore, MD. 21207, 410 966-6853

RIN: 0938-AD38

1324. HOME AND COMMUNITY-BASED SERVICES FOR THE ELDERLY (MB-019-F)

Legal Authority: 42 USC 1396n(d)

CFR Citation: 42 CFR 435.3; 42 CFR 435.217; 42 CFR 435.726; 42 CFR 435.735; 42 CFR 436.2; 42 CFR 436.217; 42 CFR 440.250; 42 CFR 441.10; 42 CFR 441.350 to 441.357; 42 CFR 441.360; 42 CFR 441.365; 42 CFR 400.203; 42 CFR 440.1; 42 CFR 440.181

Legal Deadline: Final, Statutory, October 1, 1989.

Abstract: This regulation implements section 1915(d) of the Social Security Act, which allows a State to obtain a waiver of certain Medicaid requirements to permit Federal financial participation for home and community based services provided to individuals age 65 or older who are shown by an evaluation to be likely to require the level of care provided in a skilled nursing facility (SNF), intermediate care facility (ICF), a nursing facility (NF) effective October 1, 1990, the cost for which could be paid by Medicaid. The statute allows for waivers of statewideness, comparability, and income deeming. Under the waiver provisions, the total amount expended by the State for home and community based services, SNF services, and ICF services (NF effective October 1, 1990) for individuals over age 65 may not exceed a "projected amount," determined under the methodology provided in these regulations. For States electing this option the waiver would replace home and community based waivers available under section 1915(c) of the Act, for individuals in this age category.

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Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Interim Final Rule With Comment Period | 06/30/92 | 57 FR 29142 |
| Effective Date | 08/30/92 | 57 FR 29142 |
| Public Comment Period End | 08/31/92 | 57 FR 29142 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional Information:

TIMETABLE: Pending analysis of public comments.

Agency Contact: Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400 EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-5659

RIN: 0938-AD55

1325. PAYMENT FOR DURABLE MEDICAL EQUIPMENT AND ORTHOTIC AND PROSTHETIC DEVICES (BPD-494-F)

Legal Authority: 42 USC 1395m(a); 42 USC 1395x(n)

CFR Citation: 42 CFR 405.501; 42 CFR 405.514; 42 CFR 414.200; 42 CFR 414.202; 42 CFR 414.210; 42 CFR 414.220; 42 CFR 414.222; 42 CFR 414.226; 42 CFR 414.228; 42 CFR 414.229; 42 CFR 410.36; 42 CFR 410.38; 42 CFR 414.232

Legal Deadline: None

Abstract: This final rule responds to comments received in response to the final rule with comment period (57 FR 57675) implementing section 4062 of PL 100-203 and sections 4152 and 4153 of PL 101-508. That rule established fee schedules and payment methodologies that govern payments for six categories of durable medical equipment and orthotic and prosthetic devices. If changes are warranted based on our evaluation of comments, they will be incorporated in this final rule. It will also reflect statutory revisions mandated by OBRA '93.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 12/07/92 | 57 FR 57675 |
| Effective Date | 01/06/93 | 57 FR 57675 |

| Action | Date | FR Cite |
|---------------------------|----------|-------------|
| Public Comment Period End | 02/05/93 | 57 FR 57675 |
| Final Action | 07/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Payment, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4497

RIN: 0938-AD65

1326. MEDICARE SECONDARY PAYER FOR DISABLED ACTIVE INDIVIDUALS (BPD-482-FC)

Legal Authority: 42 USC 1395y(b)

CFR Citation: 42 CFR 411

Legal Deadline: None

Abstract: This rule implements the Medicare secondary payer provision for disabled "active individuals" who are also covered under large group health plans (LGHP) and prohibits discrimination by LGHPs against such individuals. It will also reflect statutory revisions mandated by OBRA '93.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 03/08/90 | 55 FR 8491 |
| NPRM Comment Period End | 05/08/90 | 55 FR 8491 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending resolution of complex policy/operational issues.

Agency Contact: Herbert Pollock, Chief, Medicare Benefit Coordination Policy Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Blvd., Baltimore, Maryland 21207, 410 966-4474

RIN: 0938-AD73

1327. MEDICARE COVERAGE OF HOME HEALTH SERVICES, MEDICARE CONDITIONS OF PARTICIPATION AND HOME HEALTH AIDE SUPERVISION (BPD-469-F)

Legal Authority: 42 USC 1395x(m); 42 USC 1395x(o); 42 USC 1395x(f); 42 USC 1395x(n); 42 USC 1395f(dd)

CFR Citation: 42 CFR 409; 42 CFR 413; 42 CFR 418; 42 CFR 484

Legal Deadline: None

Abstract: These regulations establish home health aide supervision and duty requirements applicable to all home health agencies and hospices that provide home health aide services under the Medicare program. In addition, these regulations codify longstanding policies concerning the limitations and exclusions applicable to home health services covered under the Medicare program. The rule also clarifies policies concerning exclusions for drugs and biological and prosthetic devices.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/27/91 | 56 FR 49154 |
| NPRM Comment Period End | 11/26/91 | 56 FR 49154 |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401 EHR, 6325 Security Blvd., Baltimore, Md. 21207, 410 966-4607

RIN: 0938-AD78

1328. APPEALS FOR ENROLLEES OF PREPAID HEALTH CARE PLANS (OCC-020-F)

Legal Authority: 42 USC 1395mm; 42 USC 1395l(a)(1)(A)

CFR Citation: 42 CFR 405; 42 CFR 417; 42 CFR 482

Legal Deadline: None

Abstract: This rule will amend or establish regulations relating to appeal rights and procedures for Medicare beneficiaries who are enrolled in health maintenance organizations (HMOs), competitive medical plans (CMPs), and health care prepayment plans (HCPPs). Specifically, the rule will extend to HMO and CMP members the right to request review by a PRO of early hospital discharges; impose a 60-day limit for HMOs and CMPs to process requests by beneficiaries for reconsideration of decisions on denied services or claims; and require HCPPs to establish appeal procedures for enrollees who are Medicare

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beneficiaries. These changes are aimed at improving efficiency and at providing beneficiaries equitable appeal rights, regardless of their enrollment status.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/07/92 | 57 FR 46119 |
| NPRM Comment Period End | 12/07/92 | 57 FR 46119 |
| Final Action | 04/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Maureen Miller, Program Analyst, Office of Coordinated Care Policy and Planning, Department of Health and Human Services, Health Care Financing Administration, Room 4360 Cohen Building, 330 Independence Ave. SW., Washington, DC 20201, 202 619-0129

RIN: 0938-AD79

1329. OMNIBUS NURSING HOME REFORM REQUIREMENTS (BPD-488-F)

Significance: Agency Priority

Legal Authority: 42 USC 1395i-3; 42 USC 1395x; 42 USC 1396r

CFR Citation: 42 CFR 418; 42 CFR 440; 42 CFR 441; 42 CFR 482; 42 CFR 483; 42 CFR 488

Legal Deadline: None

Abstract: This rule would implement several provisions of the Omnibus Budget Reconciliation Act of 1987, other than those implemented through the rules published on February 2, 1989, and September 26, 1991, governing long term care facility participation in the Medicare and Medicaid programs effective October 1, 1990, and State requirements for Federal financial participation. The provisions include Federal standards for evaluating State waivers of nursing facility nurse staffing requirements, use of physical restraints and psychopharmacologic drugs for nursing facility residents, qualifications of nursing home administrators, notices of Medicaid rights to be given to persons admitted to nursing facilities, and other technical changes.

Timetable:

| Action | Date | FR Cite |
|--------|----------|------------|
| NPRM | 02/05/92 | 57 FR 4516 |

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM Comment Period End | 04/06/92 | 57 FR 4516 |
| Final Action | 08/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Agency Contact: Bill Ullman, Program Analyst, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5667

RIN: 0938-AD81

1330. FEE SCHEDULE FOR PAYMENT OF THERAPEUTIC AND DIAGNOSTIC SERVICES OTHER THAN PSYCHOLOGICAL TESTING PROVIDED BY CLINICAL PSYCHOLOGISTS AND CLINICAL SOCIAL WORKERS (BPD-495-IFC)

Legal Authority: 42 USC 1395k(a)(2)(B)(iii); 42 USC 1395x(gg); 42 USC 1395x(hh); 42 USC 1395w-4; 42 USC 1395x(b); 42 USC 1395l(a)(1)(L); 42 USC 1395x(s)

CFR Citation: 42 CFR 410

Legal Deadline: None

Abstract: This interim final rule with comment period establishes fee schedules for payment for therapeutic and miscellaneous diagnostic services furnished under Medicare Part B by clinical psychologists or incident to the services of a clinical psychologist, and a clinical social worker. It implements a portion of section 4077(b) of the Omnibus Budget Reconciliation Act of 1987 as amended. It will also reflect statutory revisions mandated by OBRA '93.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| Interim Final Rule With Comment Period | 12/00/93 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Payment, Department of Health and Human Services, Health Care Financing Administration, 1-H-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4497

RIN: 0938-AD84

1331. SURVEY AND CERTIFICATION OF SKILLED NURSING FACILITIES AND NURSING FACILITIES AND ENFORCEMENT PROCEDURES (HSQ-156-F)

Significance: Regulatory Program

Legal Authority: 42 USC 1395aa; 42 USC 1395i-3(g); 42 USC 1396r(g)

CFR Citation: 42 CFR 488; 42 CFR 431; 42 CFR 442; 42 CFR 489

Legal Deadline: Final, Statutory, January 1, 1988.

Abstract: This rule would implement sections 4202, 4203, 4212, and 4213 of the Omnibus Budget Reconciliation Act of 1987 (PL 100-203) which govern the process used by HCFA to survey long-term care facilities, and to certify that the facilities meet the participation requirements for the Medicare and Medicaid programs. The rule would also specify a number of sanctions or remedies that could be used when a skilled nursing facility or nursing facility is out of compliance with Federal requirements as an alternative to or in addition to termination.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/28/92 | 57 FR 39278 |
| NPRM Comment Period End | 10/27/92 | 57 FR 39278 |
| Final Action | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Pam Vocke, Director, Division of Program Operations, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2, ME Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-7089

RIN: 0938-AD94

1332. DIAGNOSIS CODES ON PHYSICIAN BILLS (BPD-610-F)

Legal Authority: 42 USC 1395u(p)

CFR Citation: 42 CFR 424.3; 42 CFR 424.32; 42 CFR 424.34

Legal Deadline: None

Abstract: This rule requires each bill or request for payment for a service furnished by a physician under Medicare Part B to include appropriate diagnostic coding for the diagnosis on the nature of the illness or injury for

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which the Medicare beneficiary received care. This rule implements certain provisions of section 202(g) of PL 100-360.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/21/89 | 54 FR 30558 |
| NPRM Comment Period End | 09/19/89 | 54 FR 30558 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pat Brooks, Director, Medical Coding Policy Staff, Department of Health and Human Services, Health Care Financing Administration, 401 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5318

RIN: 0938-AE06

1333. HMOS: GROUP SPECIFIC RATINGS (OCC-009-F)

Legal Authority: 42 USC 300e(b); 42 USC 300e-1(8)(C)

CFR Citation: 42 CFR 417.104; 42 CFR 417.107

Legal Deadline: None

Abstract: This rule amends the regulations governing payment for basic health services under the community rating system in federally qualified HMOs by implementing certain changes made by the Health Maintenance Organization Amendments of 1988 (PL 100-517). The changes broaden the definition of community rating, place some restrictions on the use of group specific ratings for small groups, and require HMOs using group specific rates to disclose the method and data used in calculating the rates of payment to employers or contracting entities.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| NPRM | 07/11/91 | 56 FR 31597 |
| Public Comment Period End | 09/09/91 | 56 FR 31597 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

TIMETABLE: Pending health care reform initiative.

Agency Contact: Maureen Miller, Program Analyst, Office of Coordinated Care Policy and Planning, Department

of Health and Human Services, Health Care Financing Administration, Room 4360 Cohen Building, 330 Independence Avenue SW., Washington, DC 20201, 202 619-0129

RIN: 0938-AE24

1334. HMO ORGANIZATIONAL STRUCTURE AND SERVICES (OCC-019-F)

Significance: Regulatory Program

Legal Authority: 42 USC 300e(a); 42 USC 300e(b)(1); 42 USC 300e(b)(3)(A); 42 USC 300e(c)

CFR Citation: 42 CFR 417.100; 42 CFR 417.101; 42 CFR 417.103; 42 CFR 417.104; 42 CFR 417.107

Legal Deadline: None

Abstract: This regulation will provide organizations which operate health maintenance organizations (HMOs) which are federally qualified under Title XIII of the Public Health Service Act with greater flexibility in operating other health benefit plans. It would also authorize, with certain limitations, qualified HMOs to offer out-of-plan physician services and require a reasonable deductible for those services. It would permit the HMO to use assets of the parent organization to meet fiscal soundness and insolvency protection requirements.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/15/93 | 58 FR 38170 |
| NPRM Comment Period End | 09/13/93 | 58 FR 38170 |
| Final Action | 01/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maureen Miller, Analyst, Office of Coordinated Care Policy and Planning, Department of Health and Human Services, Health Care Financing Administration, Room 4360, Cohen Bldg., 330 Independence Avenue SW., Washington, DC 20201, 202 619-0129

RIN: 0938-AE25

1335. "CONFINED TO THE HOME" REQUIREMENTS FOR HOME HEALTH SERVICES (BPD-626-F)

Legal Authority: 42 USC 1395f(a)(2)(C); 42 USC 1395n(a)(2)(A)

CFR Citation: 42 CFR 409.42

Legal Deadline: None

Abstract: This rule clarifies when a home health patient is considered "confined to the home" in order to receive home health benefits.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/07/91 | 56 FR 50542 |
| NPRM Comment Period End | 12/06/91 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401 EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4607

RIN: 0938-AE34

1336. PAYMENT ADJUSTMENTS FOR HOSPITALS THAT SERVE A DISPROPORTIONATE NUMBER OF LOW-INCOME PATIENTS (MB-017-IFC)

Legal Authority: 42 USC 1396a(a)(13)(A); 42 USC 1396r-4

CFR Citation: 42 CFR 412; 42 CFR 440; 42 CFR 447

Legal Deadline: None

Abstract: This rule establishes the requirements and options for Medicaid payments to hospitals that serve a disproportionate number of low-income patients with special needs. The Medicaid agency will be required to make payment adjustments to these hospitals when such hospitals have met specified conditions.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 03/19/90 | 55 FR 10077 |
| NPRM Comment Period End | 05/18/90 | 55 FR 10077 |
| Interim Final Rule | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: State

Additional Information:

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Bernard Truffer, Director, Division of Payment Policy, Department of Health and Human Services, Health Care Financing Administration, Room 291, EHR, 6325

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Security Boulevard, Baltimore, MD
21207, 410 966-1357
RIN: 0938-AE35

1337. SURVEY REQUIREMENTS AND ALTERNATIVE SANCTIONS FOR HOME HEALTH AGENCIES (HSQ-169-F)

Legal Authority: 42 USC 1395w-2; 42 USC 1395bbb
CFR Citation: 42 CFR 488; 42 CFR 489; 42 CFR 498
Legal Deadline: None

Abstract: These rules would establish periodic, unannounced surveys of home health agencies and other survey requirements and also would specify a number of sanctions that could be used, when a home health agency is out of compliance with Federal requirements, as an alternative or in addition to terminating its participation in the Medicare program.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/02/91 | 56 FR 37054 |
| NPRM Comment Period End | 10/01/91 | 56 FR 37054 |
| Final Action | 02/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Agency Contact: Pam Vocke, Director, Division of Program Operations, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East, 6300 Security Boulevard, Baltimore, MD 21207, 410 966-7089

RIN: 0938-AE39

1338. HOSPITAL STANDARD FOR HIV INFECTIOUS BLOOD (BPD-633-P)

Legal Authority: 42 USC 1395x(e)(9)
CFR Citation: 42 CFR 482
Legal Deadline: None

Abstract: This proposed rule would require hospitals or blood banks providing services to hospitals to notify either each recipient or each recipient's physician when potentially HIV infectious blood has been administered, and to offer each recipient counseling and testing. This rule implements a recommendation of the President's Commission on AIDS.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/30/93 | 58 FR 34977 |
| NPRM Comment Period End | 08/30/93 | 58 FR 34977 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joyce Eng, Program Analyst, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Blvd, Baltimore, MD 21207, 410 966-4619

RIN: 0938-AE40

1339. MEDICARE, MEDICAID, AND CLIA PROGRAMS: REGULATIONS IMPLEMENTING THE CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988 (CLIA '88) (HSQ-202-F)

Significance: Regulatory Program

Legal Authority: 42 USC 263a

CFR Citation: 42 CFR 493

Legal Deadline: None

Abstract: Historically the Department regulated laboratories by "location," rather than by types of tests they perform. The Clinical Laboratory Improvement Amendments of 1988 (CLIA) changed this approach. CLIA requires that the Department "regulate by test," using what is commonly referred to as the "complexity model." A final rule with comment period was published February 28, 1992, that set forth standards for all laboratories based on complexity and responds to public comments on the proposed standards. The regulation was revised by a rule with comment period published on January 19, 1993, 56 FR 5215. The comment period for this rule ended March 22, 1993. A final rule, which will respond to public comments on the February 28, 1992 rule and the January 19, 1993 rule, will also be issued.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| NPRM | 05/21/90 | 55 FR 20896 |
| NPRM Comment Period End | 09/21/90 | 55 FR 34289 |
| Final Rule With Comment Period | 02/28/92 | 57 FR 7002 |
| Public Comment Period End | 04/28/92 | 57 FR 7002 |

| Action | Date | FR Cite |
|----------------|----------|------------|
| Effective Date | 09/01/92 | 57 FR 7002 |
| Final Action | 07/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Additional Information:

TIMETABLE: Pending analysis of public comments.

Agency Contact: Anthony J. Tirone, Director, Office of Survey and Certification, HSQB, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Boulevard, 2-D-2 ME, Baltimore, Maryland 21207, 410 966-6763

RIN: 0938-AE47

1340. CONDITIONS OF COVERAGE FOR ORGAN PROCUREMENT ORGANIZATIONS (BPD-646-FC)

Legal Authority: 42 USC 1395x

CFR Citation: 42 CFR 485; 42 CFR 405; 42 CFR 482

Legal Deadline: Final, Statutory, November 16, 1991.

Abstract: This final rule sets forth changes to the conditions of coverage for organ procurement organizations (OPOs). It deals with the definition of an OPO service area, expansion of the qualifications for the Board of Directors, OPO assistance to be provided to hospitals in establishing and implementing protocols governing organ procurement activity, establishing criteria for allocating organs, and organ testing for AIDS.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/21/91 | 56 FR 28513 |
| NPRM Comment Period End | 08/21/91 | 56 FR 28513 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Claude Mone, Program Analyst, Alternative Delivery Organizations Branch, Department of Health and Human Services, Health Care Financing Administration, 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5666

RIN: 0938-AE48

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1341. PREADMISSION SCREENING AND ANNUAL RESIDENT REVIEW (BPD-661-F)**Significance:** Regulatory Program**Legal Authority:** 42 USC 1395r**CFR Citation:** 42 CFR 483**Legal Deadline:** NPRM, Statutory, March 19, 1990.

Abstract: The final rule with comment period published November 30, 1992, (57 FR 56450) implemented sections 4211 of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87), section 6901 of the Omnibus Budget Reconciliation Act of 1989 and section 4801 of the Omnibus Budget Reconciliation Act of 1990 (OBRA '90). The provisions included: (1) State requirements for preadmission screening and annual resident review of individuals with mental illness or mental retardation who are applicants to or residents of nursing facilities that are certified for Medicaid; and (2) appeals systems for persons who may be transferred or discharged from facilities or who wish to dispute a determination made in the preadmission screening and annual review process. The changes in this rule included OBRA '90 provisions defining "severe mental illness" and "specialized services" which will reduce State review workloads and clarify Medicaid matching payment for the States. Following analysis of the public comments, we may issue a final rulemaking document.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| NPRM | 03/23/90 | 55 FR 10951 |
| NPRM Comment Period End | 05/22/90 | 55 FR 10951 |
| Final Rule With Comment Period | 11/30/92 | 57 FR 56450 |
| Public Comment Period End | 01/29/93 | 57 FR 56450 |
| Final Action | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** State

Agency Contact: Jan Earle, Program Analyst, Medicaid Bureau, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-0103

RIN: 0938-AE49

1342. RESIDENT ASSESSMENT IN LONG-TERM CARE FACILITIES (HSQ-180-F)**Legal Authority:** 42 USC 1395i-3; 42 USC 1396r**CFR Citation:** 42 CFR 483**Legal Deadline:** Final, Statutory, January 1, 1989.

Abstract: Sections 1819(b)(3) and 1919(b)(3) of the Social Security Act, as amended by PL 100-203, require skilled nursing facilities in the Medicare program and before October 1, 1990, as nursing facilities in the Medicaid program, to conduct a comprehensive, standardized assessment of each resident's capability to perform daily life functions. The assessment must also describe significant impairments in the resident's functional capacity and be based on a uniform minimum data set specified by the Secretary. Sections 1819(f)(6)(A) and 1919 (f)(6)(A) of the Act require the Secretary to specify a minimum data set of core elements and common definitions for use by nursing facilities in conducting the assessments. This rule would specify this minimum data set and establish guidelines for using it.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/28/92 | 57 FR 61614 |
| NPRM Comment Period End | 02/26/93 | 57 FR 61614 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses**Government Levels Affected:** State

Agency Contact: Sue Nonemaker, Program Analyst, Division of Long Term Care, Department of Health and Human Services, Health Care Financing Administration, 2-D-2, ME, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-6825

RIN: 0938-AE61

1343. CONFORMING PROVISIONS FOR 1988 HMO AMENDMENTS (OCC-012-F)**Legal Authority:** 42 USC 300e(c); 42 USC 300e-1(l); 42 USC 300e-9**CFR Citation:** 42 CFR 417**Legal Deadline:** None

Abstract: This rule would conform existing regulations to sections 5(b) and 7 of the Health Maintenance

Organization (HMO) Amendments of 1988 (PL 100-517). It would prohibit employers from financially discriminating against HMO enrollees in setting employee health plan contributions. It would also eliminate the requirement that one-third of a HMO's policymaking body be HMO enrollees.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| NPRM | 07/05/91 | 56 FR 30723 |
| Public Comment Period End | 09/03/91 | 56 FR 30723 |
| Final Action | 09/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Maureen Miller, Office of Coordinated Care Policy and Planning, Department of Health and Human Services, Health Care Financing Administration, Room 4360, Cohen Building, 330 Independence Ave. SW., Washington, DC 20201, 202 619-0129

RIN: 0938-AE64

1344. PAYMENT FOR NURSING AND ALLIED HEALTH SCIENCE EDUCATION (BPD-685-F)**Legal Authority:** PL 101-239, Sec 6205; PL 101-508, Sec 4004; PL 101-508, Sec 4159; 42 USC 1395x note**CFR Citation:** 42 CFR 413**Legal Deadline:** NPRM, Statutory, July 1, 1990.

Section 6205(b)(2) of PL 101-239 required that a proposed rule be published before July 1, 1990 and that a final rule not be effective before 10/01/90.

Abstract: This rule will set forth our policy for the payment of the costs of approved nursing and allied health science programs, an action directed by section 6205(b)(2) of PL 101-239. For the most part, the provisions set forth in this rule restate or clarify our current policies governing these costs, which have been previously set forth in the provider reimbursement manual and other documents, but have never been included in the regulations. In addition, we are amending the list of approved programs and clarify payment rules for certified registered nurse anesthetist programs. This rule will also implement section 4004 of PL 101-508, which provides that, effective with cost reporting periods beginning on or after October 1, 1990, under certain

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conditions, costs incurred by a hospital or educational institution related to the hospital for clinical training are treated as pass-through costs and paid on the basis of reasonable cost even though the hospital does not operate the education programs.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/22/92 | 57 FR 43659 |
| NPRM Comment Period End | 11/23/92 | 57 FR 43659 |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy Edwards, Chief, Payment Limitations and Exclusions Branch, Department of Health and Human Services, Health Care Financing Administration, 1-H-1 ELR, 6325 Security Blvd., Baltimore, Maryland 21207, 410 966-4531

RIN: 0938-AE79

1345. UNIFORM ELECTRONIC COST REPORTING SYSTEM FOR HOSPITALS (BPD-689-F)

Legal Authority: 42 USC 1395ww(f)(1)(B)

CFR Citation: 42 CFR 413.20; 42 CFR 413.24; 42 CFR 413.40; 42 CFR 412.52

Legal Deadline: None

Abstract: This rule will implement section 1886(f)(1)(B) of the Social Security Act, which requires the Secretary to place into effect a standardized electronic cost reporting format and allows the Secretary to waive the requirement where such implementation would result in a financial hardship for a hospital.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/19/91 | 56 FR 41110 |
| NPRM Comment Period End | 10/18/91 | 56 FR 41110 |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5,

ELR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4513

RIN: 0938-AE80

1346. AGGREGATION OF MEDICARE CLAIMS FOR ADMINISTRATIVE LAW JUDGE (ALJ) HEARINGS AND JUDICIAL REVIEW (BPD-694-F)

Legal Authority: 42 USC 1395ff(b)(2)

CFR Citation: 42 CFR 405.701; 42 CFR 405.740; 42 CFR 405.741; 42 CFR 405.801; 42 CFR 405.802; 42 CFR 405.811; 42 CFR 405.815; 42 CFR 405.817; 42 CFR 405.820; 42 CFR 405.821; 42 CFR 405.822 to 405.826; 42 CFR 405.830

Legal Deadline: None

Abstract: This rule implements section 9341 of the Omnibus Budget Reconciliation Act of 1986, which allows the aggregation of claims, in certain circumstances, to meet the threshold amount necessary to have a hearing before a contractor hearing officer or an administrative law judge and to obtain judicial review under Part A and B of Medicare.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| NPRM | 06/20/91 | 56 FR 28353 |
| Public Comment Period End | 08/19/91 | 56 FR 28353 |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Olenick, Director, Division of Medicare Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4472

RIN: 0938-AE93

1347. MEDICARE COVERAGE OF PRESCRIPTION DRUGS USED IN IMMUNOSUPPRESSIVE THERAPY (BPD-424-F)

Legal Authority: 42 USC 1395x(s)(2)(J)

CFR Citation: 42 CFR 410

Legal Deadline: None

Abstract: This final rule amends the regulations to reflect section 9335(c) of the Omnibus Budget Reconciliation Act of 1986 and section 4075 of the Omnibus Budget Reconciliation Act of 1987. These statutory provisions

provide Medicare coverage for prescription drugs used in immunosuppressive therapy furnished to an individual who receives an organ transplant for which Medicare payment is made for a period of one year after the transplant procedure. The final rule will also reflect statutory revisions mandated by OBRA '93.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 01/19/88 | 53 FR 1383 |
| NPRM Comment Period End | 03/21/88 | 53 FR 1383 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Higbee, Chief, Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4686

RIN: 0938-AE94

1348. FIRE SAFETY STANDARDS FOR HOSPITALS, LONG-TERM CARE FACILITIES, AND INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED (BPD-650-F)

Legal Authority: 42 USC 1395x; 42 USC 1396d

CFR Citation: 42 CFR 482.41(b)(1); 42 CFR 483.70(a); 42 CFR 483.470(j)(2)(i)(C)

Legal Deadline: None

Abstract: This rule amends the fire safety standards for hospitals, long term care facilities, and intermediate care facilities for the mentally retarded and affects only those facilities. It deletes references to the 1967 and 1973 editions of the Life Safety Code of the National Fire Protection Association and requires compliance with either the 1981 or 1985 editions depending on the date when the facility was first certified to participate in Medicare or Medicaid. This rule creates a uniform policy for all types of facilities that participate in the Medicare and Medicaid programs. The revision of the 1967 and 1973 editions of the Life Safety Code is intended to ensure that Medicare and Medicaid beneficiaries and recipients have the benefit of the most current fire protection standards.

HHS—HCFA

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/01/90 | 55 FR 31196 |
| NPRM Comment Period End | 10/01/90 | 55 FR 31196 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas E. Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4607

RIN: 0938-AE97

1349. ALLOWING CERTIFICATIONS AND RECERTIFICATIONS BY NURSE PRACTITIONERS AND CLINICAL NURSE SPECIALISTS FOR CERTAIN SERVICES (BPD-709-F)

Legal Authority: 42 USC 1395f(a)

CFR Citation: 42 CFR 424

Legal Deadline: None

Abstract: This final regulation implements section 6028 of the Omnibus Budget Reconciliation Act of 1989. It allows nurse practitioners and clinical nurse specialists working in collaboration with a physician to certify and recertify certain services.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/28/91 | 56 FR 29609 |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4607

RIN: 0938-AF01

1350. CHANGES TO THE LONG-TERM CARE FACILITY SURVEY PROCESS (HSQ-175-FC)

Legal Authority: PL 101-239, Sec 6901(a); 42 USC 1395i-3; 42 USC 1395aa(d); 42 USC 1396r

CFR Citation: 42 CFR 442; 42 CFR 488

Legal Deadline: None

Abstract: This final rule with comment period amends the Medicare and Medicaid regulations by removing obsolete long-term care survey forms, guidelines, and procedures used by State agencies when they evaluate a Medicare skilled nursing facility or a Medicaid nursing facility for compliance with Federal certification requirements. Effective October 1, 1990, the application of new Federal participation requirements for these facilities with an increased focus on actual or potential resident outcomes has made the survey forms and process in existing regulations outdated. Retention of the outdated items could cause confusion in connection with directions State survey agencies must follow in determining facility compliance.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|---------|
| Final Rule With Comment Period | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information:

TIMETABLE: Pending court ruling.

Agency Contact: Pam Vocke, Director, Division of Program Operations, Department of Health and Human Services, Health Care Financing Administration, 2-D-2, ME, 6325 Security Blvd., Baltimore, MD 21207, 410 966-7089

RIN: 0938-AF02

1351. GENERAL NOTICE ON MEDICARE SECONDARY PAYMENT (BPO-94-GN)

Legal Authority: 42 USC 1395y(b)

CFR Citation: 42 CFR 411.25

Legal Deadline: None

Abstract: This general notice will establish procedures to be followed by insurers in reporting Medicare Secondary Payment information which is required by current regulation. In addition, the notice will request that insurers voluntarily provide information to Medicare about the individuals they insure. This notice is necessary because the regulation does not specify in detail the reporting procedures to be used.

Timetable:

| Action | Date | FR Cite |
|----------------|----------|---------|
| General Notice | 11/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Cathy Carter, Chief, Operations Branch, Div. of Entitlement & Benefit Coordination, Department of Health and Human Services, Health Care Financing Administration, Room 367, ME Bldg., 6325 Security Blvd., Baltimore, MD 21207, 410 966-7449

RIN: 0938-AF05

1352. REQUIRED COVERAGE OF NURSE PRACTITIONER SERVICES—MEDICAID (MB-41-F)

Legal Authority: 42 USC 1396d(a)(21)

CFR Citation: 42 CFR 440

Legal Deadline: None

Abstract: This regulation would require direct payment to certified pediatric and family nurse practitioners to the extent that these providers are authorized to practice under State laws. It would implement section 6405 of the Omnibus Budget Reconciliation Act of 1989 (PL 101-239) which became effective July 1, 1990.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/23/91 | 56 FR 66392 |
| NPRM Comment Period End | 02/22/92 | 56 FR 66392 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information:

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 400, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-5659

RIN: 0938-AF12

1353. PAYMENT FOR FEDERALLY QUALIFIED HEALTH CENTER (FQHC) SERVICES (BPD-728-F)

Legal Authority: 42 USC 1395x(s)(2)(E); 42 USC 1395x(aa)(3); 42 USC 1395x(aa)(4); 42 USC 1395k(a)(2)(D)(ii); 42 USC 1395l(b)(5)

HHS—HCFA

Final Rule Stage

CFR Citation: 42 CFR 405; 42 CFR 491**Legal Deadline:** None

Abstract: This final rule will respond to comments received as a result of our publication of a final rule with comment period (57 FR 24961) which established a new category of facility known as an FQHC, the services of which are covered under the Medicare program. Those regulations also established requirements for coverage and payment of FQHC services under Medicare. They implemented section 4704 of PL 101-508. This final rule will clarify or change policy, as appropriate, based on our evaluation of public comments.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| Effective Date | 06/12/92 | 57 FR 24961 |
| Final Rule with Comment Period | 06/12/92 | 57 FR 24961 |
| Public Comment Period End | 08/11/92 | 57 FR 24961 |
| Final Action | 02/00/94 | |

Small Entities Affected: Undetermined**Government Levels Affected:** State

Agency Contact: Jackie Sheridan, Chief, Alternative Delivery Organization Branch, Department of Health and Human Services, Health Care Financing Administration, Room 441, EHR, 6325 Security Blvd., Baltimore, MD 21207, 410 966-4635

RIN: 0938-AF14

1354. GRANTING AND WITHDRAWAL OF DEEMING AUTHORITY TO NATIONAL ACCREDITATION ORGANIZATIONS (HSQ-159-F)

Significance: Agency Priority

Legal Authority: 42 USC 1395f; 42 USC 1395x; 42 USC 1395bb; 42 USC 1395cc; 42 USC 1395qq; 42 USC 1395rr; 42 USC 1395tt

CFR Citation: 42 CFR 401.126b; 42 CFR 401.133; 42 CFR 488.9

Legal Deadline: None

Abstract: This final rule expands the types of providers and suppliers of services that we may consider to meet conditions of participation or certification or conditions for coverage by virtue of their accreditation by a national accreditation program. In addition, the final rule permits HCFA to approve and disapprove accreditation organization programs and thereby determine that providers or

suppliers accredited by a HCFA-approved national accreditation organization are deemed to meet the required HCFA requirements. This rule also amends confidentiality and disclosure provisions.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/14/90 | 55 FR 51434 |
| NPRM Comment Period End | 02/12/91 | 55 FR 51434 |
| Final Action | 11/00/93 | |

Small Entities Affected: None**Government Levels Affected:** State, Federal

Agency Contact: Pam Vocke, Director, Division of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2, ME, 6325 Security Blvd., Baltimore, MD 21207, 410 966-7089

RIN: 0938-AF17

1355. MEDICARE COVERAGE OF SCREENING MAMMOGRAPHY (BPD-724-F)

Legal Authority: 42 USC 1395aa(a); 42 USC 1395bb(a); 42 USC 1395l(a)(2)(E); 42 USC 1395y(a)(1)(F)

CFR Citation: 42 CFR 405.534; 42 CFR 405.535; 42 CFR 410.1; 42 CFR 410.10; 42 CFR 411.15; 42 CFR 413.123; 42 CFR 494.50

Legal Deadline: None

Abstract: This final rule will address comments received on the regulations published on December 31, 1990 that provide limited coverage for screening mammography services and set forth payment limitations and conditions for coverage of screening mammography. The conditions in the existing regulations consist of quality standards to assure the safety and accuracy of screening mammography services performed by qualified physicians and other suppliers of these services.

Timetable:

| Action | Date | FR Cite |
|---------------------------|----------|-------------|
| Interim Final Rule | 12/31/90 | 55 FR 53510 |
| Effective Date | 01/01/91 | 55 FR 53510 |
| Public Comment Period End | 03/01/91 | 55 FR 53510 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses**Government Levels Affected:** None**Additional Information:**

TIMETABLE: Pending analysis of complex policy issues.

Agency Contact: William Larson, Program Analyst, Office of Coverage and Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4639

RIN: 0938-AF26

1356. SELF-IMPLEMENTING COVERAGE AND PAYMENT PROVISIONS OF OMNIBUS BUDGET RECONCILIATION ACT OF 1990 (BPD-725-N)

Legal Authority: 42 USC 1395d(a) and 1395d(d); 42 USC 1395e(a); 42 USC 1395f(a); 42 USC 1395i-2(c); 42 USC 1395l(i) and 1395l(n); 42 USC 1395m(f); 42 USC 1395w-4(i); 42 USC 1395x(5) and 1395 x(v); 42 USC 1395y(b); 42 USC 1395cc(a); 42 USC 1395ww(g)

CFR Citation: 42 CFR 405; 42 CFR 406; 42 CFR 410; 42 CFR 411; 42 CFR 412; 42 CFR 413; 42 CFR 409; 42 CFR 418; 42 CFR 489

Legal Deadline: None

Abstract: The final rule with comment period (57 FR 36006) updated the Medicare regulations to add or conform them to certain self-implementing provisions on coverage of services and payment requirements under the Omnibus Budget Reconciliation Act of 1990 (OBRA '90). In some cases, certain self-implementing provisions of the Omnibus Budget Reconciliation Act of 1989 and the Medicare Catastrophic Coverage Repeal Act of 1989 were included so that the OBRA '90 provisions could be accurately reflected in the regulations.

The final rule with comment period removed conflicts between the regulations and the statute, thus preventing possible public confusion. We are publishing this notice following our analysis of the public comments.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| Final Rule With Comment Period | 08/12/92 | 57 FR 36006 |
| Effective Date | 09/11/92 | 57 FR 36006 |
| Public Comment Period End | 10/13/92 | 57 FR 36006 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses, Organizations.

HHS—HCFA

Final Rule Stage

Government Levels Affected: Federal

Agency Contact: Sue B. Brown, Director, Regulations Staff, Department of Health and Human Services, Health Care Financing Administration, Room 132, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4658

RIN: 0938-AF27

1357. PHYSICIAN OWNERSHIP OF AND REFERRALS TO HEALTH CARE FACILITIES THAT FURNISH CLINICAL LABORATORY SERVICES (BPD-674-F)**Significance:** Regulatory Program**Legal Authority:** 42 USC 1395nn**CFR Citation:** 42 CFR 411**Legal Deadline:** Final, Statutory, October 1, 1991.

Abstract: This rule will incorporate into regulations the provisions of section 6204 of the Omnibus Budget Reconciliation Act of 1989. It will prohibit a physician from making a referral for the provision of clinical laboratory services to an entity with which the physician has a financial relationship. It will also reflect statutory revisions mandated by OBRA '93.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 03/11/92 | 57 FR 8588 |
| NPRM Comment Period End | 05/11/92 | 57 FR 8588 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses, Organizations**Government Levels Affected:** None

Additional Information: TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Betty Burrier, Program Analyst, Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4649

RIN: 0938-AF40

1358. MEDICAID PAYMENT FOR COVERED OUTPATIENT DRUGS UNDER REBATE AGREEMENTS (MB-046-IFC)**Significance:** Regulatory Program

Legal Authority: 42 USC 1396a(a); 42 USC 1396b(i); 42 USC 1396r-8; 42 USC 1396b(a)

CFR Citation: 42 CFR 447**Legal Deadline:** None

Abstract: This rule would incorporate section 4401 of the Omnibus Budget Reconciliation Act of 1990 which concern reimbursement for prescribed drugs. Section 4401 amended title XIX of the Social Security Act to add specific requirements for payment for covered outpatient drugs. In general, the requirements concern: denial of Federal financial participation unless rebate agreements and drug use review are in effect; prohibiting some State plan drug access limitations for drugs covered under a rebate agreement; and the content of the rebate agreements. The drug rebate agreement was previously published in the Federal Register on February 21, 1991 (56 FR 7049). This rule will also reflect statutory revisions mandated by OBRA '93.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 01/00/94 | |

Small Entities Affected: Businesses**Government Levels Affected:** State

Agency Contact: Larry Reed, Chief, Medicaid Noninstitutional Payment Policy Branch, Department of Health and Human Services, Health Care Financing Administration, Room 273 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-0830

RIN: 0938-AF42

1359. MEDICARE AND MEDICAID PROGRAMS; ADVANCE DIRECTIVES (BPD-718-F)**Significance:** Agency Priority**Legal Authority:** 42 USC 1395cc

CFR Citation: 42 CFR 417.436; 42 CFR 417.801; 42 CFR 431.20; 42 CFR 431.107; 42 CFR 434.28; 42 CFR 483.10; 42 CFR 484.10; 42 CFR 489.10; 42 CFR 489.100; 42 CFR 489.104; 42 CFR 498.3; 42 CFR 417.472; 42 CFR 489.102

Legal Deadline: None

Abstract: The final rules will make minor changes in the interim rule, which implemented statutory provisions effective in December, 1991. They will amend the Medicare and

Medicaid regulations governing provider agreements and contracts to establish requirements for States, hospitals, nursing facilities, skilled nursing facilities, providers of home health care or personal care services, hospice programs and prepaid health plans concerning advance directives. An advance directive is a written instruction, such as a living will or durable power of attorney for health care, recognized under State law, relating to the provision of health care when an individual's condition makes him or her unable to express his or her wishes. The intent of these provisions is to enhance an individual's control over medical treatment decisions. These rules implement sections 4206 and 4751 of the Omnibus Budget Reconciliation Act of 1990.

Timetable:

| Action | Date | FR Cite |
|--|----------|------------|
| Interim Final Rule With Comment Period | 03/06/92 | 57 FR 8194 |
| Public Comment Period End | 05/05/92 | 57 FR 8194 |
| Final Action | 04/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Thomas Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4607

RIN: 0938-AF50

1360. DURABLE MEDICAL EQUIPMENT (DME) MEDICAL NECESSITY FORMS (BPD-734-FC)**Legal Authority:** 42 USC 1395m(a)(13)**CFR Citation:** 42 CFR 410.38**Legal Deadline:** None

Abstract: Section 4152(f) of the Omnibus Budget Reconciliation Act of 1990 prohibits DME suppliers from distributing to physicians or beneficiaries any completed or partially completed forms or other documents required by the Secretary to show that a covered item is medically necessary. These regulations set forth the limitations regarding the information which a supplier of DME may provide to a physician or beneficiary.

HHS—HCFA

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|---------|
| Final Rule With Comment Period | 00/00/00 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined**Additional Information:**

TIMETABLE: Pending legislative activity.

Agency Contact: Israel Brauner, Program Analyst, Special Coverage Issues Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4640

RIN: 0938-AF51

1361. INJECTABLES FOR OSTEOPOROSIS (BPD-735-FC)**Legal Authority:** 42 USC 1395x(s)(2)(O); 42 USC 1395x(jj)**CFR Citation:** 42 CFR 410**Legal Deadline:** None

Abstract: This final rule with comment period implements provisions of section 4156 of the Omnibus Budget Reconciliation Act of 1990. Under this provision, Medicare will provide limited coverage of injectable drugs for treatment of patients with postmenopausal osteoporosis. This rule will specify the conditions which a beneficiary must meet to be eligible for coverage under this provision.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|---------|
| Final Rule With Comment Period | 00/00/00 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined**Additional Information:**

TIMETABLE: Pending technical legislative amendments.

Agency Contact: John Thomas, Program Analyst, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4636

RIN: 0938-AF52

1362. PARTIAL HOSPITALIZATION SERVICES IN COMMUNITY MENTAL HEALTH CENTERS (BPD-736-IFC)**Legal Authority:** 42 USC 1395k(a)(2)(f); 42 USC 1395x(ff)(3); 42 USC 1395cc(e)(2)**CFR Citation:** 42 CFR 400; 42 CFR 410; 42 CFR 413; 42 CFR 489; 42 CFR 498**Legal Deadline:** None

Abstract: In accordance with section 4162 of the Omnibus Budget Reconciliation Act of 1990, this interim final rule sets forth the coverage criteria and payment methodology for partial hospitalization services furnished in community mental health centers. It also specifies the requirements a community mental health center must meet in order to enter into a Medicare provider agreement to furnish partial hospitalization services.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| Interim Final Rule With Comment Period | 01/00/94 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Regina Walker, Program Analyst, Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-6735

RIN: 0938-AF53

1363. MEDICARE COVERAGE OF EPO FOR HOME USE BY HOME DIALYSIS PATIENTS (BPD-737-F)**Legal Authority:** 42 USC 1395x(s)(2)(P)**CFR Citation:** 42 CFR 405; 42 CFR 410; 42 CFR 413; 42 CFR 414**Legal Deadline:** None

Abstract: This rule provides for Medicare coverage of the drug erythropoietin (EPO) when used at home by ESRD patients who dialyze at home. This makes it more convenient for home dialysis patients, who previously had to go to a dialysis facility or a physician's office to have the drug administered. The rule establishes requirements to ensure that only patients found capable of home use of the drug are approved for it, and that those patients are properly

monitored during home use of the drug. Section 4201(d)(1)(C) of the Omnibus Budget Reconciliation Act of 1990 provides for Medicare coverage of home use of EPO effective July 1, 1991, subject to methods and standards established by the Secretary in regulations for the sale and effective use of the drug. It will also reflect a statutory revision mandated by OBRA '93.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| Interim Final Rule Effective | 09/04/91 | 56 FR 43706 |
| Interim Final Rule With Comment | 09/04/91 | 56 FR 43706 |
| Public Comment Period End | 11/04/91 | 56 FR 43706 |
| Final Action | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Bob Cereghino, Program Analyst, Alternative Delivery Organizations Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4637

RIN: 0938-AF54

1364. DESIGNATION OF REGIONAL CARRIERS TO PROCESS CLAIMS FOR DURABLE MEDICAL EQUIPMENT, PROSTHETICS, ORTHOTICS, AND SUPPLIES (BPO-102-F)**Legal Authority:** 42 USC 1395m(a)(12); 42 USC 1395m(a)(3); 42 USC 1395u(a)**CFR Citation:** 42 CFR 400.202; 42 CFR 420.200; 42 CFR 420.201; 42 CFR 420.204; 42 CFR 420.205; 42 CFR 421.210; 42 CFR 421.1; 42 CFR 421.200; 42 CFR 421.202; 42 CFR 421.206**Legal Deadline:** None

Abstract: This rule modifies Medicare regulations to establish provision for the designation of regional carriers to process claims for durable medical equipment, prosthetics, orthotics, and supplies. These revisions are made under authority provided in sections 1834(a)(12), 1834(h)(3), and 1842(a) of the Social Security Act. We expect more efficient and economical administration of the Medicare program to result.

HHS—HCFA

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| NPRM | 11/06/91 | 56 FR 47758 |
| NPRM Comment Period End | 01/06/92 | 56 FR 47758 |
| Final Rule With Comment Period | 06/18/92 | 57 FR 27290 |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Lianne Bradley, Program Analyst, Division of Operational Initiatives, Department of Health and Human Services, Health Care Financing Administration, Room 368 ME Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-3359

RIN: 0938-AF59

1365. UNIFORM PAYMENT MECHANISM FOR HOSPITALS UNDER PART A OF MEDICARE (BPO-104-FN)

Significance: Agency Priority

Legal Authority: 42 USC 1395g

CFR Citation: None

Legal Deadline: None

Abstract: This notice will announce our intention to require all hospitals participating in Part A of Medicare to bill electronically and to receive payment and remittance notices electronically. We expect such procedures to result in more economical and efficient program operation and administration.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|------------|
| Proposed Notice | 01/15/93 | 58 FR 4705 |
| Public Comment Period End | 03/16/93 | 58 FR 4705 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Craig Brewer, Program Analyst, Division of Financial Management, BPO, Department of Health and Human Services, Health Care Financing Administration, Room 1-A-2, ME Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-7541

RIN: 0938-AF60

1366. EXEMPTION OF LOW-INCOME PREGNANT WOMEN FROM ELIGIBILITY CONDITION OF ESTABLISHING PATERNITY AND SEEKING SUPPORT (MB-048-F)

Legal Authority: 42 USC 1396k(a)(1)(B)
CFR Citation: 42 CFR 433.145; 42 CFR 433.147; 42 CFR 435.604; 42 CFR 436.604

Legal Deadline: None

Abstract: As a condition of eligibility for Medicaid, every applicant must agree to cooperate in establishing the paternity of children born out of wedlock, and in obtaining medical payments and support. A final rule with comment period (58 FR 4904) modified the regulations to incorporate a provision of section 4606 of PL 101-508, which provides an exemption to this condition for pregnant women who qualify for Medicaid under special eligibility requirements for low income pregnant women. A final rule is being developed in response to public comments. The final rule will also reflect statutory revisions mandated by OBRA '93.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|------------|
| Final Rule With Comment Period | 01/19/93 | 58 FR 4904 |
| Effective Date | 02/18/93 | 58 FR 4904 |
| Public Comment Period End | 03/22/93 | 58 FR 4904 |
| Final Action | 07/00/94 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Marinos Svolas, Director, Division of Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4451

RIN: 0938-AF65

1367. MEDICAID DRUG USE REVIEW PROGRAM AND ELECTRONIC CLAIMS MANAGEMENT SYSTEM FOR OUTPATIENT DRUG CLAIMS (MB-050-F)

Significance: Agency Priority

Legal Authority: 42 USC 1396r-8(g)(h)

CFR Citation: 42 CFR 456

Legal Deadline: None

Abstract: An interim final rule with comment period (57 FR 49397)

implemented sections 1927(g) and (h) of the Social Security Act as established by the Omnibus Budget Reconciliation Act of 1990 (PL 101-508). It prescribed requirements for an outpatient drug use review program that includes both prospective drug review and retrospective drug use review. It also contained requirements for State drug use review boards and requirements of a point-of-sale electronic claims management system for processing claims for outpatient drugs. Following analysis of public comments, a final rulemaking document will be published.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Interim Final Rule With Comment Period | 11/02/92 | 57 FR 49397 |
| Effective Date | 01/01/93 | 57 FR 49397 |
| Public Comment Period End | 01/04/93 | 57 FR 49397 |
| Final Action | 04/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Al Beachley, Branch Chief, Drug Rebate Operations Branch, Department of Health and Human Services, Health Care Financing Administration, Room 273 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-3325

RIN: 0938-AF67

1368. MEDICAID: OUTSTATIONED INTAKE LOCATIONS FOR CERTAIN LOW-INCOME PREGNANT WOMEN, INFANTS AND CHILDREN (MB-052-IFC)

Legal Authority: 42 USC 1396a(a)(55)
CFR Citation: 42 CFR 435.901; 42 CFR 435.902; 42 CFR 435.903; 42 CFR 435.904; 42 CFR 435.907

Legal Deadline: None

Abstract: This rule implements a statutory requirement that State Medicaid agencies must provide for receipt and initial processing of Medicaid applications filed by certain low-income pregnant women, infants, and children at locations which are other than those used for receipt and processing of Aid to Families with Dependent Children (AFDC) applications. The statutory requirement also provides that the application form for these individuals must not be the AFDC application form.

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The rule is based on section 1902(a)(55) of the Social Security Act as added by section 4602 of the Omnibus Budget Reconciliation Act of 1990, PL 101-508.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| Interim Final Rule With Comment Period | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4451

RIN: 0938-AF69

1369. HOME AND COMMUNITY-BASED CARE AS AN OPTIONAL SERVICE (MB-053-IFC)

Significance: Agency Priority

Legal Authority: 42 USC 1396d(a)

CFR Citation: 42 CFR 441

Legal Deadline: None

Abstract: This interim final rule would allow States to choose to provide home and community care for functionally disabled elderly as a State plan option. Rather than imposing a cost-neutrality component, as is the case in home and community based care waiver programs under section 1915 of the Social Security Act, this rule imposes two cost "caps" which are applied independently. One cap prohibits States from spending more than 50 percent of the amount Medicare would pay for certain nursing facility care, the second cap is an aggregate limit on the amount of Federal funding. This rule would implement section 4711 of the Omnibus Budget Reconciliation Act of 1990.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| Interim Final Rule With Comment Period | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: TIMETABLE
CONT: Pending resolution of complex policy/operational issues.

Agency Contact: Robert Wardwell, Director, Division of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5659

RIN: 0938-AF70

1370. OPTIONAL SPENDDOWN (MB-055-IFC)

Legal Authority: 42 USC 1396b(f)(2); 42 USC 1396a(a)(17)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: This rule would allow States to choose the option of a variation of the spenddown for medically needy individuals. Under the regular spenddown program a medically needy individual becomes eligible for Medicaid by spending down income in excess of the medically needy income standard until the standard is reached. Under the optional program, an applicant could choose to pay an amount equal to their excess income to the State instead of becoming eligible only after incurring expenses. This option was provided by section 4723 of the Omnibus Budget Reconciliation Act of 1990.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| Interim Final Rule With Comment Period | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information:

TIMETABLE: Pending resolution of complex policy issues.

Agency Contact: Marinos Svolos, Director, Division of Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 323 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4451

RIN: 0938-AF72

1371. MEDICARE AND MEDICAID PROGRAMS: REQUIREMENTS FOR PHYSICIAN INCENTIVE PLANS IN PREPAID HEALTH CARE ORGANIZATIONS (OCC-024-F)

Significance: Agency Priority

Legal Authority: 42 USC 1395mm(i); 42 USC 1396b

CFR Citation: 42 CFR 417.01; 42 CFR 417.409; 42 CFR 417.495; 42 CFR 434.67; 42 CFR 1003.100; 42 CFR 1003.101; 42 CFR 1003.102; 42 CFR 1003.103

Legal Deadline: None

Abstract: This rule would amend the regulations governing federally qualified health maintenance organizations (HMOs) and competitive medical plans (CMPs) contracting with the Medicare program, and certain HMOs and health insuring organizations (HIOs) contracting with States under the Medicaid program, by implementing changes made by sections 4204(a) and 4731(a) of the Omnibus Budget Reconciliation Act of 1990 concerning physician incentive plans. The changes are intended to allow HMOs, CMPs, and HIOs the flexibility to provide reasonable financial incentives to their physicians and physician groups in order to eliminate unnecessary care and protect enrollees from reduced quality of care or access to care.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| NPRM | 12/14/92 | 57 FR 59024 |
| Public Comment Period End | 04/13/93 | 58 FR 8568 |
| Final Action | 01/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Tony Hausner, Program Analyst, Office of Coordinated Care, Department of Health and Human Services, Health Care Financing Administration, Room 4360 Cohen Building, 330 Independence Avenue SW., Washington, DC 20201, 202 619-2755

RIN: 0938-AF74

1372. REVISIONS TO CRITERIA AND STANDARDS FOR EVALUATING INTERMEDIARIES AND CARRIERS (BP0-083-F)

Legal Authority: 42 USC 1395h; 42 USC 1395u; PL 98-369, Sec 2326(c)

CFR Citation: 42 CFR 421

Legal Deadline: None

Abstract: This rule would revise the regulations that govern the establishment of criteria and standards

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used to evaluate the performance of "fiscal intermediaries" (FIs) and "carriers" in the administration of the Medicare program. ("Intermediaries" and "carriers" are the contractors that process Medicare claims and bills under Part A (Hospital Insurance) and Part B (Supplementary Medical Insurance) of the Medicare program, respectively.) Under the Medicare program the performance of intermediaries and carriers is measured by using a Contractor Performance and Evaluation Program (CPEP) that evaluates activities against established performance criteria and standards. The criteria and standards vary from year to year to reflect shifting program emphases and statutory changes. The revisions will update and remove outdated material from the regulations, which will improve administration of the program.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| NPRM | 12/03/92 | 57 FR 57125 |
| Public Comment Period End | 02/01/93 | 57 FR 57125 |
| Final Action | 02/00/94 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Larry Pratt, Chief, Performance Standards Development Branch, Department of Health and Human Services, Health Care Financing Administration, Room 320 ME Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-7403

RIN: 0938-AF84

1373. APPLICATION OF INTEREST CHARGES TO MEDICARE SECONDARY PAYER RECOVERIES (BPO-108-GN)

Legal Authority: 31 USC 3711; 31 USC 3717

CFR Citation: 42 CFR 401.601; 42 CFR 405.376; 45 CFR 30.16; 45 CFR 30.13

Legal Deadline: None

Abstract: This notice announces that HCFA is proceeding under its authority to charge interest on secondary payer payments overdue to HCFA. Experience has shown that parties owing monies to HCFA are not motivated to make timely payments and require followup efforts to collect the payments. The existing regulation at 42 CFR 401.607,

which authorizes claims collection (including interest), and other authorities are being invoked to stimulate prompt payment.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| Notice | 02/00/94 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: John Albert, Program Analyst, Div. of Entitlement & Benefit Coordination, Department of Health and Human Services, Health Care Financing Administration, Room 3-E-5 ME Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-7457

RIN: 0938-AF87

1374. MEDICARE PROGRAM: PEER REVIEW ORGANIZATION; GENERAL CRITERIA AND STANDARDS FOR EVALUATING PERFORMANCE OF CONTRACT OBLIGATIONS (HSQ-200-N)

Legal Authority: 42 USC 1320c-2(h)(2)

CFR Citation: None

Legal Deadline: None

Abstract: This notice provides the general criteria and standards that will be used to evaluate the effective and efficient performance of Utilization and Quality Control Peer Review Organizations for contracts entered into on or after October 1, 1991. Section 1153(h)(2) of the Social Security Act requires that we publish these criteria and allow an opportunity for public comment.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| Notice | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Diane Maupai-Harrington, Deputy Director, Division of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2, ME Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-7211

RIN: 0938-AF89

1375. COMPUTER MATCHING AND PRIVACY PROTECTION FOR MEDICAID ELIGIBILITY (MB-057-F)

Legal Authority: 5 USC 552a note

CFR Citation: 42 CFR 435.945; 42 CFR 435.952; 42 CFR 435.955

Legal Deadline: None

Abstract: This rule would require State Medicaid agencies to meet the requirements of the Computer Matching and Privacy Protection Act of 1988 (PL 100-503) as amended by the Computer Matching and Privacy Protection Amendments of 1990 (PL 101-508). The purpose of these laws is to improve the oversight and procedures governing the disclosure of personal information used in computer matching programs and to protect the privacy and due process rights of individuals whose records are exchanged. Under these laws, State Medicaid agencies would have to verify all information received from Federal agencies through the income and eligibility verification system unless independent verification requirements are waived under an alternative procedure by the data integrity board of the Federal Agency.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/04/92 | 57 FR 57403 |
| NPRM Comment Period End | 02/02/93 | 57 FR 57403 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Helaine Jeffers, Chief, Medicaid Operations Branch, Department of Health and Human Services, Health Care Financing Administration, Room 273, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5920

RIN: 0938-AF91

1376. PAYMENT FOR PREADMISSION SERVICES (BPD-731-IFC)

Legal Authority: 42 USC 1395ww(a)(4)

CFR Citation: 42 CFR 412.2(c); 42 CFR 413.40

Legal Deadline: None

Abstract: This interim final rule with comment period will implement section 4003 of the Omnibus Budget Reconciliation Act of 1990, entitled "Expansion of DRG Payment Window," which expands the definition of

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“inpatient operating cost” to include certain preadmission services. Included are services provided by a hospital (or by an entity wholly owned or operated by the hospital) to the patient during the three days immediately preceding the date of the patient’s admission if the services are diagnostic services (including clinical diagnostic laboratory tests), or are other services related to the admission (as defined by the Secretary).

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| Interim Final Rule With Comment Period | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thomas Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 401 East High Rise Building, 6325 Security Boulevard, Baltimore, MD 21207, 410 966-4607

RIN: 0938-AG00

1377. INTERMEDIARY AND CARRIER CHECKS THAT ARE LOST, STOLEN, DEFACED, MUTILATED, DESTROYED, OR PAID ON FORGED ENDORSEMENTS (BPO-114-FC)

Legal Authority: 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 424.350; 42 CFR 424.352; 42 CFR 424.354

Legal Deadline: None

Abstract: This rule revises the Medicare regulations governing the procedures for replacing checks issued by our fiscal intermediaries and carriers that are lost, stolen, defaced, mutilated, destroyed, or paid on forged endorsements. Since States have established legal processes for pursuing claims for check replacement and recovery under these circumstances, it is inefficient to maintain duplicative Federal requirements. Our revised regulations would provide that any replacement or reclamation proceedings will be carried out in accordance with applicable State banking laws. We will continue to reissue only checks that have not been negotiated.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|---------|
| Final Rule With Comment Period | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Samuel Guida, Director, Div. of Acct Managemt & Collection, Bureau of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 1-E-6 Meadows East Bldg., 6325 Security Boulevard, Baltimore, MD 21207 410 966-7495

RIN: 0938-AG16

1378. REVISIONS TO PAYMENT POLICIES UNDER THE PHYSICIAN FEE SCHEDULE (BPD-770-F)

Legal Authority: 42 USC 1395w-4

CFR Citation: 42 CFR 405; 42 CFR 414

Legal Deadline: None

Abstract: The rule will revise the fee list of services under Medicare to be included in the schedule for payment for physicians' services that was effective January 1, 1992, and the payment amounts for those services. The fee schedule was established by Section 5102(a) of the Omnibus Budget Reconciliation Act of 1989, as amended by the Omnibus Budget Reconciliation Act of 1990. It will also include the relative value units used for the payment of physician Medicare services furnished in calendar year 1994. In addition, it will reflect changes mandated by OBRA '93.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/14/93 | 58 FR 37977 |
| NPRM Comment Period End | 09/13/93 | 58 FR 37977 |
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Anita Heygster, Physician and Practitioner Payment Branch, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5, EHR Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-5714

RIN: 0938-AG22

1379. PHYSICIAN PERFORMANCE STANDARD RATES OF INCREASE FOR 1994 (BPD-774-FN)

Significance: Agency Priority

Legal Authority: 42 USC 1395w-4

CFR Citation: None

Legal Deadline: Other, Statutory, October 31, 1993.

Other deadline is for publication of Notice.

Abstract: This notice announces the FY 1994 performance standard rates of increase for expenditures and volume of physician services as required by section 1848(f)(1)(C) of the Social Security Act (the Act). In addition, this notice announces the CY 1994 fee schedule update as required by section 1848(d)(1)(C)(i) of the Act. It also reflects statutory revisions mandated by OBRA '93.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Notice | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Payment, BPD, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5, ELR Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4497

RIN: 0938-AG25

1380. GENERAL EVALUATION CRITERIA AND STANDARDS FOR EVALUATING PERFORMANCE OF CONTRACT (HSQ-207-GNC)

Legal Authority: 42 USC 1320c-2(h)(2)

CFR Citation: 42 CFR 462

Legal Deadline: None

Abstract: The notice provides general criteria and standards that will be used to evaluate the effective and efficient performance of Utilization Quality Control Peer Review Organizations (PROs) for new contracts entered into on or after April 1, 1993 by the 53 PROs.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| Notice With Comment Period | 04/00/94 | |

Small Entities Affected: Undetermined

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Government Levels Affected:
Undetermined^d

Agency Contact: Nancy Lafferty,
Program Analyst, Department of Health
and Human Services, Health Care
Financing Administration, Room 2-D-2,
Meadows East Building, 6325 Security
Boulevard, Baltimore, Maryland 21207,
410 966-6783

RIN: 0938-AG32

**1381. CHANGES IN PHYSICIAN
ATTESTATION REQUIREMENTS (BPD-
769-FC)**

Legal Authority: 42 USC 1395ww

CFR Citation: 42 CFR 412.46(c)

Legal Deadline: None

Abstract: This final rule with comment period will revise the Medicare regulations that require a hospital to obtain on an annual basis, from each physician who has admitting privileges, a signed acknowledgement that the physician understands the penalty for misrepresenting the information on an attestation statement relating to principal and secondary diagnoses and major procedures performed on patients. These regulations will eliminate the requirement for an annual acknowledgement statement and instead require that a physician sign an acknowledgement statement only upon being granted admitting privileges at a hospital. The purpose of this change is to reduce the paperwork burden associated with processing claims under Medicare.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|---------|
| Final Rule With Comment Period | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas Hoyer,
Director, Division of Provider Services
Coverage Policy, BPD, Department of
Health and Human Services, Health
Care Financing Administration, 401,
EHR, 6325 Security Boulevard,
Baltimore, Maryland 21207, 410 966-
4607

RIN: 0938-AG34

**1382. PART A PREMIUM FOR 1994
FOR THE UNINSURED AGED AND
FOR CERTAIN DISABLED
INDIVIDUALS WHO HAVE
EXHAUSTED OTHER ENTITLEMENT
(OACT-043-N)**

Significance: Agency Priority

Legal Authority: 42 USC 1395i-2(d)(2);
42 USC 1395i-2a(d)(2)

CFR Citation: None

Legal Deadline: Other, Statutory,
September 30, 1993.
Other deadline is for publication of
Notice.

Abstract: This notice announces the hospital insurance premium for calendar year 1994 under Medicare's hospital insurance program (Part A) for the uninsured aged and for certain disabled individuals who have exhausted other entitlement. The uninsured aged are those individuals who are not insured under the Social Security or Railroad Retirement Acts, and do not otherwise meet the requirements for entitlement under Medicare, Part A. Section 1818(d) of the Social Security Act specifies the method to be used to determine this amount.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| Notice | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Wandishin,
Director, Division of Hospital
Insurance, Office of the Actuary,
Department of Health and Human
Services, Health Care Financing
Administration, 1705 Equitable
Building, 6325 Security Boulevard,
Baltimore, Maryland 21207, 410 966-
6389

RIN: 0938-AG39

**1383. MONTHLY ACTUARIAL RATES
AND MONTHLY SUPPLEMENTARY
MEDICAL INSURANCE PREMIUM
RATES BEGINNING JANUARY 1, 1994
(OACT-044-N)**

Significance: Agency Priority

Legal Authority: 42 USC 1395r

CFR Citation: None

Legal Deadline: Other, Statutory,
September 30, 1993.
Other deadline is for publication of
Notice.

Abstract: This notice announces the monthly actuarial rates for aged (age 65 and over) and disabled (under age 65) enrollees in the Medicare Supplementary Insurance (SMI) program for the 12 months beginning January 1, 1994. It also announces the monthly SMI premium rate to be paid by all enrollees during the 12 months beginning January 1, 1994.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| Notice | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carter Warfield,
Director, Division of Supplementary
Medical Insurance, Department of
Health and Human Services, Health
Care Financing Administration, Room
M-1, 1705 Whitehead Building, 6325
Security Boulevard, Baltimore,
Maryland 21207, 410 966-6396

RIN: 0938-AG40

**1384. INPATIENT HOSPITAL
DEDUCTIBLE AND HOSPITAL AND
EXTENDED CARE SERVICES
COINSURANCE AMOUNTS FOR 1994
(OACT-045-N)**

Significance: Agency Priority

Legal Authority: 42 USC 1395e(b)(2)

CFR Citation: None

Legal Deadline: Other, Statutory,
September 15, 1993.
Other deadline is for publication of
Notice.

Abstract: This notice announces the inpatient hospital deductible and the hospital and extended care services coinsurance amounts for services furnished in CY 1994 under Medicare's hospital insurance program (Medicare Part A). The Medicare statute specifies the formulae to be used to determine these amounts.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| Notice | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Wandishin,
Director, Division of Hospital
Insurance, Office of the Actuary,
Department of Health and Human
Services, Health Care Financing
Administration, Room M-1, 1705

HHS—HCFA

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Equitable Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-6389

RIN: 0938-AG41

1385. • WITHDRAWAL OF COVERAGE OF DIAGNOSTIC NOCTURNAL PENILE TUMESCENCE TESTING (IMPOTENCE TESTING) (BPD-780-PN)

Legal Authority: 42 USC 1395y

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This notice announces the Medicare program's intent to withdraw coverage for diagnostic nocturnal tumescence (NPT) testing in the sleep disorder clinic and to exclude coverage for nocturnal penile tumescence testing by plethysmography and other monitoring devices in all settings. Public Health Service studies show that NPT testing is not a reliable index for evaluating impotence. Therefore, it does not meet HCFA's criteria for effectiveness.

Timetable:

| Action | Date | FR Cite |
|-----------------|----------|---------|
| Proposed Notice | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne Marie Hummel, Director, Division of Medical Services Coverage Policy, BPD, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4637

RIN: 0938-AG43

1386. • SCHEDULE OF LIMITS ON HOME HEALTH AGENCY COSTS PER VISIT FOR COST REPORTING PERIODS BEGINNING ON OR AFTER JULY 1, 1994 (BPD-786-NC)

Legal Authority: 42 USC 1395x(v)(i)

CFR Citation: 42 CFR 413.30

Legal Deadline: Final, Statutory, July 1, 1994.

Abstract: This notice sets forth an updated schedule of limits on home health agency costs that may be paid under the Medicare program. This updated schedule will be applicable to cost reporting periods beginning on or after July 1, 1994.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|---------------------|----------|--|
| Notice With Comment | 07/00/94 | |
|---------------------|----------|--|

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5, ELR Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4513

RIN: 0938-AG47

1387. • PART A PREMIUM FOR 1995 FOR THE UNINSURED AGED AND FOR CERTAIN DISABLED INDIVIDUALS WHO HAVE EXHAUSTED OTHER ENTITLEMENT (OACT-046-N)

Significance: Agency Priority

Legal Authority: 42 USC 1395i-2; 42 USC 1395i-2a

CFR Citation: None

Legal Deadline: Other, Statutory, September 30, 1994.

Other deadline is for publication of Notice.

Abstract: This notice announces the hospital insurance premium for calendar year 1995 under Medicare's hospital insurance program (Part A) for the uninsured aged and for certain disabled individuals who have exhausted other entitlement. The uninsured aged are those individuals who are not insured under the Social Security or Railroad Retirement Acts and do not otherwise meet the requirements for entitlement to Medicare Part A. Section 1818(d) of the Social Security Act specifies the method to be used to determine this amount.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|--------|----------|--|
| Notice | 09/00/94 | |
|--------|----------|--|

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Wandishin, Director, Division of Hospital Insurance, Department of Health and Human Services, Health Care Financing

Administration, 1705 Whitehead Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-6389

RIN: 0938-AG49

1388. • MEDICARE PROGRAM: MONTHLY ACTUARIAL RATES AND MONTHLY SUPPLEMENTARY MEDICAL INSURANCE PREMIUM RATES BEGINNING JANUARY 1, 1995 (OACT-047-N)

Significance: Agency Priority

Legal Authority: 42 USC 1395r

CFR Citation: None

Legal Deadline: Other, Statutory, September 30, 1994.

Other deadline is for publication of Notice.

Abstract: This notice announces the monthly actuarial rates for aged (age 65 and over) and disabled (under age 65) enrollees, in the Medicare Supplementary Insurance (SMI) program for the 12 months beginning January 1, 1994. It also announces the monthly SMI premium rate to be paid by all enrollees during the 12 months beginning January 1, 1994.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|--------|----------|--|
| Notice | 09/00/94 | |
|--------|----------|--|

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carter Warfield, Director, Division of Supplementary Medical Insurance, Department of Health and Human Services, Health Care Financing Administration, Room M-1, 1705 Whitehead Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-6396

RIN: 0938-AG50

1389. • INPATIENT HOSPITAL DEDUCTIBLE AND HOSPITAL AND EXTENDED CARE SERVICES COINSURANCE AMOUNTS FOR 1995 (OACT-048-N)

Significance: Agency Priority

Legal Authority: 42 USC 1395e

CFR Citation: None

Legal Deadline: Other, Statutory, September 15, 1994.

Other deadline is for publication of Notice.

HHS—HCFA

Final Rule Stage

Abstract: This notice announces the inpatient hospital deductible and the hospital and extended care services coinsurance amounts for services furnished in calendar year 1995 under Medicare's hospital insurance program (Medicare Part A). The Medicare statute specifies the formulae to be used to determine these amounts.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| Notice | 09/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Wandishin, Director, Division of Hospital Insurance, Department of Health and Human Services, Health Care Financing Administration, Room M-1, 1705 Whitehead Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-6389

RIN: 0938-AG51

1390. • REDUCTIONS IN PAYMENTS FOR HHA SERVICES (BPD-793-NC)

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1395x(r)(1); 42 USC 1395hh; PL 103-66, Sec 13564

CFR Citation: 42 CFR None

Legal Deadline: None

Abstract: This notice in accordance with PL 103-66, provides that there be no changes in home health services cost limits for cost reporting periods beginning on or after July 1, 1994 and before July 1, 1996. This notice also requires the Secretary, when granting or extending exceptions to cost limits, to limit any exception to the amount that would have been granted if there were no restrictions on changes in the cost limits.

Timetable:

| Action | Date | FR Cite |
|---------------------|----------|---------|
| Notice With Comment | 02/00/94 | |
| Period | | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Robert Kuhl, Division of Payment and Reporting Policy, Bureau of Program Development, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5, ELR, 6325

Security Boulevard, Baltimore, Maryland 21207, 410 966-4597

RIN: 0938-AG54

1391. • REDUCTIONS IN PAYMENTS FOR SNF SERVICES (BPD-795-NC)

Significance: Agency Priority

Legal Authority: 42 USC 1395x; 42 USC 1395yy; PL 103-66, Sec 13503

CFR Citation: 42 CFR 413.30

Legal Deadline: None

Abstract: This notice, in accordance with PL 103-66, provides that there be no changes in skilled nursing facility cost limits. The notice also requires the Secretary, when granting or extending exceptions to the cost limits, to limit any exception to the amount that would have been granted if there were no restrictions or changes in the cost limits. In addition, this notice also eliminates additional payments for excess overhead costs allocated to hospital-based facilities, effective for cost reporting periods beginning on or after October 1, 1993.

Timetable:

| Action | Date | FR Cite |
|---------------------|----------|---------|
| Notice With Comment | 02/00/94 | |
| Period | | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Robert Kuhl, Chief, Cost Control Policy Branch, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 410 966-4597

RIN: 0938-AG56

1392. • LIMITATIONS ON AGGREGATE PAYMENTS TO DISPROPORTIONATE SHARE HOSPITALS: FEDERAL FISCAL YEAR 1994 (MB-079-P)

Significance: Agency Priority

Legal Authority: PL 103-234, Sec 3

CFR Citation: 42 CFR 447.297; 42 CFR 447.298

Legal Deadline: Other, Statutory, September 30, 1993.

Abstract: This notice announces the preliminary Federal Fiscal Year 1994 national target and individual State allotments for Medicaid payments

made to hospitals that serve a disproportionate number of Medicaid recipients and other low-income individuals with special needs. Publication of this annual notice is required by the Medicaid statute and regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| Notice | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Richard Strauss, Health Insurance Analyst, Medicaid Bureau, Department of Health and Human Services, Health Care Financing Administration, Room 273, EHR, 6235 Security Boulevard, Baltimore, Maryland 21207, 410 966-8124

RIN: 0938-AG61

1393. • REQUIRED LABORATORY PROCEDURES FOR RURAL HEALTH CLINICS (BPD-783-FC)

Legal Authority: 42 USC 1302; 42 USC 263a

CFR Citation: 42 CFR 491.9

Legal Deadline: None

Abstract: This final rule with comment period will revise the range of laboratory tests rural health clinics (RHCs) are required to provide in order to meet the Medicare conditions of participation. We would eliminate certain tests not classified as waived under the Clinical Laboratory Improvement Amendments of 1988 (CLIA). These changes are being considered because the CLIA program introduced participation requirements that may cause some RHCs to withdraw from the program, creating a shortage of available medical care in some areas.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| Final Rule With Comment | 12/00/93 | |
| Period | | |

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Agency Contact: Jacqueline Sheridan, Chief, Alternative Delivery Organizations, Branch, BPD, Department of Health and Human Services, Health Care Financing Administration, 6325 Security

HHS—HCFA

Final Rule Stage

Boulevard, Baltimore, MD 21207, 410 966-4635

RIN: 0938-AG62

1394. • FREEDOM OF CHOICE WAIVER; CONFORMING CHANGES (MB-68-IFC)

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 431.55; 42 CFR 431.57

Legal Deadline: None

Abstract: This interim final rule with comment period amends existing Medicaid regulations on freedom of choice waivers granted under section 1915(b) of the Social Security Act (Act) to conform them to the amendments made to the Act by sections 4604 and 4742 of OBRA '90.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| Interim Final Rule With Comment Period | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Mary Dewane, Director, Medicaid Coordinated Care Office, Department of Health and Human Services, Health Care Financing Administration, Room 233, East High Rise Building, 6325 Security Boulevard, Baltimore, MD 21207, 410 966-9507

RIN: 0938-AG63

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Health Care Financing Administration (HCFA)**

Completed Actions

**1395. ADMINISTRATIVE APPEALS
PROCESS FOR PROVIDER PAYMENT
DISPUTES INCLUDING AMENDING
COST REPORTS & REOPENING
INTERMEDIARY PAYMENT
DETERMINATIONS &
ADMINISTRATIVE REVIEW DECISIONS
(BPD-221-P)**

CFR Citation: 42 CFR 405.1833; 42 CFR 405.1885; 42 CFR 405.1887; 42 CFR 405.1803; 42 CFR 405.1811(a); 42 CFR 405.1813; 42 CFR 405.1837; 42 CFR 405.1841; 42 CFR 405.1863; 42 CFR 405.1877; 42 CFR 405.1889; 42 CFR 412.72(b); 42 CFR 413.24

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/23/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Olenick, 410 966-4472

RIN: 0938-AA33

**1396. PAYMENT FOR THE SERVICES
OF PHYSICIANS FURNISHED IN
TEACHING SETTINGS AND OTHER
PROVIDERS (BPD-142-F)**

CFR Citation: 42 CFR 405.465; 42 CFR 405.466; 42 CFR 405.480; 42 CFR 405.481; 42 CFR 405.482; 42 CFR 405.522; 42 CFR 405.523; 42 CFR 405.524; 42 CFR 405.525; 42 CFR 405.550; 42 CFR 405.551; 42 CFR 405.552; 42 CFR 405.553; 42 CFR 405.554; 42 CFR 405.555; ...

Completed:

| Reason | Date | FR Cite |
|--|----------|---------|
| Withdrawn - Replaced by RIN 0938-AG53. | 08/19/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernard Patashnik, 410 966-4497

RIN: 0938-AB61

**1397. PRO REVIEW OF SURGICAL
PROCEDURES AND REQUIREMENTS
FOR SECOND OPINIONS (HSQ-147-P)**

CFR Citation: 42 CFR 466.150 to 466.190; 42 CFR 473.12; 42 CFR 473.14; 42 CFR 473.40; 42 CFR 405.332

Completed:

| Reason | Date | FR Cite |
|-----------------------------------|----------|---------|
| Withdrawn - No Action Anticipated | 06/21/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harvey Brook, 410 966-6853

RIN: 0938-AC90

**1398. CLINICAL LABORATORY
IMPROVEMENT AMENDMENTS OF
1988; FEE COLLECTION (HSQ-177-F)**

CFR Citation: 42 CFR 493.602 to 493.649

Completed:

| Reason | Date | FR Cite |
|------------------------------|----------|---------|
| No Further Action Necessary. | 10/13/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeff Clark, 410 966-6801

RIN: 0938-AE28

**1399. COST REPORT SETTLEMENT
ADJUSTMENT FACTOR FOR SKILLED
NURSING FACILITIES AND HOME
HEALTH AGENCIES (BPD-702-P)**

CFR Citation: 42 CFR 413.3(b)(2)

Completed:

| Reason | Date | FR Cite |
|---|----------|---------|
| Withdrawn - Reg. deemed unnecessary in accord with VP's initiative to reduce regulations. | 09/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Goeller, 410 966-4513

RIN: 0938-AE87

**1400. QUALIFIED FAMILY MEMBERS
(MB-42-F)**

Significance: Agency Priority

CFR Citation: 42 CFR 435; 42 CFR 436

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/17/93 | 58 FR 48611 |
| Final Action Effective | 10/18/93 | 58 FR 48611 |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Marinos Svolos, 410 966-4451

RIN: 0938-AF13

HHS—HCFA

Completed Actions

1401. ESSENTIAL ACCESS COMMUNITY HOSPITALS (EACHS) AND RURAL PRIMARY CARE HOSPITALS (RPCHS) (BPD-713-F)

CFR Citation: 42 CFR 400; 42 CFR 409; 42 CFR 410; 42 CFR 411; 42 CFR 412; 42 CFR 424; 42 CFR 485; 42 CFR 488; 42 CFR 489; 42 CFR 440; 42 CFR 413; 42 CFR 440; 42 CFR 498

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/26/93 | 58 FR 30630 |
| Final Action Effective | 06/25/93 | 58 FR 30630 |

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Thomas E. Hoyer, 410 966-4607

RIN: 0938-AF21

1402. CONTINUATION OF FFP FOLLOWING LOOK-BEHIND TERMINATIONS (HSQ-194-P)

CFR Citation: 42 CFR 441.11; 42 CFR 442.40

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/23/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pam Vocke, 410 966-7889

RIN: 0938-AF34

1403. PAYMENT FOR CUSTOMIZED WHEELCHAIRS (BPD-730-F)

Significance: Agency Priority

CFR Citation: 42 CFR 414.224

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/30/93 | 58 FR 34916 |
| Final Action Effective | 07/30/93 | 58 FR 34916 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernard Patashnik, 410 966-4497

RIN: 0938-AF49

1404. RECOGNITION OF THE JOINT COMMISSION ON THE ACCREDITATION OF HEALTHCARE ORGANIZATIONS STANDARDS FOR HOME HEALTHCARE ORGANIZATIONS (BPD-740-F)

Significance: Agency Priority

CFR Citation: None

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/30/93 | 58 FR 35007 |
| Final Action Effective | 09/28/93 | 58 FR 35007 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Thomas, 410 966-4623

RIN: 0938-AF56

1405. STATE SHARE OF FINANCIAL PARTICIPATION (MB-062-F)

Significance: Regulatory Program

CFR Citation: 42 CFR 433

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/13/93 | 58 FR 43156 |
| Final Action Effective | 09/13/93 | 58 FR 43156 |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Bernard Truffer, 410 966-4576

RIN: 0938-AF99

1406. MEDICARE SECONDARY PAYER: MULTIEMPLOYER PLAN EXCEPTION (BPO-113-P)

CFR Citation: 42 CFR 411.72; 42 CFR 411.73

Completed:

| Reason | Date | FR Cite |
|--|----------|---------|
| Withdrawn - To be merged with new NPRM to be determined. | 08/19/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Herbert Shankroff, 410 966-7171

RIN: 0938-AG07

1407. CHANGES TO THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEMS AND FISCAL YEAR 1994 RATES (BPD-771-F)

Significance: Regulatory Program

CFR Citation: 42 CFR 412; 42 CFR 413

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/01/93 | 58 FR 46270 |
| Final Action Effective | 10/01/93 | 58 FR 46270 |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: State, Federal

Agency Contact: Barbara Wynn, 410 966-4529

RIN: 0938-AG23

1408. SCHEDULE OF LIMITS ON HOME HEALTH AGENCY COSTS PER VISIT FOR COST REPORTING PERIODS BEGINNING ON OR AFTER JULY 1, 1993 (BPD-779-NC)

Significance: Agency Priority

CFR Citation: None

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 07/08/93 | |
| Final Action Effective | 07/01/93 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: William Goeller, 410 966-4513

RIN: 0938-AG24

1409. UPDATE OF AMBULATORY SURGICAL CENTER PAYMENT RATES FOR FISCAL YEAR 1994 (BPD-775-FNC)

CFR Citation: None

Completed:

| Reason | Date | FR Cite |
|--|----------|---------|
| Withdrawn - OBRA '93 froze payment rates for FY 94, making this notice obsolete. | 09/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernadette Schumaker, 410 966-4568

RIN: 0938-AG26

1410. LIMITATIONS ON AGGREGATE PAYMENTS FOR DISPROPORTIONATE SHARE HOSPITALS; FISCAL YEAR 1993—MEDICAID (MB-073-N)

Significance: Agency Priority

HHS—HCFA

Completed Actions

CFR Citation: 42 CFR 447, subpart E
Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/13/93 | 58 FR 43184 |
| Final Action Effective | 10/01/93 | 58 FR 43184 |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William Lasowski,
410 966-2003

RIN: 0938-AG38

1411. • MEDICARE PROGRAM: FEE SCHEDULE FOR PHYSICIANS' SERVICES FOR CALENDAR YEAR 1994 (BPD-773-FNC)

Significance: Regulatory Program

Legal Authority: 42 USC 1395w-4

CFR Citation: 42 CFR 414.24

Legal Deadline: Final, Statutory, December 31, 1993.

Abstract: This final notice with comment period announces the final relative value units (RVUs) for Medicare payment for existing procedure codes under the 1994 physician fee schedule and interim RVUs for new and revised codes. Section 6102(a) of the Omnibus Budget Reconciliation Act of 1989, as amended by section 4118 of the Omnibus Budget Reconciliation Act of 1990, requires establishment of the physician fee schedule and periodic review and adjustment of the RVUs.

Timetable:

| Action | Date | FR Cite |
|---------------------------|----------|---------|
| Merged With RIN 0938-AG22 | 10/13/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernard J. Patashnik,
Director, Division of Medical Services
Payment, Department of Health and
Human Services, Health Care Financing
Administration, Room 1-H-5, ELR
Building, 6325 Security Boulevard,
Baltimore, Maryland 21207, 410 966-
4497

RIN: 0938-AG42

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Administration for Children and Families (ACF)

Proposed Rule Stage

1412. REVISIONS TO AUDIT REGULATIONS AS A RESULT OF THE CHILD SUPPORT PROVISIONS OF THE FAMILY SUPPORT ACT OF 1988
Significance: Agency Priority**Legal Authority:** 42 USC 603(h); 42 USC 604(d); 42 USC 652(a)(1); 42 USC 652(a)(4); 42 USC 1302**CFR Citation:** 45 CFR 301; 45 CFR 305**Legal Deadline:** None

Abstract: This regulation revises existing audit procedures as a result of changes to program regulations to implement the child support provisions of the Family Support Act of 1988. These changes establish timeframes and standards for providing child support enforcement services, and require use of guidelines to establish support orders among other things. Audit regulations are being revised for consistency with new program requirements.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/09/93 | 58 FR 47414 |
| NPRM Comment Period End | 11/08/93 | |
| Final Action | 10/00/94 | |

Small Entities Affected: None**Government Levels Affected:** Local, State, Federal

Agency Contact: Lourdes Henry, Program Specialist, Policy and Planning Div., Office of Child Support Enforcement, Department of Health and

Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-5440

RIN: 0970-AA74
1413. FOSTER CARE, ADOPTION ASSISTANCE, AND CHILD WELFARE SERVICES
Significance: Agency Priority**Legal Authority:** 42 USC 627**CFR Citation:** 45 CFR 1355; 45 CFR 1356; 45 CFR 1357**Legal Deadline:** None

Abstract: This NPRM will propose criteria the Department will use to verify that a State has met statutory requirements and is eligible to receive additional funds under section 427 of the Social Security Act. The proposed rule will contain the specific criteria by which State performance in meeting the requirements of section 427 is determined, the percentage levels and other standards for case record compliance, and procedures for conducting compliance reviews.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** State

Additional Information: This action was previously reported under RIN 0980-AA08.

Agency Contact: Daniel H. Lewis, Acting Associate Commissioner, Admin. for Children, Youth, and Families, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, 202 205-8618
RIN: 0970-AA97

1414. AMENDMENTS TO DEVELOPMENTAL DISABILITIES RULES
Legal Authority: 42 USC 6000 et seq**CFR Citation:** 45 CFR 1385; 45 CFR 1386; 45 CFR 1387; 45 CFR 1388**Legal Deadline:** Final, Statutory, April 29, 1991.

Abstract: This NPRM will propose to update current rules with clarifications and new requirements to implement recent changes in the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1990 (Pub. L. 101-496).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None**Government Levels Affected:** State

Additional Information: This action was previously reported under RIN 0980-AA48.

Agency Contact: Will Wolstein, Deputy Commissioner, Administration on Developmental Disabilities,

HHS—ACF

Proposed Rule Stage

Department of Health and Human Services, Administration for Children and Families, 200 Independence Avenue, SW., Room 329D, Washington, DC 20201, 202 690-5504

RIN: 0970-AB11

1415. BLOCK GRANT PROGRAMS (LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM—LIHEAP)—FY 93 AND FY 94 PROVISIONS

Legal Authority: 42 USC 8621 et seq

CFR Citation: 45 CFR 96

Legal Deadline: None

Abstract: This notice of proposed rulemaking (NPRM) will amend the HHS block grant regulations to implement changes to the Low Income Home Energy Assistance Program (LIHEAP) statute which were made by the Augustus F. Hawkins Services Reauthorization Act (HRSA) of 1990 (Pub. L. 101-501) and language in the fiscal year 1993 appropriations statute (Pub. L. 102-394) that will affect grantee administration of the LIHEAP program in fiscal years 1993 and 1994. The major changes effective FY 93 and FY 94 are: -- Providing funding for the LIHEAP program on a new program year basis of July 1 - June 30 (forward funding) -- Ending of authority to transfer LIHEAP funds to other block grant programs. This NPRM also contains proposed requirements for an application completion date in order for Indian tribes and tribal organizations to receive Community Service Block Grant program. Finally, this NPRM, includes certain submission and completion dates for States and Territories applying for Community Services, Social Services and LIHEAP block grant funds to cover requirements under the Cash Management Improvement Act of 1990, P.L. 101-453.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet M. Fox, Director, Division of Energy Assistance, Office of Community Services, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade

SW., Washington, DC 20447, 202 401-9351

RIN: 0970-AB16

1416. FAMILY VIOLENCE PREVENTION AND SERVICES

Legal Authority: 42 USC 10407

CFR Citation: 45 CFR 1370

Legal Deadline: NPRM, Statutory, August 26, 1992. Final, Statutory, September 25, 1992.

Abstract: Would implement the requirements under the Family Violence Prevention and Services Act which provides various grants related to domestic violence.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Jackie Lemire, Director, Division of State Assistance, Office of Community Services, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-9342

RIN: 0970-AB18

1417. CHILD ABUSE AND NEGLECT STATE GRANT PROGRAM

Legal Authority: 42 USC 5101

CFR Citation: 45 CFR 1340

Legal Deadline: None

Abstract: The primary purpose of this NPRM will be to propose revisions of and additions to existing regulations at 45 CFR 1340 in order to implement recent amendments to the Child Abuse Prevention and Treatment Act with respect to confidentiality and State planning requirements.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: David W. Lloyd, Director, National Center on Child Abuse and Neglect, Department of

Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, 202 295-8586

RIN: 0970-AB23

1418. STANDARDS FOR SAFE TRANSPORTATION

Significance: Agency Priority

Legal Authority: 42 USC 9901, et seq

CFR Citation: 45 CFR 1309

Legal Deadline: None

Abstract: The NPRM will propose Head Start Performance Standards for the safe transportation of Head Start children, including vehicle requirements, driver qualifications and training and safety rules for children and staff while enroute and loading and unloading of vehicles.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Douglas Klafehn, Acting Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, 202 205-8569

RIN: 0970-AB24

1419. TITLE IV-E TRAINING

Significance: Regulatory Program

Legal Authority: 42 USC 674

CFR Citation: 45 CFR 235; 45 CFR 1356.60

Legal Deadline: None

Abstract: Section 474 of the Social Security Act authorizes Federal matching for training personnel employed or preparing for employment by the State or local child welfare agency at 75 percent instead of 50 percent as for other administrative costs. This NPRM will clarify what is included in the higher reimbursement rate.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: State

HHS—ACF

Proposed Rule Stage

Agency Contact: Daniel H. Lewis, Acting Associate Commissioner, Children's Bureau, Admin on Children, Youth & Families, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, 202 205-8618

RIN: 0970-AB25

1420. STATE LEGALIZATION IMPACT ASSISTANCE GRANT

Significance: Agency Priority

Legal Authority: PL 99-603; PL 102-394

CFR Citation: 45 CFR 402

Legal Deadline: None

Abstract: This rule amends the SLIAG regulations to implement the amendment to IRCA that directs the Secretary to reallocate any SLIAG funds not expended by States by December 30, 1994 to States which had expended their entire allocations, based on each State's percentage share of total unreimbursed legalization alien costs in all States. The reallocated funds will be available until June 30, 1995.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: David B. Smith, Director, Division of State Legalization and Repatriation, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-9255

RIN: 0970-AB28

1421. • STANDARDS FOR PURCHASE OF FACILITIES

Legal Authority: 42 USC 9801, et seq

CFR Citation: 45 CFR 1310

Legal Deadline: None

Abstract: This regulation will propose standards for the purchase of facilities

as required by the Head Start Improvement Act of 1992.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Douglas Klafehn, Acting Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, 202 205-8569

RIN: 0970-AB31

1422. • NATIONAL VOTER REGISTRATION ACT OF 1993 PROVISIONS AFFECTING PUBLIC ASSISTANCE AGENCIES

Significance: Agency Priority

Legal Authority: PL 103-31

CFR Citation: 45 CFR 205.50 (a) (4); 45 CFR 206.10; 42 CFR 431.307 (a) & (b)

Legal Deadline: None

Abstract: Incorporates general guidance for public assistance agencies regarding registration procedures to be carried out by State Public Assistance offices. It removes former prohibitions from distributing such materials in these offices.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 03/00/94 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Mack Storrs, Director, Division of AFDC Program, DHHS, ACF, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant

Promenade SW., Washington, DC 20447, 202 401-9289

RIN: 0970-AB32

1423. • CHILD CARE—REVISED REGULATIONS

Significance: Agency Priority

Legal Authority: 42 USC 1302

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Administration for Children and Families will amend existing regulations which govern the administration of child care programs under Title IV-A of the Social Security Act (AFDC Child Care, Transitional Child Care, At-Risk Child Care) and the Child Care and Development Block Grant. Based on recent legislative changes, as well as comments from state and tribal program administrators, child care advocates and other interested parties, we are examining a number of specific regulatory provisions. The purpose of this regulatory package will be to implement legislative changes, reduce program differences, and promote better program coordination. We do not expect these changes to result in significant program costs; administrative savings may result.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 03/00/94 | |
| Final Action | 07/00/94 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mark Ragan, Executive Assistant to the Assistant Secretary, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Aerospace Building, Suite 600, Washington, DC 20447, 202 401-9200

RIN: 0970-AB33

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Administration for Children and Families (ACF)

Final Rule Stage

1424. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; EXTENSION OF MEDICAID ELIGIBILITY WHEN SUPPORT COLLECTIONS RESULT IN TERMINATION OF AFDC ELIGIBILITY

Legal Authority: 42 USC 606; 42 USC 1302; PL 98-378, Sec 20; PL 100-485, Sec 303(e)

CFR Citation: 42 CFR 435; 42 CFR 436; 45 CFR 233

Legal Deadline: None

Abstract: This final rule, which implements section 20 of the Child Support Enforcement Amendments of 1984 (Pub. L. 98-378), specifies that in any case where the collection or increased collection of support under title IV-D of the Social Security Act contributes in whole or part to a family's ineligibility for AFDC, the family is deemed, but only for the purpose of Medicaid eligibility, to be receiving AFDC for a period of four calendar months after the last month of AFDC eligibility. This applies only to families who receive AFDC in three of the six months immediately preceding the month of ineligibility. "Received" includes those individuals denied an AFDC payment solely because of a payment under \$10, the recoupment of an overpayment, or because the payment is determined to be zero as a result of rounding.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/27/92 | 57 FR 56294 |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mack A. Storrs, Director, Division of AFDC Program, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-9289

RIN: 0970-AA07

1425. DISREGARDS OF INCOME AND RESOURCES

Legal Authority: PL 100-707; PL 100-383; PL 101-201; PL 101-239; PL 101-392; PL 102-325; PL 101-426

CFR Citation: 45 CFR 233.20(a)(3),(4)

Legal Deadline: None

Abstract: Would add the following income and resource disregards to the

regulations: (1) Disregard of Bona Fide Loans; (2) disregard of Student Financial Assistance under title IV of the Higher Education Act or under Bureau of Indian Affairs Student Assistance Programs; (3) Disregard of any assistance for attendance costs under the Carl D. Perkins Vocational and Applied Technology Education Act; (4) disregard of Compensation to individuals of Japanese ancestry, and residents of the Aleutian and Pribilof Islands who were interned during World War II; (5) disregard of Federal major disaster and emergency assistance under the Disaster Relief Act, as amended; (6) disregard of Agent Orange Payments; and amounts paid pursuant to the Radiation Exposure Compensation Act of 1990.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/15/91 | 56 FR 32152 |
| NPRM Comment | 09/13/91 | |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Mack A. Storrs, Director, Division of AFDC Program, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-9289

RIN: 0970-AA70

1426. ESSENTIAL PERSONS

Legal Authority: 42 USC 602(a)(7)

CFR Citation: 45 CFR 233.20(a)(2)(vi), (vii)

Legal Deadline: None

Abstract: The final rule rescinds the current regulation on essential persons which restricts the categories of individuals who may be considered in the State plan as essential persons and replaces the current regulation with an earlier version which restores the authority of states to make this determination.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Mack A. Storrs, Director, Division of AFDC Program, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-9289

RIN: 0970-AA93

1427. HEAD START PERFORMANCE STANDARDS FOR INFANTS, TODDLERS, AND PREGNANT WOMEN

Significance: Agency Priority

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1307

Legal Deadline: None

Abstract: The final rule will establish a new part 1307 setting forth performance standards that must be used in providing Head Start services to infants, toddlers and pregnant women.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/19/90 | 55 FR 24899 |
| NPRM Comment | 08/20/90 | 55 FR 24899 |
| Period End | | |
| Final Action | 01/00/94 | |

Small Entities Affected: Organizations

Government Levels Affected: None

Additional Information: This action was previously reported under RIN 0980-AA33.

Agency Contact: Douglas Klafehn, Acting Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, 202 205-8569

RIN: 0970-AB04

1428. ADOPTION AND FOSTER CARE ANALYSIS AND REPORTING SYSTEM (AFCARS)

Significance: Regulatory Program

Legal Authority: 42 USC 679

CFR Citation: 45 CFR 1355; 45 CFR 1356; 45 CFR 1357

Legal Deadline: Final, Statutory, December 31, 1988.

Abstract: Section 479 of the Social Security Act requires the Secretary to publish regulations to collect data relating to foster care and adoption in the United States.

HHS—ACF

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/27/90 | 55 FR 39540 |
| NPRM Comment Period End | 12/26/90 | 55 FR 39540 |
| Final Action | 11/00/94 | |

Small Entities Affected: None**Government Levels Affected:** State**Additional Information:** This action was previously reported under RIN 0980-AA35.

Agency Contact: Daniel H. Lewis, Acting Associate Commissioner, Children's, Bureau, Admin. on Children, Youth & Families, Department of Health and Human Services, Administration for Children and Families, P.O. Box 1182, Washington, DC 20013, 202 205-8610

RIN: 0970-AB05

1429. SOCIAL SERVICES BLOCK GRANT INFORMATION COLLECTION**Legal Authority:** 42 USC 1397 to 1397e**CFR Citation:** 45 CFR 96**Legal Deadline:** None

Abstract: The final rule will specify procedures and uniform definitions of services for use by States in preparing their annual reports to the Secretary.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 04/05/90 | 55 FR 12678 |
| NPRM Comment Period End | 06/04/90 | 55 FR 12678 |
| Final Action | 11/00/93 | |

Small Entities Affected: Governmental Jurisdictions, Organizations**Government Levels Affected:** State**Additional Information:** This action was previously reported under RIN 0980-AA42.

Agency Contact: Bryant Tudor, Department of Health and Human Services, Administration for Children and Families, 200 Independence Avenue, SW., Room 326-F, Washington, DC 20201, 202 245-2874

RIN: 0970-AB06

1430. TECHNICAL CHANGES TO THE AFDC PROGRAM AS REQUIRED BY OBRA 90**Legal Authority:** 42 USC 602**CFR Citation:** 45 CFR 205; 45 CFR 233**Legal Deadline:** None

Abstract: These interim final rules implement three minor changes to the AFDC program as required by the new statutory provisions in sections 5053, 5054, and 5055 of OBRA 90. They would eliminate deeming of income from legal guardians in minor parent cases, expand State agency responsibility for reporting child abuse and neglect, and authorize disclosure of information about AFDC cases to title IV-E programs.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Interim Final Rule | 09/22/93 | 58 FR 49218 |
| Interim Final Rule Effective | 09/22/93 | |
| Interim Final Rule Comment Period End | 10/22/93 | |

Small Entities Affected: None**Government Levels Affected:** Local, State, Federal

Agency Contact: Mack A. Storrs, Director, Division of AFDC Program, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-9289

RIN: 0970-AB14

1431. BLOCK GRANT PROGRAMS (LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM—LIHEAP) FY 91 AND FY 92 PROVISIONS**Legal Authority:** 42 USC 8621 et seq**CFR Citation:** 45 CFR 96**Legal Deadline:** None

Abstract: This final rule amends the Department's regulations governing the administration of block grant programs; this rule applies to the Low-Income Home Energy Assistance Program (LIHEAP). The rule implements changes to the LIHEAP statute which were made by the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (Pub. L. 101-501) and which affect grantee administration of the LIHEAP program in fiscal years 1991 and 1992. These changes involve the Department's response to formal complaints, a reduction in the percent of LIHEAP funds that grantees may carry forward from one fiscal year to the next, waiver authority to increase the percent of LIHEAP funds that grantees may use for weatherization from 15% to 25%, a requirement for additional outreach and intake service

under certain circumstances, and new leveraging incentive program. This final rule also implements a change regarding conditions for reallocation of LIHEAP funds.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|------------|
| Interim Final Rule | 01/16/92 | 57 FR 1960 |
| Final Action | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** State

Agency Contact: Janet M. Fox, Director, Division of Energy Assistance, Office of Community Services, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-9351

RIN: 0970-AB15

1432. REFUGEE CASH ASSISTANCE AND REFUGEE MEDICAL ASSISTANCE**Significance:** Agency Priority**Legal Authority:** 8 USC 1522**CFR Citation:** 45 CFR 400**Legal Deadline:** None

Abstract: This regulation would remove any reference to a specified eligibility period for the RCA/RMA program and would establish a procedure whereby the Director of ORR could determine the RCA/RMA eligibility period for a given fiscal year based on the appropriation level for RCA/RMA for the fiscal year, and then notify States of the eligibility period through a letter of notification to States without the delay of a time-consuming regulatory clearance.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/22/93 | 58 FR 39181 |
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** Local, State

Agency Contact: Toyo A. Biddle, Deputy Director, Division of Policy and Analysis, Department of Health and Human Services, Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447, 202 401-9250

RIN: 0970-AB27

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Administration for Children and Families (ACF)

Completed Actions

1433. SAFEGUARDING INFORMATION; FEDERAL INCOME TAX REFUND OFFSET

Significance: Agency Priority

CFR Citation: 45 CFR 301.1; 45 CFR 303.21; 45 CFR 303.72

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/04/93 | 58 FR 41432 |
| Final Action Effective | 08/04/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Susan Notar, 202 401-4608

RIN: 0970-AA88

1434. REQUIRE RECOUPMENT OF OVERPAYMENTS FROM CURRENT RECIPIENTS

Significance: Agency Priority

CFR Citation: 45 CFR 233.20

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 06/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mack A. Storrs, 202 401-9289

RIN: 0970-AA94

1435. REQUIREMENTS APPLICABLE TO TITLE IV-E FOSTER CARE AND TITLE IV-B CHILD WELFARE SERVICES

CFR Citation: 45 CFR 1356; 45 CFR 1357

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 06/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel H. Lewis, 202 205-8618

RIN: 0970-AB07

1436. INCOME AND ELIGIBILITY VERIFICATION SYSTEM

Significance: Regulatory Program

CFR Citation: 45 CFR 205

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 06/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mack A. Storrs, 202 401-9289

RIN: 0970-AB13

1437. ADMINISTRATIVE WAIVER PROCESS

Significance: Regulatory Program

CFR Citation: 45 CFR 205

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 06/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mack A. Storrs, 202 401-9289

RIN: 0970-AB17

1438. POLICY REGARDING SMOKING IN HEAD START FACILITIES

CFR Citation: 45 CFR 1304

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 06/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Douglas Klafehn, 202 205-8569

RIN: 0970-AB22

1439. OMNIBUS REGULATION FOR MISCELLANEOUS REVISIONS AND TECHNICAL CHANGES

CFR Citation: 45 CFR 301; 45 CFR 302; 45 CFR 303; 45 CFR 304

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 06/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marilyn R. Cohen, 202 401-5366

RIN: 0970-AB26

1440. ASSISTANCE FOR UNITED STATES CITIZENS RETURNED FROM FOREIGN COUNTRIES

CFR Citation: 45 CFR 212

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 06/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David B. Smith, 202 401-9255

RIN: 0970-AB29

1441. STATE LEGALIZATION IMPACT ASSISTANCE GRANTS

Significance: Agency Priority

CFR Citation: 45 CFR 402

Completed:

| Reason | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 06/07/93 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: David B. Smith, 202 401-9255

RIN: 0970-AB30

[FR Doc. 93-23534 Filed 10-22-93; 8:45 am]

BILLING CODE 4150-04-F

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BOOK 2:
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federal register

Book 2 of 3 Books
Monday, October 25, 1993

Unified Agenda of Federal Regulations

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Federal Register

**Monday
October 25, 1993**

Part IX

**Department of
Housing and Urban
Development**

Semiannual Regulatory Agenda

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Subtitles A and B

[Docket No. N-93-3662; FR-3570-N-01]

Semiannual Agenda of Regulations

AGENCY: Department of Housing and Urban Development.

ACTION: Semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, of regulations expected to be issued and under review.

SUMMARY: In accordance with section 5 of Executive Order 12291 "Federal Regulation," the Department is publishing its agenda of proposed regulations already issued or expected to be issued and of currently effective rules that are under review. Also, under section 602 of the Regulatory Flexibility Act, the Department has prepared a regulatory flexibility agenda of regulations expected to be proposed or promulgated, which are likely to have a significant economic impact on a substantial number of small entities. As permitted by Executive Order 12291 and the Regulatory Flexibility Act, the two agendas are combined for publication.

FOR FURTHER INFORMATION CONTACT: Myra L. Ransick, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW., Washington, DC 20410, (202) 708-3055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Executive Order 12291 "Federal Regulation," issued on February 17, 1981 (46 FR 13193), requires each agency to publish semiannually an agenda of regulations that the agency has issued or expects to issue and of currently effective regulations that are under agency review.

The Regulatory Flexibility Act, 5 U.S.C. 601-612, requires each agency to publish semiannually a regulatory

flexibility agenda of rules expected to be proposed or promulgated, which are likely to have a significant economic impact on a substantial number of "small entities," meaning small businesses, small organizations, or small governmental jurisdictions.

Executive Order 12291 and section 605 of the Regulatory Flexibility Act each permits incorporation of the agenda required with any other prescribed agenda. Accordingly, the agenda set out below combines the information required by the Executive order and by the Regulatory Flexibility Act. In addition, the agenda contains certain information not required by either the Executive order or by the Act which the Department considers useful, both better to inform the public and to enhance the Department's own inventory control over its body of regulations.

For purposes of Executive Order 12291, "regulation" or "rule" is defined as "an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency" subject to certain exceptions. The agenda published below concentrates upon regulatory material contained or expected to be contained in the Code of Federal Regulations (CFR) (or incorporated therein by reference) following publication in the *Federal Register*. As appropriate, however, issuances in the nature of general statements of policy may be published in the *Federal Register* but not for coordination in the CFR.

The Department also is subject to certain requirements involving congressional review of rulemaking action, including publication of an agenda. Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the congressional committees having jurisdictional oversight (the Senate Committee on Banking, Housing and Urban Affairs and

the House Committee on Banking, Finance and Urban Affairs) a semiannual agenda of all rules or regulations which are under development or review by the Department. A rule appearing on the agenda cannot be published for comment before or during the first 15 calendar days after transmittal of the agenda. If, within that period, either committee notifies the Secretary that it intends to review any rule or regulation which appears on the agenda, the Secretary must submit to both committees a copy of the rule or regulation, in the form it is intended to be proposed, at least 15 calendar days before it is published for comment. The semiannual agenda published today is the agenda transmitted to the committees in compliance with the foregoing requirement.

The agenda items are divided first by program office. Within each program office, the agenda items are divided into four groups: (i) Prerulemaking actions, (ii) publication or other implementations of notices of proposed rulemaking, (iii) publications or other implementations of final rules, and (iv) completed actions. Within each grouping, rules are listed in chronological order by the part number of the CFR affected. Where a rule affects multiple parts of the CFR, the rule is listed by the first affected part number. Priority rules include all regulations designated for priority development by the Department.

Items listed in this agenda are from the following offices within the Department: Office of the Secretary; Office of Housing; Office of Public and Indian Housing; Office of Community Planning and Development; Office of Fair Housing and Equal Opportunity; Government National Mortgage Association; and Office of Administration.

Dated: August 17, 1993.

Nelson A. Diaz,
General Counsel.

Office of the Secretary—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1442 | 24 CFR 6 Nondiscrimination in Programs and Activities Receiving Assistance Under Title I of the HCD Act of 1974 (FR-3079) | 2501-AB32 |
| 1443 | 24 CFR 10 Standards of Conduct (FR-3331) | 2501-AB55 |

HUD

Office of the Secretary—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1444 | 24 CFR 16.15 Implementation of the Privacy Act of 1974—Tenant Eligibility (FR-3436) | 2501-AB60 |
| 1445 | 24 CFR 24 Government Debarment and Suspension and Governmentwide Requirements for a Drug-Free Workplace (FR-3065) | 2501-AB24 |
| 1446 | 24 CFR 35 Lead-Based Paint Poisoning Prevention in Certain Residential Structures (FR-3061) | 2501-AB23 |
| 1447 | 24 CFR 35 Regulations Implementing New Lead-Based Paint Program Requirements under Housing and Community Development Act of 1992 (FR-3482) | 2501-AB57 |
| 1448 | 24 CFR 37 Regulations Implementing Lead-Based Paint Disclosure and Warning Requirements for Sale and Rental of Housing (FR-3483) | 2501-AB58 |
| 1449 | 24 CFR 43 Residential Antidisplacement and Relocation Plan (FR-3449) | 2501-AB52 |
| 1450 | 24 CFR 50 Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality (FR-2206) | 2501-AA30 |
| 1451 | 24 CFR 58 Environmental Review Procedures for Recipients Assuming HUD Responsibilities (FR-3514) | 2501-AB67 |
| 1452 | 24 CFR 59 Protection of Historic Properties (FR-3315) | 2501-AB44 |
| 1453 | 24 CFR 81 Regulations Implementing the Secretary's Authority Over FNMA and FHLMC (FR-3481) | 2501-AB56 |
| 1454 | 24 CFR 81 Office of Federal Housing Enterprise Oversight Regulations Concerning the Financial Safety and Soundness of FNMA and FHLMC (FR-3484) | 2501-AB59 |
| 1455 | 24 CFR 87 Limitation of Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions; Change in Threshold for Single Family Compliance (FR-3574) | 2501-AB66 |
| 1456 | 24 CFR 92 Economic Opportunities for Low- and Very Low-Income Persons—Proposed Conforming Amendments (FR-3536) | 2501-AB64 |
| 1457 | 24 CFR 95 Nepotism Restrictions Applicable to HUD Grantees (FR-3075) | 2501-AB29 |
| 1458 | 24 CFR 215 Assisted Applications (FR-3466) | 2501-AB62 |
| 1459 | 24 CFR 880 Preferences for Admission to Assisted Housing (FR-3122) | 2501-AB35 |

Office of the Secretary—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1460 | 00 CFR Not yet determined HOPE for Multifamily Housing (HOPE) (FR-2967) | 2501-AB08 |
| 1461 | 00 CFR None HOPE for Public and Indian Housing Homeownership (HOPE 1) (FR-2966) | 2501-AB10 |
| 1462 | 24 CFR 4 Prohibition of Advance Disclosure of Funding Decision (FR-2805) | 2501-AB02 |
| 1463 | 24 CFR 9.101 Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by HUD (FR-2163) | 2501-AB04 |
| 1464 | 24 CFR 10 Rulemaking Policies and Procedures—Expediting Rulemaking and Policy Implementation (FR-3292) | 2501-AB43 |
| 1465 | 24 CFR 15 Freedom of Information Act Procedures (FR-3282) | 2501-AB47 |
| 1466 | 24 CFR 17 Administrative Claims—Disallowed Costs Provisions (FR-2861) | 2501-AA97 |
| 1467 | 24 CFR 45 Implementation of OMB Circular A-133, "Audit of Institutions of Higher Education and Other Nonprofit Institutions" (FR-2594) | 2501-AB19 |
| 1468 | 24 CFR 55 Procedure for Floodplain Management and the Protection of Wetlands; Implementation of Executive Orders 11988 and 11990 (FR-865) | 2501-AA23 |
| 1469 | 24 CFR 70 Davis-Bacon Volunteers (Sec. 955) (FR-2955) | 2501-AB33 |
| 1470 | 24 CFR 87 Prohibition on Use of Federal Funds for Lobbying; Requirements for Disclosure Statements (FR-2719) | 2501-AA92 |
| 1471 | 24 CFR 92 HOME Investment in Affordable Housing Program (FR-2937) | 2501-AB12 |
| 1472 | 24 CFR 92 Housing and Community Development Act of 1992 Amendments to HOME Program (FR-3411) | 2501-AB50 |
| 1473 | 24 CFR 200 Restrictions on Housing Assistance to Ineligible Aliens (FR-2383) | 2501-AA63 |
| 1474 | 24 CFR 207 Fire Rule (FR-3462) | 2501-AB53 |
| 1475 | 24 CFR 215 Exclusion from Income of Earned Income Tax Credit (FR-3025) | 2501-AB20 |
| 1476 | 24 CFR 574 Housing Opportunities for Persons with AIDS (FR-3178) | 2501-AB41 |
| 1477 | 24 CFR 700 Revised Congregate Program (Sec. 802) (FR-2990) | 2501-AB34 |
| 1478 | 24 CFR 800 Determination of Areas of Undue Concentration of Poverty-Level Population; and Conforming Amendments (FR-3256) | 2501-AB37 |
| 1479 | 24 CFR 791.403 Allocation of Budget Authority for Housing Assistance (FR-3446) | 2501-AB51 |
| 1480 | 24 CFR 892 Implementation of Section 129 of the Housing and Community Development Act of 1992 (FR-3487) | 2501-AB65 |
| 1481 | 24 CFR 813 Combined Income and Rent Regulations (FR-3324) | 2501-AB61 |
| 1482 | 24 CFR 920 HUD Prevailing Wage Rate Requirements for Maintenance, Nonroutine Maintenance and Technical Employees Working on Public Housing Projects (FR-2211) | 2501-AB38 |

HUD

Office of the Secretary—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1483 | 00 CFR Not yet determined National Homeownership Trust Demonstration Program (FR-3032) | 2501-AB15 |
| 1484 | 24 CFR 1 Deferral of Funding Under Section 504 and Title VI Regulations (FR-2825) | 2501-AB17 |
| 1485 | 24 CFR 15.86 Relaxation of HUD Regulatory Requirements; Conforming Changes (FR-3221) | 2501-AB40 |
| 1486 | 24 CFR 50.1 Changes in HUD Systems for Approval of Subdivisions (FR-3095) | 2501-AB25 |
| 1487 | 24 CFR 58 Environmental Review Procedures for Recipients Assuming HUD Responsibilities (FR-1965) | 2501-AA25 |
| 1488 | 24 CFR 86.20(f) Regulation of Consultants (FR-3386) | 2501-AB54 |
| 1489 | 24 CFR 92 Eligibility of Insular Areas for the HOME Program (FR-3242) | 2501-AB42 |
| 1490 | 24 CFR 92 Interim Rule to Implement HOME Housing and Community Development Act of 1992 Amendments (FR-3410) | 2501-AB49 |
| 1491 | 24 CFR 248 Prepayment of a HUD-Insured Mortgage by an Owner of Low-Income Housing (FR-2978) | 2501-AB14 |
| 1492 | 24 CFR 572 HOPE for Single Family Homes (HOPE 3) (FR-2968) | 2501-AB09 |
| 1493 | 24 CFR 912 Single Persons Rule (FR-3029) | 2501-AB63 |
| 1494 | 24 CFR 941 Lead-Based Paint Poisoning Prevention Act—Stewart B. McKinney Homeless Assistance Amendments of 1988—Section 1088 (FR-2583) | 2501-AB46 |
| 1495 | 24 CFR 965.701 Lead-Based Paint Poisoning Prevention In Certain Residential Structures (FR-3325) | 2501-AB48 |

Office of Housing—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1496 | 00 CFR Not yet determined Pre-Foreclosure Sale Option (FR-2682) | 2502-AE72 |
| 1497 | 24 CFR 000 Assisted Housing Drug Elimination (FR-3467) | 2502-AG07 |
| 1498 | 24 CFR 200 Participant's Consent to Release Information (FR-3468) | 2502-AG08 |
| 1499 | 24 CFR 000 Standards and Obligations of Residency in Federally Assisted Housing (FR-3471) | 2502-AG11 |
| 1500 | 24 CFR 100.325 Regulations Clarifying Term "Housing for Older Persons" (FR-3469) | 2502-AG09 |
| 1501 | 24 CFR 200 Appraisals (FR-3027) | 2502-AF25 |
| 1502 | 24 CFR 200.925a Changes to the Minimum Property Standards (FR-3028) | 2502-AF26 |
| 1503 | 24 CFR 200 Seismic Safety—Earthquake Hazard Reduction (FR-3130) | 2502-AF60 |
| 1504 | 24 CFR 200 Counseling—Single Family Housing (FR-3547) | 2502-AG14 |
| 1505 | 24 CFR 203.402(f) Changes to Reimbursement for Preservation and Protection Expenditures (FR-3216) | 2502-AF63 |
| 1506 | 24 CFR 204 Termination of Single-Family Coinsurance Program (FR-3418) | 2502-AG00 |
| 1507 | 24 CFR 206 Home Equity Conversion Mortgage Insurance Demonstration (FR-2958) | 2502-AF32 |
| 1508 | 24 CFR 207.4 Control of Luxury Housing Insured by the Department (FR-3223) | 2502-AF76 |
| 1509 | 24 CFR 208 Single Family Closing Agents (FR-3521) | 2502-AG15 |
| 1510 | 24 CFR 232 Mortgage Insurance for Nursing Homes, Intermediate Care Facilities and Board and Care Homes (FR-3374) | 2502-AF89 |
| 1511 | 24 CFR 236 Rent Changes in Section 236 and 221 Projects (FR-2977) | 2502-AF39 |
| 1512 | 24 CFR 236 Mortgage Insurance and Interest Reduction Payment for Rental Projects (FR-3417) | 2502-AF99 |
| 1513 | 24 CFR 242 Mortgage Insurance for Hospitals; Insurance of Mortgages Covering Existing Hospitals (FR-3083) | 2502-AF47 |
| 1514 | 24 CFR 247 Termination of Tenancy for Criminal Activity (FR-3472) | 2502-AG12 |
| 1515 | 24 CFR 290 Auction of FHA Multifamily Mortgages (FR-3009) | 2502-AF27 |
| 1516 | 24 CFR 291 Single Family Property Disposition—Homeless (FR-3399) | 2502-AF96 |
| 1517 | 24 CFR 886 Authority To Provide Preferences for Elderly Residents and for Disabled Residents in Certain Section 8 Housing (FR-3465) | 2502-AG05 |
| 1518 | 24 CFR 880 Drug-Related Rent Adjustments (FR-2960) | 2502-AF33 |
| 1519 | 24 CFR 3280 Manufactured Home Construction and Safety Standards on Seismic Requirements (FR-3099) | 2502-AF67 |
| 1520 | 24 CFR 3282 Manufactured Home Procedures and Enforcement Regulations; To Implement Inspection, Design Approval, Consumer Complaint Handling and Monitoring Program (FR-2985) | 2502-AF42 |
| 1521 | 24 CFR 3282 Manufactured Home Construction Safety Standards on Hardboard Siding (FR-3470) | 2502-AG10 |
| 1522 | 24 CFR 3500 Regulations Implementing Section 10 of RESPA Concerning Escrow Accounts (FR-3255) | 2502-AF77 |

Office of Housing—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1523 | 24 CFR 200 Changes to the Minimum Property Standards (FR-2599) | 2502-AE64 |

HUD

Office of Housing—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1524 | 24 CFR 200 Use of Materials Bulletin Used in the HUD Building Product Standards and Certification Program (FR-3210) | 2502-AF62 |
| 1525 | 24 CFR 200 Revision of FHA Multifamily Processing (FR-3349) | 2502-AF74 |
| 1526 | 24 CFR 200 Use of Materials Bulletin 101: Exterior Finish and Insulation Systems Used in the HUD Building Product Standards and Certification Program (FR-3365) | 2502-AF84 |
| 1527 | 24 CFR 201 Title I Property Improvement and Manufactured Home Loans—Debt Owed to the U.S. Under Title I (FR-3326) | 2502-AF80 |
| 1528 | 24 CFR 203 Nondiscrimination on Basis of Mortgage Charge Rates by Mortgagees on the Basis of Geographical Area (Tiered Pricing) (FR-3021) | 2502-AF29 |
| 1529 | 24 CFR 203 Single-Family Property Disposition Program (FR-3253) | 2502-AF75 |
| 1530 | 24 CFR 203.650 Assignment of Mortgagees—Definition (FR-3426) | 2502-AF85 |
| 1531 | 24 CFR 200 Book Entry Form and Distributive Shares (FR-3434) | 2502-AG01 |
| 1532 | 24 CFR 207 Effect of Acquisition of Title by Mortgagee or the Secretary on Title Insurance Policy (FR-3224) | 2502-AF64 |
| 1533 | 24 CFR 266 Housing Finance Agency—Risk Sharing Program (FR-3383) | 2502-AF94 |
| 1534 | 24 CFR 207 Implementation of Section 512 of the Housing and Community Development Act of 1992—Multifamily Housing Mortgage Insurance (FR-3393) | 2502-AF95 |
| 1535 | 24 CFR 207.32 Deletion of the 90 Percent-of-Value Criterion in Section 223(a)(7) Refinancing (FR-3342) | 2502-AG04 |
| 1536 | 24 CFR 215 State Agency Amendments (FR-1997) | 2502-AC73 |
| 1537 | 24 CFR 219 Flexible Subsidy (FR-3441) | 2502-AG03 |
| 1538 | 24 CFR 236.2 Definition of "Elderly Family" in Part 236 (FR-3286) | 2502-AF79 |
| 1539 | 24 CFR 248 Preservation of Multifamily Low-Income Housing—"90-Day Rule" Housing and Community Development Act of 1992 Amendments (FR-3384) | 2502-AF83 |
| 1540 | 24 CFR 251 GNMA Request for Full Insurance on Coinsurance Loan (FR-2951) | 2502-AF34 |
| 1541 | 24 CFR 280 Nehemiah Housing (FR-3438) | 2502-AG02 |
| 1542 | 24 CFR 811 Low-Income Term (FR-3046) | 2502-AF50 |
| 1543 | 24 CFR 880 Income Eligibility for Tenancy in New Construction Units (FR-3413) | 2502-AF41 |
| 1544 | 24 CFR 885 Management Rules for Existing Projects for the Elderly (FR-1761) | 2502-AC03 |
| 1545 | 24 CFR 888 Annual Rent Adjustments for Section 8 Assisted Housing; Comparability Studies (FR-2822) | 2502-AF01 |
| 1546 | 24 CFR 889 Supportive Housing for the Elderly (Management) (FR-3336) | 2502-AF86 |
| 1547 | 24 CFR 889 Supportive Housing for the Elderly ('92 Act) (FR-3407) | 2502-AF98 |
| 1548 | 24 CFR 890 Supportive Housing for Persons With Disabilities (Management) (FR-3337) | 2502-AF87 |
| 1549 | 24 CFR 890 Supportive Housing for Persons With Disabilities Act of 1992 (Simplification) (FR-3406) | 2502-AF97 |
| 1550 | 24 CFR 3280 Update to the Manufactured Home Construction and Safety Standards (HUD Code) (FR-2622) | 2502-AE66 |
| 1551 | 24 CFR 3280.4 Wind Standards—Manufactured Homes (FR-3380) | 2502-AF91 |
| 1552 | 24 CFR 3500 RESPA Amendments Required by the Housing and Community Development Act of 1992 (FR-3382) | 2502-AG13 |

Office of Housing—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1553 | 24 CFR 27 Nonjudicial Foreclosure of Multifamily Mortgages (FR-3368) | 2502-AF88 |
| 1554 | 24 CFR 200 Mortgage Assurability and Release Requirements (FR-2867) | 2502-AF07 |
| 1555 | 24 CFR 200 Single Family and Manufactured Home FHA Insurance—Miscellaneous Amendments (FR-3445) | 2502-AF93 |
| 1556 | 24 CFR 214 Housing Counseling Activities (FR-2753) | 2502-AE92 |
| 1557 | 24 CFR 203 Removal of Codified Language for Inactive Temporary Mortgage Assistance Payments Program (FR-2791) | 2502-AE99 |
| 1558 | 24 CFR 203 Minimum Mortgagor Equity Applicable to Most FHA Single Family Mortgagors (FR-2939) | 2502-AF18 |
| 1559 | 24 CFR 203 Single Family Insurance—Secondary Homes (FR-2981) | 2502-AF37 |
| 1560 | 24 CFR 203.390 Amendment to Waiver of Title (FR-3103) | 2502-AF51 |
| 1561 | 24 CFR 203.18b(a) Mortgage Limits for High Cost Area (FR-3121) | 2502-AF54 |
| 1562 | 24 CFR 203 Mortgage Insurance Premiums—15-Year Mortgages (FR-3279) | 2502-AF78 |
| 1563 | 24 CFR 207.4(f) Section 223(d) Operating Loss Loan Insurance (FR-2892) | 2502-AF14 |
| 1564 | 24 CFR 207 Revision of Three Year Requirement for Submission of Projects Insured under Section 223(f) (FR-3330) | 2502-AF82 |
| 1565 | 24 CFR 247.3(c) Tenant Protection (FR-3105) | 2502-AF52 |
| 1566 | 24 CFR 248 Preservation of Multifamily Low Income Housing—"30-Day Rule" (FR-3377) | 2502-AF90 |

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Office of Housing—Completed Actions (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1567 | 24 CFR 208 Nehemiah Housing Opportunity Grant Program (FR-3293) | 2502-AF81 |
| 1568 | 24 CFR 290 HUD-Owned and HUD-Held Multifamily Projects—Management and Disposition Including Provision of Section 8 Assistance for Projects at Foreclosure (FR-2158) | 2502-AD43 |

Office of Community Planning and Development—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1569 | 24 CFR 585 Opportunities for Youth: YOUTHBUILD (FR-3450) | 2506-AB52 |
| 1570 | 24 CFR 92 HOME Formula (FR-3563) | 2506-AB64 |
| 1571 | 24 CFR 570 Income Definition and Other Amendments (FR-2772) | 2506-AB01 |
| 1572 | 24 CFR 570 Architectural Barriers Act—Applicability to CDBG Activities (FR-2820) | 2506-AB04 |
| 1573 | 24 CFR 570.420 to 570.438 Community Development Block Grants: Small Cities Program (FR-2879) | 2506-AB11 |
| 1574 | 24 CFR 570 Presidentially Declared Major Disasters and Emergencies Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FR-3119) | 2506-AB30 |
| 1575 | 24 CFR 570 Community Development Block Grant Program—to Part 570 Technical Amendments (FR-3238) | 2506-AB33 |
| 1576 | 24 CFR 570 Revised Regulations for CDBG Sanctions (FR-3298) | 2506-AB43 |
| 1577 | 24 CFR 570.203 Guidelines for CDBG Economic Development (FR-3474) | 2506-AB53 |
| 1578 | 24 CFR 570 Community Development Block Grants: Community Development Plan and Program Income, State Program (FR-3475) | 2506-AB54 |
| 1579 | 24 CFR 570.200 Community Development Block Grants—1992 Act Changes (FR-3489) | 2506-AB59 |
| 1580 | 24 CFR 570 CDBG Special Purpose Grants—Institutions of Higher Learning (Sec. 801(c) of the 1992 Act (FR-3415)) | 2506-AB60 |
| 1581 | 24 CFR 570 Removal of Regulatory Barriers to Affordable Housing (FR-3513) | 2506-AB62 |
| 1582 | 24 CFR 570.402 Technical Assistance; Special Purpose Grants; Unsolicited Proposals (FR-3533) | 2506-AB63 |
| 1583 | 24 CFR 584 Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwelling for Homeless Individuals (FR-3500) | 2506-AB47 |

Office of Community Planning and Development—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1584 | 00 CFR 000 John Heinz Neighborhood Development Program (FR-3389) | 2506-AB48 |
| 1585 | 24 CFR 511 Amendment of Rental Rehabilitation Program Closeout Requirements (FR-3280) | 2506-AB39 |
| 1586 | 24 CFR 570.3 Revisions of Part 570 To Implement Recent Statutory Changes (FR-2496) | 2506-AA84 |
| 1587 | 24 CFR 570.202 Correction of Health and Safety Violations in Rehabilitated Residential Properties Assisted With Community Development Block Grant Funds (FR-2874) | 2506-AB06 |
| 1588 | 24 CFR 570 Community Development Block Grants—Project (FR-3000) | 2506-AB16 |
| 1589 | 24 CFR 570 Community Development Block Grant—Entitlement Program—CD Plan (FR-3007) | 2506-AB19 |
| 1590 | 24 CFR 570.201 Inclusion of Program Income in CDBG Calculations of Public Service Spending CAP (FR-2905) | 2506-AB24 |
| 1591 | 24 CFR 570 CDBG Special Purpose Grants—Communities Adjustment and Economic Diversification Planning Program (FR-3404) | 2506-AB61 |
| 1592 | 24 CFR 576 Emergency Shelter Grants Program (FR-3005) | 2506-AB17 |
| 1593 | 24 CFR 583 Supportive Housing Program (FR-3379) | 2506-AB45 |
| 1594 | 24 CFR 42 Prohibition Against Lump-Sum Relocation Payments for Rental Assistance (FR-3476) | 2506-AB55 |

Office of Community Planning and Development—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1595 | 24 CFR 000 Community Investment Corporation Demonstration (FR-3477) | 2506-AB56 |
| 1596 | 24 CFR 000 Safe Havens for Homeless Individuals Demonstration Program (FR-3478) | 2506-AB57 |
| 1597 | 24 CFR 000 Rural Homeless Housing Assistance Program (FR-3479) | 2506-AB58 |
| 1598 | 24 CFR 43 Residential Antidisplacement and Relocation Assistance Plan (FR-3449) | 2506-AB51 |

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Office of Community Planning and Development—Completed Actions (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1599 | 24 CFR 570 Community Development Block Grants—Disposition of Property Below Market Value (FR-2999) | 2506-AB15 |
| 1600 | 24 CFR 570.203 Community Development Block Grant Entitlement: State Program—Economic Development Activities (FR-3008) | 2506-AB20 |
| 1601 | 24 CFR 570 Community Development Block Grant—Funded Code Enforcement (FR-2943) | 2506-AB26 |
| 1602 | 24 CFR 571 Community Development Block Grants for Indian Tribes and Alaskan Native Villages (FR-2880) | 2506-AB12 |
| 1603 | 24 CFR 576 Emergency Shelter Grant Set-Asides for Indian Tribes and Alaskan Native Villages (FR-3458) | 2506-AB46 |
| 1604 | 24 CFR 576 Participation of Homeless Individuals—Emergency Shelter Grants Program (FR-3394) | 2506-AB50 |
| 1605 | 24 CFR 598 Revisions to HUD Enterprise Zone Regulations (FR-2692) | 2506-AB00 |
| 1606 | 24 CFR 882 Moderate Rehabilitation Single Room Occupancy for Homeless (FR-3431) | 2506-AB44 |

Government National Mortgage Association—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1607 | 24 CFR 390.3 Revisions to GNMA Issuer Net Worth Requirements (FR-2908) | 2503-AA07 |
| 1608 | 24 CFR 395 GNMA Real Estate Mortgage Investment Conduit Program (FR-3554) | 2503-AA10 |

Government National Mortgage Association—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1609 | 24 CFR 400 Guaranty of Real Estate Mortgage Investment Conduits (FR-3004) | 2503-AA09 |

Office of Fair Housing and Equal Opportunity—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1610 | 24 CFR 151 Defining Area of Minority Concentration in HUD's Housing and Community Development Program (FR-3564) | 2529-AA68 |

Office of Fair Housing and Equal Opportunity—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1611 | 00 CFR Not yet determined Occupancy Standards in Public and Assisted Housing (FR-3566) | 2529-AA70 |
| 1612 | 24 CFR 91.15(l) CHAS—Affirmatively Furthering Fair Housing (FR-3118) | 2529-AA54 |
| 1613 | 24 CFR 100 Definition of "Significant Facilities and Services" (FR-3502) | 2529-AA66 |
| 1614 | 24 CFR 111 Fair Housing Assistance Program (FR-3322) | 2529-AA60 |
| 1615 | 24 CFR 115 Certification of 115 Substantially Equivalent Agencies (FR-3321) | 2529-AA59 |
| 1616 | 24 CFR 112 Fair Housing Affirmative Administration of Programs Relating to HUD (FR-2885) | 2529-AA46 |
| 1617 | 24 CFR 125 Fair Housing Initiatives Program (FR-3480) | 2529-AA62 |
| 1618 | 24 CFR 135 Economic Opportunities for Low- and Very Low-Income Persons (FR-2898) | 2529-AA49 |
| 1619 | 24 CFR 150 Requirements for Affirmatively Furthering Fair Housing in HUD's Housing and Community Development Programs (FR-3565) | 2529-AA69 |

Office of Fair Housing and Equal Opportunity—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1620 | 24 CFR 7 Equal Employment Opportunity; Policies and Procedures (FR-3323) | 2529-AA61 |

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Office of Fair Housing and Equal Opportunity—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1621 | 24 CFR 100. Discriminatory Conduct under the Fair Housing Act (FR-3534) | 2529-AA67 |
| 1622 | 24 CFR 103 Fair Housing—Complaint Processing (FR-3456) | 2529-AA65 |
| 1623 | 24 CFR 104 Fair Housing Act; Administrative Proceedings Under Section 812 of the Fair Housing Act (FR-3485) | 2529-AA63 |

Office of Fair Housing and Equal Opportunity—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1624 | 24 CFR 104 Fair Housing Act; Fair Housing Complaint Processing (FR-3486) | 2529-AA64 |
| 1625 | 24 CFR 7 Conforming Amendments to HUD Rules To Comply With Section 504 of the Rehabilitation Act and Other Authorities (FR-2531) | 2529-AA38 |

Office of Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1626 | 24 CFR 85 Implementation of Revised OMB Circular A-102 Grants and Cooperative Agreements to State and Local Governments (FR-3129) | 2535-AA19 |

Office of Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1627 | 48 CFR 24 HUD Acquisition Regulation; Technical Amendments and Corrections (FR-2473) | 2535-AA16 |

Office of Public and Indian Housing—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1628 | 24 CFR 882 Use of Section 8 Certificates and Moderate Rehabilitation in Major Disasters (FR-2976) | 2577-AB16 |
| 1629 | 00 CFR Not yet determined Family Investment Centers (FR-3396) | 2577-AB25 |
| 1630 | 24 CFR 92 Indian HOME: Revised Program Regulations (FR-3567) | 2577-AB35 |
| 1631 | 24 CFR 813 Income Eligibility for Public Housing (FR-2978) | 2577-AA93 |
| 1632 | 24 CFR 901 Reform of Public Housing Management (FR-3447) | 2577-AB30 |
| 1633 | 24 CFR 904 Turnkey III Homeownership Opportunity Program Re: Revision of Existing Rule (FR-2819) | 2577-AA85 |
| 1634 | 24 CFR 941 Public Housing Development Regulations (FR-3569) | 2577-AB37 |
| 1635 | 24 CFR 945 Designating Housing for Occupancy by Elderly or Disabled Families (FR-3425) | 2577-AB27 |
| 1636 | 24 CFR 964 Tenant Participation and Tenant Opportunities in Public Housing (FR-3568) | 2577-AB36 |
| 1637 | 24 CFR 965 Lead-Based Paint Liability Insurance for Public Housing Agencies and Indian Housing Authorities (FR-3275) | 2577-AB21 |
| 1638 | 24 CFR 982 Section 8 Homeownership (FR-3385) | 2577-AB23 |
| 1639 | 24 CFR 990 Performance Funding System: Adjustment to Operating Subsidy To Reflect Air Conditioning Effect on Utility Consumption (FR-2971) | 2577-AA99 |

Office of Public and Indian Housing—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1640 | 24 CFR 968 Vacancy Reduction Program (FR-3398) | 2577-AB26 |
| 1641 | 24 CFR 571 Community Development Block Grants for Indian Tribes and Alaskan Native Villages (FR-2880) | 2577-AB31 |

HUD

Office of Public and Indian Housing—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1642 | 24 CFR 882 Comprehensive Revision to Section 8 Rental Certificate Program and Rental Voucher Program Regulations (FR-2294) | 2577-AB14 |
| 1643 | 24 CFR 901 Public Housing Management Assessment Program (PHMAP) (FR-2897) | 2577-AA89 |
| 1644 | 24 CFR 905 Section 5(h) Homeownership Program (FR-2810) | 2577-AA90 |
| 1645 | 24 CFR 905 PIH; Revised Comprehensive Improvement Assistance Program (FR-3318) | 2577-AB20 |
| 1646 | 24 CFR 905.210 Assisted Housing for Indians and Alaskan Natives—Payments to Municipalities (FR-3488) | 2577-AB29 |
| 1647 | 24 CFR 905 Public and Indian Housing Amendments to the Comprehensive Grant Program (FR-3517) | 2577-AB32 |
| 1648 | 24 CFR 907 Homeownership Demonstration Program in Omaha, Nebraska (FR-3573) | 2577-AB38 |
| 1649 | 24 CFR 909 Choice in Public Housing Management (FR-3464) | 2577-AB22 |
| 1650 | 24 CFR 941 Public Housing Development—Amendment to Calculation of Total Development Cost (FR-3550) | 2577-AB34 |
| 1651 | 24 CFR 960.500, subpart E Public Housing Rent Waiver for Police Officers (FR-2972) | 2577-AA94 |
| 1652 | 24 CFR 970 Replacement Housing for Public Housing Demolition and Disposition 1987 HCD Act (FR-2463) | 2577-AA58 |
| 1653 | 24 CFR 970.12 Demolition or Disposition of Public Housing Projects—Required and Permitted PHA Actions Prior to Approval (FR-3528) | 2577-AB33 |
| 1654 | 24 CFR 990 Public Housing Operating Subsidies—Energy Savings (FR-3387) | 2577-AB24 |

Office of Public and Indian Housing—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1655 | 00 CFR 000 Rental Assistance Fraud Recoveries (FR-3487) | 2577-AB28 |
| 1656 | 24 CFR 905 Indian Lease and Grievance Procedures (FR-3228) | 2577-AB11 |
| 1657 | 24 CFR 905.639(c) CIAP Procurement Policy for LBP Testing and Abatement Services (FR-3231) | 2577-AB12 |
| 1658 | 24 CFR 905 Family Self-Sufficiency Program (FR-2961) | 2577-AB15 |
| 1659 | 24 CFR 941 Public Housing Development—Program Redesign (FR-2865) | 2577-AA87 |
| 1660 | 24 CFR 965 Selection of Financially Responsible Insurance Provider by PHAs and IHAs (FR-3023) | 2577-AB00 |
| 1661 | 24 CFR 970 Demolition and Disposition of Public Housing—Opportunity To Purchase by Tenant Councils, Resident Management Corporations, or Tenant Cooperatives (FR-3093) | 2577-AB09 |
| 1662 | 24 CFR 990.102 Operating Subsidy for Anti-Drug and Economic Self-Sufficiency Activities (FR-2784) | 2577-AA84 |

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of the Secretary (HUDSEC)**

Proposed Rule Stage

1442. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES RECEIVING ASSISTANCE UNDER TITLE I OF THE HCD ACT OF 1974 (FR-3079)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 6

Legal Deadline: None

Abstract: This proposed rule would create a new part 6 which would implement section 109 of Title I of the Housing and Community Development Act of 1974. Section 109 requires that no person in the United States shall, on the ground of race, color, national origin, religion or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program activity funded in whole or in part with community development funds. The

rule will set forth the procedures and policies to assure nondiscrimination under section 109 in programs and activities receiving assistance from HUD under Title I of the HCD Act of 1974.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Betsy Ryan, Office of HUD Investigations, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-2333

RIN: 2501-AB32

1443. STANDARDS OF CONDUCT (FR-3331)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 10

Legal Deadline: None

Abstract: This rule would be based on the Office of Government Ethics' Standards of Ethical Conduct for Employees of the Executive Branch. (To be published at 5 CFR part 2635.) The rule would establish standards relating to the receipt of gifts, whether from prohibited sources, because of official position, or between employees. The rule would also restrict certain financial holdings and outside activities, and set standards regarding the use of official position and time, Government property, and nonpublic information.

HUD—HUDSEC

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Carole W. Wilson, Associate General Counsel for Equal Opportunity & Administrative Law, Department of Housing and Urban Development, Office of the General Counsel, 202 708-2203

RIN: 2501-AB55

1444. IMPLEMENTATION OF THE PRIVACY ACT OF 1974—TENANT ELIGIBILITY (FR-3436)

Legal Authority: 5 USC 552a; 42 USC 3535(d)

CFR Citation: 24 CFR 16.15

Legal Deadline: None

Abstract: This rule would create exemptions from disclosure requirements for a new system of records entitled "Tenant Eligibility Verification Files." The records referenced in the new system previously were included in the investigative files of the Office of the Inspector General. The Assistant Secretary for Public and Indian Housing will be adding records to the new system based on computer matching results and verification of those results with tenant case files and records supplied by Federal agencies and private employers.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David L. Decker, Director, Computer Matching Activities Div., Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-0099

RIN: 2501-AB60

1445. GOVERNMENT DEBARMENT AND SUSPENSION AND GOVERNMENTWIDE REQUIREMENTS FOR A DRUG-FREE WORKPLACE (FR-3065)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 24

Legal Deadline: None

Abstract: This proposed rule would amend existing 24 CFR 24.305, a part

of the HUD Debarment Regulation. A recent United States District Court decision, involving an appeal of a debarment action taken by the Department, has greatly reduced the effectiveness of Section 24.305(d). The purpose of this rule is to correct the effect of the District Court's decision, and to clarify the Department's established and unchanged policy regarding causes for debarment.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Emmett N. Roden, Assistant General Counsel for Inspector General and Administrative Proceedings, Department of Housing and Urban Development, Office of the General Counsel, 202 708-3200

RIN: 2501-AB24

1446. LEAD-BASED PAINT POISONING PREVENTION IN CERTAIN RESIDENTIAL STRUCTURES (FR-3061)

Significance: Regulatory Program

Legal Authority: 42 USC 4821 to 4846

CFR Citation: 24 CFR 35

Legal Deadline: None

Abstract: Completely revises part 35, and all program references to part 35 in other parts of 24 CFR, to reflect additional knowledge of technology and abatement regarding lead-based paint in residential structures, and to reflect new requirements of Title X of P.L. 102-550.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Arthur Newburg, Director, Office of Lead-Based Paint Abatement and Poisoning Prevention, Department of Housing and Urban Development, Office of the Secretary, 202 755-1805

RIN: 2501-AB23

1447. REGULATIONS IMPLEMENTING NEW LEAD-BASED PAINT PROGRAM REQUIREMENTS UNDER HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992 (FR-3482)

Legal Authority: 42 USC 4822

CFR Citation: 24 CFR 35

Legal Deadline: None

Abstract: This rule is necessary to implement extensive amendments to the Lead-Based Paint Poisoning and Prevention Act and other HUD program legislation, which were enacted under Title X of the Housing and Community Development Act of 1992, and which require the Secretary of Housing and Urban Development to promulgate new regulations concerning the evaluation and reduction of lead-based paint hazards in federally assisted and federally owned housing.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: Kenneth A. Markison, Assistant General Counsel for Administrative Law, Department of Housing and Urban Development, Office of the General Counsel, 202 708-3137

RIN: 2501-AB57

1448. REGULATIONS IMPLEMENTING LEAD-BASED PAINT DISCLOSURE AND WARNING REQUIREMENTS FOR SALE AND RENTAL OF HOUSING (FR-3483)

Legal Authority: 42 USC 4822

CFR Citation: 24 CFR 37

Legal Deadline: None

Abstract: This rule is necessary to implement provisions of title X of the Housing and Community Development Act of 1992 which require the Secretary of Housing and Urban Development and the Administrator of the Environmental Protection Agency to promulgate regulations requiring the disclosure of lead-based paint hazards and warnings respecting such hazards in the sale or lease of all housing in the United States (except elderly housing, disabled housing and efficiency units).

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

HUD—HUDSEC

Proposed Rule Stage

Agency Contact: Kenneth A. Markison, Assistant General Counsel for Administrative Law, Department of Housing and Urban Development, Office of the General Counsel, 202 708-3137
RIN: 2501-AB58

1449. RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION PLAN (FR-3449)

Legal Authority: 42 USC 5301 to 5320; 42 USC 12701 to 12839; 42 USC 3535(d)

CFR Citation: 24 CFR 43

Legal Deadline: None

Abstract: This rule would consolidate the specific requirements for implementing a Residential Antidisplacement and Relocation Assistance Plan (sec. 104(d) of the Housing and Community Development of 1974) under the HOME, CDBG, and UDAG programs. By consolidating the requirements in a new part, the Department will ensure consistency in the terminology and applicability of the requirements among the affected programs. This rule will make it easier for participating jurisdictions in the HOME program to implement the requirements of section 220(b)(1) of the Housing and Community Development Act of 1992.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: H. J. Huecker, Director, Relocation & Real Estate Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-0366

RIN: 2501-AB52

1450. DEPARTMENTAL POLICIES, RESPONSIBILITIES, AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY (FR-2206)

Legal Authority: 42 USC 4321; PL 95-557

CFR Citation: 24 CFR 50

Legal Deadline: None

Abstract: This rule proposes to address the new HUD Secretary's interpretation of HUD's mission, namely "helping people create communities of opportunity" by promoting good design, public amenities, and quality environments within HUD's process of environmental review and decisionmaking. The rule will take account of legislative changes to the authorizations for established programs. It will include any changes as may be required under new authorizations, including those programs of the National Affordable Housing Act of 1990 for which HUD retains environmental review responsibility. In addition, the rule will clarify existing provisions based on HUD experience with those rules; reduce regulatory burdens and procedural details consistent with environmental laws and other authorities; and assure policy consistency with Part 58 on matters common to both rules.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: Replaces RIN 2506-AA10

Agency Contact: Walter Prybyla, Office of Environment and Energy, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1767

RIN: 2501-AA30

1451. • ENVIRONMENTAL REVIEW PROCEDURES FOR RECIPIENTS ASSUMING HUD RESPONSIBILITIES (FR-3514)

Legal Authority: 42 USC 4332

CFR Citation: 24 CFR 58

Legal Deadline: None

Abstract: This rule proposes to revise existing environmental procedures that implement the statutory provisions providing for the assumption by program recipients of responsibilities for environmental review, decision making and action pursuant to the National Environmental Policy Act of 1969, as amended (NEPA), and other related provisions of law specified by the Secretary of HUD. The rule will take account of legislative changes to

the authorizations for established programs and will clarify existing provisions. It will reduce regulatory burdens and procedural details consistent with environmental laws and authorities, and assure policy consistency with Part 50 on matters common to both rules. This rule proposes also to address the new HUD Secretary's interpretation of HUD's mission, namely "helping people create communities of opportunity" by promoting good design, public amenities, and quality environments within the recipient's process of environmental review and decision making under this part.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Richard Brown, Director, Office of Environmental & Energy, Department of Housing and Urban Development, Office of the Secretary, 202 708-2894

RIN: 2501-AB67

1452. PROTECTION OF HISTORIC PROPERTIES (FR-3315)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 59

Legal Deadline: None

Abstract: This rule proposes to implement the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended by the Archeological and Historic Preservation Act and the 1992 Amendments to the National Historic Preservation Act. The rule is designed to accommodate historic preservation concerns with the needs of HUD programs. The rule would apply to all HUD programs. It would require the agency official to take into account the effects of an undertaking and assure compliance with these regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Roy Gonnella, Director, Environmental Review

HUD—HUDSEC

Proposed Rule Stage

Division, Office of Environment & Energy, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-3436
RIN: 2501-AB44

1453. REGULATIONS IMPLEMENTING THE SECRETARY'S AUTHORITY OVER FNMA AND FHLMC (FR-3481)

Significance: Agency Priority

Legal Authority: 12 USC 1451; 12 USC 4589

CFR Citation: 24 CFR 81

Legal Deadline: Final, Statutory, April 28, 1994.

Abstract: This rule is needed to revise HUD's present regulations concerning the Secretary's authority over the Federal National Mortgage Association (FNMA) and the Federal Home Loan Mortgage Corporation (FHLMC) because of the enactment of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 ("the New Act"), Title XIII of the Housing and Community Development Act of 1992. Under the New Act, the Secretary has new specific statutory duties concerning: new program approval; fair housing; establishing goals for mortgage purchases of low- and moderate-income housing, special affordable housing, and underserved areas; FOIA procedures, reporting and all other regulations needed to ensure that purposes of the New Act, the FNMA Charter Act, and the FHLMC Act are accomplished. The New Act confers authority on an independent Director to ensure the financial safety and soundness of the enterprises which necessitates modifications to the Secretary's regulations as well as regulations implementing the Director's responsibilities.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 02/00/94 | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kenneth A. Markison, Assistant General Counsel for Administrative Law, Department of Housing and Urban Development, Office of the General Counsel, 202 708-3137

RIN: 2501-AB56

1454. OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT REGULATIONS CONCERNING THE FINANCIAL SAFETY AND SOUNDNESS OF FNMA AND FHLMC (FR-3484)

Significance: Agency Priority

Legal Authority: 12 USC 4513(b)(1); 12 USC 1451

CFR Citation: 24 CFR 81

Legal Deadline: None

Abstract: This rule is needed to implement the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 ("the New Act"), enacted as Title XIII of the Housing and Community Development Act of 1992. Under the New Act the Director, Office of Federal Housing Enterprise Oversight, has specific statutory duties and authorities to ensure the financial safety and soundness of the Federal National Mortgage Association (FNMA) and the Federal Home Loan Mortgage Corporation (FHLMC). The regulations to be issued by the Director include the following areas: safety and soundness, requiring reports, assessments against FNMA and FHLMC, level of compensation, FOIA procedures, and all other regulations needed to carry out the Director's authority.

Timetable:

| Action | Date | FR Cite |
|--------|-----------|---------|
| NPRM | .00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Final rule must be promulgated within 18 months after the appointment of the Director.

Agency Contact: Kenneth A. Markison, Assistant General Counsel for Administrative Law, Department of Housing and Urban Development, Office of the General Counsel, 202 708-3137

RIN: 2501-AB59

1455. • LIMITATION OF USE OF APPROPRIATED FUNDS TO INFLUENCE CERTAIN FEDERAL CONTRACTING AND FINANCIAL TRANSACTIONS; CHANGE IN THRESHOLD FOR SINGLE FAMILY COMPLIANCE (FR-3574)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 87

Legal Deadline: None

Abstract: This rule amends the Department's rule, that adopted the government-wide requirements on lobbying, to raise the threshold for compliance for single family mortgage applicants to \$150,000 or the single family maximum mortgage limit for the affected programs, whichever is greater.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Garry Phillips, Acting Director, Office of Ethics, Department of Housing and Urban Development, Office of Administration, 202 708-3815

RIN: 2501-AB66

1456. • ECONOMIC OPPORTUNITIES FOR LOW- AND VERY LOW-INCOME PERSONS—PROPOSED CONFORMING AMENDMENTS (FR-3536)

Legal Authority: 12 USC 1701u

CFR Citation: 24 CFR 92; 24 CFR 219; 24 CFR 570; 24 CFR 576; 24 CFR 577; 24 CFR 578; 24 CFR 579; 24 CFR 582; 24 CFR 583; 24 CFR 700; 24 CFR 882; 24 CFR 889; 24 CFR 890; 24 CFR 905; 24 CFR 961; ...

Legal Deadline: None

Abstract: Section 3 of the Housing and Urban Development Act of 1968, as amended by the Housing and Community Development Act of 1992, requires that economic opportunities generated by HUD financial assistance shall, to the greatest extent feasible, be given to low- and very low-income persons. HUD is publishing, under separate rulemaking, a rule that would make comprehensive amendments to HUD's section 3 regulations in 24 CFR part 135 to bring these regulations into conformity with the changes made by the 1992 Act. This rule would make conforming amendments to several parts in 24 CFR that include reference, or should include reference, to the part 135 regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

HUD—HUDSEC

Proposed Rule Stage

Small Entities Affected: Businesses, Governmental Jurisdictions
Government Levels Affected: Local, State
Agency Contact: Maxine B. Cunningham, Director, Section 3 Compliance Div., Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-2251
RIN: 2501-AB64

1457. NEPOTISM RESTRICTIONS APPLICABLE TO HUD GRANTEEES (FR-3075)

Legal Authority: 42 USC 3535(d)
CFR Citation: 24 CFR 95
Legal Deadline: None

Abstract: This rule would prohibit officials of grantees receiving grants from HUD from employing, or undertaking certain personnel actions involving, relatives. This rule would also prohibit grantees from awarding a contract or subgrant to a relative of a grantee official or to an entity in which such a relative has a financial interest. These prohibitions will standardize the rules imposed on HUD grantees and will minimize the possibility of improper favoritism. Under the rule, a grantee may undertake an otherwise prohibited action where the grantee certifies to the Department that compelling circumstance(s) require such action.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None
Government Levels Affected: Local, State
Agency Contact: Kenneth A. Markison, Assistant General Counsel for Administrative Law, Department of

Housing and Urban Development, Office of the General Counsel, 202 708-3137
RIN: 2501-AB29

1458. ASSISTED APPLICATIONS (FR-3466)

Legal Authority: 42 USC 3535(d)
CFR Citation: 24 CFR 215; 24 CFR 236; 24 CFR 880; 24 CFR 881; 24 CFR 883; 24 CFR 885; 24 CFR 886
Legal Deadline: None

Abstract: Applicants may provide references when applying for occupancy in federally assisted housing, and the owner is to treat such information as confidential.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: James Tahash, Director, Planning & Procedures Div., Department of Housing and Urban Development, Office of Housing, 202 708-3944
RIN: 2501-AB62

1459. PREFERENCES FOR ADMISSION TO ASSISTED HOUSING (FR-3122)

Legal Authority: 42 USC 1433d; 42 USC 1437f
CFR Citation: 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886; 24 CFR 889; 24 CFR 904; 24 CFR 905; 24 CFR 906; 24 CFR 960

Legal Deadline: Final, Statutory, April 26, 1993.

Abstract: This rule implements changes made by the Housing and

Community Development Act of 1992 and the National Affordable Housing Act in the way the Federal preferences are applied in several project-based assisted housing programs. The revised statute provides that the Federal preferences for assisting families that occupy substandard housing, who pay more than 50% of income for rent, or who are involuntarily displaced, apply not to admission to all the units during a one-year period but to at least 50% of the public housing units and at least 70% of units in Indian housing and project-based programs. Preference in admission with respect to the remaining units is to be given to applicants who qualify for a local preference. The local preferences are to be adopted by a housing authority to respond to local housing needs and priorities after a public hearing. The rule also prohibits individuals evicted from housing under the U.S. Housing Act because of drug-related criminal activity from having a Federal or local preference for three years.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/25/93 | 58 FR 44968 |
| NPRM Comment Period End | 10/25/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None
Government Levels Affected: Local
Additional Information: ADDITIONAL AGENCY CONTACT (Office of Housing): Barbara Hunter, Deputy Director, Planning & Procedures Div., 202-708-4162
Agency Contact: Edward Whipple, Director, Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-0744
RIN: 2501-AB35

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) Office of the Secretary (HUDSEC)

Final Rule Stage

1460. HOPE FOR MULTIFAMILY HOUSING (HOPE) (FR-2967)

Significance: Regulatory Program
Legal Authority: 42 USC 12879
CFR Citation: Not yet determined
Legal Deadline: Final, Statutory, September 15, 1992.

Abstract: Arising out of the National Affordable Housing Act, the HOPE for Homeownership of Multifamily Units Program (HOPE 2) provides homeownership opportunities for low-income families and individuals in certain multifamily housing owned, held, or insured by HUD, or owned by

any other Federal agency, State, or local government. Applicants eligible to receive planning and implementation grants to develop and carry out a HOPE 2 program include public housing agencies, Indian housing authorities, resident management corporations, resident councils, cooperative

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Final Rule Stage

associations, mutual housing associations and public or nonprofit organizations.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|------------|
| Notice | 02/04/91 | 56 FR 4436 |
| Notice Effective Date | 02/04/91 | |
| Notice Comment | 05/06/91 | |
| Period End | | |
| Notice | 01/14/92 | 57 FR 1558 |
| Notice Comment | 04/15/92 | |
| Period End | | |
| Next Action Undetermined | | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Margaret Milner, Acting Director, Office of Elderly & Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 708-4542

RIN: 2501-AB08

1461. HOPE FOR PUBLIC AND INDIAN HOUSING HOMEOWNERSHIP (HOPE 1) (FR-2966)

Significance: Regulatory Program

Legal Authority: 42 USC 1437aa

CFR Citation: None

Legal Deadline: Final, Statutory, September 15, 1992.

Abstract: The HOPE for Public and Indian Housing Homeownership Program (HOPE 1) will provide homeownership opportunities for low-income families and individuals. The purpose of the HOPE 1 Program is to provide homeownership opportunities for eligible families to purchase public and Indian housing. Under the HOPE 1 Program, applicants eligible to receive planning and implementation grants to develop and carry out a HOPE 1 program include public housing agencies, Indian housing authorities, resident management corporations, resident councils, cooperative associations, and public or nonprofit organizations.

Timetable:

| Action | Date | FR Cite |
|-----------------------|----------|------------|
| Notice | 02/04/91 | 56 FR 4412 |
| Notice Effective Date | 02/04/91 | |
| Notice Comment | 09/30/91 | |
| Period End | | |
| Notice | 01/14/92 | 57 FR 1522 |

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Notice Comment | 04/15/92 | |
| Period End | | |
| Next Action Undetermined | | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Gary Van Buskirk, Homeownership Division for PIH, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-4233

RIN: 2501-AB10

1462. PROHIBITION OF ADVANCE DISCLOSURE OF FUNDING DECISION (FR-2805)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 4

Legal Deadline: None

Abstract: This final rule amendment clarifies certain of the non-disclosure requirements of section 103 as set forth in 24 CFR Part 4, which implements section 103 and also elaborates on the circumstances to which section 103 applies.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| NPRM | 11/23/90 | 55 FR 49012 |
| NPRM Comment | 01/22/91 | |
| Period End | | |
| Interim Final Rule | 08/04/92 | 57 FR 34246 |
| Interim Final Rule | 09/03/92 | |
| Effective Date | | |
| Interim Final Rule | 10/05/92 | |
| Comment Period | | |
| End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Garry Phillips, Acting Director, Office of Ethics, Department of Housing and Urban Development, Office of Administration, 202 708-3815

RIN: 2501-AB02

1463. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY HUD (FR-2163)

Significance: Agency Priority

Legal Authority: 29 USC 794

CFR Citation: 24 CFR 9.101; 24 CFR 9.102; 24 CFR 9.103; 24 CFR 9.110; 24 CFR 9.111; 24 CFR 9.130; 24 CFR 9.140; 24 CFR 9.149; 24 CFR 9.150; 24 CFR 9.151; 24 CFR 9.160; 24 CFR 9.170

Legal Deadline: None

Abstract: This final rule implements section 504 of the Rehab Act of 1973 (as extended by the Rehabilitation Comprehensive Service and Developmental Disabilities Act of 1978) for HUD-conducted programs or activities. This final rule will be a companion rule to the Department's rule on nondiscrimination based on handicap in federally assisted programs.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/30/91 | 56 FR 24604 |
| NPRM Comment | 07/29/91 | |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Betsy Ryan, Office of HUD Program Investigation, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-2333

RIN: 2501-AB04

1464. RULEMAKING POLICIES AND PROCEDURES—EXPEDITING RULEMAKING AND POLICY IMPLEMENTATION (FR-3292)

Significance: Regulatory Program

Legal Authority: 5 USC 552; 5 USC 553; 42 USC 3535(d)

CFR Citation: 24 CFR 10

Legal Deadline: None

Abstract: This rule would amend 24 CFR part 10, HUD's "rules on rules," to make possible the more timely implementation of new and changed policies of the Department in circumstances where notice and comment rulemaking is not required by law. The purposes of this rule are: to provide greater flexibility to the Department in implementing statutory and other changes to its program authorities; to avoid unnecessary rulemaking procedures; and to assure the more prompt delivery of program benefits provided for in new and amended statutes.

HUD—HUDSEC

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-------------|
| NPRM | 10/14/92 | 57 FR 47166 |
| NPRM Comment | 12/14/92 | |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: James E. Schoenberger, Associate General Deputy Assistant Secretary, Department of Housing and Urban Development, Office of Housing, 202 708-1490

RIN: 2501-AB43

1465. FREEDOM OF INFORMATION ACT PROCEDURES (FR-3282)

Legal Authority: 5 USC 552

CFR Citation: 24 CFR 15

Legal Deadline: None

Abstract: This final rule revises HUD's public disclosure regulations governing law enforcement records. The rule also updates the Department's administrative procedures for handling FOIA requests and FOIA appeals.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam E. Hutchinson, Assistant General Counsel for Personnel & Ethics Law, Department of Housing and Urban Development, Office of the General Counsel, 202 708-3087

RIN: 2501-AB47

1466. ADMINISTRATIVE CLAIMS—DISALLOWED COSTS PROVISIONS (FR-2861)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 17

Legal Deadline: None

Abstract: This rule would make the repayment of disallowed costs, as determined under the Departmental Audits Management System, a threshold requirement to be met in all of HUD's Discretionary Assistance Programs.

As such, this rule would provide an additional important tool for the Department to collect moneys

expended for ineligible purposes under HUD programs. This is particularly true with respect to State and local governments, which are not subject to administrative offset under the Federal Claims Collection Act.

There is no administrative or programmatic cost under the proposal. The potential for recovering disallowed costs, by establishing such a precondition for discretionary program assistance, lies in the millions of dollars.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/04/91 | 56 FR 56336 |
| NPRM Comment | 01/03/92 | |
| Period End | | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Robert S. Kenison, Associate General Counsel, Assisted Housing & Community Development, Department of Housing and Urban Development, Office of the General Counsel, 202 708-0212

RIN: 2501-AA97

1467. IMPLEMENTATION OF OMB CIRCULAR A-133, "AUDIT OF INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT INSTITUTIONS" (FR-2594)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 45

Legal Deadline: None

Abstract: OMB Circular A-133 provides policy guidance to Federal agencies for establishing uniform requirements for audits of awards provided to institutions of higher education and other nonprofit organizations. Through this rule, HUD adopts this circular and incorporates by reference the provisions of the circular where they apply to various HUD programs.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 07/20/92 | 57 FR 33252 |
| Interim Final Rule Effective Date | 08/26/92 | |
| Interim Final Rule Comment Period End | 09/25/92 | |
| Final Action | 10/00/93 | |

Small Entities Affected: Organizations

Government Levels Affected: Local, State

Agency Contact: Donna Abbenante, Deputy Chief Financial Officer for Operations, Department of Housing and Urban Development, Office of the Secretary, 202 619-8114

RIN: 2501-AB19

1468. PROCEDURE FOR FLOODPLAIN MANAGEMENT AND THE PROTECTION OF WETLANDS; IMPLEMENTATION OF EXECUTIVE ORDERS 11988 AND 11990 (FR-865)

Legal Authority: EO 11988; EO 11990; 42 USC 3535(d)

CFR Citation: 24 CFR 55; 24 CFR 50; 24 CFR 58; 24 CFR 200

Legal Deadline: None

Abstract: This rule adopts procedures to implement Executive Order 11988, Floodplain Management, and Executive Order 11990, Protection of Wetlands. These procedures provide direction for compliance for all HUD programs (except those explicitly excluded) with the Executive Orders by HUD or by certain State and local grant recipients before their respective decisions to approve a proposed action that (1) involves HUD financial assistance and (2) would affect a floodplain or wetland. The rule is designed as a balanced rule and implements the Executive Orders while cutting costs and review time for HUD-related housing and other actions by reducing or eliminating processing steps where appropriate. In addition to the implementation procedures, HUD is revising 24 CFR 200.926d(c)(4) of the Department's Minimum Property Standards for One-and-Two Family Dwellings to accord with Executive Order 11988 WRC Guidelines, FEMA regulations for the National Flood Insurance Program, and current HUD mortgage underwriting practices. HUD environmental review regulations at 24 CFR Parts 50 and 58 are also being revised to refer to the decisionmaking process under this rule. (cont)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-----------|
| NPRM | 01/04/90 | 55 FR 396 |
| NPRM Comment | 03/05/90 | |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

HUD—HUDSEC

Final Rule Stage

Government Levels Affected: Local, State, Federal

Additional information: ABSTRACT CONT: Finally, the rule will include certain clarifications based on public comments which HUD received on the proposed rule.

Agency Contact: Richard H. Broun, Director, Office of Environment & Energy, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-3297

RIN: 2501-AA23

1469. DAVIS-BACON VOLUNTEERS (SEC. 955) (FR-2955)

Legal Authority: 42 USC 1437d; 42 USC 1437l; PL 101-625

CFR Citation: 24 CFR 70; 24 CFR 221; 24 CFR 231; 24 CFR 232; 24 CFR 242; 24 CFR 570; 24 CFR 880 to 886; 24 CFR 889; 24 CFR 890; 24 CFR 905; 24 CFR 941; 24 CFR 961; 24 CFR 968

Legal Deadline: None

Abstract: This rule will require regulations under the CDBG, PIH, Section 8 lower-income housing, and Section 202 elderly and handicapped housing programs to implement Section 955 of the Cranston-Gonzalez National Affordable Housing Act, which exempts volunteer workers from the Davis-Bacon or HUD-determined prevailing wage requirements under these programs. The provision eliminates the necessity for a HUD waiver to allow volunteers under the Section 202 program, and under the other programs cited.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 04/22/92 | 57 FR 14754 |
| Interim Final Rule Effective Date | 05/22/92 | |
| Interim Final Rule Comment Period End | 06/22/92 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard S. Allan, Deputy Assistant to the Secretary for Labor Relations, Department of Housing and Urban Development, Office of the Secretary, 202 708-0370

RIN: 2501-AB33

1470. PROHIBITION ON USE OF FEDERAL FUNDS FOR LOBBYING; REQUIREMENTS FOR DISCLOSURE STATEMENTS (FR-2719)

Legal Authority: 31 USC 1352

CFR Citation: 24 CFR 87

Legal Deadline: None

Abstract: This is part of a governmentwide common rule effort to implement section 319 of the Interior and Related Agencies Appropriations Act for FY 1990 (Pub. L. 101-121, approved October 23, 1989) which added a new section 1352 to title 31 of the United States Code, entitled "Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions" (the Byrd Amendments).

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 6736 |
| Interim Final Rule Effective Date | 02/26/90 | 55 FR 6736 |
| Interim Final Rule Comment Period End | 04/27/90 | |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Garry Phillips, Acting Director, Office of Ethics, Department of Housing and Urban Development, Office of Administration, 202 708-3815

RIN: 2501-AA92

1471. HOME INVESTMENT IN AFFORDABLE HOUSING PROGRAM (FR-2937)

Significance: Regulatory Program

Legal Authority: 42 USC 12721

CFR Citation: 24 CFR 92

Legal Deadline: None

Abstract: This rule implements the HOME Investment Partnership Act, as enacted by Title II of the Cranston-Gonzalez National Affordable Housing Act. This program among other purposes is intended to expand the supply of decent, safe, and sanitary affordable housing. Under the HOME Program, HUD provides formula allocations to participating jurisdictions to be used for specified eligible housing uses in accordance with the jurisdiction's approved comprehensive

housing affordability strategies. A portion of these allocations may be used for investment in housing developed, sponsored, or owned by community housing development organizations. HUD may also provide technical assistance to develop the capacity of participating jurisdictions and will develop model programs designed to carry out the purposes of the Act.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| NPRM | 03/12/91 | 56 FR 11592 |
| NPRM Comment Period End | 04/18/91 | |
| Interim Final Rule | 12/16/91 | 56 FR 65312 |
| Interim Final Rule Effective Date | 01/16/92 | 56 FR 65312 |
| Interim Final Rule Comment Period End | 05/01/92 | |
| Interim Final Rule | 12/22/92 | 57 FR 60960 |
| Interim Final Rule Effective Date | 01/21/93 | |
| Interim Final Rule Comment Period End | 02/22/93 | |
| Final Action | 06/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Mary Kolesar, Director, Program Policy Division, Office of Housing Program, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2470

RIN: 2501-AB12

1472. HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992 AMENDMENTS TO HOME PROGRAM (FR-3411)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d); PL 102-550

CFR Citation: 24 CFR 92

Legal Deadline: None

Abstract: This rule would implement, by first publishing a NPRM for notice and public comment, statutory changes made to the HOME Investment Partnerships Program by the Housing and Community Development Act of 1992.

HUD—HUDSEC

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 04/29/93 | 58 FR 26048 |
| NPRM Comment Period End | 06/01/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Mary Kolesar, Director, Program Policy Division, Office of Affordable Housing, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2470

RIN: 2501-AB50

1473. RESTRICTIONS ON HOUSING ASSISTANCE TO INELIGIBLE ALIENS (FR-2383)

Significance: Regulatory Program

Legal Authority: 42 USC 1436a

CFR Citation: 24 CFR 200; 24 CFR 215; 24 CFR 235; 24 CFR 236; 24 CFR 247; 24 CFR 812; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886; 24 CFR 887; 24 CFR 912

Legal Deadline: None

Abstract: This rule will implement section 214 of the Housing and Community Development Act of 1980, as amended in 1981, 1986, and 1988. That Act prohibits the Secretary from providing financial assistance to substantially all illegal aliens as well as to most classes of aliens admitted for temporary purposes. The restriction applies to the Public and Indian Housing programs, the Section 8 Housing Assistance Payments programs, the Rent Supplement program, the Section 236 program, and the Section 235 homeownership assistance program.

This new rule will provide that alien status must be verified with the Immigration and Naturalization Service by the entity responsible for tenant selection (or for approval of a Section 235 mortgage application).

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 10/19/88 | 53 FR 41038 |
| NPRM Comment Period End | 12/19/88 | 53 FR 41038 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ADDITIONAL AGENCY CONTACT (Public and Indian Housing): Edward Whipple, Director, Rental and Occupancy Branch, Office of Public Housing, (202) 708-0744

Agency Contact: James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, Department of Housing and Urban Development, Office of Housing, 202 708-3944

RIN: 2501-AA63

1474. FIRE RULE (FR-3462)

Legal Authority: 42 USC 3535(d); PL 102-522

CFR Citation: 24 CFR 207; 24 CFR 213; 24 CFR 215; 24 CFR 220; 24 CFR 221; 24 CFR 231; 24 CFR 232; 24 CFR 234; 24 CFR 236; 24 CFR 242; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884

Legal Deadline: None

Abstract: This rule implements part of section 106(a) of the Fire Administration Authorization Act of 1992, which prohibits use of housing assistance unless specific fire safety requirements have been implemented. The FHA single family mortgage insurance programs and the homeownership assistance program under section 235 of NHA are explicitly exempted from these fire safety requirements. Newly constructed multifamily properties receiving housing assistance must be protected by an automatic sprinkler system and hard-wired smoke detectors. Rebuilt (substantially rehabilitated) multifamily properties must comply with the fire safety requirements of the chapter on existing apartment buildings of National Fire Protection Association Standard 101. All other units receiving housing assistance must be protected by hard-wired or battery operated smoke detectors.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 12/00/93 | |

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Michael L. Moran, Attorney Advisor--Office of Legislation, Department of Housing and Urban Development, Office of the General Counsel, 202 708-1793

RIN: 2501-AB53

1475. EXCLUSION FROM INCOME OF EARNED INCOME TAX CREDIT (FR-3025)

Legal Authority: PL 101-508; 12 USC 1701s; 12 USC 1715b

CFR Citation: 24 CFR 215; 24 CFR 236; 24 CFR 813; 24 CFR 913; 24 CFR 905

Legal Deadline: None

Abstract: Effective Jan. 1, 1991, the earned income tax credit is required by a change in tax law to be excluded from income and resources in the determination of eligibility and level of benefits under HUD's assisted housing programs. This change requires removal of the rule provision that specifically included earned income tax credits in income, as well as reissuance of the notice that specified statutory exclusions from income.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Edward Whipple, Director, Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-0744

RIN: 2501-AB20

1476. HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (FR-3178)

Legal Authority: 42 USC 12901; PL 102-550, Sec 606

CFR Citation: 24 CFR 574

Legal Deadline: None

Abstract: This rule amends the grant program that provides housing assistance and services to low-income persons with acquired immunodeficiency syndrome or related diseases (AIDS) and their families, to conform with changes in the statute made by section 606 of the Housing and Community Development Act of 1992. Those changes included specific eligibility for the families of the person with AIDS, and not just the individual; permitting nonprofit organizations to apply for the grants based on national significance; and designating the most

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populous unit of government in a metropolitan statistical area as the applicant for the metropolitan statistical area.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| NPRM | 07/20/92 | 57 FR 32106 |
| NPRM Comment Period End | 09/18/92 | |
| Interim Final Rule | 12/28/92 | |
| Interim Final Rule Effective Date | 12/28/92 | |
| Interim Final Rule Comment Period End | 02/26/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: Organizations

Government Levels Affected: Local, State

Agency Contact: Mark Johnston, Deputy Director, Office of Special Needs Assistance Programs, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-4300

RIN: 2501-AB41

1477. REVISED CONGREGATE PROGRAM (SEC. 802) (FR-2990)

Legal Authority: 42 USC 8011; PL 101-625

CFR Citation: 24 CFR 700

Legal Deadline: None

Abstract: Section 802 of the Cranston-Gonzalez National Affordable Housing Act establishes a revised congregate housing services program which supersedes the Congregate Housing Services Program under the Congregate Housing Services Act of 1978. The new statutory provisions authorize provision of supportive services to enable frail elderly persons and persons with disabilities to live independently and also the provision of assistance for the retrofitting of dwelling units and common space to meet the special physical needs of residents. HUD and the Department of Agriculture are directed by Section 802(m) to jointly issue any necessary regulations within 180 days after enactment. No funds were appropriated for this program for FY 1991.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| Interim Final Rule | 12/08/92 | 57 FR 58042 |
| Interim Final Rule Effective Date | 12/08/92 | |

| Action | Date | FR Cite |
|---------------------------------------|----------|---------|
| Interim Final Rule Comment Period End | 02/08/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Margaret Milner, Acting Director, Office of Elderly & Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 708-4542

RIN: 2501-AB34

1478. DETERMINATION OF AREAS OF UNDUE CONCENTRATION OF POVERTY-LEVEL POPULATION; AND CONFORMING AMENDMENTS (FR-3256)

Legal Authority: 42 USC 3535(d); 42 USC 1437; 42 USC 1441; 42 USC 3608; 42 USC 5301

CFR Citation: 24 CFR 800; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 885; 24 CFR 889; 24 CFR 890; 24 CFR 941; 24 CFR 770

Legal Deadline: None

Abstract: This rule would amend HUD's regulations governing the location of assisted housing projects (site and neighborhood standards) to establish a quantitative standard by which HUD determines whether the location contains an undue concentration (high proportion) of poverty-level population. The existing regulations do not specify how an undue concentration determination will be made. The rule would require projects to be located only in census tracts in which the percentage of people with incomes below the poverty level is less than a stated, fixed percentage, with certain exceptions. The purpose of this rule is to provide for a more objective standard for determining undue concentration of lower-income households.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|------------|
| Interim Final Rule | 01/13/93 | 58 FR 4262 |
| NPRM | 02/12/93 | 58 FR 8187 |
| Interim Final Rule Withdrawn | 02/12/93 | 58 FR 8186 |
| NPRM Comment Period End | 04/12/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David E. Shenk, Director, Division of Economic & Market Analysis, Department of Housing and Urban Development, Policy Development and Research, 202 708-0577

RIN: 2501-AB37

1479. ALLOCATION OF BUDGET AUTHORITY FOR HOUSING ASSISTANCE (FR-3446)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 791.403

Legal Deadline: None

Abstract: This rule amends 24 CFR 791.403 by adding a new category of budget authority for uses that the Secretary determines are incapable of geographic allocation by formula.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 08/04/93 | 58 FR 41426 |
| Interim Final Rule Effective Date | 09/03/93 | 58 FR 41426 |
| Interim Final Rule Comment Period End | 10/04/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT (Office of Housing): Stephen W. Cooley, Office of Operations, Office of Housing, (202) 708-2454

Agency Contact: William Minning, Director, Policy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-0713

RIN: 2501-AB51

1480. IMPLEMENTATION OF SECTION 129 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992 (FR-3487)

Legal Authority: 42 USC 1437f

CFR Citation: 24 CFR 892; 24 CFR 792

Legal Deadline: None

Abstract: This rule will implement section 129 of the Housing and Community Development Act of 1992. Section 129 permits PHAs administering section 8 rental assistance programs to retain, out of amounts obtained by the PHAs from

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tenants that are due as a result of fraud and abuse, an amount equal to the greater of 50% of the amount collected, or the actual, reasonable, and necessary expenses related to the collection, including costs of investigation, legal fees, and collection agency fees.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Madeline Hastings, Director, Rental Assistance Div., Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-2841

RIN: 2501-AB65

1481. COMBINED INCOME AND RENT REGULATIONS (FR-3324)

Legal Authority: 42 USC 3535d

CFR Citation: 24 CFR 813; 24 CFR 905; 24 CFR 913; 24 CFR 215; 24 CFR 236

Legal Deadline: Final, Statutory, April 28, 1993.

Abstract: The provisions of this regulation ease the rent burden for working families and provide needed incentives for residents to improve their economic situations. These provisions assist families who are making the transition from welfare to gainful employment and encourage higher income working families (who are candidates for homeownership) to remain in public housing. This regulation removes several of the structural disincentives that exist in current regulations, encourages families

to become more self-sufficient and fosters long-term upward mobility.

This regulation includes implementation of: ceiling rents; an exclusion from income of benefits received to families participating in a job training program; an exclusion for deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum and several HUD discretionary income exclusions.

This regulation implements:

Section 102(a) of the HCD Act of 1987

Section 302 of the HUD Reform Act of 1989

Section 515 of the NAHA of 1990 (cont.)

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: (cont.)

Section 102(a) of the HCD Act of 1992

Section 103(a) of the HCD Act of 1992

HUD Discretionary Income Exclusions

Agency Contact: Edward Whipple, Director, Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-0744

RIN: 2501-AB61

1482. HUD PREVAILING WAGE RATE REQUIREMENTS FOR MAINTENANCE, NONROUTINE MAINTENANCE AND TECHNICAL EMPLOYEES WORKING ON PUBLIC HOUSING PROJECTS (FR-2211)

Legal Authority: 42 USC 1437j(a); 42 USC 3535(d)

CFR Citation: 24 CFR 920

Legal Deadline: None

Abstract: This rule would codify the Department's policies and procedures with regard to HUD and PHA responsibilities concerning HUD-determined prevailing wage rates for maintenance, nonroutine maintenance and technical workers under section 12(a) of the U.S. Housing Act of 1937, as amended. The rule establishes procedures for determining maintenance wage rates as prevailing based on collective bargaining agreements or other compensation-setting methods, and for adopting State- or locally-determined prevailing wage schedules. Additionally, the rule provides a procedure for the setting of technical wage rates as well as wage rates for special employment programs, and apprentices and trainees.

Timetable: Next Action Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local

Agency Contact: Richard S. Allan, Deputy Assistant to the Secretary for Labor Relations, Department of Housing and Urban Development, Office of the Secretary, 202 708-0370

RIN: 2501-AB38

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Completed Actions

Office of the Secretary (HUDSEC)

1483. NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION PROGRAM (FR-3032)

CFR Citation: Not yet determined

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/02/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Arthur J. Reiger, 202 708-1537
RIN: 2501-AB15

1484. DEFERRAL OF FUNDING UNDER SECTION 504 AND TITLE VI REGULATIONS (FR-2825)

CFR Citation: 24 CFR 1; 24 CFR 8

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/08/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betsy Ryan, 202 708-2333

RIN: 2501-AB17

1485. RELAXATION OF HUD REGULATORY REQUIREMENTS; CONFORMING CHANGES (FR-3221)

CFR Citation: 24 CFR 15.86; 24 CFR 965.409

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Completed Actions

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/03/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Myra L. Ransick, 202 708-3055

RIN: 2501-AB40

1486. CHANGES IN HUD SYSTEMS FOR APPROVAL OF SUBDIVISIONS (FR-3095)

CFR Citation: 24 CFR 50.1; 24 CFR 50.17; 24 CFR 50.19; 24 CFR 50.22; 24 CFR 50.36; 24 CFR 50.43; 24 CFR 51.201; 24 CFR 55.12; 24 CFR 200.163; 24 CFR 200.926; 24 CFR 200.926d; 24 CFR 203.12

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/03/93 | 58 FR 41328 |
| Final Action Effective | 09/02/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Carter, 202 708-2700

RIN: 2501-AB25

1487. ENVIRONMENTAL REVIEW PROCEDURES FOR RECIPIENTS ASSUMING HUD RESPONSIBILITIES (FR-1965)

CFR Citation: 24 CFR 58

Completed:

| Reason | Date | FR Cite |
|---------------------|----------|---------|
| Merged With RIN | 04/14/93 | |
| 2501-AB67 (FR-3514) | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frederick D. Regetz, 202 708-4364

RIN: 2501-AA25

1488. REGULATION OF CONSULTANTS (FR-3386)

CFR Citation: 24 CFR 86.20(f); 24 CFR 86.25(f)

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/07/93 | 58 FR 47056 |
| Final Action Effective | 10/07/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Garry L. Phillips, 202 708-3815

RIN: 2501-AB54

1489. ELIGIBILITY OF INSULAR AREAS FOR THE HOME PROGRAM (FR-3242)

CFR Citation: 24 CFR 92

Completed:

| Reason | Date | FR Cite |
|---------------------|----------|---------|
| Merged With RIN | 08/03/93 | |
| 2501-AB42 (FR-2937) | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Kolesar, 202 708-2470

RIN: 2501-AB42

1490. INTERIM RULE TO IMPLEMENT HOME HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992 AMENDMENTS (FR-3410)

CFR Citation: 24 CFR 92

Completed:

| Reason | Date | FR Cite |
|---------------------|----------|---------|
| Merged With RIN | 08/03/93 | |
| 2501-AB49 (FR-2937) | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Kolesar, 202 708-2470

RIN: 2501-AB49

1491. PREPAYMENT OF A HUD-INSURED MORTGAGE BY AN OWNER OF LOW-INCOME HOUSING (FR-2978)

Significance: Regulatory Program

CFR Citation: 24 CFR 248

Completed:

| Reason | Date | FR Cite |
|---------------------|----------|---------|
| Merged With RIN | 07/07/93 | |
| 2502-AF83 (FR-3384) | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kevin East, 202 708-2300

RIN: 2501-AB14

1492. HOPE FOR SINGLE FAMILY HOMES (HOPE 3) (FR-2968)

Significance: Regulatory Program

CFR Citation: 24 CFR 572

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/07/93 | 58 FR 36518 |
| Final Action Effective | 08/06/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: John Garrity, 202 708-0324

RIN: 2501-AB09

1493. SINGLE PERSONS RULE (FR-3029)

CFR Citation: 24 CFR 912; 24 CFR 812; 24 CFR 905

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/26/93 | 58 FR 39658 |
| Final Action Effective | 08/25/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward Whipple, 202 708-0744

RIN: 2501-AB63

1494. LEAD-BASED PAINT POISONING PREVENTION ACT—STEWART B. MCKINNEY HOMELESS ASSISTANCE AMENDMENTS OF 1988—SECTION 1088 (FR-2583)

Significance: Regulatory Program

CFR Citation: 24 CFR 941; 24 CFR 965; 24 CFR 966; 24 CFR 968; 24 CFR 35

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/06/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Arthur S. Newburg, 202 755-1805

RIN: 2501-AB46

1495. LEAD-BASED PAINT POISONING PREVENTION IN CERTAIN RESIDENTIAL STRUCTURES (FR-3325)

Significance: Regulatory Program

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Completed Actions

CFR Citation: 24 CFR 965.701; 24 CFR 200.815; 24 CFR 200.825

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/06/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Arthur S. Newburg, 202 755-1805

RIN: 2501-AB48

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Housing (OH)**

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1496. PRE-FORECLOSURE SALE OPTION (FR-2682)

Legal Authority: 12 USC 1710

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Section 1064 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 authorizes HUD to add pre-foreclosure sales to its roster of servicing options, as a means of saving the Department money and of assisting qualified mortgagors to avoid foreclosure of their FHA-insured mortgages. The Department is now able to pay a claim to a mortgagee to "bridge the gap" between the proceeds of a sale of the property to a third party buyer at current fair market value, and the original owner's indebtedness under the note. Until the Department received the authorization to pay these claims, such pre-foreclosure sales (or "short sales," as they are also known) were impracticable. At this time, a six to twelve month demonstration of pre-foreclosure sales is being conducted in five local HUD offices; subsequently, full implementing regulations will be issued to introduce the pre-foreclosure sale option throughout the Department.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Bates, Director, Single Family Servicing Division, Department of Housing and Urban Development, Office of Housing, 202 708-1672

RIN: 2502-AE72

1497. ASSISTED HOUSING DRUG ELIMINATION (FR-3467)

Legal Authority: 42 USC 11909(a)

CFR Citation: 24 CFR 000

Legal Deadline: None

Abstract: This rule would implement the drug elimination program for assisted housing. The regulation would permit a limit/target for use of grants. The limiting/targeting of funds is extremely important because of the limited funds available to grant to owners.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James Tahash, Director, Planning & Procedures Div., Department of Housing and Urban Development, Office of Housing, 202 708-3944

RIN: 2502-AG07

1498. PARTICIPANT'S CONSENT TO RELEASE INFORMATION (FR-3468)

Legal Authority: 42 USC 3535(d); 42 USC 3544

CFR Citation: 24 CFR 200; 24 CFR 760

Legal Deadline: None

Abstract: New consent form to release of information. Rule needed to conform existing CFR.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Tahash, Director, Planning & Procedures Div., Department of Housing and Urban Development, Office of Housing, 202 708-3944

RIN: 2502-AG08

1499. STANDARDS AND OBLIGATIONS OF RESIDENCY IN FEDERALLY ASSISTED HOUSING (FR-3471)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 000

Legal Deadline: Final, Statutory, November 28, 1993.

Abstract: Section 643 requires HUD to convene a Task Force to study occupancy policies for federally assisted housing and issue recommendations to revise such standards, regulations, and administrative guidelines. Once new guidelines are established through this process, sections 641 and 642 mandate compliance by owners as condition of Federal assistance and compliance with criteria for occupancy as requirement for tenancy.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James Tahash, Director, Planning & Procedure Div., Department of Housing and Urban Development, Office of Housing, 202 708-3944

RIN: 2502-AG11

1500. REGULATIONS CLARIFYING TERM "HOUSING FOR OLDER PERSONS" (FR-3469)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 100.325

Legal Deadline: NPRM, Statutory, April 28, 1993.

Abstract: The Fair Housing Act of 1988, 42 USC sections 3601-19, prohibits discrimination on the basis of familial status. The Act does, however, exempt "housing for older persons" from its prohibition of discrimination based on familial status. 42 USC section 3607(b)(1). Three types of housing are defined as exempt under

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the Act, including housing that is intended and operated for the occupancy of at least one person per unit who is age 55 years or older, 42 USC section 3607(b) (2)(C); 24 CFR section 100.304.

To establish that housing is exempt housing for persons age 55 or older, housing providers must demonstrate (as one means among others) that at the time they discriminate against families with children under the age of eighteen, the housing had significant facilities and services specifically designed to meet the physical or social needs of older persons. In accordance with section 903 of the Housing and Community Development Act of 1992, this rule will provide further definition of the term "significant facilities and services."

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: James Tahash, Director, Planning & Procedures Div., Department of Housing and Urban Development, Office of Housing, 202 708-3944

RIN: 2502-AG09

1501. APPRAISALS (FR-3027)

Legal Authority: 12 USC 1708(e); 12 USC 1715(b)

CFR Citation: 24 CFR 200; 24 CFR 203; 24 CFR 206; 24 CFR 207; 24 CFR 213; 24 CFR 221; 24 CFR 223; 24 CFR 234; 24 CFR 267

Legal Deadline: None

Abstract: This proposed rule would establish minimum standards for (1) the real estate appraisals used in determining the maximum insurable mortgage amount in most FHA single family and multifamily transactions and (2) the selection of appraisers by mortgagees.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/16/93 | 58 FR 48556 |
| NPRM Comment Period End | 11/15/93 | |
| Final Action | 05/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Morris Carter, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, 202 708-2700

RIN: 2502-AF25

1502. CHANGES TO THE MINIMUM PROPERTY STANDARDS (FR-3028)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d); 12 USC 1701 to 1715

CFR Citation: 24 CFR 200.925a; 24 CFR 200.925b; 24 CFR 200.925c; 24 CFR 200.926; 24 CFR 200.926a; 24 CFR 200.926c; 24 CFR 200.926c; 24 CFR 200.937; 24 CFR 200.938; 24 CFR 200.393

Legal Deadline: Final, Statutory, February 1, 1993. National Affordable Act of 1990, sec 947 & EO 12699 on Seismic Safety.

Abstract: This rule would amend the Minimum Property Standards (MPS) in 24 CFR Part 200, subpart S, to specify that seismic design is a mandatory standard for applicable housing. In addition, the rule would update a reference to a private sector seismic design standard currently incorporated into the MPS, and would substitute a new standard for swimming pools. These changes to the MPS are needed to comply with the requirements of Executive Order 12699, the NEHRP Reauthorization Act, and the NAHA.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/04/93 | 58 FR 41445 |
| NPRM Comment Period End | 10/04/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Donald R. Fairman, Chief, Standards & Products Branch, Department of Housing and Urban Development, Office of Housing, 202 755-7440

RIN: 2502-AF26

1503. SEISMIC SAFETY-- EARTHQUAKE HAZARD REDUCTION (FR-3130)

Legal Authority: 42 USC 12712; 42 USC 7704a; 42 USC 7705b; 42 USC 3535(d)

CFR Citation: 24 CFR 200; 24 CFR 207

Legal Deadline: NPRM, Statutory, February 1, 1993.

Abstract: Under section 947 of the Cranston-Gonzalez National Affordable Housing Act, HUD must assess the risk of earthquake-related damage to properties administered under HUD programs and must develop seismic safety standards for those properties. Similar responsibilities are placed upon HUD and other Federal agencies by E.O. 12699 of January 5, 1993 and the NEHRP Reauthorization Act. There is also a statutory deadline of Feb. 1, 1993.

This rule would provide for the execution of these earthquake hazard policies in permanent agency policy.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: E.O. 12699 requires regulations in place to comply with the order's requirements by 1/5/93.

Agency Contact: G. Robert Fuller, Director, Manufactured Housing & Const. Standards Div., Department of Housing and Urban Development, Office of Housing, 202 755-7430

RIN: 2502-AF60

1504. COUNSELING—SINGLE FAMILY HOUSING (FR-3547)

Legal Authority: 12 USC 1709(b)(2)

CFR Citation: 24 CFR 200; 24 CFR 203

Legal Deadline: None

Abstract: Section 506 of the Housing and Community Development Act of 1992 requires prepurchase counseling as a condition of mortgage insurance for a section 203 FHA single family mortgage with a loan to value rating of 97% or greater. The Secretary may, however, in his or her discretion, waive this requirement.

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Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Coonts, Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, 202 707-3046

RIN: 2502-AG14

1505. CHANGES TO REIMBURSEMENT FOR PRESERVATION AND PROTECTION EXPENDITURES (FR-3216)

Legal Authority: 42 USC 3535(d); 12 USC 1709; 12 USC 1710; 12 USC 1715b

CFR Citation: 24 CFR 203.402(f); 24 CFR 203.402(g)

Legal Deadline: None

Abstract: Currently, section 203.402(g) authorizes mortgagees to be reimbursed 100% for all allowable expenses made for preservation and protection of properties until conveyance to HUD. There is little incentive for mortgagees to keep costs down. HUD has experienced problems with mortgagees exceeding established limits without approval and submitting claims for inappropriate expenditures. Placing a two-thirds cap on reimbursements will provide a financial incentive for the mortgagees to cooperate in reducing expenses. 24 CFR 203.402(g) would be changed to reflect a two-thirds reimbursement limitation.

Tighter internal controls within a mortgagee's own operation ideally would improve due to the sharing of expenses and this would decrease demands on HUD's insurance funds.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert E. Falkenstein, Jr., Acting Director, Single Family Property Disposition, Department of Housing and Urban Development, Office of Housing, 202 708-0740

RIN: 2502-AF63

1506. TERMINATION OF SINGLE-FAMILY COINSURANCE PROGRAM (FR-3418)

Legal Authority: 42 USC 3535(d); 12 USC 1715(b)

CFR Citation: 24 CFR 204

Legal Deadline: None

Abstract: This rule would terminate the section 244 Single-Family Coinsurance Program. The program is neither cost effective for the Department to continue, nor will its termination result in reduction of avenues to mortgage credit for first-time and low- and moderate-income homebuyers. Its elimination would free up staff resources for more productive tasks without adversely affecting the homebuying clientele the Department is mandated to serve.

The Department endorses approximately 150 coinsured single-family mortgages per month. The combined volume for FYs 1990, 1991, and the first five months of 1992 was only about 4300 loans nationwide with the bulk coming from one lender doing business in Illinois. The remainder of coinsured loans (less than 40% of total coinsurance volume from four additional lenders) were from New York and Texas.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Morris E. Carter, Director, Single Family Development, Department of Housing and Urban Development, Office of Housing, 202 708-2700

RIN: 2502-AG00

1507. HOME EQUITY CONVERSION MORTGAGE INSURANCE DEMONSTRATION (FR-2958)

Significance: Regulatory Program

Legal Authority: PL 101-625

CFR Citation: 24 CFR 206

Legal Deadline: None

Abstract: Section 255 of the National Housing Act authorizes HUD to carry out a demonstration program for insuring mortgages on the homes of elderly homeowners, enabling the homeowners to convert the equity in

their homes into cash. Section 255 authorizes HUD to insure up to 25,000 mortgages under this demonstration program until September 30, 1995. The regulation will make technical and programmatic changes to improve the efficiency of the program. The regulation will also explain the statutory disclosure requirements added by section 334 of the 1990 National Affordable Housing Act.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sandy Krems, Program Specialist, Single Family Housing Division, Department of Housing and Urban Development, Office of Housing, 202 708-2676

RIN: 2502-AF32

1508. CONTROL OF LUXURY HOUSING INSURED BY THE DEPARTMENT (FR-3223)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 207.4; 24 CFR 204.32a; 24 CFR 213.7; 24 CFR 220.507; 24 CFR 221.514; 24 CFR 231.3; 24 CFR 236.12

Legal Deadline: None

Abstract: The regulation will propose limitations on program acceptance of properties for mortgage insurance. These limitations will affect the maximum mortgage determination and project eligibility by: (1) imposing maximum rent levels; (2) disallowing commercial space in new construction unless specifically approved by the Commissioner, for all rental programs except section 220 (for existing properties, whether proposed for purchase, refinancing or substantial rehabilitation, existing commercial space will be retained to a maximum); and (3) limiting interior common areas for new construction and substantial rehabilitation (where current design permits) to 10 percent of the gross floor area.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Howard D. Mayfield, Director, Multifamily Housing Technical Support Division, Department of Housing and Urban

HUD—OH

Proposed Rule Stage

Development, Office of Housing, 202
708-0035

RIN: 2502-AF76

**1509. • SINGLE FAMILY CLOSING
AGENTS (FR-3521)**

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 208

Legal Deadline: None

Abstract: This rule is for the purpose of preempting any State or local law requiring that proceeds of real estate sales collected by closing agents be commingled in interest-bearing accounts. HUD requires by its contract with closing agents, that sales proceeds of HUD properties be deposited in a trust account for the U.S. Treasury and not commingled. This rule codifies that contractual requirement.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local,
State

Additional Information: Because this rule preempts State and local laws in conflict with HUD's requirements for closing agents, it is being published as a proposed rule for public comment to meet the consultation requirements of Executive Order 12612, Federalism.

Agency Contact: Robert Falkenstein, Acting Director, Single Family Property Disposition, Department of Housing and Urban Development, Office of Housing, 202 708-0740

RIN: 2502-AG15

**1510. MORTGAGE INSURANCE FOR
NURSING HOMES, INTERMEDIATE
CARE FACILITIES AND BOARD AND
CARE HOMES (FR-3374)**

Legal Authority: 42 USC 3535(d); 12
USC 1715b; 12 USC 1715w; 12 USC
17152(9)

CFR Citation: 24 CFR 232

Legal Deadline: None

Abstract: Section 511 amends section 232 of the National Housing Act by expanding section 232 to include assisted living facilities. The regulation will also be amended to provide that

projects with uninsured loans will now be eligible for refinancing under section 223(f). The rule will include the higher loan-to-value-ratio (95%) for nonprofits and additions to existing facilities.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda Cheatham, Director, Office of Multifamily Housing Development, Department of Housing and Urban Development, Office of Housing, 202 708-3000

RIN: 2502-AF89

**1511. RENT CHANGES IN SECTION
236 AND 221 PROJECTS (FR-2977)**

Legal Authority: PL 101-625; 42 USC
3535(d)

CFR Citation: 24 CFR 236; 24 CFR 221

Legal Deadline: None

Abstract: Ceiling rent must be applied to tenants whose income exceeds 80 percent of median income—ceiling is lower of 30 percent of adjusted income or Section 8 Fair Market Rent (Sec. 612 of C-G).

HUD is permitted to authorize increases in basic rents to cover return of capital for capital improvements (Sec. 611(b) of C-G).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Local,
State

Agency Contact: James Tahash, Director, Planning and Procedures Div., Department of Housing and Urban Development, Office of Housing, 202 708-3944

RIN: 2502-AF39

**1512. MORTGAGE INSURANCE AND
INTEREST REDUCTION PAYMENT
FOR RENTAL PROJECTS (FR-3417)**

Legal Authority: 42 USC 3535(d); 12
USC 1715z

CFR Citation: 24 CFR 236

Legal Deadline: None

Abstract: The regulation will require that excess income in section 236

projects be remitted to HUD rather than allowing Excess Income to offset uncollected basic rent.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Tahash, Director, Planning & Procedures Div., Department of Housing and Urban Development, Office of Housing, 202 708-3944

RIN: 2502-AF99

**1513. MORTGAGE INSURANCE FOR
HOSPITALS; INSURANCE OF
MORTGAGES COVERING EXISTING
HOSPITALS (FR-3083)**

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 242

Legal Deadline: None

Abstract: Revision will permit conventionally financed existing hospitals to receive mortgage insurance under Section 242 pursuant to Section 223(f). Regulations now limit such mortgage insurance to health facilities that are currently insured by HUD. Existing projects may be purchased or refinanced without substantial rehabilitation under Section 242/223(f).

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Matthew C. Andrea, Program Analyst, Hospital Mortgage Insurance Staff, Department of Housing and Urban Development, Office of Housing, 202 708-0599

RIN: 2502-AF47

**1514. TERMINATION OF TENANCY
FOR CRIMINAL ACTIVITY (FR-3472)**

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 247; 24 CFR 880;
24 CFR 881; 24 CFR 882; 24 CFR 883;
24 CFR 884

Legal Deadline: None

Abstract: This rule would state that any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by persons residing in the immediate vicinity of the premises of any drug-related criminal activity on or near such

HUD—OH

Proposed Rule Stage

premises, engaged in by a tenant of any unit, any member of the tenant's household, or any guest or other person under the tenant's control would be grounds for termination of tenancy.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Tahash, Director, Planning & Procedure Div., Department of Housing and Urban Development, Office of Housing, 202 708-3944

RIN: 2502-AG12

1515. AUCTION OF FHA MULTIFAMILY MORTGAGES (FR-3009)

Significance: Agency Priority

Legal Authority: 12 USC 1715(g)(4); 42 USC 3535(d)

CFR Citation: 24 CFR 290

Legal Deadline: None

Abstract: Section 336 of the Cranston-Gonzalez National Affordable Housing Act requires HUD, in lieu of accepting assignments of mortgages under Section 221(g)(4) of the NHA for debentures, to arrange the sale of the beneficial interests in those mortgages through an auction and sale of the mortgage loans or participation certificates, or other mortgage-backed obligations acceptable to HUD. HUD must arrange the auction and sale at a price; to be paid to the mortgagee, of par plus accrued interest to the date of the sale.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Malone, Director, Office of Multifamily Housing Preservation & Property Disposition, Department of Housing and Urban Development, Office of Housing, 202 708-3555

RIN: 2502-AF27

1516. SINGLE FAMILY PROPERTY DISPOSITION—HOMELESS (FR-3399)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 291

Legal Deadline: None

Abstract: This rule will amend current regulations to provide that acquired property will not be made available for the program until it has been made available for sale to the general public for at least 30 days. Exception to above, if the Secretary determines that there will not be a sufficient quantity of property for use by homeless if made available to public for sale for 30 days. In such cases, no more than 10% of eligible properties will be made available to general public first. Rule sets criteria for determining such areas. Rule will also require HUD to inform, upon request, lessees or applicants for eligible properties of any exemptions or reductions of property taxes when properties are leased for use by homeless.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/11/93 | 58 FR 42708 |
| NPRM Comment Period End | 10/12/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Robert E. Falkenstein, Jr., Acting Director, Single Family Property Disposition, Department of Housing and Urban Development, Office of Housing, 202 708-0740

RIN: 2502-AF96

1517. AUTHORITY TO PROVIDE PREFERENCES FOR ELDERLY RESIDENTS AND FOR DISABLED RESIDENTS IN CERTAIN SECTION 8 HOUSING (FR-3465)

Legal Authority: 42 USC 3535(d); 42 USC 13604 to 13614

CFR Citation: 24 CFR 886; 24 CFR 880; 24 CFR 881; 24 CFR 883; 24 CFR 884

Legal Deadline: None

Abstract: This rule would amend the section 8 regulations for newly constructed and substantially rehabilitated projects to allow owners of projects designed primarily for occupancy by elderly families to provide preferences to elderly families and disabled families.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Tahash, Director, Planning & Procedures Div., Department of Housing and Urban Development, Office of Housing, 202 708-3944

RIN: 2502-AG05

1518. DRUG-RELATED RENT ADJUSTMENTS (FR-2960)

Significance: Agency Priority

Legal Authority: PL 101-625

CFR Citation: 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 886

Legal Deadline: None

Abstract: Section 8(c)(2)(B) of the United States Housing Act of 1937 permits HUD to adjust contract rents covering Section 8 assisted units to reflect increases in certain specified costs of owning and maintaining. Section 542 of the Cranston-Gonzalez National Affordable Housing Act amended Section 8 (c)(2) to provide the Secretary with the authority (subject to the availability of appropriations) to provide for rent adjustments where a project's operating, maintenance, and capital repair expenses have been substantially increased primarily as a result of the prevalence of drug-related activity. This section limits the rent adjustments to a level no greater than 120% of the project rents, to cover the costs of maintenance, security, capital repairs and reserves required for the owner to carry out a strategy acceptable to the Secretary for addressing the problem of drug-related criminal activity.

This proposed rule would implement the provisions of Section 542.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: James J. Tahash, Director, Planning & Procedures Division, Department of Housing and

HUD—OH

Proposed Rule S

Urban Development, Office of Housing,
202 708-3944

RIN: 2502-AF33

**1519. MANUFACTURED HOME
CONSTRUCTION AND SAFETY
STANDARDS ON SEISMIC
REQUIREMENTS (FR-3099)**

Legal Authority: 42 USC 5403; 42 USC
5424; 42 USC 3535(d); 42 USC 7701
to 7706

CFR Citation: 24 CFR 3280

Legal Deadline: NPRM, Statutory,
February 1, 1993.

Abstract: Proposed amendments of the
Federal Manufactured Home
Construction and Safety Standards to
account for the impact of earthquake
ground movements, as mandated by
E.O. 12699 and section 947 NAHA.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |
| Final Action | 03/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: G. Robert Fuller,
Director, Manufactured Housing &
Const. Standards Div., Department of
Housing and Urban Development,
Office of Housing, 202 755-7430

RIN: 2502-AF67

**1520. MANUFACTURED HOME
PROCEDURES AND ENFORCEMENT
REGULATIONS; TO IMPLEMENT
INSPECTION, DESIGN APPROVAL,
CONSUMER COMPLAINT HANDLING
AND MONITORING PROGRAM (FR-
2985)**

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 3282; 24 CFR
3283

Legal Deadline: None

Abstract: HUD solicited public
comments on certain changes to the
structure of the monitoring program
used to enforce the manufactured
housing construction and safety
standards required by Manufactured

Housing Construction and Safety
Standards Act of 1974. HUD proposed
alternative regulatory structures which
would change the current third party
design and inspection program and
system of monitoring and enforcement.
These alternative monitoring
procedures will provide a more
efficient and effective regulatory
enforcement program which will assure
protection of the consumers, while
lessening the burden on the
manufactured housing industry. The
final rule will propose revisions.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-----------|
| ANPRM | 01/03/92 | 57 FR 241 |
| ANPRM Comment Period End | 03/04/92 | |
| NPRM | 02/00/94 | |
| NPRM Comment Period End | 04/00/94 | |
| Final Action | 12/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: G. Robert Fuller,
Director, Manufactured Housing and
Construction Standards Division,
Department of Housing and Urban
Development, Office of Housing, 202
755-7430

RIN: 2502-AF42

**1521. MANUFACTURED HOME
CONSTRUCTION SAFETY
STANDARDS ON HARDBOARD
SIDING (FR-3470)**

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 3282

Legal Deadline: None

Abstract: The Housing and Community
Development Act of 1992 directed HUD
to develop a new standard for
hardboard siding taking into account
durability, longevity, and consumer's
costs for maintenance. This mandate
also requires the Department to consult
with the National Commission on
Manufactured Housing and the
National Manufactured Home Advisory
Council. The new standard will be a
performance standard developed to
ensure the durability of hardboard
siding for at least the normal life of

a mortgage with minimum
maintenance.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |

Small Entities Affected: Business
Governmental Jurisdictions

Government Levels Affected: Local
State

Agency Contact: Phil Schulte, Chi
Compliance Branch, Department of
Housing and Urban Development,
Office of Housing, 202 755-7420

RIN: 2502-AG10

**1522. REGULATIONS IMPLEMENT
SECTION 10 OF RESPA CONCERNING
ESCROW ACCOUNTS (FR-3255)**

Legal Authority: 12 USC 2601

CFR Citation: 24 CFR 3500

Legal Deadline: None

Abstract: This rule is necessary to
implement section 942 of the Natl
Affordable Housing Act regarding
escrow account statements and sec
10 of RESPA regarding escrow
accounting. A proposed rule regard
escrow account statements was
published December 9, 1991 and a
proposed rule discussing escrow
account procedures was published
16, 1988. A new section 3500.17 w
reserved under the overall RESPA
revision published November 2, 19
An Interpretive Rule regarding esc
accounting methods was published
January 21, 1993 and is in effect.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: Business

Government Levels Affected: None

Agency Contact: David R. Willbar
Director, Office of RESPA Enforce
Department of Housing and Urban
Development, Office of Housing, 2
708-4560

RIN: 2502-AF77

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Housing (OH)

Final Rule Stage

1523. CHANGES TO THE MINIMUM PROPERTY STANDARDS (FR-2599)

Significance: Regulatory Program

Legal Authority: 12 USC 1701 to 1715z-18

CFR Citation: 24 CFR 200

Legal Deadline: None

Abstract: The major component of this revision is the adoption of the Model Energy Code (MEC). Section 101 of the Energy Policy Act of 1992 states that if HUD does not issue a final rule adopting the MEC by October 24, 1993, then the MEC and the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) standards 90.1-1989 shall go into immediate effect. This rule would amend 24 CFR Part 200 by (1) referencing the latest editions of private sector standards presently in the MPS; (2) standardizing requirements to control termites and wood decay; (3) revising the time for periodic changes to the MPS; and (4) making technical changes to section 100-1.2 and 100-1.3 Housing for the Elderly and Requirements for Accessibility to Physically Handicapped People in HUD Handbook 4910.1.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/05/90 | 55 FR 46632 |
| NPRM Comment Period End | 01/04/91 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Donald R. Fairman, Chief, Standards and Products Branch, Department of Housing and Urban Development, Office of Housing, 202 755-7440

RIN: 2502-AE64

1524. USE OF MATERIALS BULLETIN USED IN THE HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM (FR-3210)

Legal Authority: 12 USC 1701 to 1715z; 12 USC 1716; 12 USC 1717; 12 USC 1717

CFR Citation: 24 CFR 200

Legal Deadline: None

Abstract: This rule would adopt the following Use of Materials Bulletins (UMBs): b-Aluminium Fenestration Products; 44d-Carpet; 59b-Wood

Fenestration Products; 71a-Polystyrene Foam Insulation Board; 72a-Carpet Cushion; 82a-Sealed Insulating Glass Units; 85a Poly (vinyl chloride) (PVC) Fenestration Products; 89-Steel Insulated Door Systems; and 100-Solar Water Heating Systems. This rule would also reference related national voluntary consensus standards.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 04/30/93 | 58 FR 26212 |
| NPRM Comment Period End | 06/29/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Leslie Breden, Manufactured Housing & Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-7440

RIN: 2502-AF62

1525. REVISION OF FHA MULTIFAMILY PROCESSING (FR-3349)

Legal Authority: 42 USC 3535(d); 12 USC 1715b

CFR Citation: 24 CFR 200; 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 231; 24 CFR 232; 24 CFR 231; 24 CFR 232; 24 CFR 234; 24 CFR 236; 24 CFR 241; 24 CFR 242; 24 CFR 244

Legal Deadline: None

Abstract: It is proposed that FHA multifamily processing regulations be amended to: (1) increase processing/commitment fees; (2) recognize a feasibility processing stage for substantial rehabilitation projects and impose a fee for this processing; (3) require a preapplication conference; and (4) eliminate the conditional commitment processing stage for all but section 242 hospital mortgages, section 223(f) acquisition/refinancing mortgages, and section 241 supplemental loans.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/01/93 | 58 FR 35724 |
| NPRM Comment Period End | 08/30/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jessica Franklin, Director, Policy & Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 708-2556

RIN: 2502-AF74

1526. USE OF MATERIALS BULLETIN 101: EXTERIOR FINISH AND INSULATION SYSTEMS USED IN THE HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM (FR-3365)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200

Legal Deadline: None

Abstract: This rule would adopt Use of Materials Bulletins (UM) No. 101 Exterior Finish and Insulation Systems, which is a new UM. This new UM would reference related national voluntary consensus standards. In accordance with 24 CFR 200.935, this UM would also provide a labeling and third party certification program to meet the appropriate national voluntary consensus standards. In addition, it provides for a third party inspection at the job site. The rule would also supplement the HUD Building Product Standards and Certification Program by requiring that additional information be included on the label, tag, or mark that each manufacturer would affix to a certified product. It would also specify the frequency with which products must be tested in order to be acceptable to HUD. Finally it requires an inspection report regarding installation.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 08/25/93 | 58 FR 34502 |
| Interim Final Rule Effective Date | 07/26/93 | 58 FR 34502 |
| Interim Final Rule Comment Period End | 08/24/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leslie Breden, Manufactured Housing and Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-7440

RIN: 2502-AF84

HUD—OH

Final Rule Stage

1527. TITLE I PROPERTY IMPROVEMENT AND MANUFACTURED HOME LOANS—DEBT OWED TO THE U.S. UNDER TITLE I (FR-3326)

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 201

Legal Deadline: None

Abstract: This final rule creates a new subpart G that codifies the existing Title I debt collection practice and procedures into one subpart, and would be applicable to debts owed to the Department by defaulted borrowers, as well as debts owed to the Department by Title I lenders arising from repurchase demands and unpaid insurance charges.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Paulette Porche, Director, Title I Accounting & Servicing Div., Department of Housing and Urban Development, Office of Housing, 202 708-5949

RIN: 2502-AF80

1528. NONDISCRIMINATION ON BASIS OF MORTGAGE CHARGE RATES BY MORTGAGEES ON THE BASIS OF GEOGRAPHICAL AREA (TIERED PRICING) (FR-3021)

Significance: Agency Priority

Legal Authority: 12 USC 1709; 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: The rule prohibits FHA mortgagees from making or holding home mortgages where customary lending practices of the mortgagee provide for a variation in mortgage charge rates that exceeds 2 percent for insured mortgages located within a particular area. A procedure is also established under which any person may file a request that the Secretary determine whether a mortgage is in compliance with this area's nondiscrimination requirement.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 07/14/93 | 58 FR 37885 |

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM Comment | 09/13/93 | |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: William Heyman, Director, Office of Lender Activities, Department of Housing and Urban Development, Office of Housing, 202 708-3046

RIN: 2502-AF29

1529. SINGLE-FAMILY PROPERTY DISPOSITION PROGRAM (FR-3253)

Legal Authority: 12 USC 1709; 12 USC 1710; 12 USC 1715(b); 12 USC 1715(u); 12 USC 3535(d)

CFR Citation: 24 CFR 203; 24 CFR 291

Legal Deadline: None

Abstract: This rule will modify the existing procedures in 24 CFR part 291 as follows: (1) A restatement of the objective of the property disposition program to clarify that the purpose is to reduce the inventory of acquired properties in a manner that expands homeownership opportunities, strengthens neighborhoods and communities, and ensures a maximum return to the mortgage insurance communities, and ensures a maximum return to the mortgage insurance funds [291.1]; (2) Remove the present 6% limit on closing/financing costs HUD will pay and provide that the Secretary will determine the maximum limit appropriate [291.105]; (3) Remove the present 10% cap on discounts provided in direct sales to government entities and nonprofits and provide that the discount will be provided by the Secretary, but not less than 10% [291.110]; (4) 291.130 will be amended to permit the initial 15-day extension to contract closing at no loss to owner-occupant purchasers were proper and timely loan application was made, the delay is not the fault of the buyer, and mortgage approval is imminent; (5) Return of earnest money deposits to owner-occupants who were pre-approved for mortgage (cont)

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |
| Final Action | 04/00/94 | |

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: ABSTRACT CONT: financing where the purchaser is unable, despite good faith efforts, to obtain mortgage financing (291.135); (6) Provide a priority to purchase to owner-occupants (291.105); (7) Provide purchase money mortgages to nonprofit organizations and government entities who purchase HUD-owned properties in designated "revitalization areas" (291.100) and (8) Permit conveyance of occupied properties to avoid the payment of excessive eviction or relocation expenses required by local law (203.671).

Agency Contact: Robert Falkenstein, Acting Director, Single Family Disposition Division, Department of Housing and Urban Development, Office of Housing, 202 708-0740

RIN: 2502-AF75

1530. ASSIGNMENT OF MORTGAGES—DEFINITION (FR-3426)

Legal Authority: 12 USC 1709; 12 USC 1710; 12 USC 1715b; 12 USC 1715u; 42 USC 3535(c)

CFR Citation: 24 CFR 203.650

Legal Deadline: None

Abstract: This rule will amend the Department's single family mortgage insurance regulations to clarify the application of the terms "delinquency" and "default" in determining eligibility under the mortgage assignment program. The rule will memorialize the Department's existing interpretations, in response to a recent court decision on this issue.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Judy McCarthy, Mortgage Services Specialist, Department of Housing and Urban Development, Office of Housing, 202 708-3664

RIN: 2502-AF85

1531. BOOK ENTRY FORM AND DISTRIBUTIVE SHARES (FR-3434)

Significance: Agency Priority

Legal Authority: 42 USC 3434(d); 12 USC 1715(b)

HUD—OH

Final Rule Stage

CFR Citation: 24 CFR 200; 24 CFR 203; 24 CFR 204; 24 CFR 207; 24 CFR 220; 24 CFR 221; 24 CFR 235; 24 CFR 236; 24 CFR 237; 24 CFR 241; 24 CFR 242

Legal Deadline: None

Abstract: This rule implements provisions in the Housing and Community Development Act of 1992 that (1) authorize the Secretary to pay mortgage insurance claims with book entry forms of debentures and (2) establish a statute of limitations on payments of Mutual Mortgage Insurance Fund distributive shares.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Christopher Peterson, Director, Office of Mortgage Insurance Accounting & Servicing, Department of Housing and Urban Development, Office of Housing, 202 708-1048

RIN: 2502-AG01

1532. EFFECT OF ACQUISITION OF TITLE BY MORTGAGEE OR THE SECRETARY ON TITLE INSURANCE POLICY (FR-3224)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 207

Legal Deadline: None

Abstract: Current regulations require a mortgagee to furnish a survey and a policy of title insurance or its equivalent as a prerequisite to the closing of an insured multifamily housing loan. If a mortgagee subsequently chooses to exercise its right to assign a mortgage to HUD, it must submit an owner's title policy in favor of HUD that is effective on the date that the project is conveyed to the Secretary. This rule would amend HUD regulations deleting the phrase "it will become an owner's policy running to the mortgagee or the Secretary as the case may be," and substituting "it will continue to provide the same coverage as the original policy, and will run to the mortgagee or the Secretary, as the case may be." This will allow HUD to decide on a case-by-case basis to either purchase an owner's policy at its own expense, or self-insure the time period between assignment and foreclosure.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 06/24/93 | 58 FR 34213 |
| Interim Final Rule Effective Date | 07/26/93 | 58 FR 34213 |
| Interim Final Rule Comment Period End | 08/23/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David Cooper, Assistant General Counsel for Multifamily Insurance, Department of Housing and Urban Development, Office of the General Counsel, 202 708-4090

RIN: 2502-AF64

1533. HOUSING FINANCE AGENCY—RISK SHARING PROGRAM (FR-3383)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 266

Legal Deadline: Final, Statutory, December 14, 1993.

Abstract: Issue regulations to implement the authorized Housing Finance Agency Risk Sharing Pilot Program required by section 542(c) of the Housing and Community Development Act of 1992. The Pilot will involve qualified housing finance agencies that enter into risk-sharing agreements with the Secretary.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda Cheatham, Director, Office of Multifamily Housing Development, Department of Housing and Urban Development, Office of Housing, 202 708-3000

RIN: 2502-AF94

1534. IMPLEMENTATION OF SECTION 512 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992—MULTIFAMILY HOUSING MORTGAGE INSURANCE (FR-3393)

Legal Authority: 42 USC 3535(d); 12 USC 1701z to 1711(e); 12 USC 1713; 12 USC 1715b; 12 USC 1735f

CFR Citation: 24 CFR 207

Legal Deadline: None

Abstract: This rule will modify existing regulations to establish an expedited procedure for processing section 223(f) applications for multifamily residential projects purchased from the Resolution Trust Corporation.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|------------|
| Interim Final Rule | 02/22/93 | 58 FR 9541 |
| Interim Final Rule Effective Date | 02/22/93 | |
| Interim Final Rule Comment Period End | 04/23/93 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jessica Franklin, Director, Policy & Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 708-2556

RIN: 2502-AF95

1535. DELETION OF THE 90 PERCENT-OF-VALUE CRITERION IN SECTION 223(A)(7) REFINANCING (FR-3342)

Legal Authority: 12 USC 1701; 12 USC 1713; 12 USC 1715(b); 12 USC 1715(e); 12 USC 1717(a); 12 USC 1715(l); 42 USC 3535(d)

CFR Citation: 24 CFR 207.32; 24 CFR 213.45; 24 CFR 221.560; 24 CFR 236.40

Legal Deadline: None

Abstract: Section 223(a)(7) of the National Housing Act authorizes the Department to insure mortgages given to refinance existing HUD-insured mortgages under the Act. Current regulations provide that refinanced loans may not exceed 90% of the Federal Housing Commissioner's estimate of value. This limitation has prevented some insured projects that have sufficient net income to cover the new debt service from refinancing at lower rates and improving their financial condition. Because refinanced loans are already limited by statute, deletion of the 90 percent-of-value criterion would help to prevent defaults and claims against the Department's Insurance Funds.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: Undetermined

HUD—OH

Final Rule Stage

Government Levels Affected: None

Agency Contact: Jessica A. Franklin, Director, Policies and Procedures Div., Department of Housing and Urban Development, Office of Housing, 202 708-2556

RIN: 2502-AG04

1536. STATE AGENCY AMENDMENTS (FR-1997)

Legal Authority: 12 USC 1715z-16(b); 12 USC 1715z-16(c)

CFR Citation: 24 CFR 215; 24 CFR 221; 24 CFR 236; 24 CFR 245

Legal Deadline: None

Abstract: This rule would make the Department's regulations on prohibited lease terms applicable to section 236 projects financed by state housing agencies.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/21/87 | 52 FR 48276 |
| NPRM Comment | 02/19/88 | 52 FR 48276 |
| Period End | | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 708-3944

RIN: 2502-AC73

1537. FLEXIBLE SUBSIDY (FR-3441)

Legal Authority: 12 USC 1715z to 1a

CFR Citation: 24 CFR 219

Legal Deadline: None

Abstract: This rule would implement the changes made to the Flexible Subsidy Program by the Housing and Community Development Act of 1992. These changes principally affect the conditions under which a project will be considered eligible for assistance under the Flexible Subsidy Program, and the criteria by which HUD will evaluate applications for assistance and award assistance under this program.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/25/93 | 58 FR 34506 |
| NPRM Comment | 08/24/93 | |
| Period End | | |

Action **Date** **FR Cite**

Final Action 12/00/93
Final Action Effective 01/00/94

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: William J. Schick, Program Support Branch, Department of Housing and Urban Development, Office of Housing, 202 708-2654

RIN: 2502-AG03

1538. DEFINITION OF "ELDERLY FAMILY" IN PART 236 (FR-3286)

Legal Authority: 42 USC 3535(d); 12 USC 1715(b); 12 USC 1715z-1

CFR Citation: 24 CFR 236.2

Legal Deadline: None

Abstract: This rule would change the interpretation of the definition of "elderly family" in Part 236 to delete reference to disabled or handicapped persons. This change would permit the Department to restrict admission to rental units for the elderly class only.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James Tahash, Director, Planning and Procedures Div., Office of Multifamily Housing Management, Department of Housing and Urban Development, Office of Housing, 202 708-3944

RIN: 2502-AF79

1539. PRESERVATION OF MULTIFAMILY LOW-INCOME HOUSING—"90-DAY RULE" HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992 AMENDMENTS (FR-3384)

Legal Authority: 12 USC 1715l; 12 USC 4101; 12 USC 1315b

CFR Citation: 24 CFR 248; 24 CFR 241; 24 CFR 236

Legal Deadline: Other, Statutory, January 26, 1993.

Deadline is for an interim final rule.

Abstract: This rule implements sections 304, 305, 306, 307, 308(b), 309, 312, 313(a) and (b)(1), 316(a) and (b), and 331 of the Housing and

Community Development Act of 1992 by amending parts 236, 241 and 248 of title 24 of the Code of Federal Regulations. These amendments permit public entities to become mortgagors of projects with mortgages insured under section 236 of the National Housing Act; authorize the Department to insure equity and acquisition loans for a term of 40 years and combine rehabilitation loans with equity or acquisition loans; protect proprietary information submitted by owners as part of their plans of action; require regulations setting forth the Department's procedures and criteria for approving plans of action to prepay or terminate; ensure that owners receive an 8% annual authorized return during the rent phase-in period; ensure that priority purchasers receive incentives sufficient to meet project oversight costs and receive an 8% annual authorized return on any actual cash investment and reimbursement for all reasonable transaction expenses; allow resident council purchasing under a resident homeownership program to (cont)

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 07/13/93 | 58 FR 37802 |
| Interim Final Rule Effective Date | 07/13/93 | 58 FR 37802 |
| Interim Final Rule Comment Period End | 09/13/93 | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: assume the federally assisted mortgage; require low-income affordability restrictions to be maintained on all units not sold to residents; eliminate the requirement that limited equity cooperative owners transfer ownership to residents in a timely manner; establish a technical assistance program for priority purchasers; impose LIHPRA notification requirements of ELIHPA owners; and ensure that owners under ELIHPA are not arbitrarily refused incentives based on the date they filed a plan of action.

Agency Contact: Kevin J. East, Office of Multifamily Housing Preservation and Property Disposition, Department of Housing and Urban Development, Office of Housing, 202 708-2300

RIN: 2502-AF83

HUD—OH

Final Rule Stage

1540. GNMA REQUEST FOR FULL INSURANCE ON COINSURANCE LOAN (FR-2951)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 251; 24 CFR 252; 24 CFR 255

Legal Deadline: None

Abstract: This rule would revise coinsurance regulations to eliminate the requirement that GNMA attempt to assign the issuer-servicer responsibility on current coinsured mortgages under the Mortgage-Backed Securities program to another approved coinsuring lender prior to requesting full insurance endorsements by FHA.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/15/92 | 57 FR 59314 |
| NPRM Comment | 02/15/93 | |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Albert B. Sullivan, Director, Office of Management, Department of Housing and Urban Development, Office of Housing, 202 708-3730

RIN: 2502-AF34

1541. NEHEMIAH HOUSING (FR-3438)

Legal Authority: 42 USC 3435(d); 12 USC 1715(b)

CFR Citation: 24 CFR 280

Legal Deadline: None

Abstract: The Nehemiah Housing Opportunity Grants Program authorizes HUD to make grants to nonprofit organizations to enable them to provide loans to families purchasing homes that are constructed or substantially rehabilitated in accordance with a HUD-approved program. The loans to the family; May not exceed \$15,000; bear no interest; are secured by a second mortgage held by the Secretary; and are repayable to the Secretary upon the sale, lease or transfer of the property.

Section 183 of the Housing and Community Development Act of 1992 provides for a distribution schedule (between the Secretary and homeowner) for any proceeds from the sale or transfer of a Nehemiah home

that remain after repaying the first mortgage. This rule implements section 183.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 708-2700

RIN: 2502-AG02

1542. LOW-INCOME TERM (FR-3046)

Significance: Regulatory Program

Legal Authority: PL 101-625

CFR Citation: 24 CFR 811; 24 CFR 812; 24 CFR 813; 24 CFR 842; 24 CFR 880; 24 CFR 881; 24 CFR 833; 24 CFR 884; 24 CFR 886

Legal Deadline: None

Abstract: In accordance with recent statutory changes in terminology, this final rule will replace, at various points in HUD's regulations, the terms "lower-income families" and "lower-income housing" with reference to "low-income" families and housing.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Tahash, Director, Planning and Procedures Div., Department of Housing and Urban Development, Office of Housing, 202 708-3944

RIN: 2502-AF50

1543. INCOME ELIGIBILITY FOR TENANCY IN NEW CONSTRUCTION UNITS (FR-3413)

Legal Authority: 42 USC 1437a; 42 USC 1437c; 42 USC 1437f; 42 USC 3535(d); 42 USC 1437f

CFR Citation: 24 CFR 880; 24 CFR 881; 24 CFR 883; 24 CFR 884; 24 CFR 886

Legal Deadline: None

Abstract: This rule would amend the regulations to require that dwelling units under section 8 new construction or substantial rehabilitation be reserved

for low income or very low income families.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/01/93 | 58 FR 35416 |
| NPRM Comment | 08/02/93 | |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Tahash, Director, Planning & Procedures Div., Department of Housing and Urban Development, Office of Housing, 202 708-3944

RIN: 2502-AF41

1544. MANAGEMENT RULES FOR EXISTING PROJECTS FOR THE ELDERLY (FR-1761)

Legal Authority: 12 USC 1701q; 42 USC 3535(d)

CFR Citation: 24 CFR 885

Legal Deadline: None

Abstract: This final rule will amend HUD's regulations governing projects that received direct loans under section 202 of the Housing Act of 1959 and housing assistance payments under section 8 of the United States Housing Act of 1937. The regulation adds regulatory provisions to govern section 202/8 project operations and management and incorporates changes required by statutory requirements governing housing assistance payments contracts.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/09/87 | 52 FR 46614 |
| NPRM Comment | 02/08/88 | 52 FR 46614 |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Margaret Milner, Acting Director, Office of Elderly & Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 708-4542

RIN: 2502-AC03

1545. ANNUAL RENT ADJUSTMENTS FOR SECTION 8 ASSISTED HOUSING; COMPARABILITY STUDIES (FR-2822)

Significance: Regulatory Program

HUD—OH

Final Rule Stage

Legal Authority: 42 USC 1437f(c)(2)(C)**CFR Citation:** 24 CFR 888**Legal Deadline:** NPRM, Statutory, June 17, 1990.

Abstract: This rule would outline procedures and criteria for conducting comparability studies for section 8 projects where the Secretary has reason to believe that application of the Annual Adjustment Factor to contract rents would result in material differences between the rents of an assisted project and similar unassisted housing.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/29/92 | 57 FR 49120 |
| NPRM Comment Period End | 12/28/92 | |

Next Action Undetermined

Small Entities Affected: Businesses, Organizations**Government Levels Affected:** Local, State

Additional Information: The portion of section 801 of the 1989 Reform Act requiring HUD to make retroactive housing assistance payments to owners whose rents were reduced or limited by comparability studies from 1980 to May 31, 1991 was implemented as a separate rule, effective May 31, 1991.

Agency Contact: James Tahash, Director, Policies & Procedures Div., Department of Housing and Urban Development, Office of Housing, 202 708-3994

RIN: 2502-AF01**1546. SUPPORTIVE HOUSING FOR THE ELDERLY (MANAGEMENT) (FR-3336)****Legal Authority:** 42 USC 1701q; 42 USC 3535(d)**CFR Citation:** 24 CFR 889**Legal Deadline:** None

Abstract: This rule provides for the requirements related to management and operation of the new Supportive Housing for the Elderly Program which were not covered in the interim rules, published on June 12, 1991 at 56 FR 27104 or published on August 12, 1992 at 57 36338. The Supportive Housing for the Elderly Program is to enable elderly persons to live with dignity and independence by expanding the supply of supportive housing that is designed

to accommodate the special needs of elderly persons and provides a range of services that are tailored to the needs of elderly persons occupying such housing.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Margaret Milner, Acting Director, Office of Elderly & Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 708-4542

RIN: 2502-AF86**1547. SUPPORTIVE HOUSING FOR THE ELDERLY ('92 ACT) (FR-3407)****Significance:** Regulatory Program**Legal Authority:** 42 USC 3535(d); 12 USC 1701q**CFR Citation:** 24 CFR 889**Legal Deadline:** None

Abstract: This rule revised the Supportive Housing for the Elderly Program by adding amendments made by section 602(b), (c), (f) and (g) of the Housing and Community Development (HCD) Act of 1992 and by simplifying the application and selection process. These revisions were necessary in order to permit the funding of Supportive Housing for the Elderly in FY 1993 and effectuate the purposes of the HCD Act of 1992.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Interim Final Rule | 05/05/93 | 58 FR 26836 |
| Interim Final Rule Effective Date | 06/04/93 | 58 FR 26836 |
| Interim Final Rule Comment Period End | 07/06/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Margaret Milner, Acting Director, Office of Elderly & Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 708-4542

RIN: 2502-AF98**1548. SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES (MANAGEMENT) (FR-3337)****Legal Authority:** 42 USC 8013; 42 USC 3535(d)**CFR Citation:** 24 CFR 890**Legal Deadline:** None

Abstract: This rule provides for the requirements related to management and operation of the Supportive Housing for Persons with Disabilities Program which were not covered in the interim rule, published on June 12, 1991 at 56 FR 27070 or published on August 12, 1992 at 57 36330. The Supportive Housing for Persons with Disabilities Program is to enable persons with disabilities to live with dignity and independence within their communities by expanding the supply of supportive housing that is designed to accommodate the special needs of such persons and provides supportive services that address the individual health, mental health, and other needs of such persons.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Margaret Milner, Acting Director, Office of Elderly & Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 708-4542

RIN: 2502-AF87**1549. SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES ACT OF 1992 (SIMPLIFICATION) (FR-3406)****Significance:** Regulatory Program**Legal Authority:** 42 USC 3535(d); 42 USC 8013**CFR Citation:** 24 CFR 890**Legal Deadline:** None

Abstract: This rule revised the Supportive Housing for Persons with Disabilities Program by adding amendments made by section 603 of the Housing and Community Development (HCD) Act of 1992 and by simplifying the application and selection process. These revisions were necessary in order to permit the funding of supportive housing for persons with disabilities in FY 1993

HUD—OH

Final Rule Stage

and effectuate the purposes of the HCD Act of 1992.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 05/05/93 | 58 FR 26816 |
| Interim Final Rule Effective Date | 06/04/93 | 58 FR 26816 |
| Interim Final Rule Comment Period End | 07/06/93 | |
| Final Action | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret Milner, Acting Director, Office of Elderly & Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 708-4542

RIN: 2502-AF97

1550. UPDATE TO THE MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS (HUD CODE) (FR-2622)

Legal Authority: 42 USC 5401

CFR Citation: 24 CFR 3280

Legal Deadline: None

Abstract: This rule updates and amends various subparts of part 3280 to reflect recommendations from industry, the Council of American Building Officials Manufactured Home Committee, and the Department's staff. These recommendations were received prior to March 1, 1990. Reference standards would also be updated. In addition, the rule implements the Manufactured Energy Conservation Standards in section 586 of the 1987 Housing and Community Development (HCD) Act.

Section 104(c) of the Energy Policy Act of 1992 states that if HUD does not issue a final rule implementing section 568 of the 1987 HCD Act by October 24, 1993, then the States may establish thermal insulation and energy

efficiency standards for manufactured housing located in their jurisdictions that are at least as stringent as those contained in the Second Public Review draft of BSR/ASHRAE 90.2P entitled "Energy Efficient Design of Low-Rise Residential Buildings."

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 02/24/92 | 57 FR 6420 |
| NPRM Comment Period End | 05/26/92 | 57 FR 6420 |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Donald R. Fairman, Chief, Standards & Products Branch, Department of Housing and Urban Development, Office of Housing, 202 755-7440

RIN: 2502-AE66

1551. WIND STANDARDS—MANUFACTURED HOMES (FR-3380)

Legal Authority: 42 USC 5403; 42 USC 5424; 42 USC 3535(d)

CFR Citation: 24 CFR 3280.4; 24 CFR 3280.5; 24 CFR 3280.302; 24 CFR 3280.303; 24 CFR 3280.304; 24 CFR 3280.305; 24 CFR 3280.306; 24 CFR 3280.403; 24 CFR 3280.404; 24 CFR 3282.362

Legal Deadline: None

Abstract: This rule will amend the Federal Manufactured Home Construction and Safety Standards to improve the resistance of manufactured homes to wind forces. The increased standards are the result of field investigations of the destruction caused by Hurricane Andrew, and of reviews of current standards and requirements. The increased wind loads required in certain locations will be based on a current private industry standard.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 04/14/93 | 58 FR 19536 |
| NPRM Comment Period End | 06/09/93 | 58 FR 32316 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: G. Robert Fuller, Director, Manufactured Housing and Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-7430

RIN: 2502-AF91

1552. RESPA AMENDMENTS REQUIRED BY THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992 (FR-3382)

Legal Authority: 12 USC 2601

CFR Citation: 24 CFR 3500

Legal Deadline: None

Abstract: This rule is necessary to implement the amendments to RESPA, under Title IX of the Housing and Community Development Act of 1992, which extends the coverage of RESPA to second mortgages, home equity loans and other junior liens.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/13/93 | 58 FR 28478 |
| NPRM Comment Period End | 07/12/93 | |
| Final Action | 11/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David R. Williamson, Director, Office of RESPA Enforcement, Department of Housing and Urban Development, Office of Housing, 202 708-4560

RIN: 2502-AG13

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) Office of Housing (OH)

Completed Actions

1553. NONJUDICIAL FORECLOSURE OF MULTIFAMILY MORTGAGES (FR-3368)

CFR Citation: 24 CFR 27

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/30/93 | 58 FR 34882 |
| Final Action Effective | 07/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John P. Kennedy, 202 708-2568

RIN: 2502-AF88

HUD—OH

Completed Actions

1554. MORTGAGE ASSUMABILITY AND RELEASE REQUIREMENTS (FR-2867)

CFR Citation: 24 CFR 200; 24 CFR 203; 24 CFR 234

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/11/93 | 58 FR 42648 |
| Final Action Effective | 09/10/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John Coonts, 202 708-3046

RIN: 2502-AF07

1555. SINGLE FAMILY AND MANUFACTURED HOME FHA INSURANCE—MISCELLANEOUS AMENDMENTS (FR-3445)

CFR Citation: 24 CFR 200; 24 CFR 201; 24 CFR 203; 24 CFR 204; 24 CFR 220; 24 CFR 221; 24 CFR 222; 24 CFR 234; 24 CFR 240

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/30/93 | 58 FR 40996 |
| Final Action Effective | 08/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Carter, 202 708-2700

RIN: 2502-AF93

1556. HOUSING COUNSELING ACTIVITIES (FR-2753)

CFR Citation: 24 CFR 214

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/09/93 | 58 FR 47377 |
| Final Action Effective | 10/12/93 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Phillip A. Murray, 202 708-3664

RIN: 2502-AE92

1557. REMOVAL OF CODIFIED LANGUAGE FOR INACTIVE TEMPORARY MORTGAGE ASSISTANCE PAYMENTS PROGRAM (FR-2791)

CFR Citation: 24 CFR 203; 24 CFR 204

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 04/08/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Coonts, 202 708-3046

RIN: 2502-AE99

1558. MINIMUM MORTGAGOR EQUITY APPLICABLE TO MOST FHA SINGLE FAMILY MORTGAGORS (FR-2939)

Significance: Regulatory Program

CFR Citation: 24 CFR 203; 24 CFR 204; 24 CFR 222; 24 CFR 226; 24 CFR 234; 24 CFR 240

Completed:

| Reason | Date | FR Cite |
|---------------------|----------|---------|
| Merged With RIN | 07/23/93 | |
| 2502-AF93 (FR-3445) | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Coonts, 202 708-3046

RIN: 2502-AF18

1559. SINGLE FAMILY INSURANCE—SECONDARY HOMES (FR-2981)

CFR Citation: 24 CFR 203

Completed:

| Reason | Date | FR Cite |
|---------------------|----------|---------|
| Merged With RIN | 07/01/93 | |
| 2502-AF37 (FR-3445) | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Coonts, 202 708-3046

RIN: 2502-AF37

1560. AMENDMENT TO WAIVER OF TITLE (FR-3103)

CFR Citation: 24 CFR 203.390

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/01/93 | 58 FR 35369 |
| Final Action Effective | 08/02/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Coonts, 202 708-3046

RIN: 2502-AF51

1561. MORTGAGE LIMITS FOR HIGH COST AREA (FR-3121)

CFR Citation: 24 CFR 203.18b(a)

Completed:

| Reason | Date | FR Cite |
|---------------------|----------|---------|
| Merged With RIN | 07/01/93 | |
| 2502-AF93 (FR-3445) | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Carter, 202 708-2700

RIN: 2502-AF54

1562. MORTGAGE INSURANCE PREMIUMS—15-YEAR MORTGAGES (FR-3279)

CFR Citation: 24 CFR 203; 24 CFR 204

Completed:

| Reason | Date | FR Cite |
|---------------------|----------|---------|
| Merged With RIN | 09/23/93 | |
| 2502-AF93 (FR-3445) | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Coonts, 202 708-3046

RIN: 2502-AF78

1563. SECTION 223(D) OPERATING LOSS LOAN INSURANCE (FR-2892)

Significance: Agency Priority

CFR Citation: 24 CFR 207.4(f); 24 CFR 213.7(k); 24 CFR 220.507(e); 24 CFR 221.514(e); 24 CFR 231.7; 24 CFR 232.31a; 24 CFR 234.531; 24 CFR 242.95; 24 CFR 244.38

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/13/93 | 58 FR 43072 |
| Final Action Effective | 09/13/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Linda Cheatham, 202 708-3000

RIN: 2502-AF14

1564. REVISION OF THREE YEAR REQUIREMENT FOR SUBMISSION OF PROJECTS INSURED UNDER SECTION 223(F) (FR-3330)

CFR Citation: 24 CFR 207

HUD—OH

Completed Actions

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/08/93 | |

Small Entities Affected: None
 Government Levels Affected: None
 Agency Contact: Jessica Franklin, 202 708-2556
 RIN: 2502-AF82

1565. TENANT PROTECTION (FR-3105)

Significance: Regulatory Program
 CFR Citation: 24 CFR 247.3(c); 24 CFR 880.607(b)(3); 24 CFR 881.607(b)(3); 24 CFR 883.708(b)(3)

Completed:

| Reason | Date | FR Cite |
|-------------------------------------|----------|---------|
| Merged With RIN 2502-AF12 (FR-3472) | 08/10/93 | |

Small Entities Affected: None
 Government Levels Affected: None
 Agency Contact: James Tahash, 202 708-3944
 RIN: 2502-AF52

1566. PRESERVATION OF MULTIFAMILY LOW INCOME HOUSING—"30-DAY RULE" (FR-3377)

CFR Citation: 24 CFR 248

Completed:

| Reason | Date | FR Cite |
|-------------------------------------|----------|---------|
| Merged With RIN 2502-AF83 (FR-3384) | 07/07/93 | |

Small Entities Affected: None
 Government Levels Affected: None
 Agency Contact: Kevin East, 202 708-2300
 RIN: 2502-AF90

1567. NEHEMIAH HOUSING OPPORTUNITY GRANT PROGRAM (FR-3293)

CFR Citation: 24 CFR 208

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/19/93 | 58 FR 38530 |
| Final Action Effective | 08/18/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joan Morgan, 202 708-2676

RIN: 2502-AF81

1568. HUD-OWNED AND HUD-HELD MULTIFAMILY PROJECTS—MANAGEMENT AND DISPOSITION INCLUDING PROVISION OF SECTION 8 ASSISTANCE FOR PROJECTS AT FORECLOSURE (FR-2158)

Significance: Regulatory Program
 CFR Citation: 24 CFR 290; 24 CFR 886

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/17/93 | 58 FR 43708 |
| Final Action Effective | 09/16/93 | |

Small Entities Affected: Organizations

Government Levels Affected: Local, State

Agency Contact: Frank Malone, 202 708-3555

RIN: 2502-AD43

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
 Office of Community Planning and Development (CPD)

Proposed Rule Stage

1569. OPPORTUNITIES FOR YOUTH: YOUTHBUILD (FR-3450)

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 585

Legal Deadline: None

Abstract: This rule would implement section 164 of the Housing and Community Development of 1992 which authorizes Opportunities for Youth: YOUTHBUILD.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/23/93 | 58 FR 49830 |
| NPRM Comment Period End | 11/22/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Roy Priest, Director, Office of Economic Development, Department of Housing and Urban Development, Office of Community

Planning and Development, 202 708-2290

RIN: 2506-AB52

1570. HOME FORMULA (FR-3563)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 92

Legal Deadline: None

Abstract: This rule would propose revisions to the HOME formula for allocating funds based upon 1990 Census data.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence R. Gould, Director, Financial & Info Services Div., Office of Affordable Housing, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2094

RIN: 2506-AB64

1571. INCOME DEFINITION AND OTHER AMENDMENTS (FR-2772)

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This proposed rule would revise the Community Development Block Grant (CDBG) program rules (24 CFR Part 570) in response to recommendations or suggestions by the Department's Inspector General, to clarify the language in section 570.204, and to include recent departmental policy determinations.

The proposed rule will address:

1. A proposed definition of income for families and households; changes in the definition of program income; and a definition of ineligible income payments.
2. Removal of the special protection afforded program income in revolving loan funds.
3. How "float loan" activities should be included in grantees' final statements.

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4. The return of interest earned on loans made for ineligible activities to the U.S. Treasury.

5. Performance standards for CDBG grantees to make possible their certification that they are following their CHAS.

6. A requirement that the submission of an acceptable GPR is prerequisite to receiving a new grant award.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: James R. Broughman, Director, Entitlement Communities Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1577

RIN: 2506-AB01

1572. ARCHITECTURAL BARRIERS ACT—APPLICABILITY TO CDBG ACTIVITIES (FR-2820)

Legal Authority: 42 USC 5301 to 5320; 42 USC 4151; 42 USC 4153

CFR Citation: 24 CFR 570; 24 CFR 571

Legal Deadline: None

Abstract: This proposed rule would amend the regulations governing the CDBG grant program to require compliance with the structural accessibility standards promulgated under the Architectural Barriers Act of 1966 (ABA). The proposed rule, through amendments to 24 CFR parts 570 and 571 (the CDBG regulations), would provide that any building or facility designed, constructed or altered with grants made available under the CDBG Program, and which meets the ABA's definition of "building" is subject to the requirements of the ABA. The requirements of the ABA would apply to entitlement grants and nonentitlement grants under the CDBG Program, the Indian CDBG Program, and to the section 108 Loan Guarantee Program. The purpose of the rule is to bring the CDBG Program into compliance with the requirements of the ABA.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State

Agency Contact: Judith Keeler, Director, Quality Assurance Staff, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-0836

RIN: 2506-AB04

1573. COMMUNITY DEVELOPMENT BLOCK GRANTS: SMALL CITIES PROGRAM (FR-2879)

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 570.420 to 570.438

Legal Deadline: None

Abstract: This proposed rule would revise subpart F of 24 CFR part 570 regarding the CDBG Small Cities Program. This program is alternately known as the HUD-administered Small Cities Program. The revision is intended to take into account statutory changes made to Title I of the Housing and Community Development Act of 1974, as amended, since the existing Subpart F was promulgated in 1982, and to improve the operation and administration of the Small Cities Program.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 03/01/94 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local

Agency Contact: Stephen Rhoades, Assistant Director, State & Small Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1322

RIN: 2506-AB11

1574. PRESIDENTIALLY DECLARED MAJOR DISASTERS AND EMERGENCIES UNDER THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT (FR-3119)

Significance: Agency Priority

Legal Authority: PL 101-625, Sec 933

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: A number of Presidentially declared major disasters occur each year and metropolitan cities and urban counties have insufficient funds to deal with the tremendous costs that are incurred. Section 933 provides for certain funds to be made available to HUD to be assigned to eligible metropolitan cities and urban counties.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Thomas H. Terrell, Program Officer, Office of Block Grant Assistance, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2435

RIN: 2506-AB30

1575. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM—TO PART 570 TECHNICAL AMENDMENTS (FR-3238)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This rule would implement a number of technical changes in Part 570.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James R. Broughman, Director, Entitlement Communities Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1577

RIN: 2506-AB33

1576. REVISED REGULATIONS FOR CDBG SANCTIONS (FR-3298)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d); 42 USC 5301 to 5320

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: The purpose of this rule is to revise the existing regulations

governing the imposition of sanctions in the Community Development Block Grant (CDBG) program as necessary to the Department's understanding of the impact of a recent court decision, and to clarify to certain existing provisions on performance standards and the Department's review procedures.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local

Agency Contact: James R. Broughman, Director, Entitlement Communities Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1577

RIN: 2506-AB43

1577. GUIDELINES FOR CDBG ECONOMIC DEVELOPMENT (FR-3474)

Legal Authority: PL 102-550; 42 USC 3535(d)

CFR Citation: 24 CFR 570.203; 24 CFR 570.204; 24 CFR 570.482

Legal Deadline: None

Abstract: This statutory provision requires HUD to establish, by regulation, guidelines for use by CDBG recipients in the evaluation, selection and review of economic development projects assisted with CDBG funds. The guidelines are to cover certain, specified aspects of project costs and financial requirements and the extent of public benefits that are to be derived as a result of the economic development project.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Richard J. Kennedy, Director, States and Small Cities Division; Phone: 202-708-1322

Agency Contact: James R. Broughman, Director, Entitlement Communities Div., Department of Housing and Urban Development, Office of Community

Planning and Development, 202 708-1577

RIN: 2506-AB53

1578. COMMUNITY DEVELOPMENT BLOCK GRANTS: COMMUNITY DEVELOPMENT PLAN AND PROGRAM INCOME, STATE PROGRAM (FR-3475)

Legal Authority: 42 USC 3535(d); PL 102-550

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This rule would require each State recipient to submit a Community Development Plan to HUD that describes the State's priority non-housing community development needs that are eligible for assistance under the Act.

This rule would also revise the existing regulations governing program income in the State Program in accordance with the Housing and Community Development Act of 1992. The effect of the 1992 Act amendment for that program income generated at the local level will always be subject to applicable CDBG requirements.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 01/00/94 | |
| Period End | | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Agency Contact: Richard Kennedy, Director, State & Small Cities Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1322

RIN: 2506-AB54

1579. COMMUNITY DEVELOPMENT BLOCK GRANTS—1992 ACT CHANGES (FR-3489)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 570.200; 24 CFR 570.203

Legal Deadline: None

Abstract: Section 804 of the 1992 Act authorizes HUD to exempt from program rules any income that is so small that HUD determines it would

not be worth the administrative costs of assuring compliance. HUD will propose rules and get comments before establishing the amount of income for this purpose.

Section 806(e) of the 1992 Act allows grantees to assume that a person is low/moderate income for certain purposes if the person resides in a census tract that meets the Federal Enterprise Zone criteria. HUD will publish proposed criteria and get comments before establishing the criteria that will be used for this purpose.

Section 807(a) establishes a new eligibility category for the funding of certain services needed to carry out housing activities that are eligible under the CDBG or HOME programs. This provision also states that such costs are to be subject to any ceilings established by law on administrative expenses. Since many of these costs have, by regulation, been deemed for years to be eligible under the CDBG program without this new provision and are not subject to the statutory cap on CDBG (cont)

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: administrative costs, HUD must propose rules by which this seeming inconsistency is resolved. (HUD also intends to pursue statutory change or clarification in this matter, so such action may overtake this proposed rulemaking.)

Section 807(a) also makes eligible the use of CDBG funds to pay operating expenses necessary to maintain the habitability of certain housing units that have been acquired through tax foreclosure. HUD intends to propose rules that will govern which expenses and which housing units may be assisted under this authority.

Section 807(a) further makes eligible the use of CDBG funds to provide assistance to public and private organizations, agencies, and other entities to enable them to facilitate economic development providing credit for the establishment and expansion of microenterprises. It also makes eligible the use of CDBG funds by such entities

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Proposed Rule Stage

for the provision of technical assistance and other general support services to owners of microenterprises and persons developing such enterprises.

Agency Contact: James R. Broughman, Director, Entitlement Communities Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1577

RIN: 2506-AB59

1580. • CDBG SPECIAL PURPOSE GRANTS—INSTITUTIONS OF HIGHER LEARNING (SEC. 801(C) OF THE 1992 ACT (FR-3415))

Legal Authority: 42 USC 5301 to 5310; 42 USC 3535(d)

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This rule permits the Secretary to make grants to States and units of general local government and institutions of higher education having demonstrated capacity to carry out eligible activities.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Jerome B. Friedman, Technical Assistance Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-3176

RIN: 2506-AB60

1581. • REMOVAL OF REGULATORY BARRIERS TO AFFORDABLE HOUSING (FR-3513)

Legal Authority: 42 USC 12705a to 12705d

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This rule will solicit comment on the NOFA used for funding in FY '93. The program will provide grants to States and local governments that have identified regulatory barriers in their Comprehensive Housing Affordability Strategy.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM Comment | 12/00/93 | |
| Period End | | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Leroy P. Gonnella, Environmental Review Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1201

RIN: 2506-AB62

1582. • TECHNICAL ASSISTANCE; SPECIAL PURPOSE GRANTS; UNSOLICITED PROPOSALS (FR-3533)

Legal Authority: 42 USC 5300 to 5320

CFR Citation: 24 CFR 570.402

Legal Deadline: None

Abstract: This rule would amend 24 CFR 570.402 to allow for unsolicited proposals under the Technical Assistance Special Purpose Grants Program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lyn T. Whitcomb, Director, Technical Assistance Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-3176

RIN: 2506-AB63

1583. SECTION 8 MODERATE REHABILITATION PROGRAM FOR SINGLE ROOM OCCUPANCY DWELLING FOR HOMELESS INDIVIDUALS (FR-3500)

Legal Authority: 42 USC 11401

CFR Citation: 24 CFR 584

Legal Deadline: None

Abstract: This rule will update a program that provides rental assistance to homeless individuals in rehabilitated SRO housing. The program will be streamlined and relocated in the CFR from Part 882 to Part 584.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local

Agency Contact: Mark Johnston, Deputy Director, Office of Special Needs Assistance Programs, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-4300

RIN: 2506-AB47

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Community Planning and Development (CPD)**

Final Rule Stage

1584. JOHN HEINZ NEIGHBORHOOD DEVELOPMENT PROGRAM (FR-3389)

Legal Authority: 42 USC 5318; 42 USC 3535(d)

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: This rule will establish requirements for the John Heinz Neighborhood Development Program. The Housing and Community

Development Act of 1992 authorizes the program as a permanent program for the first time, and makes several statutory changes to the program as it had been operating as a demonstration program. Based on the comments received in response to the proposed rule, published simultaneously with the NOFA for FY 1993.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/08/93 | 58 FR 32210 |
| NPRM Comment | 08/09/93 | |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: Organizations

Government Levels Affected: Undetermined

Agency Contact: Gene Hix, Community & Neighborhood Management Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2186

RIN: 2506-AB48

1585. AMENDMENT OF RENTAL REHABILITATION PROGRAM CLOSEOUT REQUIREMENTS (FR-3280)

Legal Authority: 42 USC 1437o; 42 USC 3535(d)

CFR Citation: 24 CFR 511

Legal Deadline: None

Abstract: As of October 1, 1991, the Rental Rehabilitation Program (RRP) was replaced by the HOME and HOPE programs. This rule would permit a State or local government whose RRP has been closed out to use program income on hand for activities eligible under the new HOME and HOPE programs, and would eliminate the requirement for on-site monitoring in advance of closeout, under specified conditions.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David M. Cohen, Director, Office of Affordable Housing Programs, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2685

RIN: 2506-AB39

1586. REVISIONS OF PART 570 TO IMPLEMENT RECENT STATUTORY CHANGES (FR-2496)

Legal Authority: PL 100-242; PL 102-139; PL 101-625; 42 USC 3535(d); 42 USC 5300 to 5320

CFR Citation: 24 CFR 570.3; 24 CFR 570.21; 24 CFR 570.202; 24 CFR 570.208; 24 CFR 570.506

Legal Deadline: None

Abstract: This rule would revise the Community Development Block Grant Program rules (24 CFR part 570) for the entitlement and HUD-administered small cities program, as necessary to implement certain changes in: the

Housing and Community Development Act of 1987; the Department of Housing and Urban Development - Independent Agencies Appropriations Act, 1989; the Cranston-Gonzalez National Affordable Housing Act of 1990, sections 902, 903, 905, 906, and 912; and provisions of the Housing and Community Development Act that can be implemented without a prior proposed rule, including sections 806(e), 807(a)-(e), and 809.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 03/28/90 | 55 FR 11556 |
| NPRM Comment Period End | 05/29/90 | 55 FR 11556 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: James R. Broughman, Director, Entitlement Communities Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1577

RIN: 2506-AA84

1587. CORRECTION OF HEALTH AND SAFETY VIOLATIONS IN REHABILITATED RESIDENTIAL PROPERTIES ASSISTED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (FR-2874)

Legal Authority: PL 100-242, Sec 101; 42 USC 5300 to 5320

CFR Citation: 24 CFR 570.202

Legal Deadline: None

Abstract: A recent IG audit finding involving a sample of CDBG grantees revealed that general improvements were being undertaken in CDBG-assisted rehabilitation properties while leaving health and safety violations uncorrected. As a result of this finding, CDBG regulations need to be amended to incorporate a provision that would require the correction of all health and safety violations in CDBG-assisted rehabilitated properties before any general improvements to these properties can be undertaken. The proposed rule will also include an exception that will allow properties with uncorrected health and safety violations to still take part in rehabilitation programs that grantees have established to expressly address significant community housing needs,

such as energy conservation through weatherization programs and improving the exterior appearance of deteriorating buildings through painting programs. Moreover, the proposed rule will make clear that grantees will still have the flexibility to continue to provide funding for the general improvement of properties that are free and clear of health and safety violations.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 02/03/92 | 57 FR 3970 |
| NPRM Comment Period End | 04/03/92 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: David Cohen, Director, Office of Affordable Housing Program, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2685

RIN: 2506-AB06

1588. COMMUNITY DEVELOPMENT BLOCK GRANTS—PROJECT (FR-3000)

Legal Authority: 42 USC 5301 to 5320

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This rule would add a definition of the term "project" for purposes of implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and Section 104(d) of the Housing and Community Development Act of 1974. The rule would cover Community Development Block Grant Programs, including the Entitlement, State and HUD-Administered Small Cities Programs.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: H. J. Huecker, Director, Relocation and Real Estate Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-0336

RIN: 2506-AB16

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Final Rule Stage

1589. COMMUNITY DEVELOPMENT BLOCK GRANT—ENTITLEMENT PROGRAM—CD PLAN (FR-3007)

Legal Authority: PL 101-625; PL 102-550; 42 USC 5301 to 20; 42 USC 5304(l)

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This final rule requires grantees to submit the newly required "CD Plan" containing non-housing facilities needed by the grantee. The plan is coordinated with other planning requirements in the program.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-----------|
| NPRM | 01/03/92 | 57 FR 322 |
| NPRM Comment Period End | 03/04/92 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: Following establishment of the requested format, grantees must submit plan to HUD before receiving a grant.

Agency Contact: James R. Broughman, Director, Entitlement Communities Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1577

RIN: 2506-AB19

1590. INCLUSION OF PROGRAM INCOME IN CDBG CALCULATIONS OF PUBLIC SERVICE SPENDING CAP (FR-2905)

Legal Authority: 42 USC 5353(d)

CFR Citation: 24 CFR 570.201

Legal Deadline: None

Abstract: 24 CFR 570.201(e) is being revised to permit certain CDBG recipients to include "program income" in the base amount of CDBG funds from which the funds available for public service are calculated.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/17/92 | 57 FR 27116 |
| NPRM Comment Period End | 07/17/92 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James R. Broughman, Director, Entitlement Communities Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-1577

RIN: 2506-AB24

1591. • CDBG SPECIAL PURPOSE GRANTS—COMMUNITIES ADJUSTMENT AND ECONOMIC DIVERSIFICATION PLANNING PROGRAM (FR-3404)

Legal Authority: 42 USC 5300 to 5320; 42 USC 3545(d)

CFR Citation: 24 CFR 570

Legal Deadline: NPRM, Statutory, December 28, 1993.

Abstract: This rule would establish a new program of grant assistance, to nonentitlement communities only, for community planning and economic diversification planning needed to respond to certain Department of Defense actions, such as military base closings or defense industry contract cancellations.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/17/93 | 58 FR 43764 |
| NPRM Comment Period End | 09/16/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: James F. Selvaggi, Deputy Director, Office of Technical Assistance, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-2090

RIN: 2506-AB61

1592. EMERGENCY SHELTER GRANTS PROGRAM (FR-3005)

Legal Authority: 42 USC 11377

CFR Citation: 24 CFR 576

Legal Deadline: None

Abstract: The National Affordable Housing Act and the Housing and Community Development Act of 1992 made a number of changes to the Emergency Shelter Grant Program. Experience in administering the

program has also led to the identification of various regulatory changes that should be made to improve the program. This rule would reflect these changes.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 12/00/93 | |
| Final Action | 09/00/94 | |

Small Entities Affected: Organizations

Government Levels Affected: Local, State

Agency Contact: Mark Johnston, Deputy Director, Office of Special Needs Assistance Programs, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-4300

RIN: 2506-AB17

1593. SUPPORTIVE HOUSING PROGRAM (FR-3379)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 583

Legal Deadline: Final, Statutory, May 25, 1993.

Interim Final Rule statutory date Jan. 25, 1993.

Abstract: This program combines the former Supportive Housing Demonstration (Transitional Housing and Permanent Housing for Handicapped Homeless programs) and SAFAH programs, which were eliminated. The program provides grants to governmental entities and nonprofit organizations for acquisition, rehabilitation, leasing or new construction of housing for the homeless; and for operating costs and supportive services costs. Grants are for use and for facilities that serve eligible homeless families and individuals.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 03/15/93 | 58 FR 13870 |
| Interim Final Rule Effective Date | 03/15/93 | |
| Interim Final Rule Comment Period End | 05/14/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Mark Johnston, Deputy Director, Special Needs

HUD—CPD

Final Rule Stage

Assistance Programs, Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-4300

RIN: 2506-AB45

1594. PROHIBITION AGAINST LUMP-SUM RELOCATION PAYMENTS FOR RENTAL ASSISTANCE (FR-3476)

Legal Authority: 42 USC 4601; 42 USC 12701; 42 USC 3535(d)

CFR Citation: 24 CFR 42; 49 CFR 24

Legal Deadline: None

Abstract: This rule implements section 922 of the Housing and Community Development Act of 1992 which prohibits lump-sum relocation payments for rental assistance to displaced residential tenants. The prohibition applies to relocation assistance under all HUD-assisted programs, including URA assistance and "section 104(d)" and optional relocation payments under the CDBG and HOME programs.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: H. J. Huecker, Director, Relocation & Real Estate Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 708-0336

RIN: 2506-AB55

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Community Planning and Development (CPD)**

Completed Actions

1595. COMMUNITY INVESTMENT CORPORATION DEMONSTRATION (FR-3477)

CFR Citation: 24 CFR 000

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/12/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy Priest, 202 708-2290

RIN: 2506-AB56

Agency Contact: Mark Johnston, 202 708-4300

RIN: 2506-AB58

1598. RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN (FR-3449)

Completed:

| Reason | Date | FR Cite |
|----------------------------|----------|---------|
| Duplicate of RIN 2501-AB52 | 07/12/93 | |

RIN: 2506-AB51

Completed:

| Reason | Date | FR Cite |
|-------------------------------------|----------|---------|
| Merged With RIN 2506-AB53 (FR-3474) | 07/12/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. Kennedy, 202 708-1322

RIN: 2506-AB20

1596. SAFE HAVENS FOR HOMELESS INDIVIDUALS DEMONSTRATION PROGRAM (FR-3478)

CFR Citation: 24 CFR 000

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/12/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mark Johnston, 202 708-4300

RIN: 2506-AB57

1599. COMMUNITY DEVELOPMENT BLOCK GRANTS—DISPOSITION OF PROPERTY BELOW MARKET VALUE (FR-2999)

CFR Citation: 24 CFR 570

Completed:

| Reason | Date | FR Cite |
|-------------------------------------|----------|---------|
| Merged With RIN 2506-AB33 (FR-3238) | 07/12/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Broughman, 202 708-1577

RIN: 2506-AB15

1601. COMMUNITY DEVELOPMENT BLOCK GRANT—FUNDED CODE ENFORCEMENT (FR-2943)

CFR Citation: 24 CFR 570

Completed:

| Reason | Date | FR Cite |
|-------------------------------------|----------|---------|
| Merged With RIN 2501-AB52 (FR-3449) | 07/08/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: H. J. Huecker, 202 708-0336

RIN: 2506-AB26

1597. RURAL HOMELESS HOUSING ASSISTANCE PROGRAM (FR-3479)

CFR Citation: 24 CFR 000

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/12/93 | |

Small Entities Affected: None

Government Levels Affected: None

1600. COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT: STATE PROGRAM—ECONOMIC DEVELOPMENT ACTIVITIES (FR-3008)

CFR Citation: 24 CFR 570.203; 24 CFR 570.208(a); 24 CFR 570.483(e); 24 CFR 570.484(b)

1602. COMMUNITY DEVELOPMENT BLOCK GRANTS FOR INDIAN TRIBES AND ALASKAN NATIVE VILLAGES (FR-2880)

Completed:

| Reason | Date | FR Cite |
|---------------------------------------|----------|---------|
| Transfer Development to RIN 2577-AB31 | 07/28/93 | |

RIN: 2506-AB12

HUD—CPD

Completed Actions

1603. EMERGENCY SHELTER GRANT SET-ASIDES FOR INDIAN TRIBES AND ALASKAN NATIVE VILLAGES (FR-3458)

CFR Citation: 24 CFR 576

Completed:

| Reason | Date | FR Cite |
|-------------------------------------|----------|---------|
| Merged With RIN 2506-AB17 (FR-3005) | 07/12/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mark Johnston, 202 708-4300

RIN: 2506-AB46

1604. PARTICIPATION OF HOMELESS INDIVIDUALS—EMERGENCY SHELTER GRANTS PROGRAM (FR-3394)

CFR Citation: 24 CFR 576

Completed:

| Reason | Date | FR Cite |
|-------------------------------------|----------|---------|
| Merged With RIN 2506-AB17 (FR-3005) | 07/12/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mark Johnston, 202 708-4300

RIN: 2506-AB50

1605. REVISIONS TO HUD ENTERPRISE ZONE REGULATIONS (FR-2692)

CFR Citation: 24 CFR 596

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 04/08/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy Priest, 202 708-2290

RIN: 2506-AB00

1606. MODERATE REHABILITATION SINGLE ROOM OCCUPANCY FOR HOMELESS (FR-3431)

CFR Citation: 24 CFR 882

Completed:

| Reason | Date | FR Cite |
|-------------------------------------|----------|---------|
| Merged With RIN 2506-AB47 (FR-3500) | 07/12/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mark Johnston, 202 708-4300

RIN: 2506-AB44

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Proposed Rule Stage

Government National Mortgage Association (GNMA)

1607. REVISIONS TO GNMA ISSUER NET WORTH REQUIREMENTS (FR-2908)

Significance: Agency Priority

Legal Authority: 12 USC 1721(g); 12 USC 1723a(a)

CFR Citation: 24 CFR 390.3; 24 CFR 300; 24 CFR 310

Legal Deadline: None

Abstract: This rule would revise GNMA's standards for issuer approval by amending current net worth requirements and implementing new integrity requirements that would more accurately reflect an issuer's ability to participate in the GNMA mortgage-backed securities program. The proposal would also allow the acceptance of FHLMC approval in lieu of FNMA approval in GNMA's issuer application process.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Guy S. Wilson, Vice President, Department of Housing and Urban Development, Government National Mortgage Association, 202 708-2772

RIN: 2503-AA07

1608. • GNMA REAL ESTATE MORTGAGE INVESTMENT CONDUIT PROGRAM (FR-3554)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 395

Legal Deadline: None

Abstract: This rule will form the basis of the program to establish REMIC trusts in which investors will invest, creating a market for federally-insured mortgages, thus reducing financing costs for these mortgages in its final form.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Guy S. Wilson, Vice President of GNMA for Mortgage Backed Securities, Department of Housing and Urban Development, Government National Mortgage Association, 202 708-2772

RIN: 2503-AA10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Completed Actions

Government National Mortgage Association (GNMA)

1609. GUARANTY OF REAL ESTATE MORTGAGE INVESTMENT CONDUITS (FR-3004)

CFR Citation: 24 CFR 400

Completed:

| Reason | Date | FR Cite |
|-------------------------------------|----------|---------|
| Merged With RIN 2503-AA10 (FR-3554) | 08/26/93 | |

Small Entities Affected: None

Government Levels Affected: None

HUD—GNMA

Completed Actions

Agency Contact: Guy S. Wilson, 202
708-2772
RIN: 2503-AA09

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Prerule Stage

1610. • DEFINING AREA OF MINORITY CONCENTRATION IN HUD'S HOUSING AND COMMUNITY DEVELOPMENT PROGRAM (FR-3564)

Legal Authority: 42 USC 3601
CFR Citation: 24 CFR 151
Legal Deadline: None

Abstract: The Department intends to publish an Advance Notice of Proposed Rulemaking with several suggestions on defining the term "area of minority concentration" (AMC). Through work of a Departmental Task Force on this subject, the Department has identified a numerical formula as one way to define the term. However, the

Department wants to solicit additional views from the public. The advance rulemaking approach will provide an opportunity to the public to express their views on how the term should be defined. The Department intends to publish a proposed rule defining the term and will indicate that this definition will be applicable for all of its housing and community development programs. Additionally, the Department intends to coordinate the development of the AMC proposed rule with the development of a final rule regarding affirmatively furthering fair housing.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| ANPRM | 12/00/93 | |
| NPRM | 03/00/94 | |
| NPRM Comment Period End | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Laurence D. Pearl, Director, Program Standards & Evaluation, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-0288

RIN: 2529-AA68

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Proposed Rule Stage

1611. • OCCUPANCY STANDARDS IN PUBLIC AND ASSISTED HOUSING (FR-3566)

Legal Authority: 42 USC 13603
CFR Citation: Not yet determined
Legal Deadline: NPRM, Statutory, December 26, 1993.

Abstract: This rule would establish reasonable criteria for selection of tenants for occupancy in federally assisted housing and lease provisions for such housing. The rule would be based on the recommendations contained in the final report of the Task Force on Occupancy Standards in Public and Assisted Housing.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 03/00/94 | |
| NPRM Comment Period End | 05/00/94 | |
| Final Action | 07/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Laurence D. Pearl, Director, Program Standards & Evaluation, Department of Housing and

Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-0288

RIN: 2529-AA70

1612. CHAS—AFFIRMATIVELY FURTHERING FAIR HOUSING (FR-3118)

Legal Authority: 42 USC 12705(b)(13)
CFR Citation: 24 CFR 91.15(l); 24 CFR 570.904(c); 24 CFR 91.20(l)
Legal Deadline: None

Abstract: This regulation will provide guidance on the minimum content of State and local efforts to satisfy the CHAS certification to Affirmatively Further Fair Housing. The rule will make mandatory the "Analysis of Impediments to Fair Housing Choice" currently described in 24 CFR 570.904(c) (the Entitlement Block Grant regulation) for all jurisdictions submitting a CHAS, will describe the components of such an Analysis, and will provide guidance on the types of actions HUD deems acceptable. It will also codify the definition of "areas of minority concentration" used by HUD

in accordance with a longstanding HUD Office of Housing issuance.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Laurence Pearl, Director, Program Standards and Evaluation, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-0288

RIN: 2529-AA54

1613. • DEFINITION OF "SIGNIFICANT FACILITIES AND SERVICES" (FR-3502)

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 100

Legal Deadline: NPRM, Statutory, April 28, 1993.

Abstract: Section 919 of the Housing and Community Development Act of 1992 instructs the Secretary to make rules defining what are "significant

HUD—FHEO

Proposed Rule Stage

facilities and services specifically designed to meet the physical or social needs of older persons." (The statutorily required definition is for purposes of Fair Housing Law enforcement -- the quoted term is central to determinations, in Fair Housing complaints, whether a particular housing facility constitutes "housing for older persons" and is therefore exempt from the law's prohibitions against discrimination based on familial status.) The Department is preparing to publish a proposed rule to implement section 919.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Peter Kaplan, Director, Office of Program Training Technical Assistance, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-2904

RIN: 2529-AA66

1614. FAIR HOUSING ASSISTANCE PROGRAM (FR-3322)

Legal Authority: 42 USC 3601

CFR Citation: 24 CFR 111

Legal Deadline: None

Abstract: The amendment will clarify and explain the criteria and procedures for providing funding to State and local fair housing enforcement agencies determined to be substantially equivalent to the Fair Housing Act to support case processing and other related activities.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marcella O. Brown, Director, Funded Programs Division, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-0455

RIN: 2529-AA60

1615. • CERTIFICATION OF 115 SUBSTANTIALLY EQUIVALENT AGENCIES (FR-3321)

Legal Authority: 42 USC 3601

CFR Citation: 24 CFR 115

Legal Deadline: None

Abstract: This rule will clarify and update the regulations at 24 CFR Part 115 to make them consistent with the requirements of Title VIII as amended by the Fair Housing Amendments Act of 1988.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Marcella O. Brown, Director, Funded Programs Division, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-0455

RIN: 2529-AA59

1616. FAIR HOUSING AFFIRMATIVE ADMINISTRATION OF PROGRAMS RELATING TO HUD (FR-2885)

Legal Authority: EO 12259

CFR Citation: 24 CFR 112

Legal Deadline: None

Abstract: This regulation will provide guidelines for executive agencies in determining which of their programs and activities relate to housing and urban development, and in analyzing their programs' impact on promoting fair housing. The rule will describe actions that can be taken to assure that programs and activities are administered in a manner affirmatively to further fair housing and will establish procedures for coordination and cooperation between the Secretary of HUD and other Executive agencies in their implementation and enforcement of their responsibilities under Executive Order 12259 and the Fair Housing Act.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Maxine B. Cunningham, Director, Section 3 Compliance Div., Department of

Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-2251

RIN: 2529-AA46

1617. FAIR HOUSING INITIATIVES PROGRAM (FR-3480)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 125

Legal Deadline: None

Abstract: This rule would revise the existing FHIP regulation to incorporate the statutory amendments in the Housing and Community Development Act of 1992.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 04/01/93 | 58 FR 17172 |
| ANPRM Comment | 05/03/93 | |
| Period End | | |
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jacquelyn Shelton, Director, Office of Fair Housing Assistance & Voluntary Programs, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-0800

RIN: 2529-AA62

1618. ECONOMIC OPPORTUNITIES FOR LOW- AND VERY LOW-INCOME PERSONS (FR-2896)

Significance: Agency Priority

Legal Authority: 42 USC 1450; 42 USC 3301; 12 USC 1701u; 42 USC 3535(d)

CFR Citation: 24 CFR 135

Legal Deadline: NPRM, Statutory, April 30, 1990.

Abstract: The regulations at 24 CFR 135 must be revised substantially to incorporate the statutory amendments in the Housing and Community Development Act of 1992, to reflect certain changes in the design of the Department's programs that are subject to the section 3 regulations, to clarify the obligations of individuals and entities subject to the requirements of section 3, and to simplify the Department's administration of section 3 requirements.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

HUD—FHEO

Proposed Rule Stage

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: Development of this regulation has been divided between 2529-AA49 and 2501-AB64.

Agency Contact: Maxine B. Cunningham, Director, Section 3 Compliance Div., Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-2251

RIN: 2529-AA49

1619. • REQUIREMENTS FOR AFFIRMATIVELY FURTHERING FAIR HOUSING IN HUD'S HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS (FR-3565)

Legal Authority: 42 USC 3601

CFR Citation: 24 CFR 150

Legal Deadline: None

Abstract: This rule would amend the Department's regulations to create a new part on affirmatively furthering fair housing. The rule would be based upon the Fair Housing Act which charges the Secretary of HUD to administer departmental housing and community development programs in a manner to further the policies of the Fair Housing Act. The Department intends to coordinate the development of this rule with the development of a proposed

rule defining "area of minority concentration."

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 03/00/94 | |
| NPRM Comment Period End | 05/00/94 | |
| Final Action | 07/00/94 | |
| Final Action Effective | 12/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Laurence D. Pearl, Director, Program Standards & Evaluation, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-0288

RIN: 2529-AA69

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)**

Final Rule Stage

1620. EQUAL EMPLOYMENT OPPORTUNITY; POLICIES AND PROCEDURES (FR-3323)

Legal Authority: 42 USC 2000C to 16; 29 USC 621 to 634; 29 USC 1634; 29 USC 633a

CFR Citation: 24 CFR 7

Legal Deadline: None

Abstract: This rule would amend 24 CFR part 7, which contains HUD's Equal Employment Opportunity regulations, to update these regulations and to conform the complaint processing requirements with those set forth in 29 CFR 1614.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: William O. Anderson, Director, Affirmative Action & Equal Employment Opportunity, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-2033

RIN: 2529-AA61

Abstract: This rule will clarify that a violation of the Fair Housing Act may be proven under either a disparate treatment standard or under an effects test or disparate impact standard.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carole W. Wilson, Associate General Counsel for Equal Opportunity and Admin Law, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 708-2203

RIN: 2529-AA67

1622. FAIR HOUSING—COMPLAINT PROCESSING (FR-3456)

Legal Authority: 42 USC 3600 to 3620

CFR Citation: 24 CFR 103

Legal Deadline: None

Abstract: This rule revises 24 CFR 103.400 by stating that the General Counsel retains the authority to reopen any determinations of no reasonable cause.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry L. Carey, Assistant General Counsel for Fair Housing, Department of Housing and Urban Development, Office of the General Counsel, 202 708-0570

RIN: 2529-AA65

1623. FAIR HOUSING ACT; ADMINISTRATIVE PROCEEDINGS UNDER SECTION 812 OF THE FAIR HOUSING ACT (FR-3485)

Legal Authority: 42 USC 3612

CFR Citation: 24 CFR 104

Legal Deadline: None

Abstract: This rule revises HUD's regulations regarding administrative proceedings to clarify when physical and mental examinations of aggrieved persons are permissible and to provide for interlocutory appeals during proceedings.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry L. Carey, Assistant General Counsel for Fair Housing, Department of Housing and

1621. • DISCRIMINATORY CONDUCT UNDER THE FAIR HOUSING ACT (FR-3534)

Legal Authority: 42 USC 3600 to 3619

CFR Citation: 24 CFR 100

Legal Deadline: None

HUD—FHEO

Final Rule Stage

Urban Development, Office of the
General Counsel, 202 708-0570
RIN: 2529-AA63

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Completed Actions

**1624. FAIR HOUSING ACT; FAIR
HOUSING COMPLAINT PROCESSING
(FR-3486)**

CFR Citation: 24 CFR 104

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 10/07/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry L. Carey, 202
708-0570

RIN: 2529-AA64

**1625. CONFORMING AMENDMENTS
TO HUD RULES TO COMPLY WITH
SECTION 504 OF THE
REHABILITATION ACT AND OTHER
AUTHORITIES (FR-2531)**

CFR Citation: 24 CFR 7; 24 CFR 200;
24 CFR 207; 24 CFR 213; 24 CFR 220;
24 CFR 221; 24 CFR 232; 24 CFR 241;

24 CFR 244; 24 CFR 250; 24 CFR 251;
24 CFR 252; 24 CFR 270; 24 CFR 271;
24 CFR 277

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/08/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Laurence Pearl, 202
708-0288

RIN: 2529-AA38

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Administration (OA)

Final Rule Stage

**1626. IMPLEMENTATION OF REVISED
OMB CIRCULAR A-102 GRANTS AND
COOPERATIVE AGREEMENTS TO
STATE AND LOCAL GOVERNMENTS
(FR-3129)**

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 85

Legal Deadline: None

Abstract: This governmentwide rule
would make changes to 24 CFR part
85, grants and cooperative agreements
to State and local governments, as a
result of changes made to OMB Circular
A-102.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Ed Girovasi, Director,
Policy and Evaluation Division, Office
of Procurement & Contracts,
Department of Housing and Urban
Development, Office of Administration,
202 708-0294

RIN: 2535-AA19

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Administration (OA)

Completed Actions

**1627. HUD ACQUISITION
REGULATION; TECHNICAL
AMENDMENTS AND CORRECTIONS
(FR-2473)**

Legal Authority: 42 USC 3535(d)

CFR Citation: 48 CFR 24

Legal Deadline: None

Abstract: This final rule makes
technical corrections and amendments
to the HUD Acquisition Regulation
(HUDAR).

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/23/93 | 58 FR 49436 |
| Final Action Effective | 10/25/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Edward L. Girovasi,
Jr., Director, Policy & Evaluation Div.,
Office of Procurement & Contracts,
Department of Housing and Urban
Development, Office of Administration,
202 708-0294

RIN: 2535-AA16

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Public and Indian Housing (PIH)

Proposed Rule Stage

**1628. USE OF SECTION 8
 CERTIFICATES AND MODERATE
 REHABILITATION IN MAJOR
 DISASTERS (FR-2976)**

Legal Authority: PL 101-625

CFR Citation: 24 CFR 882

Legal Deadline: None

Abstract: This rule would set forth provisions for using additional authorization for use of moderate rehabilitation programs in cases of major disasters declared by the President.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Madeline Hastings, Director, Rental Assistance Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-2841

RIN: 2577-AB16

**1629. FAMILY INVESTMENT CENTERS
 (FR-3396)**

Legal Authority: 42 USC 1437; 24 USC 3535(d)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This rule would implement section 515 of the National Affordable Housing Act. Section 515 directs the Secretary to provide families living in public housing with better access to educational and employment opportunities to achieve self-sufficiency and independence by: (1) developing facilities in or near public housing for training and support services; (2) mobilizing public and private resources to expand and improve delivery of such services; (3) providing funding for such essential training and support services that cannot otherwise be funded; and (4) improving the capacity of management to access the training and service needs of families with children, coordinate the provision of training and services that meets such need, and ensure the long-term provision of such training and services.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected:
 Undetermined

Agency Contact: Pat Arnaudo, Deputy Director, Office of Resident Initiatives, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-3611

RIN: 2577-AB25

**1630. INDIAN HOME: REVISED
 PROGRAM REGULATIONS (FR-3567)**

Significance: Regulatory Program

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 92

Legal Deadline: None

Abstract: This rule would correct deficiencies and incorporate experience in program workings during first two funding cycles. May possibly separate program regulations for Indian HOME from non-Indian HOME for clarity and to facilitate usage of regulations by client tribes.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dominic Nessi, Director, Office of Native American Programs, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-1015

RIN: 2577-AB35

**1631. INCOME ELIGIBILITY FOR
 PUBLIC HOUSING (FR-2979)**

Legal Authority: 42 USC 1437n

CFR Citation: 24 CFR 813; 24 CFR 882; 24 CFR 913

Legal Deadline: None

Abstract: This rule would increase from 5% to 15% the percentage of post-1981 public housing and Section 8 units to be leased to lower income, but not very low-income, families. It would also require that not more than 25% of the dwelling units in any project of any agency be available for occupancy by low-income families other than very low-income families. Projects already exceeding this limitation before enactment of PL 101-625 are exempt.

This rule would also exempt scattered site public housing units from the income limit percentages.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 07/00/94 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Edward Whipple, Director, Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-0744

RIN: 2577-AA93

**1632. REFORM OF PUBLIC HOUSING
 MANAGEMENT (FR-3447)**

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 901

Legal Deadline: None

Abstract: This rule would implement section 113 of the Housing and Community Development Act of 1992. The rule would implement statutory provisions for the solicitation of competitive proposals from public housing agencies and private entities with experience in construction management in the eventuality that such agencies may be needed to oversee the implementation of assistance; allow residents of a troubled public housing agency to petition the Secretary in writing to take action in remedying the situation; and provide procedures for the assessment of resident management corporations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sherone E. Ivey, Acting Director, General Management Div., Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-0970

RIN: 2577-AB30

**1633. TURNKEY III HOMEOWNERSHIP
 OPPORTUNITY PROGRAM RE:
 REVISION OF EXISTING RULE (FR-
 2819)**

Legal Authority: 42 USC 1437 to 1437s

CFR Citation: 24 CFR 904

Legal Deadline: None

Abstract: This rule would update the existing regulation that governs the Turnkey III Homeownership Opportunity Program to reflect

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forgiveness, under Section 3004 of the Housing and Community Development Amendments of 1985 (P.L. 99-272), which amends section 4 of the United States Housing Act of 1937. Certain other changes are being considered to improve program administration and facilitate achievement of the program's homeownership objectives.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Wayne Hunter, Office of Resident Initiatives, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-4233

RIN: 2577-AA85

1634. • PUBLIC HOUSING DEVELOPMENT REGULATIONS (FR-3569)

Legal Authority: 42 USC 1437c

CFR Citation: 24 CFR 941

Legal Deadline: None

Abstract: This rule will completely revise the public housing development regulations (24 CFR 941) to provide housing agencies and localities with maximum flexibility in the design and development of public housing.

Timetable: Next Action Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Janice D. Rattley, Director, Office of Construction, Rehabilitation, & Maintenance, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-1800

RIN: 2577-AB37

1635. DESIGNATING HOUSING FOR OCCUPANCY BY ELDERLY OR DISABLED FAMILIES (FR-3425)

Legal Authority: 42 USC 1473e

CFR Citation: 24 CFR 945; 24 CFR 960

Legal Deadline: NPRM, Statutory, January 28, 1993. NPRM, Judicial, May 28, 1993.

Abstract: This rule would amend title 24 CFR to create a new part 945, which would implement section 622(a) of the Housing and Community Development Act of 1992. Section 622(a) authorizes public housing agencies to design public housing developments or portions of public housing development for occupancy solely by (1) elderly families; (2) disabled families; or (3) elderly and disabled families. This rule also would make certain conforming amendments to 24 CFR Part 960, subpart D (which pertains to preference for elderly families and discretionary preference for near elderly families in public housing projects for the elderly) to reference the new program, and to reflect the new terminology introduced by section 622(a).

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |
| Final Action | 03/00/94 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Edward Whipple, Director, Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-0744

RIN: 2577-AB27

1636. • TENANT PARTICIPATION AND TENANT OPPORTUNITIES IN PUBLIC HOUSING (FR-3568)

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 964

Legal Deadline: None

Abstract: This rule would amend 24 CFR part 964 to provide additional clarification of tenant involvement policies including election procedures, term of office and partnership with the PHA. The regulation would also revise the resident management section to emphasize economic development and self-sufficiency activities as well as property management. Part 964 would be renamed "tenant participation and tenant opportunities in public housing."

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pat Arnaudo, Deputy Director, Office of Resident Initiatives, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-3611

RIN: 2577-AB36

1637. LEAD-BASED PAINT LIABILITY INSURANCE FOR PUBLIC HOUSING AGENCIES AND INDIAN HOUSING AUTHORITIES (FR-3275)

Significance: Agency Priority

Legal Authority: 42 USC 1436c

CFR Citation: 24 CFR 965; 24 CFR 905

Legal Deadline: None

Abstract: This proposed rule will implement a provision of HUD's 1992 Appropriations Act (105 Stat. 758-759) that requires the Department to specify the "nature and quality" of insurance coverage to be obtained by public housing agencies and Indian housing authorities for lead-based paint personal injury liability.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: John Comerford, Director, Financial Management and Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-1872

RIN: 2577-AB21

1638. SECTION 8 HOMEOWNERSHIP (FR-3385)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 982

Legal Deadline: None

Abstract: Section 185 of the Housing and Community Development Act of 1992 authorizes the use of section 8 Certificates and Vouchers for homeownership purposes if the family: 1) is a first-time home-buyer; 2) participates in the Family Self-Sufficiency Program or demonstrates that the family has income from employment or other sources (other than public assistance); 3) demonstrates at the time that the family initially

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receives assistance that one or more adult members of the family have secured employment for the period as required by HUD; and 4) participates in a homeownership and housing counseling program provided by a PHA, and meets any other requirements as established by HUD.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |
| Final Action | 04/00/94 | |
| Final Action Effective | 05/00/94 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Madeline Hastings, Director, Policy Branch, Rental Assistance Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-2841

RIN: 2577-AB23

1639. PERFORMANCE FUNDING SYSTEM: ADJUSTMENT TO OPERATING SUBSIDY TO REFLECT AIR CONDITIONING EFFECT ON UTILITY CONSUMPTION (FR-2971)

Legal Authority: PL 101-625

CFR Citation: 24 CFR 990; 24 CFR 905

Legal Deadline: None

Abstract: This rule will add a new factor to the Performance Funding System of calculating operating subsidy for Public Housing and Indian Housing

projects. The utility expense level will now be adjusted for Cooling Degree Day differences from year-to-year, as well as Heating Degree differences.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/01/93 | 58 FR 51261 |
| NPRM Comment Period End | 11/30/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: John Comerford, Director, Financial Management Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-1872

RIN: 2577-AA99

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1640. VACANCY REDUCTION PROGRAM (FR-3398)

Legal Authority: 42 USC 1437i; 42 USC 3535(d)

CFR Citation: 24 CFR 968

Legal Deadline: Final, Statutory, April 26, 1993.

Abstract: This rule would implement section 510 of the National Affordable Housing Act. Section 510 directs the Secretary to require certain public housing agencies to participate in the vacancy reduction program to be established in accordance with this section. Designated public housing agencies are required to submit vacancy reduction plans, which will be reviewed and monitored by HUD, in part with the assistance of assessment terms.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/21/93 | 58 FR 29728 |
| NPRM Comment Period End | 06/21/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Flood, Director, Modernization Div., Department of Housing and Urban

Development, Office of Public and Indian Housing, 202 708-1640

RIN: 2577-AB26

1641. COMMUNITY DEVELOPMENT BLOCK GRANTS FOR INDIAN TRIBES AND ALASKAN NATIVE VILLAGES (FR-2880)

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 571

Legal Deadline: None

Abstract: Section 702 of the HUD Reform Act of 1989 moved the grant authority for CDBG funding to Indian tribes from Section 107 to 106 of the Housing and Community Development Act. Paragraph (b) of Section 702 includes the following provision: "The Secretary shall provide for distribution of amounts under this paragraph pursuant to specific criteria for the selection of Indian tribes to receive such amounts. The criteria shall be contained in a regulation promulgated by the Secretary after notice and public comment."

Timetable:

| Action | Date | FR Cite |
|--------------------------------------|----------|-------------|
| NPRM | 06/21/91 | 56 FR 28666 |
| NPRM Comment Period End | 08/21/91 | |
| Interim Final Rule | 04/07/92 | 57 FR 11832 |
| Interim Final Rule Effective Date | 06/08/92 | |

| Action | Date | FR Cite |
|---|----------|---------|
| Interim Final Rule Comment Period End | 01/29/93 | |
| Interim Final Rule | 02/00/94 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Dominic Nessi, Director, Office of Native American Program, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-1015

RIN: 2577-AB31

1642. COMPREHENSIVE REVISION TO SECTION 8 RENTAL CERTIFICATE PROGRAM AND RENTAL VOUCHER PROGRAM REGULATIONS (FR-2294)

Significance: Regulatory Program

Legal Authority: 42 USC 1437f; PL 100-242, Sec 144; PL 100-242, Sec 145; PL 100-242, Sec 146; PL 100-242, Sec 147; PL 100-242, Sec 148; PL 100-242, Sec 149; PL 100-242, Sec 262

CFR Citation: 24 CFR 882; 24 CFR 887; 24 CFR 982

Legal Deadline: None

Abstract: This rule will consolidate the Section 8 Rental Certificate Program and Rental Voucher Program regulations into a new Part 982 to provide, to the extent practicable,

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uniform policies for both programs. It will also conform the regulations to statutory amendments enacted by the Housing and Community Development Amendments of 1987, the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, the National Affordable Housing Act, and the Housing and Community Development Act of 1992, and make other revisions.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 02/24/93 | 58 FR 11292 |
| NPRM Comment Period End | 04/26/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FR-2469 (RIN 2502-AE44), FR-2584 (RIN 2502-AE63) and FR-2889 (RIN 2502-AF11) have been merged into this item.

Agency Contact: Madeline Hastings, Director, Rental Assistance Division, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-2841

RIN: 2577-AB14

1643. PUBLIC HOUSING MANAGEMENT ASSESSMENT PROGRAM (PHMAP) (FR-2897)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d); 42 USC 1437d(j)

CFR Citation: 24 CFR 901

Legal Deadline: None

Abstract: This rule established the Public Housing Management Assessment Program (PHMAP) in accordance with Section 502 of the National Affordable Housing Act of 1990 (approved Nov. 28, 1990, PL 101-625, 104 Stat. 4079). Section 502 requires HUD to assess the management performance of Public Housing Agencies (PHAs) in all major areas of management operations and designation of troubled and mod-troubled PHAs. PHMAP uses a maximum of 12 indicators, including seven specifically mandated by the statute and five other indicators deemed appropriate by HUD. A PHA designated troubled or mod-troubled is required to enter into a memorandum of agreement (MOA) with HUD that sets

forth targets, strategies, incentives and sanctions for approving its management performance. In the event of a substantial default on an agreement, HUD may petition the appropriate State or Federal court of venue for the appointment of a receiver or make other management changes for the troubled PHA. HUD is also authorized to commend exemplary PHAs.

PHMAP is intended to foster a uniform, nationwide level of excellence in public housing.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| NPRM | 04/17/91 | 56 FR 15712 |
| NPRM Comment Period End | 06/17/91 | |
| Interim Final Rule | 01/17/92 | 57 FR 2160 |
| Interim Final Rule Effective Date | 02/18/92 | |
| Interim Final Rule Comment Period End | 05/18/92 | |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sherone E. Ivey, Acting Director, General Management Div., Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-0970

RIN: 2577-AA89

1644. SECTION 5(H) HOMEOWNERSHIP PROGRAM (FR-2810)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 905; 24 CFR 906

Legal Deadline: None

Abstract: The Department published an interim rule codifying the requirements of the Section 5(h) Homeownership Program (Section 5(h), U.S. Housing Act of 1937 ("Act")). Section 5(h), along with Section 6(c)(4)(D) of the Act, gives the Department the authority to implement a program that would provide homeownership opportunities for residents of public and Indian housing.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| Interim Final Rule | 09/20/91 | 56 FR 47852 |
| Interim Final Rule Effective Date | 10/21/91 | |

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 11/19/92 | |
| Comment Period End | | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Wayne Hunter, Office of Resident Initiatives, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-4233

RIN: 2577-AA90

1645. PIH; REVISED COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM (FR-3318)

Significance: Agency Priority

Legal Authority: 42 USC 1437aa; 42 USC 1437bb; 42 USC 1437cc; 42 USC 1437ee; 24 USC 450e(b); 42 USC 3535(d); 42 USC 1434d; 42 USC 14371

CFR Citation: 24 CFR 905; 24 CFR 968

Legal Deadline: None

Abstract: This rule would amend 24 CFR parts 905 and 968 to establish a revised and simplified Comprehensive Improvement Assistance Program (CIAP) for public housing agencies (PHAs) and Indian housing authorities (IHAs) that own or operate fewer than 250 public or Indian housing units. This rule proposes to simplify and reduce processing procedures in obtaining modernization grants. This rule proposes to enhance resident and homebuyer participation. This rule solicits public comment on additional revisions needed to improve the CIAP program. This action is intended to result in substantial cost reduction in preparing, processing, and administering CIAP grants.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 03/15/93 | 58 FR 13916 |
| Interim Final Rule Comment Period End | 04/14/93 | |
| Interim Final Rule Effective Date | 04/14/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Janice D. Rattley, Director, Office of Construction, Rehabilitation & Maintenance, Department of Housing and Urban

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Development, Office of Public and Indian Housing, 202 708-1800

RIN: 2577-AB20

1646. ASSISTED HOUSING FOR INDIANS AND ALASKAN NATIVES—PAYMENTS TO MUNICIPALITIES (FR-3488)

Legal Authority: 42 USC 1437aa(c); 42 USC 1437cc(b)

CFR Citation: 24 CFR 905.210; 24 CFR 905.720

Legal Deadline: None

Abstract: This rule will implement section 122(a) of the Housing and Community Development Act of 1992 by exempting Assisted Housing for Indian and Alaskan Natives for the requirements of section 6(h) of the United States Housing Act, which required housing agencies to develop housing by the new construction method only if acquisition or acquisition with rehabilitation could be demonstrated to be more costly. Since section 905.210 also contains the preference for construction for large families which no longer is required by statute, the entire section is being removed.

This rule would also implement section 122(c) of the Housing and Community Development Act of 1992, which amends section 203 (b) of the 1937 Act. Section 122(c) requires the Secretary to make an annual payment from operating subsidy funding to municipalities that provide roads, water supply and sewage facilities and electrical and fuel distribution systems to Indian housing rental projects in an amount for each rental housing unit equal to (1) 10% of the applicable shelter rent minus the utility allowance or (2) \$150, whichever is greater.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local

Agency Contact: Debbie Lalancette, Director, Housing Management Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-2980

RIN: 2577-AB29

1647. • PUBLIC AND INDIAN HOUSING AMENDMENTS TO THE COMPREHENSIVE GRANT PROGRAM (FR-3517)

Significance: Regulatory Program

Legal Authority: 42 USC 1437aa to 1437ee; 42 USC 3535(d); 42 USC 1437d; 42 USC 14371

CFR Citation: 24 CFR 905; 24 CFR 968

Legal Deadline: None

Abstract: This rule amends 24 CFR parts 905 and 968 to expedite the Comprehensive Grant Program funding process for public housing agencies and Indian housing authorities that own or operate 250 or more public or Indian housing units.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Janice D. Rattley, Director, Office of Construction, Rehabilitation, & Maintenance, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 707-1800

RIN: 2577-AB32

1648. • HOMEOWNERSHIP DEMONSTRATION PROGRAM IN OMAHA, NEBRASKA (FR-3573)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 907

Legal Deadline: None

Abstract: This rule implements section 132 of the Housing and Community Development Act of 1992. Section 132 establishes a demonstration program to facilitate self-sufficiency and permits the homeownership sale of single family homes administered by the Housing Authority of the City of Omaha in the State of Nebraska. The purpose of the demonstration is to exhibit the effectiveness of promoting homeownership and providing support service.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local

Additional Information: Final rule to be issued 60 days after 60-day comment

period expires. Sec. 132 requires interim rule, rather than proposed rule.

Agency Contact: Gary Van Buskirk, Homeownership Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-4233

RIN: 2577-AB38

1649. CHOICE IN PUBLIC HOUSING MANAGEMENT (FR-3464)

Legal Authority: 42 USC 1437w

CFR Citation: 24 CFR 909

Legal Deadline: None

Abstract: Section 121 of the Housing and Community Development Act of 1992, authorizes the Department to award \$46.6 million in modernization funds set-aside from each of the fiscal years 1993 and 1994 for the implementation of Choice in Public Housing Management. The purpose of the program is to enable residents of severely distressed public housing in troubled public housing agencies to hire alternative managers to manage and rehabilitate their development.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/12/93 | 58 FR 17764 |
| NPRM Comment Period End | 06/11/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Roger W. Braner, Acting Director, Office of Assisted Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-1380

RIN: 2577-AB22

1650. • PUBLIC HOUSING DEVELOPMENT—AMENDMENT TO CALCULATION OF TOTAL DEVELOPMENT COST (FR-3550)

Legal Authority: 42 USC 1437b

CFR Citation: 24 CFR 941

Legal Deadline: None

Abstract: The rule will remove donations from the Department's calculation of total development costs (TDC). Experience has demonstrated that inclusion of donations within the TDC of projects has created unwarranted delays in the development

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process and has in some cases been a contributory reason for cost increases.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |
| Final Action | 12/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Janice Rattley, Director, Office of Construction, Rehabilitation, & Maintenance, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-1800

RIN: 2577-AB34

1651. PUBLIC HOUSING RENT WAIVER FOR POLICE OFFICERS (FR-2972)

Legal Authority: 42 USC 1437n; 42 USC 3535(d)

CFR Citation: 24 CFR 960.500, subpart E; 24 CFR 905

Legal Deadline: None

Abstract: The rule would permit HUD to waive the applicability of any occupancy requirements to allow police officers and other security personnel, not otherwise eligible for residence in public and Indian housing, to reside in public and Indian housing dwelling units upon submission by a PHA/IHA and approval by HUD of a plan identifying the projects in which the police officers or security personnel will reside and describing the benefits of their residence.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/07/93 | 58 FR 32006 |
| NPRM Comment Period End | 08/06/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Edward Whipple, Director, Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-0744

RIN: 2577-AA94

1652. REPLACEMENT HOUSING FOR PUBLIC HOUSING DEMOLITION AND DISPOSITION 1987 HCD ACT (FR-2463)

Significance: Regulatory Program

Legal Authority: 42 USC 1437p; PL 100-242, Sec 121(a)-(d)

CFR Citation: 24 CFR 970; 24 CFR 905

Legal Deadline: None

Abstract: This rule establishes procedures for the approval of applications for demolition or disposition of public and Indian housing development. In addition, under this rule HUD may approve an application for demolition if the project is obsolete, making it unusable for housing purposes and if no reasonable program of modification is feasible to return the project to a useful life. The rule also provides that HUD, in allocating assistance for public housing acquisition or development or for Section 8 certificates, give consideration to providing housing that replaces demolished public housing units in accordance with an approved replacement plan. PHAs are prohibited from taking any action to demolish or dispose of public housing projects without obtaining HUD's approval and satisfying pertinent statutory requirements. The 1992 Authorization Act contains several new provisions that will be incorporated into the final rule.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 08/17/88 | 53 FR 30984 |
| Interim Final Rule Effective Date | 10/06/88 | 53 FR 30984 |
| Interim Final Rule Comment Period End | 10/17/88 | |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Janice D. Rattley, Director, Office of Construction, Rehabilitation, and Maintenance, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-1800

RIN: 2577-AA58

1653. DEMOLITION OR DISPOSITION OF PUBLIC HOUSING PROJECTS—REQUIRED AND PERMITTED PHA ACTIONS PRIOR TO APPROVAL (FR-3528)

Legal Authority: 42 USC 1437p

CFR Citation: 24 CFR 970.12

Legal Deadline: None

Abstract: This rule sets forth the requirements that a PHA may not take any action intended to further the demolition or disposition of a public housing project or portion of a public housing project without obtaining HUD's approval under the provisions of 24 CFR Part 970. The PHA is further required to continue to meet its ACC obligation to maintain and operate the property.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Janice Rattley, Director, Office of Construction, Rehabilitation, & Maintenance, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-1800

RIN: 2577-AB33

1654. PUBLIC HOUSING OPERATING SUBSIDIES—ENERGY SAVINGS (FR-3387)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 990

Legal Deadline: None

Abstract: This rule extends the period of sharing of energy cost savings between HUD and PHAs to six years.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Comerford, Director, Financial Management Div., Department of Housing and Urban Development, Office of Public and Indian Housing, 202 708-1872

RIN: 2577-AB24

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Public and Indian Housing (PIH)**

Completed Actions

1655. RENTAL ASSISTANCE FRAUD RECOVERIES (FR-3487)

Completed:

| Reason | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|---------------------------------------|----------|--|
| Transfer Development to RIN 2501-AB65 | 07/14/93 | |
|---------------------------------------|----------|--|

RIN: 2577-AB28

1656. INDIAN LEASE AND GRIEVANCE PROCEDURES (FR-3228)

CFR Citation: 24 CFR 905

Completed:

| Reason | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|------------------------|----------|-------------|
| Final Action | 04/14/93 | 58 FR 19349 |
| Final Action Effective | 05/14/93 | |

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: Dominic Nessi, 202 708-1015

RIN: 2577-AB11

1657. CIAP PROCUREMENT POLICY FOR LBP TESTING AND ABATEMENT SERVICES (FR-3231)

CFR Citation: 24 CFR 905.639(c); 24 CFR 968.240(c)

Completed:

| Reason | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|-----------|----------|--|
| Withdrawn | 04/16/93 | |
|-----------|----------|--|

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: William Thorson, 202 708-4703

RIN: 2577-AB12

1658. FAMILY SELF-SUFFICIENCY PROGRAM (FR-2961)

Significance: Regulatory Program

CFR Citation: 24 CFR 905; 24 CFR 962; 24 CFR 984

Completed:

| Reason | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|------------------------|----------|-------------|
| Final Action | 05/27/93 | 58 FR 30906 |
| Final Action Effective | 05/27/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Madeline Hastings, 202 708-2841

RIN: 2577-AB15

1659. PUBLIC HOUSING DEVELOPMENT—PROGRAM REDESIGN (FR-2865)

CFR Citation: 24 CFR 941

Completed:

| Reason | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|-------------------------------------|----------|--|
| Merged With RIN 2577-AB73 (FR-3569) | 08/10/93 | |
|-------------------------------------|----------|--|

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Janice D. Rattley, 202 708-1800

RIN: 2577-AA87

1660. SELECTION OF FINANCIALLY RESPONSIBLE INSURANCE PROVIDER BY PHAS AND IHAS (FR-3023)

Significance: Regulatory Program

CFR Citation: 24 CFR 965; 24 CFR 905

Completed:

| Reason | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|------------------------|----------|-------------|
| Final Action | 10/05/93 | 58 FR 51953 |
| Final Action Effective | 11/04/93 | |

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: John Comerford, 202 708-1872

RIN: 2577-AB00

1661. DEMOLITION AND DISPOSITION OF PUBLIC HOUSING—OPPORTUNITY TO PURCHASE BY TENANT COUNCILS, RESIDENT MANAGEMENT CORPORATIONS, OR TENANT COOPERATIVES (FR-3093)

Significance: Agency Priority

CFR Citation: 24 CFR 970

Completed:

| Reason | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|-------------------------------------|----------|--|
| Merged With RIN 2577-AA58 (FR-2463) | 04/14/93 | |
|-------------------------------------|----------|--|

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Flood, 202 708-1640

RIN: 2577-AB09

1662. OPERATING SUBSIDY FOR ANTI-DRUG AND ECONOMIC SELF-SUFFICIENCY ACTIVITIES (FR-2784)

CFR Citation: 24 CFR 990.102; 24 CFR 990.109; 24 CFR 905.102; 24 CFR 905.7

Completed:

| Reason | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|-------------------------------------|----------|--|
| Merged With RIN 2577-AB24 (FR-3387) | 07/08/93 | |
|-------------------------------------|----------|--|

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Comerford, 202 708-1872

RIN: 2577-AA84

[FR Doc. 93-21440 Filed 10-22-93; 8:45 am]

BILLING CODE 4210-01-F

Federal Register

**Monday
October 25, 1993.**

Part X

**Department of the
Interior**

Semiannual Regulatory Agenda

DEPARTMENT OF THE INTERIOR (DOI)

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Ch. I

43 CFR Subtitle A, Chs. I and II

48 CFR Ch. 14

50 CFR Chs. I and IV

Semiannual Agenda of Rules Scheduled for Review or Development

AGENCY: Office of the Secretary, Interior.

ACTION: Semiannual agenda of rules scheduled for review or development.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between

October 1993 and April 1994. An agenda is required by the Regulatory Flexibility Act and Executive Order 12291.

ADDRESSES: Unless otherwise indicated, all agency contacts are located at the Department of the Interior, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: All comments and inquiries with regard to these rules should be directed to the appropriate agency contact. General comments relating to the agenda should be directed to the Office of Regulatory Affairs, Department of the Interior, at the address above or on (202) 208-5271.

SUPPLEMENTARY INFORMATION: With this publication, the Department satisfies the requirement of Executive Order 12291 that the Department publish, in April and October of each year, an agenda of rules that have been issued or are expected to be issued and of currently effective rules that are scheduled for review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that an agenda be published in April and October of each year identifying rules that will have significant economic effects on a substantial number of small entities. Rules that will have such effects are specifically identified in the agenda.

This agenda also identifies rules that are determined to be "significant" under Executive Order 12498 and that are included in this Department's 1993 regulatory program. A more comprehensive discussion of this program and the relevant rules are contained in the Regulatory Program of the United States Government, which is published by the Office of Management and Budget.

Dated: August 27, 1993.

Molly Poag,

Director, Office of Regulatory Affairs

Assistant Secretary for Policy, Management and Budget—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1663 | Natural Resource Damage Assessments | 1090-AA29 |

Assistant Secretary for Policy, Management and Budget—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1664 | Natural Resource Damage Assessments | 1090-AA21 |
| 1665 | Natural Resource Damage Assessments | 1090-AA23 |
| 1666 | Principles of Ethical Conduct | 1090-AA38 |

Assistant Secretary for Policy, Management and Budget—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1667 | Natural Resource Damage Assessments | 1090-AA22 |
| 1668 | Department of the Interior, New Restrictions on Lobbying | 1090-AA26 |
| 1669 | Administrative and Audit Requirements and Cost Principles for Assistance Programs | 1090-AA37 |
| 1670 | Administrative and Audit Requirements and Cost Principles for Assistance Programs | 1090-AA41 |

Assistant Secretary for Policy, Management and Budget—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1671 | Department of the Interior Acquisition Regulation | 1090-AA14 |
| 1672 | Department of the Interior, Nonprocurement Debarment and Suspension Regulation | 1090-AA24 |

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Assistant Secretary for Policy, Management and Budget—Completed Actions (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1673 | Department of the Interior Acquisition Regulation; Patent Rights Under Government Contracts and Subcontracts for Experimental, Developmental, or Research Work | 1090-AA27 |
| 1674 | Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Institutions | 1090-AA32 |
| 1675 | Uniform Administrative Requirements for Grants and Cooperative Agreements With State and Local Governments | 1090-AA33 |
| 1676 | Department of the Interior Acquisition Regulation—Commercial Advertising | 1090-AA34 |
| 1677 | Department of the Interior—Provisions, Assignment, and Administration of Quarters | 1090-AA35 |
| 1678 | Department of the Interior—Establishment of Quarters Rental Rates | 1090-AA36 |
| 1679 | Grants to States for Establishing Youth Conservation Corps Programs | 1090-AA39 |
| 1680 | Grants to States for Establishing Young Adult Conservation Corps (YACC) Program | 1090-AA40 |

Office of the Solicitor—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1681 | Subpart E—Compulsory Process and Testimony of Employees | 1092-AA09 |

Office for Equal Opportunity—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1682 | Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting From Federal Financial Assistance | 1091-AA02 |

Office of Hearings and Appeals—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1683 | Rules Applicable in Indian Affairs Hearings and Appeals | 1094-AA38 |

Office of Hearings and Appeals—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1684 | Rules Applicable in Indian Affairs Hearings and Appeals | 1094-AA39 |
| 1685 | Special Rules Applicable to Surface Coal Mining Hearings and Appeals | 1094-AA42 |
| 1686 | Special Rules Applicable to Surface Coal Mining Hearings and Appeals | 1094-AA43 |

United States Fish and Wildlife Service—Prenule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|------------------------------|------------------------------|
| 1687 | Migratory Bird Hunting | 1018-AA24 |

DOI

United States Fish and Wildlife Service—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1688 | Refuge-Specific Hunting and Fishing Regulations | 1018-AA71 |
| 1689 | National Wildlife Refuges: Adding to Areas Open to Hunting and Fishing | 1018-AB25 |
| 1690 | Federal Migratory Bird Hunting and Conservation Stamp (Duck Stamp) Logo | 1018-AB40 |
| 1691 | Seasons and Bag Limits for Subsistence Management Regulations | 1018-AB43 |
| 1692 | Importation, Exportation, and Transportation of Wildlife | 1018-AB49 |
| 1693 | Endangered and Threatened Wildlife and Plants | 1018-AB66 |
| 1694 | The National Coastal Wetland Conservation Grant Program | 1018-AB68 |
| 1695 | List of Migratory Birds | 1018-AB72 |
| 1696 | Release and Harvest of Captive-Bred Waterfowl | 1018-AB77 |
| 1697 | Migratory Bird Hunting: Hunting Regulations for Restriction of Shotshell Length, Maximum Shot Size, and Nontoxic Shot Coatings | 1018-AB80 |
| 1698 | Eagle Permits | 1018-AB81 |
| 1699 | Endangered and Threatened Wildlife and Plants: 30 African Birds | 1018-AB84 |
| 1700 | Endangered and Threatened Wildlife and Plants | 1018-AB88 |
| 1701 | Endangered and Threatened Wildlife and Plants: 22 Hawaiian Plants | 1018-AB89 |
| 1702 | Endangered and Threatened Wildlife and Plants | 1018-AB94 |
| 1703 | Endangered and Threatened Wildlife and Plants | 1018-AB97 |
| 1704 | Endangered and Threatened Wildlife and Plants; Establishment of Manatee Protection Areas in Lake Woodruff National Wildlife Refuge, Florida | 1018-AB99 |
| 1705 | Endangered and Threatened Wildlife and Plants | 1018-AC01 |
| 1706 | Alaska Refuges Visitor Services | 1018-AC02 |
| 1707 | Endangered and Threatened Wildlife and Plants: Revision of the Special Rule for Nonessential Experimental Populations of Red Wolves in North Carolina and Tennessee | 1018-AC03 |
| 1708 | Designated Port Status for Boston, MA | 1018-AC07 |
| 1709 | Humane and Healthful Transport Regulations | 1018-AC08 |
| 1710 | Endangered and Threatened Wildlife and Plants | 1018-AC09 |
| 1711 | Endangered and Threatened Wildlife and Plants: Flat-Tailed Horned Lizard | 1018-AC10 |
| 1712 | Endangered and Threatened Wildlife and Plants: Small Whorled Pogonia, Reclassification | 1018-AC11 |
| 1713 | Endangered and Threatened Wildlife and Plants: Two Puerto Rican Hawks | 1018-AC12 |

United States Fish and Wildlife Service—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1714 | Endangered and Threatened Wildlife and Plants | 1018-AA85 |
| 1715 | Endangered and Threatened Wildlife and Plants | 1018-AA95 |
| 1716 | Proposed Determination of Experimental Population Status for an Introduced Population of Colorado Squawfish | 1018-AB09 |
| 1717 | Captive-Bred Wildlife | 1018-AB10 |
| 1718 | Injurious Wildlife: Importation of Live or Dead Fish, Mollusks, and Crustaceans, or Their Eggs | 1018-AB13 |
| 1719 | Endangered and Threatened Wildlife and Plants; Designated Ports for Plants | 1018-AB28 |
| 1720 | Endangered and Threatened Wildlife and Plants | 1018-AB42 |
| 1721 | Migratory Bird Permits: Determination That Kansas, Rhode Island, and Missouri Meet Federal Falconry Standards | 1018-AB45 |
| 1722 | Cabin Management Regulations on National Wildlife Refuges in Alaska | 1018-AB46 |
| 1723 | Endangered and Threatened Wildlife and Plants | 1018-AB52 |
| 1724 | Endangered and Threatened Wildlife and Plants | 1018-AB56 |
| 1725 | Farm-Raised Fish; Exemption From Fish and Wildlife Export Requirements | 1018-AB61 |
| 1726 | Endangered and Threatened Wildlife and Plants: Hawaiian Plants—23 From Kauai and 11 From Koolau | 1018-AB69 |
| 1727 | Endangered and Threatened Wildlife and Plants | 1018-AB73 |
| 1728 | Endangered and Threatened Wildlife and Plants: Establishment of Additional Manatee Sanctuaries in Kings Bay, Crystal River, Citrus County, Florida | 1018-AB74 |
| 1729 | Endangered and Threatened Wildlife and Plants | 1018-AB75 |
| 1730 | Marine Mammals: Incidental Take During Specified Activities (Oil and Gas Exploration, Development, and Production) in Arctic Alaska and the Beaufort Sea | 1018-AB79 |
| 1731 | Endangered and Threatened Wildlife and Plants | 1018-AB83 |
| 1732 | Endangered and Threatened Wildlife and Plants: Critical Habitat for Four Colorado River Fishes | 1018-AB91 |
| 1733 | Endangered and Threatened Wildlife and Plants: Four Hawaiian Ferns | 1018-AB92 |
| 1734 | Wild Bird Conservation Act | 1018-AB93 |

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United States Fish and Wildlife Service—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1735 | Clean Vessel Act Technical Guidelines | 1018-AB95 |
| 1736 | Proposed Establishment of a Nonessential Experimental Population of Black-Footed Ferrets in North-Central Montana | 1018-AB96 |
| 1737 | Establishment of a Nonessential Experimental Population of Black-Footed Ferrets in Southwestern South Dakota .. | 1018-AB98 |
| 1738 | Endangered and Threatened Wildlife and Plants: Eight Vernal Pool Plants of the Central Valley of California | 1018-AC00 |
| 1739 | Endangered and Threatened Wildlife and Plants: Three Puerto Rican Trees | 1018-AC04 |
| 1740 | Clean Vessel Act Pumpout Station Grant Administration | 1018-AC06 |

United States Fish and Wildlife Service—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1741 | Convention on International Trade in Endangered Species of Wild Fauna and Flora (Endangered Species Convention) | 1018-AA29 |
| 1742 | Public Entry and Use | 1018-AA36 |
| 1743 | Implementation of Klamath River Basin Fishery Resources Restoration Act | 1018-AB11 |
| 1744 | Highly Traded Appendix II Species | 1018-AB30 |
| 1745 | Amendments to the Marine Mammal Protection Act | 1018-AB34 |
| 1746 | Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) | 1018-AB50 |
| 1747 | Compatibility of Permitted Uses on National Wildlife Refuges | 1018-AB70 |
| 1748 | Application Fees for Controlled Hunts on National Wildlife Refuges | 1018-AB71 |
| 1749 | Endangered and Threatened Wildlife and Plants; Removal of Special Rule Allowing a Limited Special Hunt of Grizzly Bear | 1018-AB78 |
| 1750 | Endangered and Threatened Wildlife and Plants: Threatened Status for Snake River Spring/Summer Chinook Salmon; Threatened Status for Snake River Fall Chinook Salmon | 1018-AB82 |
| 1751 | Procedures for Certifying Fish Health Inspectors | 1018-AB86 |
| 1752 | Fish Health Inspections and Diagnostic Services Provided to Non-Service Entities | 1018-AB87 |
| 1753 | Endangered and Threatened Wildlife and Plants: Policy on the Treatment of Hybrids and Proposed Definitions | 1018-AB90 |
| 1754 | Endangered and Threatened Wildlife and Plants: Taxonomic Conditions in Entries for Texas Karst Invertebrates; Technical Corrections | 1018-AC05 |

National Park Service—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1755 | Fort Jefferson National Monument: Fishing; Boundary Adjustments | 1024-AA96 |
| 1756 | Minerals Management—Non-Federal Oil and Gas | 1024-AB39 |
| 1757 | Yellowstone National Park: Commercial Traffic on U.S. Highway 191 Within Yellowstone National Park | 1024-AB82 |
| 1758 | National Capital Region Parks: Special Event Rules | 1024-AB92 |
| 1759 | National Park Service Symbols: United States Park Police Insignia | 1024-AB94 |
| 1760 | Solid Waste Disposal Sites in Units of the National Park System | 1024-AB95 |
| 1761 | Rights-of-Way | 1024-AC01 |
| 1762 | Alaska: Subsistence Uses | 1024-AC03 |
| 1763 | Glacier Bay: Vessel Management Plan/Regulations | 1024-AC05 |
| 1764 | Penalty Provisions | 1024-AC06 |
| 1765 | Rock Climbing | 1024-AC13 |
| 1766 | Sale and Distribution of Newspapers, Leaflets, and Pamphlets | 1024-AC14 |
| 1767 | Glacier National Park Revision | 1024-AC15 |
| 1768 | Katmai National Park—Bear Management | 1024-AC17 |
| 1769 | Yellowstone National Park—Special Revision | 1024-AC18 |

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National Park Service—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1770 | Protection of Archaeological Resources; Uniform Regulations | 1024-AA51 |
| 1771 | Everglades National Park: Mining | 1024-AB10 |
| 1772 | Management of Mineral Development Associated With Mining Claims | 1024-AB74 |
| 1773 | National Natural Landmarks Program | 1024-AB96 |
| 1774 | Glacier Bay National Park, Alaska Fishing Regulations | 1024-AB99 |
| 1775 | Native American Graves Protection and Repatriation Act Implementation | 1024-AC07 |

National Park Service—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1776 | Apostle Islands National Lakeshore: Snowmobiling | 1024-AB80 |
| 1777 | Blue Ridge Parkway: Fishing | 1024-AC02 |
| 1778 | Curation of Federally Owned and Administered Archaeological Collections | 1024-AC08 |
| 1779 | Parts 1 to 5 Revisions | 1024-AC12 |

Bureau of Indian Affairs—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1780 | Administration of the Higher Education Program | 1076-AA10 |
| 1781 | Administration of the Indian Adult Education Programs | 1076-AA15 |
| 1782 | Leasing and Permitting | 1076-AA29 |
| 1783 | Roads of the Bureau of Indian Affairs | 1076-AB05 |
| 1784 | Leasing of Osage Reservation Lands for Oil/Gas Mining | 1076-AC09 |
| 1785 | Financial Assistance and Social Services Program | 1076-AC13 |
| 1786 | Certificates of Degree of Indian Blood | 1076-AC19 |
| 1787 | Revised Procedures for Implementation of the Indian Self-Determination and Education Assistance Act Amendments of 1988 | 1076-AC20 |
| 1788 | Safety and Health Inspection Program | 1076-AC31 |
| 1789 | Minimum Academic Standards for the Basic Education of Indian Children and National Criteria for Dormitory Situations | 1076-AC32 |
| 1790 | General Forest Regulations | 1076-AC44 |
| 1791 | Deposit and Expenditure of Individual Funds of Members of the Osage Tribe of Indians Who Do Not Have Certificates of Competency | 1076-AC45 |
| 1792 | Facilities Construction Program | 1076-AC49 |
| 1793 | Operation and Maintenance of Irrigation Projects | 1076-AC53 |
| 1794 | Law Enforcement Facilities Regulations | 1076-AC60 |
| 1795 | Individual Indian Monies | 1076-AC65 |
| 1796 | Sale of Forest Products, Red Lake Indian Reservation, Minnesota | 1076-AC75 |
| 1797 | Sale of Lumber and Other Forest Products Produced by Indian Enterprises From the Forests on Indian Reservations | 1076-AC77 |
| 1798 | Listing of Courts of Indian Offenses: Amendment | 1076-AC78 |
| 1799 | Adult and Juvenile Detention, Holding, and Community Residential Standards for Facilities and Programs | 1076-AC80 |
| 1800 | Navajo Partitioned Lands Grazing Regulations | 1076-AC81 |
| 1801 | Housing Improvement Program | 1076-AC82 |
| 1802 | Mutual Fund Investment of Trust Funds | 1076-AC83 |
| 1803 | Indian Monies, Proceeds of Labor (IMPL) | 1076-AC86 |
| 1804 | Business Practices on the Navajo, Hopi, and Zuni Reservations | 1076-AC87 |
| 1805 | Tribal Organization Under a Federal Statute | 1076-AC88 |
| 1806 | Petitioning and Other Procedures for Tribes Reorganized Under Federal Statute and Other Organized Tribes | 1076-AC89 |
| 1807 | Family and Child Education Program (FACE) | 1076-AC92 |
| 1808 | Arrangements With States, Territories, and Other Agencies for Social Welfare of Indians | 1076-AC94 |
| 1809 | Licensed Indian Traders | 1076-AC95 |
| 1810 | Education Contracts Under the Johnson-O'Malley Act | 1076-AC96 |

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Bureau of Indian Affairs—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1811 | Indian Child Protection and Family Violence Prevention Programs | 1076-AC87 |
| 1812 | Management of Tribal Assets of the Ute Indian Tribe and the Ute Indian Corporation | 1076-AC98 |

Bureau of Indian Affairs—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1813 | Criminal and Civil Code of Offenses and Procedures for the Courts of Indian Offense | 1076-AA01 |
| 1814 | Oil, Gas, Solid Mineral, and Geothermal Mineral Agreements | 1076-AA82 |
| 1815 | Protection of Archaeological Resources | 1076-AC23 |
| 1816 | Procedures for Establishing That an American Group Exists as an Indian Tribe | 1076-AC46 |
| 1817 | Preparation of a Roll of Independent Seminole Indians of Florida | 1076-AC48 |
| 1818 | Buy Indian Act Procedures for Contracting | 1076-AC50 |
| 1819 | Off Reservation Land Acquisitions for Indian Tribes | 1076-AC51 |
| 1820 | Indian Child Welfare Act | 1076-AC55 |
| 1821 | Use of Columbia River Indian In-Lieu Fishing Sites | 1076-AC79 |
| 1822 | Oil and Gas, Solid Mineral, and Geothermal Mineral Agreements | 1076-AC99 |

Bureau of Indian Affairs—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1823 | Grants to Tribally Controlled Community Colleges and Navajo Community College | 1076-AA11 |
| 1824 | Land Acquisitions for Tribes and Individual Indians | 1076-AA81 |
| 1825 | Indian Electric Power Utilities | 1076-AC24 |
| 1826 | Leasing of Osage Reservation Lands for Mining for Minerals Other Than Oil and Gas | 1076-AC28 |
| 1827 | Indian School Equalization Program | 1076-AC33 |
| 1828 | Operation of Alaska Resupply Program | 1076-AC54 |
| 1829 | Adding New Criminal Offenses and Civil Procedures for the Courts of Indian Offenses | 1076-AC66 |
| 1830 | Employment Assistance for Adult Indians | 1076-AC84 |
| 1831 | Osage Roll, Certificate of Competency | 1076-AC85 |
| 1832 | Preference in Employment | 1076-AC90 |
| 1833 | Preservation of Antiquities | 1076-AC91 |
| 1834 | Preparation of a Membership Roll of Delaware Indians of Western Oklahoma | 1076-AC93 |

Minerals Management Service—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1835 | Audit Procedures and Payor Requirements and Responsibilities During Audits | 1010-AB44 |
| 1836 | Payor Responsibilities | 1010-AB45 |
| 1837 | Amendments to 30 CFR 250.67—Hydrogen Sulfide | 1010-AB50 |
| 1838 | Amendment to Rules Governing Installation of Shutdown Valves on Pipelines | 1010-AB52 |
| 1839 | Valuation of Gas Production Under Unitization or Communitization Agreements | 1010-AB57 |
| 1840 | Archaeological Surveys | 1010-AB63 |
| 1841 | Limitations on Credit Adjustments Submitted by Lessees and Other Royalty Payors Under Federal and Indian Mineral Leases | 1010-AB73 |
| 1842 | Collection of Royalties, Interest, and Other Amounts Due Under Federal and Indian Mineral Leases by Administrative Offset | 1010-AB74 |
| 1843 | Response Plans for Offshore Facilities | 1010-AB81 |
| 1844 | Amendment of Regulations Governing Assessments for Incorrect Reports | 1010-AB82 |
| 1845 | Offsets, Recoupments, and Refunds of Excess Payments of Royalties, Rentals, Bonuses, or Other Amounts Under Federal Offshore Mineral Leases | 1010-AB90 |

DOI

Minerals Management Service—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1846 | Regulations Governing Recoupment of Overpayments on Indian Leases | 1010-AB40 |
| 1847 | Extension of Time Period for Maintaining Records on Outer Continental Shelf Net Profit Share Oil and Gas Leases | 1010-AB46 |
| 1848 | Amendment of Regulations Governing Late Payment Interest Charges on Solid Minerals and Geothermal Resources Leases | 1010-AB83 |
| 1849 | Administrative Amendment of Regulations To Update Addresses and Information Regarding Information Collection | 1010-AB89 |

Minerals Management Service—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1850 | Clarification of Data for Release to the Public of Certain Data and Information Submitted in Association With Drilling and Production Operations | 1010-AB34 |
| 1851 | Assessment for Failure To Submit Payment of Same Amount With Report or Bill or To Provide Adequate Information | 1010-AB35 |
| 1852 | Amendment to the Regulations Concerning the Requirement for Submission of a Corporate Surety Bond To Indemnify the U.S. From Default by a Lessee on the Conditions and Terms of an OCS Lease | 1010-AB38 |
| 1853 | Geological and Geophysical Explorations of the Outer Continental Shelf | 1010-AB56 |
| 1854 | Requirements for Cranes Installed on Fixed Platforms in the Outer Continental Shelf | 1010-AB62 |
| 1855 | Offshore Pipeline Inspection and Burial | 1010-AB65 |
| 1856 | Oil and Gas and Sulphur Operations in the Outer Continental Shelf, Reporting Forms | 1010-AB66 |
| 1857 | Reduction in Royalty Rates for Offshore Oil and Gas Leases | 1010-AB68 |
| 1858 | Outer Continental Shelf Deepwater Production | 1010-AB75 |
| 1859 | Outer Continental Shelf Oil and Gas Utilized Operations | 1010-AB76 |
| 1860 | Outer Continental Shelf Oil and Gas Production Rates and Production Measurement | 1010-AB77 |
| 1861 | Redesignation of Financial Responsibility Certification Functions | 1010-AB78 |
| 1862 | Regularization of Unitization Across State and Federal Jurisdictional Boundaries | 1010-AB79 |
| 1863 | Requirement for Notification for Scientific Research for Prospecting for Minerals Other Than Oil, Gas, and Sulphur in the Outer Continental Shelf | 1010-AB80 |
| 1864 | Amendment of Production Accounting Regulations | 1010-AB84 |
| 1865 | Documents Incorporated by Reference | 1010-AB85 |
| 1866 | Amendment of Addresses in Minerals Management Service Regulations | 1010-AB86 |
| 1867 | Lease Cancellation and Lease Compensation | 1010-AB87 |
| 1868 | Revision of Regulations Governing Fees Applicable to Filing of Assignments, Mortgages, and Other Documents | 1010-AB88 |

Office of Surface Mining Reclamation and Enforcement—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1869 | Wire Transfer of Fees | 1029-AB50 |
| 1870 | Surface Coal Mining and Reclamation Operations; Permanent Regulatory Programs; Performance Bonds; Alternative Bonding Systems | 1029-AB61 |
| 1871 | Subsidence | 1029-AB69 |
| 1872 | Abandoned Coal Refuse Sites | 1029-AB70 |
| 1873 | Abandoned Mine Land Grant Procedures | 1029-AB72 |
| 1874 | Coal Remining | 1029-AB74 |
| 1875 | Definition of Coal | 1029-AB75 |
| 1876 | Affected Area (Haul Roads) | 1029-AB76 |
| 1877 | Coal Formation Outcrop Fires | 1029-AB77 |
| 1878 | Coal Moisture | 1029-AB78 |
| 1879 | Backfilling and Grading | 1029-AB79 |

DOI

Office of Surface Mining Reclamation and Enforcement—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1880 | Applicant/Violator System Procedures | 1029-AB34 |
| 1881 | Permanent Regulatory Program; Performance Standards; Permanent and Temporary Impoundments | 1029-AB40 |
| 1882 | Definition and Criteria for Valid Existing Rights | 1029-AB42 |
| 1883 | Abandoned Mine Land Reclamation Fund Reauthorization | 1029-AB49 |
| 1884 | Land Use Information Rule | 1029-AB57 |
| 1885 | Surface Coal Mining and Reclamation Operations: Initial and Permanent Regulatory Programs; Abandoned Sites .. | 1029-AB60 |
| 1886 | Transfer of Permit Rights; Successor in Interest; Ownership and Control; Permit Information and the Applicant/Violator System; Civil Penalties; Statement of Interests | 1029-AB62 |
| 1887 | Regulation of Indian Lands | 1029-AB65 |
| 1888 | Basis for Coal Weight Determination | 1029-AB68 |

Office of Surface Mining Reclamation and Enforcement—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1889 | Permanent Program Performance Standards; Highwall Policy | 1029-AB10 |
| 1890 | Federal Regulatory Programs; Permit Application Fees | 1029-AB29 |
| 1891 | Permanent Regulatory Program: Best Technology Currently Available | 1029-AB36 |
| 1892 | Previously Mined Areas and Coal Preparation Plants—Remand | 1029-AB45 |
| 1893 | Wetlands Rule | 1029-AB47 |
| 1894 | Removal of Parts 718 and 720 | 1029-AB58 |
| 1895 | Protection of Historic Properties From Surface Coal Mining Operations | 1029-AB63 |
| 1896 | Regulation of Impoundments | 1029-AB64 |
| 1897 | Revegetation Performance Standards | 1029-AB66 |
| 1898 | Assistance to Small Coal Operators | 1029-AB73 |

Bureau of Reclamation—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1899 | Reclamation Acquisition Regulation System | 1006-AA20 |
| 1900 | Procedure To Process and Recover the Value of Rights-of-Use and Administrative Costs Incurred in Permitting Such Use | 1006-AA23 |
| 1901 | Regulations for Administering Entitlements to Colorado River Water in the Lower Colorado River Basin | 1006-AA24 |
| 1902 | Reclamation of Arid Lands by the United States | 1006-AA26 |
| 1903 | Exchange or Amendment of Farm Units on Federal Reclamation Projects | 1006-AA27 |
| 1904 | Administrative Claims Under the Public Works Appropriation Act for Teton Dam | 1006-AA28 |
| 1905 | Emergency Drought Act | 1006-AA29 |
| 1906 | Acreage Limitation Reporting Threshold | 1006-AA31 |

Bureau of Reclamation—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--------------------------------------|------------------------------|
| 1907 | Revenues Management | 1006-AA30 |
| 1908 | Acreage Limitation Regulations | 1006-AA32 |

Bureau of Reclamation—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1909 | Acreage Limitation Rules and Regulations | 1006-AA25 |

DOI

Bureau of Land Management—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1910 | Unauthorized Use of Public Lands | 1004-AA38 |
| 1911 | Management of Rights-of-Way Authorized by R.S. 2477 | 1004-AB00 |
| 1912 | Indian Allotments | 1004-AB10 |
| 1913 | Onshore Oil and Gas Operations; Special Provisions; Onshore Oil and Gas Order No. 5—Measurement of Gas | 1004-AB22 |
| 1914 | Sales of Forest Products; General—Preparation for Sale | 1004-AB34 |
| 1915 | Onshore Oil and Gas Order No. 9—Waste Prevention and Beneficial Use of Oil and Gas | 1004-AB47 |
| 1916 | Classifications | 1004-AB57 |
| 1917 | Management of Designated Wilderness Area | 1004-AB69 |
| 1918 | Drainage, Operations, and Leasing Obligations | 1004-AB74 |
| 1919 | Sales—Federal Land Policy and Management Act | 1004-AB77 |
| 1920 | Onshore Oil and Gas Operations: Onshore Oil and Gas Order No. 4 —Measurement of Oil | 1004-AB80 |
| 1921 | Award of Contract | 1004-AB83 |
| 1922 | Protection, Management, and Control of Wild Free-Roaming Horses and Burros | 1004-AB84 |
| 1923 | Conveyance of Federally Owned Mineral Interests | 1004-AB86 |
| 1924 | Grazing Administration Exclusive of Alaska | 1004-AB89 |
| 1925 | Land Withdrawals | 1004-AB94 |
| 1926 | Sales of Forest Products; Law Enforcement | 1004-AB97 |
| 1927 | Hardrock Minerals Prospecting Permits | 1004-AC05 |
| 1928 | Minerals; Cost Recovery | 1004-AC06 |
| 1929 | Onshore Oil and Gas Operations | 1004-AC09 |
| 1930 | Law Enforcement—Criminal | 1004-AC11 |
| 1931 | Administration of Rights-of-Way | 1004-AC12 |
| 1932 | Planning, Programming, and Budgeting | 1004-AC14 |
| 1933 | Requirements and Procedures for the Survey of the Public Lands of the United States | 1004-AC16 |

Bureau of Land Management—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1934 | Exchanges—General Procedures | 1004-AB28 |
| 1935 | Mining Claims Under the General Mining Laws | 1004-AB36 |
| 1936 | Onshore Oil and Gas Order No. 8—Well Workovers, Completions, Abandonments | 1004-AB37 |
| 1937 | Leases, Permits, and Easements | 1004-AB51 |
| 1938 | Mining in Military Withdrawals | 1004-AB52 |
| 1939 | Public Availability of Minerals Resources Information | 1004-AB55 |
| 1940 | Onshore Oil and Gas Operations; Special Provisions; Onshore Oil and Gas Order No. 1—Approval of Operations on Onshore Federal and Indian Oil and Gas Leases | 1004-AB72 |
| 1941 | Onshore Oil and Gas Unit Agreements—Unproven Areas | 1004-AB73 |
| 1942 | Protection, Management, and Control of Wild Free-Roaming Horses and Burros | 1004-AB81 |
| 1943 | Public Law 167; Act of July 23, 1955 | 1004-AB88 |
| 1944 | Homesteading; Designation of Areas and Sites; Programs and Objectives (Administrative Final Rule) | 1004-AB98 |
| 1945 | Mining Claims; Lands Open to Location; National Parks; Indian Reservations; Removal of Obsolete or Expired Regulations | 1004-AC13 |

Bureau of Land Management—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1946 | Paleontology | 1004-AA27 |
| 1947 | Onshore Oil and Gas Order No. 7—Disposal of Produced Water | 1004-AA66 |
| 1948 | Exploration Activity; Oil and Gas Leasing; Geothermal Resource Leasing—General | 1004-AA97 |
| 1949 | Rights-of-Way Under the Mineral Leasing Act | 1004-AA98 |
| 1950 | Geothermal Resource Operations | 1004-AB18 |
| 1951 | Minerals (Nonmineral Entries on Mineral Lands) | 1004-AB20 |
| 1952 | Coal Management—General | 1004-AB44 |
| 1953 | Village Selections | 1004-AB58 |

DOI

Bureau of Land Management—Completed Actions (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1954 | Cave Management | 1004-AB59 |
| 1955 | Rules of Conduct | 1004-AB67 |
| 1956 | Availability of Public Records | 1004-AB70 |
| 1957 | Mineral Materials Disposal | 1004-AB76 |
| 1958 | Federal Land Withdrawals; Amendment to Withdrawal Procedures | 1004-AB92 |
| 1959 | Restorations and Revocations | 1004-AB95 |
| 1960 | Sales of Forest Products; Designation of Surplus Species | 1004-AB96 |
| 1981 | Surface Management | 1004-AB99 |
| 1962 | FAA Airport Grants (43 CFR 2640) | 1004-AC01 |
| 1963 | Coal Management: General | 1004-AC04 |
| 1964 | Rental Fees, Mining Claim Recordation, and Assessment Work | 1004-AC07 |
| 1965 | Oil and Gas Competitive Leases, Duration of Lease Term | 1004-AC08 |
| 1966 | Law Enforcement—Criminal | 1004-AC10 |

Bureau of Mines—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|-------------------------------------|------------------------------|
| 1967 | Helium Distribution Contracts | 1032-AA01 |

Geological Survey—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1968 | State Water Research Institutes | 1028-AA03 |
| 1969 | Obtaining Federal Assistance in Financing Exploration for Mineral Resources, Excluding Organic Fuels | 1028-AA04 |

DEPARTMENT OF THE INTERIOR (DOI)

Prerule Stage

Assistant Secretary for Policy, Management and Budget (ASPMB)

1663. NATURAL RESOURCE DAMAGE ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 9651(c)

CFR Citation: 43 CFR 11

Legal Deadline: None

Abstract: The Department is currently revising its CERCLA type B procedures based on a court ruling. Section 301(c)(3) of CERCLA requires that the regulations be reviewed and revised, as appropriate, on a biennial basis. The Department will begin a review of the type B rule once it is revised. The Department will ask trustees, other interested parties, and members of the

public to draw upon their experience with the type B procedures and the general assessment process to advise the Department of areas where revisions to the process and the type B procedures may be desired. If these comments and suggestions show areas where revisions to the general process or to the type B procedures are needed, a notice of proposed rulemaking will be issued to revise the rule. This review will be closely coordinated with the rulemaking of the National Oceanic and Atmospheric Administration (Commerce), which has responsibility for natural resource damage assessment rulemaking under the Oil Pollution Act of 1990.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| ANPRM | 09/00/94 | |
| ANPRM Comment Period End | 11/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jonathan F. Deason, Director, Office of Environmental Affairs, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Room 2340, 1849 C Street NW., Washington, DC 20240; 202 208-3691

RIN: 1090-AA29

DEPARTMENT OF THE INTERIOR (DOI)

Proposed Rule Stage

Assistant Secretary for Policy, Management and Budget (ASPMB)

1664. NATURAL RESOURCE DAMAGE ASSESSMENTS**Significance:** Regulatory Program**Legal Authority:** 42 USC 9651(c)
CERCLA**CFR Citation:** 43 CFR 11**Legal Deadline:** None

Abstract: CERCLA allows natural resource trustees to bring a claim against a potentially responsible party for resources that have been injured by a release of a hazardous substance or, under certain circumstances, a discharge of oil. Section 301(c)(2)(A) calls for the promulgation of simplified assessment procedures. The Department has begun the development of a type A procedure for use in the Great Lakes environment. After a review of the natural resource damage assessment rule, the U.S. Circuit Court of Appeals for the District of Columbia remanded certain parts of that rule to the Department for revision. The court upheld the use of an interactive computer model, but stated that such a model should incorporate restoration or replacement costs and all reliably calculated lost use values in the damage calculations. The Department will revise its development of a type A procedure for Great Lakes environments to comply with the court's ruling.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 09/22/89 | 54 FR 39016 |
| ANPRM Comment Period End | 10/23/89 | 54 FR 39016 |
| NPRM | 02/00/94 | |
| NPRM Comment Period End | 05/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Jonathan P. Deason, Director, Office of Environmental Affairs, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Room 2340,

MIB, 1849 C Street NW., Washington, DC 20240, 202 208-3891

RIN: 1090-AA21**1665. NATURAL RESOURCE DAMAGE ASSESSMENTS****Significance:** Regulatory Program**Legal Authority:** 42 USC 9651(c)
CERCLA**CFR Citation:** 43 CFR 11**Legal Deadline:** None

Abstract: CERCLA allows natural resource trustees to bring a claim against a potentially responsible party for resources that have been injured by a release of a hazardous substance or, under certain circumstances, a discharge of oil. Section 301(c)(2)(A) calls for the promulgation of simplified assessment procedures. The first type A procedure for coastal and marine environments uses a computer model known as the natural resource damage assessment model for coastal and marine environments (NRDAM/CME). The U.S. Circuit Court of Appeals for the District of Columbia upheld the use of an interactive computer model, but stated that such a model should incorporate restoration or replacement costs and all reliably calculated lost use values in the damage calculations. The Department will revise the type A procedure for coastal and marine environments to comply with the court's ruling and will incorporate changes in response to the first biennial review of the type A procedure at the same time.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 09/22/89 | 54 FR 39015 |
| ANPRM Comment Period End | 10/23/89 | 54 FR 39015 |
| NPRM | 05/00/94 | |
| NPRM Comment Period End | 08/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Jonathan P. Deason, Director, Office of Environmental Affairs, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Room 2340, 1849 C St. NW., Washington, DC 20240, 202 208-3891

RIN: 1090-AA23**1666. PRINCIPLES OF ETHICAL CONDUCT****Legal Authority:** 5 USC 7301; 5 USC app (Ethics in Government Act)**CFR Citation:** 5 CFR 2635**Legal Deadline:** None

Abstract: The U.S. Office of Government Ethics (OGE) has issued new standards of conduct regulations. The Department of the Interior (DOI) is preparing special conduct regulations (applies only to DOI employees) to supplement OGE's new standards of conduct. Interior's supplemental regulations, if approved by OGE, will be codified in 5 CFR Part 2635.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/03/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Additional Information: On June 10, 1993, the Department published a final rule that removed portions of 43 CFR 20 that have been superseded by Standards of Conduct regulations issued by U.S. Office of Government Ethics. The remaining regulations in 43 CFR 20 are preserved until they can be recodified in 5 CFR 2635 on or before February 3, 1994.

Agency Contact: Mason Tsai, Deputy Ethics Program Coordinator, Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street NW., Washington, DC 20240, 202 208-5916

RIN: 1090-AA38

DEPARTMENT OF THE INTERIOR (DOI)

Final Rule Stage

Assistant Secretary for Policy, Management and Budget (ASPMB)

1667. NATURAL RESOURCE DAMAGE ASSESSMENTS**Significance:** Regulatory Program**Legal Authority:** 42 USC 9651(c)
CERCLA**CFR Citation:** 43 CFR 11**Legal Deadline:** None

Abstract: CERCLA allows natural resource trustees to bring a claim against a potentially responsible party

for resources that have been injured by a release of a hazardous substance or, under certain circumstances, a discharge of oil. Section 301(c)(2)(B) calls for the promulgation of a set of

alternative protocols for the testing, sampling, and determining compensation for natural resource damages, referred to as the type B procedures. Final rules for the assessment of damages were promulgated by the Department consistent with those requirements. In a review of those rules, the U.S. Circuit Court of Appeals for the District of Columbia held that restoration or replacement costs are the basic measure of natural resource damages under CERCLA, and all reliably calculated lost use values of injured natural resources should also be recoverable, with no required hierarchy of methodologies for conducting those valuations. The Department is considering revisions to the proposed rule based on comments received as of July 16, 1991. The required biennial review of the Type B rule will await completion of this revision implementing the court ruling.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| NPRM | 04/29/91 | 56 FR 19752 |
| Reopening of Comment Period | 07/22/93 | 58 FR 39328 |
| NPRM Comment Period End | 09/07/93 | 58 FR 39328 |
| Final Action | 03/00/94 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jonathan P. Deason, Director, Office of Environmental Affairs, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Room 2340, 1849 C Street NW., Washington, DC 20240, 202 208-3891

RIN: 1090-AA22

1668. DEPARTMENT OF THE INTERIOR, NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: PL 101-121, Sec 319; 31 USC 1352; 5 USC 301

CFR Citation: 43 CFR 18

Legal Deadline: None

Abstract: This final rule will prohibit recipients of Federal contracts, grants and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant or loan.

Timetable:

| Action | Date | FR Cite |
|--------------------|--------------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 6736 |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Office of Acquisition and Property Management, 1849 C Street NW., Washington, DC 20240, 202 208-3433

RIN: 1090-AA26

1669. ADMINISTRATIVE AND AUDIT REQUIREMENTS AND COST PRINCIPLES FOR ASSISTANCE PROGRAMS

Legal Authority: EO 12731; EO 12549; 41 USC 701 et seq Drug-Free Workplace Act of 1988; 5 USC 301; PL 98-502; OMB Circular A-102; OMB Circular A-110; OMB Circular A-128; OMB Circular A-133

CFR Citation: 43 CFR 12

Legal Deadline: None

Abstract: This proposed rule will implement for grants and cooperative agreements Secretarial Outreach Issue Paper Decision - Issue 4 - Endorsement of Commercial Products or Services. The Secretary determined that as a matter of departmental policy, there should be a provision in all contracts (exceeding \$25,000), assistance agreements, and Memoranda of Understanding/Agreement (MOU/MOAs) that would prevent the nongovernmental party from using the arrangement to imply Government endorsement of a product, service or position that the recipient represents in its commercial advertising.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/06/92 | 57 FR 34755 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Office of Acquisition and Property Mgmt., Department of the Interior, Assistant Secretary for Policy, Management and Budget, Acquisition and Assistance Division, MS-5512, 1849 C St. NW., Washington, DC 20240, 202 208-6432

RIN: 1090-AA37

1670. ADMINISTRATIVE AND AUDIT REQUIREMENTS AND COST PRINCIPLES FOR ASSISTANCE PROGRAMS

Legal Authority: PL 102-381; 5 USC 301

CFR Citation: 43 CFR 12

Legal Deadline: Other, Statutory, October 31, 1993.

This requirement applies to financial assistance awards made during Fiscal Year 1993.

Abstract: This action proposes a revision to 43 CFR part 12 by adding a new Subpart E to implement the Buy American requirements of section 319 of Public Law 102-381. This provision requires that no funds appropriated or transferred pursuant to the Act can be expended by an entity unless the entity agrees that in expending the assistance, it will comply with sections 2 through 4 of the Act of March 3, 1933, (41 U.S.C. 10a-10c) popularly known as the "Buy American Act."

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/12/93 | 58 FR 42918 |
| NPRM Comment Period End | 09/13/93 | 58 FR 42918 |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street NW., Washington, DC 20240, 202 208-3433

RIN: 1090-AA41

DEPARTMENT OF THE INTERIOR (DOI)

Completed Actions

Assistant Secretary for Policy, Management and Budget (ASPMB)

1671. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 1400

Legal Deadline: None

Abstract: This proposed rule makes miscellaneous revisions to the Department of the Interior Acquisition Regulation.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 08/03/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional information: The previous RIN (1090-AA14) for miscellaneous revisions to the Department of the Interior Acquisition Regulation was used for the April 18, 1991, Federal Register publication of a revision in the acquisition regulation's numbering system. This office wishes at this time to reserve another agenda entry and RIN for the publication of future revisions to the Department of the Interior Acquisition Regulation.

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Office of Acquisition and Property Mgmt., Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street N.W. (MS 5512-MIB), Washington, DC 20240, 202 208-3433

RIN: 1090-AA14

1672. DEPARTMENT OF THE INTERIOR, NONPROCUREMENT DEBARMENT AND SUSPENSION REGULATION

Legal Authority: EO 12549; 5 USC 301; EO 12689

CFR Citation: 43 CFR 12

Legal Deadline: None

EO 12689 directed agencies to simultaneously publish proposed rules within 6 months after resolution of differences between procurement and nonprocurement rules.

Abstract: This action proposes a revision to the Department's regulation establishing a uniform system of nonprocurement debarment and suspension. This proposed rule would implement the requirements of paragraph (a)(1) of section 12.110, Coverage, of common final rule on Governmentwide Debarment and Suspension (Nonprocurement).

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 08/03/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street NW., Washington, DC 20240, 202 208-3433

RIN: 1090-AA24

1673. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION; PATENT RIGHTS UNDER GOVERNMENT CONTRACTS AND SUBCONTRACTS FOR EXPERIMENTAL, DEVELOPMENTAL, OR RESEARCH WORK

Legal Authority: 35 USC 18

CFR Citation: 48 CFR 1400; 48 CFR 1427; 48 CFR 1452

Legal Deadline: None

Abstract: PL 98-620 amended 35 USC 18 dealing with patent rights in inventions made with Federal funding. On June 12, 1989, Federal Acquisition Regulation implementation of PL 98-620 was issued through FAC 84-48. Patent rights under Government contracts are covered in FAR subpart 27.3. FAR 27.304-5(b) requires agencies to establish and publish their respective appeals, administrative due process, and fact-finding procedures related to patent rights. The proposed Department of the Interior Acquisition Regulation coverage establishes Department of the Interior policy with regard to title rights, exception determinations, appeals, greater rights determinations, retention of rights by inventors, assignment of rights, exercise of march-in rights and licensing to third parties. It also identifies key Departmental points of contact in matters concerning

patent rights. The proposed coverage supplements FAC 84-48 and amends sections 14227 and 1452, as parts of 48 CFR, chapter 14.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 08/03/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Office of Acquisition and Property Management, Washington, DC 20240, 202 208-3433

RIN: 1090-AA27

1674. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT INSTITUTIONS

Legal Authority: 5 USC 301; OMB Circular A-110

CFR Citation: 43 CFR 12

Legal Deadline: None

Abstract: This proposed rule will implement in a regulatory format the Department's implementation of OMB Circular A-110. Prior implementation has been limited to a reference to the applicability of the Circular. Since the revision currently under way provides an opportunity for executive agencies to use this format to facilitate the preparation of their regulations, the Department has decided to use this approach.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 08/03/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Office of Acquisition and Property Mgmt., Department of the

DOI-ASPMB

Completed Actions

Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street N.W. (MS-5512-MIB), Washington, DC 20240, 202 208-3433
RIN: 1090-AA32

1675. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS WITH STATE AND LOCAL GOVERNMENTS

Legal Authority: 5 USC 301; OMB Circular A-102

CFR Citation: 43 CFR 12

Legal Deadline: None

Abstract: This proposed rule will amend the Department's implementation of the common rule which established consistency and uniformity among Federal agencies in the administration of grants and cooperative agreements to State, local and federally recognized Indian tribal governments and was previously published in the March 11, 1988, Federal Register (53 FR 8034). This action is necessary because of efforts underway to revise the common rule.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 08/03/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Office of Acquisition and Property Mgmt., Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street N.W. (MS 5512-MIB), Washington, DC 20240, 202 208-3433

RIN: 1090-AA33

1676. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION—COMMERCIAL ADVERTISING

Legal Authority: 5 USC 301; 40 USC 486(c); EO 12731

CFR Citation: 48 CFR 1403

Legal Deadline: None

Abstract: DOI is considering a rule that would prohibit contractors, cooperators and grantees from using Government awards as the basis for commercial advertising. This will avoid the appearance of an improper preference

for a particular company, and would implement EO 12731's prohibition on the use of a public office for private gain.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 08/03/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Office of Acquisition and Property Mgmt., Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street N.W., Washington, DC 20240, 202 208-3433

RIN: 1090-AA34

1677. DEPARTMENT OF THE INTERIOR—PROVISIONS, ASSIGNMENT, AND ADMINISTRATION OF QUARTERS

Legal Authority: 5 USC 5911; EO 11609

CFR Citation: 41 CFR 114-51

Legal Deadline: None

Abstract: This proposed rule adds specificity to existing regulations and adds new Quarters management regulations which have been developed based on the recommendations of Department of the Interior (DOI) bureaus and other Federal agencies for which DOI provides Quarters management services. The rule increases the uniformity of the employee Emergency Quarters Program regulations and provides greater consistency among regulations concerning the treatment of Government Quarters' occupants.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 08/03/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gregory Haller, Departmental Quarters Officer,

Acquisition and Property Management, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Administrative Svc. Ctr (D-2910), 7301 West Mansfield Avenue, Denver, CO 80235-2230, 303 969-7240

RIN: 1090-AA35

1678. DEPARTMENT OF THE INTERIOR—ESTABLISHMENT OF QUARTERS RENTAL RATES

Legal Authority: 5 USC 5911; OMB Circular A-45

CFR Citation: 41 CFR 114-52

Legal Deadline: None

Abstract: This proposed rule implements the policies of OMB Circular A-45, "Policy Governing Charges for Rental Quarters and Related Facilities," as revised, for use by the DOI and the Federal agencies that adopt DOI's established Quarters rental rates and Quarters management policies and procedures.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 08/03/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gregory Haller, Departmental Quarters Officer, Acquisition and Property Management, Department of the Interior, Assistant Secretary for Policy, Management and Budget, Administrative Svc. Ctr. (D-2910), 7301 West Mansfield Avenue, Denver, CO 80235-2230, 303 969-7240

RIN: 1090-AA36

1679. GRANTS TO STATES FOR ESTABLISHING YOUTH CONSERVATION CORPS PROGRAMS

Legal Authority: 86 Stat 1320; 16 USC 1704

CFR Citation: 43 CFR 26

Legal Deadline: None

Abstract: The Department of the Interior is proposing to rescind this regulation (43 CFR 26). The Congress in 1981 terminated the grants portion of Public Law 93-408, dated September 3, 1974.

DOI—ASPMB

Completed Actions

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 08/02/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ben Murdock, Office of HBCU/JC Programs, Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street NW., Washington, DC 20240, 202 208-5951

RIN: 1090-AA39

1680. GRANTS TO STATES FOR ESTABLISHING YOUNG ADULT CONSERVATION CORPS (YACC) PROGRAM

Legal Authority: PL 95-93, sec 806; 29 USC 801

CFR Citation: 43 CFR 32

Legal Deadline: None

Abstract: The Department of the Interior is proposing to rescind this regulation (43 CFR 32). The Congress terminated this program in 1981.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 08/02/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ben Murdock, Office of HBCU/JC Programs, Department of the Interior, Assistant Secretary for Policy, Management and Budget, 1849 C Street NW., Washington, DC 20240, 202 208-5951

RIN: 1090-AA40
BILLING CODE 4310-RX-F

DEPARTMENT OF THE INTERIOR (DOI) Office of the Solicitor (OSOL)

Final Rule Stage

1681. SUBPART E—COMPULSORY PROCESS AND TESTIMONY OF EMPLOYEES

Legal Authority: 5 USC 301

CFR Citation: 43 CFR 2.80

Legal Deadline: None

Abstract: These regulations amend the Department's current regulations on employee testimony and response to subpoenas for documents. The current regulations do not provide enough guidance to allow appropriate decisions to be made as to whether testimony should be allowed or documents

released. Further, the current regulations do not have a centralized review to allow for consistent decisionmaking throughout the Department. These regulations provide guidance to those requesting testimony of employees or production of documents as to what the Department must consider to make a reasonable and just decision.

Timetable:

| Action | Date | FR Cite |
|--------|----------|------------|
| NPRM | 01/15/93 | 58 FR 4635 |

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM Comment Period End | 02/16/93 | 58 FR 4635 |
| Final Action | 11/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Peg Romanik, Attorney-Advisor, Department of the Interior, Office of the Solicitor, 1849 C St. NW., MS 6531, Washington, DC 20240, 202 208-5216

RIN: 1092-AA09
BILLING CODE 4310-17-F

DEPARTMENT OF THE INTERIOR (DOI) Office for Equal Opportunity (OEO)

Proposed Rule Stage

1682. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: PL 92-318, title IX of the Education Amendment of 1972; PL 93-568; PL 94-482; 20 USC 1681 to 1686

CFR Citation: 43 CFR 17

Legal Deadline: None

Abstract: The Title IX regulation is intended to address the problem of discrimination on the basis of sex in any education program or activity receiving or benefiting from Federal

financial assistance administered by the DOI.

No alternative for addressing problems of discrimination in DOI's education programs can be considered due to the fact that Title IX requires each Federal agency which extends Federal financial assistance to any educational program or activity, to issue rules and regulations implementing Title IX.

DOI's recipients are anticipated to incur expenses in two (2) areas: (1) Data collection and recordkeeping; (2) rectifying areas of noncompliance with Title IX. With respect to DOI, expenses will be incurred in three (3) areas: (1) Development and publication of the Title IX rule; (2) provision of technical

assistance; and (3) accomplishing compliance reviews and enforcement activities.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Melvin C. Fowler, Supervisory Equal Opportunity Specialist, Department of the Interior, Office for Equal Opportunity, 1849 C Street NW., Washington, DC 20240, 202 208-3455

RIN: 1091-AA02
BILLING CODE 4310-RE-F

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Proposed Rule Stage

1683. RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: PL 96-274; PL 97-459; 5 USC 301

CFR Citation: 43 CFR 4.300; 43 CFR 4.301; 43 CFR 4.302; 43 CFR 4.303; 43 CFR 4.304; 43 CFR 4.305; 43 CFR 4.306; 43 CFR 4.307; 43 CFR 4.308

Legal Deadline: None

Abstract: The agency proposes to amend its regulations in 43 CFR 4.300 through 4.308 relating to Tribal Purchase of Interests Under Special Statutes in order to provide standard procedures for implementation of two

recent statutes expanding tribal purchase rights and escheat requirements, namely, Pub. L. 96-274, applicable to the Standing Rock Sioux Reservation in North and South Dakota, and Pub. L. 97-459, applicable to the Devils Lake Sioux Reservation of North Dakota. The Department's current regulations in 43 CFR 4.300 through 4.308 apply to the Yakima, Warm Springs and Nez Perce Reservations. The proposed amendments to these regulations will incorporate provisions necessary for consideration of cases arising under the two statutes cited above.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 05/30/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathryn A. Lynn, Chief Administrative Judge, Interior Board of Indian Appeals, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3816

RIN: 1094-AA38

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Final Rule Stage

1684. RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 36 Stat 855, as amended; 38 Stat 586; 42 Stat 1185, as amended; 56 Stat 1021 to 1022; R.S. 463; R.S. 465; 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 373a; 25 USC 373b; 25 USC 374

CFR Citation: 43 CFR 4.207; 43 CFR 4.242; 43 CFR 4.274

Legal Deadline: None

Abstract: The agency proposes: (1) Amendment of 4.207 to permit acceptance of compromise settlements in probate of estates of Indians who died owning property in trust or restricted status when all parties are advised of all facts and are cognizant of effect of the compromise on their rights, and where no family member is coerced into the agreement. Such settlements are already provided for in disputed cases; (2) amendment of 4.242 to require petitioner for reopening of an estate which has been closed more than 3 years to show due diligence in pursuing the claim. This will place in the regulation case law developed over the past 18 years; (3) amendment of 4.274 by adding a new paragraph (c) for allowance of immediate payment of claims where appropriate for better conservation of assets of the estate, and a new paragraph (d) to permit partial distribution of an estate to provide funds for the maintenance of the family where the ultimate distribution is unlikely to be disputed.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/06/90 | 55 FR 36669 |
| NPRM Comment Period End | 10/09/90 | 55 FR 36669 |
| Final Action | 12/30/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathryn A. Lynn, Chief Administrative Judge, Interior Board of Indian Appeals, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3816

RIN: 1094-AA39

1685. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Significance: Agency Priority

Legal Authority: 5 USC 301; 30 USC 1256; 30 USC 1260; 30 USC 1261; 30 USC 1264; 30 USC 1268; 30 USC 1271; 30 USC 1272; 30 USC 1275; 30 USC 1293

CFR Citation: 43 CFR 4.1307(c); 30 CFR 773.20(c)(3); 30 CFR 773.20(c)(4); 30 CFR 773.21(c)

Legal Deadline: None

Abstract: In accordance with the settlement agreement in Save Our Cumberland Mountains v. Lujan, OHA will propose rules (1) to amend the burden of proof set forth in 43 CFR 4.1307(c) in individual civil penalty proceedings, (2) to provide for hearings and a right to petition for review by the Interior Board of Land Appeals on

determinations by the Office of Surface Mining (OSM), based on the Applicant Violator System, that a person is linked to a person currently in violation of the Surface Mining Control and Reclamation Act, and (3) to provide for hearings and a right to petition for review of OSM decisions to suspend or rescind improvidently issued permits under 30 CFR 773.20(c)(3) or (4).

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/06/91 | 56 FR 45806 |
| NPRM Comment Period End | 11/20/91 | 56 FR 55263 |
| Final Action | 12/31/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Will A. Irwin, Administrative Law Judge, Interior Board of Land Appeals, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3750

RIN: 1094-AA42

1686. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 30 USC 1256; 30 USC 1260; 30 USC 1261; 30 USC 1264; 30 USC 1268; 30 USC 1271; 30 USC 1272; 30 USC 1275; 30 USC 1293

CFR Citation: 43 CFR 4.1105; 43 CFR 4.1151; 43 CFR 4.1152; 43 CFR 4.1154; 43 CFR 4.1157; 43 CFR 4.1271

Legal Deadline: None

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Abstract: Some of the regulations that govern the procedures for hearings and appeals under the Surface Mining Control and Reclamation Act of 1977 need to be amended to provide current references to other regulations, to make them consistent with other regulations, to clarify what document to file in order to appeal from the initial decision of an administrative law judge, or to provide for additional parties in certain

proceedings. Amendments to 43 CFR 4.1105, 43 CFR 4.1151 et seq., and 43 CFR 4.1271 are proposed for these purposes.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/19/91 | 56 FR 58330 |
| NPRM Comment Period End | 12/19/91 | 56 FR 58330 |
| Final Action | 10/25/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Will A. Irwin, Administrative Law Judge, Interior Board of Land Appeals, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203, 703 235-3750

RIN: 1094-AA43
BILLING CODE 4310-79-F

DEPARTMENT OF THE INTERIOR (DOI)

Prerule Stage

United States Fish and Wildlife Service (FWS)

1687. MIGRATORY BIRD HUNTING

Significance: Regulatory Program**Legal Authority:** 16 USC 703 to 711**CFR Citation:** 50 CFR 20**Legal Deadline:** None

Abstract: The Service annually publishes a series of documents establishing migratory bird hunting regulations for the current hunting season. This annual process consists of proposed frameworks providing outside limits for dates and hours of shooting, as well as bag and possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 03/15/94 | |
| NPRM | 07/15/94 | |

1993-94 early season hunting regulations
NPRM 07/13/93 (58 FR 37828)
Final Action 08/23/93 (58 FR 44576)

1993-94 late season hunting regulations
NPRM 08/23/93 (58 FR 44590)
Final Action 09/28/93 (58 FR 50702)

Small Entities Affected: Businesses**Government Levels Affected:** State**Analysis:** Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SMALL ENTITIES CONT: Small entities likely to be affected by these rules include some sporting goods stores, hardware stores, motels and hotels, restaurants, clothing stores, boat and marine equipment stores, marinas, gasoline stations, private hunting clubs, land owners' leasing hunting rights, and mail order houses selling hunting equipment and supplies. Originally scheduled: April 1985. EO 12291: These rules are major because of the

economic values associated with migratory game bird hunting; however, the need to obtain and consider the latest population data for these migratory birds requires that the regulatory schedule be shortened. The regulatory impact analysis, as required by EO 12291, and the small entity flexibility analysis, as required by 5 U.S.C. 601 et seq., have been combined into one analysis as provided for by both authorities. Copies of the combined analysis are available from the Agency Contact.

Agency Contact: Paul R. Schmidt, Chief, Migratory Bird Management Office, Department of the Interior, United States Fish and Wildlife Service, MS - 634 Arlington Square, Washington, DC 20240, 703 358-1714

RIN: 1018-AA24

DEPARTMENT OF THE INTERIOR (DOI)

Proposed Rule Stage

United States Fish and Wildlife Service (FWS)

1688. REFUGE-SPECIFIC HUNTING AND FISHING REGULATIONS

Legal Authority: 16 USC 460k; 16 USC 668dd**CFR Citation:** 50 CFR 32**Legal Deadline:** None

Abstract: The Service will review annually and prior to each hunting season may amend hunting regulations for specific national wildlife refuges.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/11/93 | |
| Final Action | 04/30/94 | |

1993-94 hunting season
NPRM 12/11/92 (57 FR 58930)
Final Action 05/18/93 (58 FR 29072)

1994-95 hunting season
NPRM 09/22/93 (58 FR 49382)

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** Originally scheduled: April 1983.

Agency Contact: Robert Shallenberger, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, MS - 670 Arlington Square, Washington, DC 20240, 703 358-1744

RIN: 1018-AA71

1689. NATIONAL WILDLIFE REFUGES: ADDING TO AREAS OPEN TO HUNTING AND FISHING

Legal Authority: 5 USC 301; 16 USC 460K; 16 USC 664; 16 USC 668dd; 16 USC 715i**CFR Citation:** 50 CFR 32**Legal Deadline:** None

Abstract: National Wildlife Refuges are generally closed to hunting or fishing until specifically opened by rulemaking.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/30/93 | |
| Final Action | 01/20/94 | |

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1993-94 season

NPRM 12/08/92 (57 FR 58108)

Final Action 05/18/93 (58 FR 29080)

1994-95 season

NPRM 09/17/93 (58 FR 48732)

Small Entities Affected: Businesses**Government Levels Affected:** None**Agency Contact:** Robert Shallenberger, Chief, Division of Refuges, Department of the Interior, United States Fish and Wildlife Service, MS - 670 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-1744

RIN: 1018-AB25

1690. FEDERAL MIGRATORY BIRD HUNTING AND CONSERVATION STAMP (DUCK STAMP) LOGO**Legal Authority:** 16 USC 718**CFR Citation:** 50 CFR 91**Legal Deadline:** None

Abstract: The Service's Duck Stamp Office has designed and developed a logo which has been used unofficially in Service brochures, banners, displays, and other publications for two years. The most immediate requirement for a logo is for the licensing program. The licensees want to associate their products as official Duck Stamp licensing products, and to use the logo in the packaging and marketing of their goods. The Service proposes to develop rules making the logo the official emblem of the Duck Stamp Program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/01/94 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Bob Lesino, Chief, Federal Duck Stamp Program, Department of the Interior, United States Fish and Wildlife Service, MS - 2058 MIB, 1849 C Street NW., Washington, DC 20240, 202 208-4354

RIN: 1018-AB40

1691. SEASONS AND BAG LIMITS FOR SUBSISTENCE MANAGEMENT REGULATIONS**Significance:** Regulatory Program**Legal Authority:** 16 USC 3111 to 3126**CFR Citation:** 50 CFR 100**Legal Deadline:** None

Abstract: This rule amends management regulations for subsistence hunting, trapping, and fishing on Federal lands in Alaska. The regulations implement the subsistence priority provisions for rural residents for Alaska under the Alaska National Interest Lands Conservation Act and provide for issuance of subsistence hunting, trapping, and fishing seasons and bag limits. Due to a decision by State court, management responsibility for subsistence taking of fish and wildlife was assumed by the Federal land management agencies in 1990.

This rule also provides for the seasonal bag limits and dates for subsistence hunting, trapping, and fishing on Federal lands in Alaska. The seasons and bag limits are developed in cooperation with State and local governmental entities to ensure that fish and wildlife populations in the State are adequately protected.

Timetable:

| Action | Date | FR Cite |
|--------------------------------------|------------------------|---------|
| NPRM | 04/30/94 | |
| Final Action | 06/30/94 | |
| 1993-94 season and bag limits | | |
| NPRM | 09/17/92 (57 FR 43074) | |
| Final Action | 06/01/93 (58 FR 31252) | |
| 1994-95 season and bag limits | | |
| NPRM | 09/02/93 (58 FR 46678) | |

Small Entities Affected: None**Government Levels Affected:** State, Federal

Additional Information: ANILCA requires the Secretaries of Interior and Agriculture to implement a joint program to grant a preference in favor of subsistence uses of fish and wildlife resources on public lands unless the State of Alaska enacts and implements laws of general applicability consistent with ANILCA's requirements. The State implemented such a program; however, in December 1989, the Alaska Supreme Court ruled such program unconstitutional. As a result of that decision, the Departments of Interior and Agriculture were required to take over the implementation of title VII of ANILCA on Federal lands on July 1, 1990. On June 29, 1990, the temporary Subsistence Management Regulations for Public Lands in Alaska were published in the Federal Register. The Service proposes to extend the temporary subsistence managements regulations to June 1993 in a separate rulemaking action.

Agency Contact: Richard S. Pospakala, Office of Subsistence Management, Department of the Interior, United States Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, AK 99503, 907 786-3447

RIN: 1018-AB43

1692. IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE**Legal Authority:** 16 USC 3371 et seq; 16 USC 1532 et seq; 16 USC 1382; 16 USC 703 et seq**CFR Citation:** 50 CFR 14**Legal Deadline:** None

Abstract: The Service will amend 50 CFR 14 to permit the use of the U.S. Customs Service's Automated Commercial System (ACS) for the declaration and clearance of importations and exportation of wildlife.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/15/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Additional Information: The ACS system is being tested in several ports of entry. The Service will amend 50 CFR 14 when the system is fully implemented by the Customs Service.

Agency Contact: John Deggett, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS-500, Arlington Square, Washington, DC 20240, 703 358-1949

RIN: 1018-AB49

1693. ENDANGERED AND THREATENED WILDLIFE AND PLANTS**Significance:** Agency Priority**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17

Legal Deadline: Final, Statutory. In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where

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Proposed Rule Stage

prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:**Addax antelope**

NPRM 11/05/91 (56 FR 56491)
NPRM (Reopening of Comment Period)
06/08/92 (57 FR 24220)
Final Action 12/28/93

Dama gazelle

NPRM 11/05/91 (56 FR 56491)
NPRM (Reopening of Comment Period)
06/08/92 (57 FR 24220)
Final Action 12/28/93

Delta smelt

NPRM 10/03/91 (56 FR 50075)
Final Action 03/05/93 (58 FR 12854)

Fine-lined pocketbook mussel

NPRM 11/19/91 (56 FR 58339)
Final Action 03/17/93 (58 FR 14330)

Holy ghost ipomopsis

NPRM 09/22/92 (57 FR 43683)
NPRM (Reopening of Comment Period)
01/13/93 (58 FR 4144)
Final Action 11/25/93

Hungerford's crawling water beetle

NPRM 03/02/93 (58 FR 12013)
Final Action 03/24/94

Ohio emerald dragonfly

NPRM 11/20/93
Final Action 11/20/94

Orange-nacre mucket mussel

NPRM 11/19/91 (56 FR 58339)
Final Action 03/17/93 (58 FR 14330)

Oryx antelope

NPRM 11/05/91 (56 FR 56491)
NPRM (Reopening of Comment Period)
06/08/92 (57 FR 24220)
Final Action 12/28/93

Ovate clubshell mussel

NPRM 11/19/91 (56 FR 58339)
Final Action 03/17/93 (58 FR 14330)

Siler pincushion cactus (downlisting)

NPRM 03/10/93 (58 FR 13245)
Final Action 03/10/94

Southern acornshell mussel

NPRM 11/19/91 (56 FR 58339)
Final Action 03/17/93 (58 FR 14330)

Southern clubshell mussel

NPRM 11/19/91 (56 FR 58339)
Final Action 03/17/93 (58 FR 14330)

Southern pigtoe mussel

NPRM 11/19/91 (56 FR 58339)
Final Action 03/17/93 (58 FR 14330)

Triangular kidneyshell mussel

NPRM 11/19/91 (56 FR 58339)
Final Action 03/17/93 (58 FR 14330)

Upland combshell mussel

NPRM 11/19/91 (56 FR 58339)
Final Action 03/17/93 (58 FR 14330)

Small Entitles Affected: None

Government Levels Affected: State

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered

Species, Department of the Interior, United States Fish and Wildlife Service, MS - 452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AB66

1694. THE NATIONAL COASTAL WETLAND CONSERVATION GRANT PROGRAM

Significance: Agency Priority

Legal Authority: 16 USC 3954

CFR Citation: 50 CFR 84

Legal Deadline: None

Abstract: The National Coastal Wetland Conservation Grant Program was established through the Coastal Wetlands Planning, Protection and Restoration Act. Funding for this grant program is provided from a portion of the funds deposited in the Sport Fish Restoration Account of the Federal Aid program. The proposed rules for 50 CFR 84 will be used for uniform administration of this new grant program. Such rules are needed to establish procedures from the selection and uniform administration of grants funded under the Act. Since grantees are State agencies, the requirements contained in 43 CFR 12 are applicable to audits, costs, and administration of grants under this program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/01/94 | |

Small Entitles Affected: None

Government Levels Affected: State, Federal

Agency Contact: Columbus H. Brown, Chief, Division of Federal Aid, Department of the Interior, United States Fish and Wildlife Service, MS - 140 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2156

RIN: 1018-AB68

1695. LIST OF MIGRATORY BIRDS

Legal Authority: 16 USC 704; 16 USC 712

CFR Citation: 50 CFR 10.13

Legal Deadline: None

Abstract: The List of Migratory Birds found at 50 CFR 10.13 is being revised to (1) bring the list into conformity with generally accepted taxonomy and

nomenclature--English (common) and scientific names, as reflected in four published supplements to the 6th (1983) edition of the American Ornithologists' Union Checklist of North American Birds; and (2) add species that are of regular occurrence in the United States that are not included on the current list.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/31/94 | |

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Paul R. Schmidt, Chief, Office of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, MS - 634 Arlington Square, Washington, DC 20240, 703 358-1714

RIN: 1018-AB72

1696. RELEASE AND HARVEST OF CAPTIVE-BRED WATERFOWL

Legal Authority: 16 USC 701 to 711

CFR Citation: 50 CFR 21.13; 50 CFR 21.14

Legal Deadline: None

Abstract: The Service is currently reviewing the regulations governing the release and harvest of captive-bred waterfowl on State-licensed shooting preserves. Considerable concern has been generated about these activities and their effects on the harvest and well-being of wild populations. The possibility for introduction of diseases into wild populations remains a serious concern. Current activities may be in conflict with prohibitions against live decoys (20.21f), and baiting (20.21i). After completing its review, the Service may propose to revise these regulations.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 06/01/93 | 58 FR 31247 |
| ANPRM Comment Period End | 08/02/93 | 58 FR 31247 |
| NPRM | 02/28/94 | |

Small Entitles Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Paul R. Schmidt, Chief, Office of Migratory Bird Management, Department of the Interior, United States Fish and

DOI-FWS

Proposed Rule Stage

Wildlife Service, MS - 634 Arlington Square, Washington, DC 20240, 703 358-1838

RIN: 1018-AB77

1697. MIGRATORY BIRD HUNTING: HUNTING REGULATIONS FOR RESTRICTION OF SHOTSHELL LENGTH, MAXIMUM SHOT SIZE, AND NONTOXIC SHOT COATINGS

Significance: Agency Priority

Legal Authority: 16 USC 703 et seq

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: Before the passage of the Migratory Bird Treaty Act (MBTA), there were no restrictions on firearms or ammunition used in the taking of migratory birds. The MBTA gave rise to regulations that required shotguns used in the sport hunting of migratory birds to be not larger than 10 gauge. Recently, there has been a trend toward long shotshells, which defeats the intent of the present regulatory restriction to limit firepower to reduce crippling and unretrieved harvest of migratory birds. The 10 gauge 3 1/2 inch shotshell now in use has a larger payload than the 8-gauge, 3-inch shotshell outlawed for use earlier in this century. The intent is to limit shotshell length to the current maximum (3 1/2) to stop market competition for ever longer shells and to eliminate any waste of migratory gamebird resources that added shell length would induce. (cont)

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 06/30/93 | 58 FR 35332 |
| ANPRM Comment Period End | 09/28/93 | 58 FR 35332 |
| NPRM | 03/31/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Further, size "F" shot has been determined to be nonlethal on geese beyond 55 yards due to inadequate pattern density. This results in unacceptable crippling loss. The intent is to restrict the maximum shot size for hunting migratory birds to size "T," the largest size tested that has exhibited acceptable performance. Also, although the Service has a policy regarding regulating anti-corrosive coatings of

steel shot to ensure nontoxicity, the policy has not been codified. The Service will seek public comment on its regulation of shot coatings to prevent inadvertent toxicity problems for waterfowl and other migratory birds.

Agency Contact: Keith Morehouse, Staff Specialist, Office of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, MS-634, Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-1773

RIN: 1018-AB80

1698. EAGLE PERMITS

Legal Authority: 16 USC 668

CFR Citation: 50 CFR 22

Legal Deadline: None

Abstract: Presently, the taking, possession, and transportation of bald or golden eagles, or their parts, nests, or eggs for the religious use of Native Americans is a permitted activity. The Service proposes to revise 50 CFR 22.22 to provide an import or export mechanism for eagle feathers legally possessed by Native Americans.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/21/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas L. Striegler, Deputy Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS 550 - Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-1949

RIN: 1018-AB81

1699. ENDANGERED AND THREATENED WILDLIFE AND PLANTS: 30 AFRICAN BIRDS

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory. In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:

| | | |
|-------------------------------------|---------------|-----------------------|
| Alaotra grebe | NPRM 10/10/93 | Final Action 10/10/94 |
| Aldabru warbler | NPRM 10/10/93 | Final Action 10/10/94 |
| Algerian nuthatch | NPRM 10/10/93 | Final Action 10/10/94 |
| Amsterdam albatross | NPRM 10/10/93 | Final Action 10/10/94 |
| Banded wattle-eye | NPRM 10/10/93 | Final Action 10/10/94 |
| Bannerman's turaco | NPRM 10/10/93 | Final Action 10/10/94 |
| Canarian black oystercatcher | NPRM 10/10/93 | Final Action 10/10/94 |
| Clarke's weaver | NPRM 10/10/93 | Final Action 10/10/94 |
| Dappled mountain robin | NPRM 10/10/93 | Final Action 10/10/94 |
| Djibouti francolin | NPRM 10/10/93 | Final Action 10/10/94 |
| Freira | NPRM 10/10/93 | Final Action 10/10/94 |
| Ibadan malimbe | NPRM 10/10/93 | Final Action 10/10/94 |
| Madagascar pochard | NPRM 10/10/93 | Final Action 10/10/94 |
| Madagascar sea eagle | NPRM 10/10/93 | Final Action 10/10/94 |
| Madagascar serpent eagle | NPRM 10/10/93 | Final Action 10/10/94 |
| Marungu sunbird | NPRM 10/10/93 | Final Action 10/10/94 |
| Mascarene black petrel | NPRM 10/10/93 | Final Action 10/10/94 |
| Mauritius fody | NPRM 10/10/93 | Final Action 10/10/94 |

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Pink pigeon
NPRM 10/10/93
Final Action 10/10/94

Pollen's vanga
NPRM 10/10/93
Final Action 10/10/94

Raso lark
NPRM 10/10/93
Final Action 10/10/94

Rodrigues fody
NPRM 10/10/93
Final Action 10/10/94

Seychelles lesser vasa parrot
NPRM 10/10/93
Final Action 10/10/94

Seychelles turtle dove
NPRM 10/10/93
Final Action 10/10/94

Taita thrush
NPRM 10/10/93
Final Action 10/10/94

Thyolo alethe
NPRM 10/10/93
Final Action 10/10/94

Uluguru bush-ehrike
NPRM 10/10/93
Final Action 10/10/94

Van Dam's vanga
NPRM 10/10/93
Final Action 10/10/94

White-breasted guineafowl
NPRM 10/10/93
Final Action 10/10/94

White-tailed laurel pigeon
NPRM 10/10/93
Final Action 10/10/94

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 452, Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AB84

1700. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17.

Legal Deadline: Final, Statutory.

In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where

prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:

(Nihoa) Amaranthus brownii (NCN)
NPRM 03/24/93 (58 FR 15828)
Final Action 03/24/94

(Nihoa) Loulu
NPRM 03/24/93 (58 FR 15828)
Final Action 03/24/94

(Nihoa) Schiedea verticillata (NCN)
NPRM 03/24/93 (58 FR 15828)
Final Action 03/24/94

(Nihoa) Wahane
NPRM 12/17/92 (57 FR 59970)
Final Action 12/17/93

(Oahu) Diellia unisora (No common name (NCN))
NPRM 12/14/92 (57 FR 59066)
Final Action 12/14/93

(Oahu) Gouania vitifolia (NCN)
NPRM 12/14/92 (57 FR 59066)
Final Action 12/14/93

(Oahu) Haha
NPRM 12/14/92 (57 FR 59066)
Final Action 12/14/93

Bidens cuneata, delisting
NPRM 07/07/93 (58 FR 36387)
Final Action 07/07/94

Braunton's milk-vetch
NPRM 11/30/92 (57 FR 56541)
Final Action 11/30/93

Conejo dudleya
NPRM 11/30/92 (57 FR 56541)
Final Action 11/30/93

Coyote ceanothus
NPRM 12/14/92 (57 FR 59053)
Final Action 12/14/93

Eastern gray kangaroo (delisting)
NPRM 01/21/93 (58 FR 5341)
Final Action 01/21/94

Fountain thistle
NPRM 12/14/92 (57 FR 59053)
Final Action 12/14/93

Hartweg's golden sunburst
NPRM 11/30/92 (57 FR 56549)
Final Action 11/30/93

Hawaiian hawk
NPRM 08/05/93 (58 FR 41684)
Final Action 08/05/94

Louisiana pearlshell, reclassify to threatened
NPRM 02/26/93 (58 FR 11579)
Final Action 09/24/93 (58 FR 49935)

Lyon's pentachaeta
NPRM 11/30/92 (57 FR 56541)
Final Action 11/30/93

Marcoscent dudleya
NPRM 11/30/93 (57 FR 56541)
Final Action 11/30/94

Marin dwarf-flax
NPRM 12/14/92 (57 FR 59053)
Final Action 12/14/93

Metcalf Canyon jewelflower
NPRM 12/14/92 (57 FR 59053)
Final Action 12/14/93

Pennell's bird's beak
NPRM 12/14/92 (57 FR 59053)
Final Action 12/14/93

Presidio clarkia
NPRM 12/14/92 (57 FR 59053)
Final Action 12/14/93

Red kangaroo (delisting)
NPRM 01/21/93 (58 FR 5341)
Final Action 01/21/94

Rio Grande silvery minnow
NPRM 03/01/93 (58 FR 11821)
Final Action 03/01/94

San Joaquin adobe sunburst
NPRM 11/30/93 (57 FR 56549)
Final Action 11/30/94

San Mateo woolly sunflower
NPRM 12/14/92 (57 FR 59053)
Final Action 12/14/93

Santa Clara Valley dudleys
NPRM 12/14/92 (57 FR 59053)
Final Action 12/14/93

Santa Monica Mountains dudleya
NPRM 11/30/93 (57 FR 56541)
Final Action 11/30/94

Tiburon jewelflower
NPRM 12/14/92 (57 FR 59053)
Final Action 12/30/93

Tiburon mariposa lily
NPRM 12/14/92 (57 FR 59053)
Final Action 12/14/93

Tiburon paintbrush
NPRM 12/14/92 (57 FR 59053)
Final Action 12/14/93

Tidewater goby
NPRM 12/11/92 (57 FR 58770)
Final Action 12/11/93

Western gray kangaroo (delisting)
NPRM 01/21/93 (58 FR 5341)
Final Action 01/21/94

White-rayed pentachaeta
NPRM 12/14/92 (57 FR 59053)
Final Action 12/14/93

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Jamie Rappaport Clark, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS 452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AB88

1701. ENDANGERED AND THREATENED WILDLIFE AND PLANTS: 22 HAWAIIAN PLANTS

Significance: Agency Priority

Legal Authority: 15 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory.

In accordance with 16 USC 1533, the Service must take action (list,

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withdraw, or extend the rulemaking for six months) on a proposed listing, no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:

- 'Alea** (*Nothoestrum breviflorum*)
NPRM 12/17/92 (57 FR 59951)
Final Action 12/17/93
- Clermontia lindseyana** ('oha wai)
NPRM 12/17/92 (58 FR 59951)
Final Action 12/17/93
- Clermontia peleana** ('oha wai)
NPRM 12/17/92 (57 FR 59951)
Final Action 12/17/93
- Clermontia pyrularia** ('oha wai)
NPRM 12/17/92 (57 FR 59951)
Final Action 12/17/93
- Cyanea copelandii ssp. copelandii** (haha)
NPRM 12/17/92 (57 FR 59951)
Final Action 12/17/93
- Cyanea hamatiflora ssp. carlsonii** (haha)
NPRM 12/17/92 (57 FR 59951)
Final Action 12/17/93
- Cyanea shipmanii** (haha)
NPRM 12/17/92 (57 FR 59951)
Final Action 12/17/93
- Cyanea stictophylla** (haha)
NPRM 12/17/92 (57 FR 59951)
Final Action 12/17/93
- Ha'iwale** (*Cyrtandra giffardii*)
NPRM 12/17/92 (57 FR 59951)
Final Action 12/17/93
- Ha'iwale** (*Cyrtandra tintinnabula*)
NPRM 12/17/92 (57 FR 59951)
Final Action 12/17/93
- Hesperocnide sandwicensis** (No common name (NCN))
NPRM 12/17/92 (57 FR 59951)
Final Action 12/17/93
- Hilo ischaemum**
NPRM 12/17/93 (57 FR 59951)
Final Action 12/17/93
- Holei**
NPRM 12/17/92 (57 FR 59951)
Final Action 12/17/93
- Kaula**
NPRM 12/17/92 (57 FR 59951)
Final Action 12/17/93
- Laukahī kuahīwi**
NPRM 12/17/92 (57 FR 59951)
Final Action 12/17/93
- Loulu**
NPRM 12/17/92 (57 FR 59951)
Final Action 12/17/93
- Mariscus fauriei** (NCN)
NPRM 12/17/93 (57 FR 59951)
Final Action 12/17/93

- Po'e** (*Portulaca sclerocarpa*)
NPRM 12/17/92 (57 FR 59951)
Final Action 12/17/93
- Silene hawaiiensis** (NCN)
NPRM 12/17/92 (57 FR 59951)
Final Action 12/17/93
- Tetramolopium arenarium** (NCN)
NPRM 12/17/92 (57 FR 59951)
Final Action 12/17/93
- Wahine noho kula**
NPRM 12/17/92 (57 FR 59951)
Final Action 12/17/93
- Zanthoxylum hawaiiense** (a'e)
NPRM 12/17/92 (57 FR 59951)
Final Action 12/17/93

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS 452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AB89

1702. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory. In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:

- 'Ohai** (*Sesbania tomentosa*)
NPRM 09/14/93 (58 FR 48012)
Final Action 09/14/94
- Bonamia menziesii** (No Common Name (NCN))
NPRM 09/14/93 (58 FR 48012)
Final Action 09/14/94
- Diellia erecta** (NCN)
NPRM 09/14/93 (58 FR 48012)
Final Action 09/14/94

- Ma'aloa** (*Neraudia sericea*)
NPRM 09/14/93 (58 FR 48012)
Final Action 09/14/94

- Ma'o hau hele** (*Hibiscus brackenridgel*)
NPRM 09/14/93 (58 FR 48012)
Final Action 09/14/94

- Mariscus pennatiflorus** (NCN)
NPRM 09/14/93 (58 FR 48012)
Final Action 09/14/94

- Mehamehame**
NPRM 09/14/93 (58 FR 48012)
Final Action 09/14/94

- Oahu vigna**
NPRM 10/02/93
Final Action 10/02/94

- Pendant kīhi fern**
NPRM 09/14/93 (58 FR 48012)
Final Action 09/14/94

- Plantago princeps**
NPRM 09/14/93 (58 FR 48012)
Final Action 09/14/94

- Pololei**
NPRM 10/02/93
Final Action 10/02/94

- Spermolepis hawaiiensis** (NCN)
NPRM 09/14/93 (58 FR 48012)
Final Action 09/14/94

- Thorny popole**
NPRM 10/02/93
Final Action 10/02/94

- White sturgeon, Kootenai River population**
NPRM 07/07/93 (58 FR 36379)
Final Action 07/07/94

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AB94

1703. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory. In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon

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determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:**Appalachian elktoe**

NPRM 09/03/93 (58 FR 46940)
Final Action 09/03/94

Arroyo southwestern toad

NPRM 08/03/93 (58 FR 41378)
Final Action 08/03/94

Columbian white-tailed deer

NPRM 01/30/94
Final Action 01/30/95

Dugong

NPRM 08/05/93 (58 FR 41688)
Final Action 08/08/94

Hawaiian Alani (Melicope adscendens)

NPRM 05/11/93 (58 FR 27699)
Final Action 05/11/94

Hawaiian Alani (Melicope balloui)

NPRM 05/11/93 (58 FR 27699)
Final Action 05/11/94

Hawaiian Alani (Melicope ovalis)

NPRM 05/11/93 (58 FR 27699)
Final Action 05/11/94

Mann's bluegrass

NPRM 04/07/93 (58 FR 18073)
Final Action 04/07/94

McFarlane's four-o'clock

NPRM 10/01/93
Final Action 10/01/94

Pahrump poolfish

NPRM 09/22/93 (58 FR 49279)
Final Action 09/22/94

Southwestern willow flycatcher with critical habitat

NPRM 07/23/93 (58 FR 39495)
Final Action 07/23/94

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AB97

1704. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS; ESTABLISHMENT OF MANATEE PROTECTION AREAS IN LAKE WOODRUFF NATIONAL WILDLIFE REFUGE, FLORIDA

Significance: Agency Priority

Legal Authority: 16 USC 1531 to 1544

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service proposes to establish certain waterways within the

perimeter of Lake Woodruff National Wildlife Refuge, Volusia County, Florida. This activation will prevent the loss of manatees from boat collisions by imposing speed restrictions on boats in rivers, creeks, and lakes of known high manatee use within the perimeter of the refuge. An emergency rule, in conjunction with other required actions, establishes manatee protection areas on certain waterways within the perimeter of the refuge. The emergency action is effective for 120 days.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------------|
| NPRM | 12/30/93 | |
| Establishment of manatee protection areas at Lake Woodruff | | |
| Final Action (Emergency Rule) | 06/04/93 | (58 FR 31660) |

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS -452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AB99

1705. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory. In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:

Anthony's riversnail
NPRM 08/05/93 (58 FR 41690)
Final Action 08/05/94

Arctic peregrine falcon, delisting

NPRM 10/20/93
Final Action 10/20/94

Big-leaved crown-beard

NPRM 10/01/93 (58 FR 51302)
Final Action 10/01/94

Cherokee darter

NPRM 10/01/93
Final Action 10/01/94

Del Mar manzanita

NPRM 10/01/93 (58 FR 51302)
Final Action 10/01/94

Del Mar sand aster

NPRM 10/01/93 (58 FR 51302)
Final Action 10/01/94

Desert tortoise, Mojave population, critical habitat

NPRM 10/01/93
Final Action 10/01/94

Encinitas baccharis

NPRM 10/01/93 (58 FR 51302)
Final Action 10/01/94

Etowah darter

NPRM 10/01/93
Final Action 10/01/94

Orcutt's spineflower

NPRM 10/01/93 (58 FR 51302)
Final Action 10/01/94

Royal snail

NPRM 08/05/93 (58 FR 41690)
Final Action 08/05/94

Salmas seal

NPRM 05/06/93 (58 FR 26920)
Final Action 07/28/93 (58 FR 40538)

Short-leaved dudleya

NPRM 10/01/93 (58 FR 51302)
Final Action 10/01/94

South Texas ambrosia

NPRM 08/05/93 (58 FR 41696)
Final Action 08/05/94

Texas ayania

NPRM 08/05/93 (58 FR 41696)
Final Action 08/05/94

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS -452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-1943

RIN: 1018-AC01

1706. ● ALASKA REFUGES VISITOR SERVICES

Legal Authority: 16 USC 460(k) et seq; 44 USC 3501 et seq

CFR Citation: 50 CFR 36

Legal Deadline: None

Abstract: The Service will propose regulations to implement section 1307 of the Alaska National Interest Lands Conservation Act (ANILCA). These regulations are needed to establish

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procedures for selecting and authorizing persons to provide visitor services, except guided sport fishing and hunting activities, on national wildlife refuges in Alaska. Such regulations are intended to ensure proper and uniform guidance on providing the preferences required by ANILCA in the solicitation, selection, and authorization of persons or Native Corporations to provide visitor services on refuge lands in Alaska, when such services must be limited to a level below the demand.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/01/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard S. Pospahala, Office of Subsistence Management, Department of the Interior, United States Fish and Wildlife Service, 3301 C Street, Suite 202, Anchorage, AK 99503, 907 271-2309

RIN: 1018-AC02

1707. • ENDANGERED AND THREATENED WILDLIFE AND PLANTS: REVISION OF THE SPECIAL RULE FOR NONESSENTIAL EXPERIMENTAL POPULATIONS OF RED WOLVES IN NORTH CAROLINA AND TENNESSEE

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service proposes to revise the special rule regarding red wolves designated as experimental and nonessential in the Great Smoky Mountains National Park in North Carolina and Tennessee, and at the Alligator River National Wildlife Refuge and Pocosin Lakes National Wildlife Refuge in North Carolina. The proposal modifies take provisions and provides consistency of take provisions in the two reintroduced populations. The proposal also revises the current special rule for the experimental population at the Alligator River by adding two additional counties to the area of experimental population designation. In addition, the rule applies the experimental population provisions to

red wolves found outside the experimental population boundaries, except for reporting requirements.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/01/93 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS -452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AC03

1708. • DESIGNATED PORT STATUS FOR BOSTON, MA

Legal Authority: 18 USC 42; 16 USC 705; 16 USC 712

CFR Citation: 50 CFR 14

Legal Deadline: None

Abstract: The Service proposes to add Boston, Massachusetts to the list of Customs ports designated for import or export of wildlife.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/15/94 | |

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Agency Contact: John Doggett, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS - 520 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-1949

RIN: 1018-AC07

1709. • HUMANE AND HEALTHFUL TRANSPORT REGULATIONS

Significance: Agency Priority

Legal Authority: 18 USC 42; 15 USC 3371 to 3378

CFR Citation: 50 CFR 14

Legal Deadline: None

Abstract: The Service proposes to amend the regulations found in 50 CFR Subpart J. The current Humane and Healthful Transport regulations cover birds and mammals only. The statute requires regulations for all animals and

regulations must be promulgated for reptiles, amphibians and fish.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/28/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Susan Lieberman, CITES Policy Specialist, Department of the Interior, United States Fish and Wildlife Service, MS - 432 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2093

RIN: 1018-AC08

1710. • ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory.

In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:

| | | |
|---------------------------|-----------------------------|-----------------------|
| Hine's emerald dragonfly | NPRM 10/04/93 (58 FR 51604) | Final Action 10/04/94 |
| Lake Erie water snake | NPRM 08/18/93 (58 FR 43818) | Final Action 08/18/94 |
| Virginia round-leaf birch | NPRM 12/30/93 | Final Action 12/30/94 |
| Winkler cactus | NPRM 11/05/93 | Final Action 11/05/94 |

Small Entities Affected: Undetermined

Government Levels Affected: State

DOI—FWS

Proposed Rule Stage

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AC09

1711. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS: FLAT-TAILED HORNED LIZARD

Significance: Agency Priority

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory.

In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed to list the Flat-tailed horned lizard as an endangered or threatened species. When prudent, critical habitat will also be identified.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/15/93 | |
| Final Action | 11/15/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 258-2171

RIN: 1018-AC10

1712. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS: SMALL WHORLED POGONIA, RECLASSIFICATION

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service proposes to reclassify the small whorled pogonia from endangered to threatened. This action is due to substantial improvement in the status of this orchid species and the fulfillment of reclassification criteria stated in the small whorled pogonia recovery plan.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/05/93 | |
| Final Action | 11/05/94 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS -452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AC11

1713. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS: TWO PUERTO RICAN HAWKS

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory.

In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: The Service proposes to determine the appropriate status for the Puerto Rican broad-winged hawk and the Puerto Rican sharp-shinned hawk. These two species are endemic to Puerto Rico and are threatened by timber harvest and management, road construction in relation to timbering and recreational activities, disturbance from recreational activities, mortality and habitat disturbance from hurricanes, possible loss of genetic variation due to low numbers, and the potential for illegal shooting. The sharp-shinned hawk is also affected by warble fly parasitism.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/30/93 | |
| Final Action | 12/30/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS -452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AC12

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Final Rule Stage

1714. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory.

In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed to list, reclassify, or delist certain species of wildlife and plants as endangered or threatened species. When prudent, critical habitat will also be identified.

Timetable:

| | |
|---|------------------------|
| Inyo brown towhee (critical habitat) | |
| NPRM | 08/03/87 (52 FR 28787) |
| Final Action | 01/25/95 |
| Inyo brown towhee (listing) | |
| NPRM | 11/23/84 (49 FR 46174) |
| Final Action | 08/03/87 (52 FR 28717) |

Small Entities Affected: None

Government Levels Affected: State

Additional Information: Originally scheduled: April 1985.

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 452 Arlington Square, Washington, DC 20240, 703 358-2171

RIN: 1018-AA85

DOI—FWS

Final Rule Stage

1715. ENDANGERED AND THREATENED WILDLIFE AND PLANTS**Legal Authority:** 16 USC 1531 to 1544**CFR Citation:** 50 CFR 17**Legal Deadline:** Final, Statutory.

In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:**Least Bell's vireo critical habitat**

NPRM 08/07/92 (57 FR 34892)

Final Action 10/30/93

Least Bell's vireo listing

NPRM 05/03/85 (50 FR 18968)

Final Action 05/02/86 (51 FR 16474)

Small Entities Affected: None**Government Levels Affected:** State

Additional Information: After reviewing the biological status of candidate and listed species, the Service promptly proceeds to propose rules to list, delist, or reclassify such species as appropriate. Generally, final action on the proposed rules must be taken within one year.

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 452 Arlington Square, Washington, DC 20240, 703 358-2171

RIN: 1018-AA95**1716. PROPOSED DETERMINATION OF EXPERIMENTAL POPULATION STATUS FOR AN INTRODUCED POPULATION OF COLORADO SQUAWFISH****Legal Authority:** 18 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** None

Abstract: The Service proposes to introduce Colorado squawfish

(*Ptychocheilus lucius*) into the lower Colorado River in Arizona and to determine the population to be "nonessential experimental" population according to section 10(j) of the Endangered Species Act. The Service will propose a special rule to allow take in accordance with State law. In the past, Colorado squawfish were more widespread in the State of Arizona, occurring in several river drainages. This action is being taken in an effort to establish an additional population within the species' historic range.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/26/87 | 52 FR 32143 |
| NPRM Comment | 10/26/87 | 52 FR 32143 |
| Period End | | |
| Final Action | 04/22/94 | |

Small Entities Affected: None**Government Levels Affected:** State

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 452 Arlington Square, Washington DC 20240, 703 358-2171

RIN: 1018-AB09**1717. CAPTIVE-BRED WILDLIFE****Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** None

Abstract: The Fish and Wildlife Service regulates certain activities involving non-native endangered or threatened wildlife species that are born in captivity in the United States. Currently, this is accomplished by requiring persons who wish to conduct otherwise prohibited activities with such wildlife to register with the Service to obtain a captive-bred wildlife or CBW registration. These regulations will be reviewed to determine if further action is necessary to relieve certain restrictions on the public that may have become burdensome, counterproductive, or outmoded.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 01/07/92 | 57 FR 548 |
| ANPRM Comment | 03/09/92 | 57 FR 548 |
| Period End | | |
| NPRM | 06/11/93 | 58 FR 32632 |
| NPRM Comment | 09/09/93 | 58 FR 32632 |
| Period End | | |
| Final Action | 03/30/94 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 432 Arlington Square, Washington, DC 20240, 703 358-2093

RIN: 1018-AB10**1718. INJURIOUS WILDLIFE: IMPORTATION OF LIVE OR DEAD FISH, MOLLUSKS, AND CRUSTACEANS, OR THEIR EGGS****Legal Authority:** 18 USC 42**CFR Citation:** 50 CFR 16**Legal Deadline:** None

Abstract: Regulations regarding importation of fish or fish eggs of the fish family Salmonidae will be revised to reflect current scientific information.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| ANPRM | 08/17/89 | 54 FR 33947 |
| NPRM | 07/07/92 | 57 FR 29856 |
| NPRM Comment | 08/21/92 | 57 FR 29856 |
| Period End | | |
| Final Action | 11/03/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: John Nickum, National Aquaculture Coordinator, Department of the Interior, United States Fish and Wildlife Service, MS - 820 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-1878

RIN: 1018-AB13**1719. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATED PORTS FOR PLANTS****Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 24; 7 CFR 300 to 399; 50 CFR 17.12; 50 CFR 23.23**Legal Deadline:** None

Abstract: The Service proposes to amend regulations by adding additional ports to the list of those designated for listed plants.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 01/20/94 | |

DOI—FWS

Final Rule Stage

To add several Dept. of Agriculture ports
NPRM 07/22/93 (58 FR 39003)

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: Marshall P. Jones, Jr.,
Chief, Office of Management Authority,
Department of the Interior, United
States Fish and Wildlife Service, MS
- 432 Arlington Square, Washington,
DC 20240, 703 358-2093

RIN: 1018-AB28

1720. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory.

In accordance with 16 USC 1533, the
Service must take action (list,
withdraw, or extend the rulemaking for
six months) on a proposed listing no
later than 1 year after such proposal.

Abstract: Regulations will be
developed which would list, reclassify,
or delist, as appropriate, certain species
of fish, wildlife, and plants under the
Endangered Species Act, and where
prudent, would identify critical habitat
for endangered and threatened species.
Such actions are taken upon
determination that species are
endangered, threatened, or neither, and
are based solely on the biological
information available to the
Department.

Timetable:

Argall sheep

NPRM 04/27/93 (58 FR 25595)
Final Action 04/27/94

Ka'u silversword

NPRM 08/06/90 (55 FR 31860)
Final Action 04/07/93 (58 FR 18035)

Nile crocodile in Zimbabwe, reclassified to threatened

NPRM 08/03/92 (57 FR 34095)
Final Action 09/23/93 (58 FR 49870)

Saltwater crocodile in Australia

NPRM 09/27/90 (55 FR 39489)
Final Action 04/27/94

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Jamie Rappaport
Clark, Chief, Division of Endangered
Species, Department of the Interior,
United States Fish and Wildlife
Service, MS-452 Arlington Square, 1849
C Street NW., Washington, DC 20240,
703 358-2171

RIN: 1018-AB42

1721. MIGRATORY BIRD PERMITS: DETERMINATION THAT KANSAS, RHODE ISLAND, AND MISSOURI MEET FEDERAL FALCONRY STANDARDS

Legal Authority: 16 USC 703 to 712

CFR Citation: 50 CFR 21

Legal Deadline: None

Abstract: The Service proposes to
revise 50 CFR 21 to add Kansas to the
list of States participating in the joint
Federal/State falconry permit system.
The Director has determined that the
falconry laws of the State meet or
exceed the minimum Federal standards
for the use of certain migratory birds
for falconry. The proposed rule would
permit the practice of falconry in that
State.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/14/90 | 55 FR 47498 |
| NPRM Comment Period End | 12/14/90 | 55 FR 47498 |
| Final Action | 12/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Doggett, Chief,
Division of Law Enforcement,
Department of the Interior, United
States Fish and Wildlife Service, MS
- 520 Arlington Square, Washington,
DC 20240, 703 358-1949

RIN: 1018-AB45

1722. CABIN MANAGEMENT REGULATIONS ON NATIONAL WILDLIFE REFUGES IN ALASKA

Legal Authority: 16 USC 460k

CFR Citation: 50 CFR 36

Legal Deadline: None

Abstract: The Service proposes to
revise and clarify regulations contained
in 50 CFR 36.33.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 04/25/91 | 56 FR 19074 |
| Final Action | 02/15/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Shallenberger,
Chief, Division of Refuge Management,
Department of the Interior, United
States Fish and Wildlife Service, MS

-670 Arlington Square, Washington, DC
20240, 703 358-1744

RIN: 1018-AB46

1723. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: Final, Statutory.

In accordance with 16 USC 1533, the
Service must take action (list,
withdraw, or extend the rulemaking for
six months) on a proposed listing no
later than one year after such proposal.

Abstract: Regulations will be
developed which would list, reclassify,
or delist, as appropriate, certain species
of fish, wildlife, and plants under the
Endangered Species Act, and where
prudent, would identify critical habitat
for endangered and threatened species.
Such actions are taken upon
determination that species are
endangered, threatened or neither, and
are based solely on the biological
information available to the
Department.

Timetable:

Indus River dolphin

NPRM 01/14/91 (56 FR 1464)
NPRM (Reopening of Comment Period)
10/07/91 (56 FR 50550)
Final Action 04/30/94

Penland alpine fen mustard

NPRM 10/15/90 (55 FR 41725)
NPRM (Extension of Comment Period)
10/28/91 (56 FR 55487)
NPRM (Reopening of Comment Period)
12/24/91 (56 FR 66614)
Final Action 07/28/93 (58 FR 40539)

Silver rice rat critical habitat

NPRM 05/07/92 (57 FR 19585)
Final Action 10/01/93

Stenogyne kanehoana

NPRM 01/23/91 (56 FR 2493)
Final Action 05/13/92 (57 FR 20595)

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Jamie Rappaport
Clark, Chief, Division of Endangered
Species, Department of the Interior,
United States Fish and Wildlife
Service, MS-452 Arlington Square, 1849
C Street NW., Washington, DC 20240,
703 358-2171

RIN: 1018-AB52

DOI—FWS

Final Rule Stage

1724. ENDANGERED AND THREATENED WILDLIFE AND PLANTS**Significance:** Agency Priority**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** Final, Statutory.

In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:**Applegate's milk-vetch**

NPRM 11/26/91 (56 FR 59917)

NPRM 07/28/93 (58 FR 40547)

Cave crayfish

NPRM 05/26/92 (57 FR 21929)

Final Action 04/27/93 (58 FR 25742)

Coastal California gnatcatcher

NPRM 09/17/91 (56 FR 47053)

NPRM (Reopening of Comment Period) 09/22/92 (57 FR 43686)

NPRM (Reopening of Comment Period) 02/11/93 (58 FR 8032)

Final Action 03/30/93 (58 FR 16742)

Coastal California gnatcatcher, special rule

NPRM 03/30/93 (58 FR 16758)

NPRM (Reopening of Comment Period) 07/20/93 (58 FR 38736)

Final Action 01/30/94

Duskytail darter

NPRM 07/08/92 (57 FR 30191)

Final Action 03/27/93 (58 FR 25758)

Guam bridled white-eye, critical habitat

NPRM 06/14/91 (56 FR 27485)

NPRM (Reopening of Comment Period) 06/12/92 (57 FR 25007)

NPRM (Reopening of Comment Period) 03/01/93 (58 FR 11821)

Final Action 10/31/94

Guam broadbill, critical habitat

NPRM 06/14/91 (56 FR 27485)

NPRM (Reopening of Comment Period) 06/12/92 (57 FR 25007)

NPRM (Reopening of Comment Period) 03/01/93 (58 FR 11821)

Final Action 10/31/94

Guam Micronesian kingfisher, critical habitat

NPRM 06/14/91 (56 FR 27485)

NPRM (Reopening of Comment Period) 06/12/92 (57 FR 25007)

NPRM (Reopening of Comment Period) 03/01/93 (58 FR 11821)

Final Action 10/31/94

Little Mariana fruit bat, critical habitat

NPRM 06/14/91 (56 FR 27485)

NPRM (Reopening of Comment Period) 06/12/92 (57 FR 25007)

NPRM (Reopening of Comment Period) 03/01/93 (58 FR 11821)

Final Action 10/31/94

Marbled murrelet

NPRM 06/20/91 (56 FR 28362)

NPRM (Reopening of Comment Period) 01/30/92 (57 FR 3604)

NPRM (Reopening of Comment Period) 07/29/92 (57 FR 33478)

Final Action 10/01/92 (57 FR 45328)

Mariana crow, critical habitat

NPRM 06/14/91 (56 FR 27485)

NPRM (Reopening of Comment Period) 06/12/92 (57 FR 25007)

NPRM (Reopening of Comment Period) 03/01/93 (58 FR 11821)

Final Action 10/31/94

Mariana fruit bat, critical habitat

NPRM 06/14/91 (56 FR 27485)

NPRM (Reopening of Comment Period) 06/12/92 (57 FR 25007)

NPRM (Reopening of Comment Period) 03/01/93 (58 FR 11821)

Final Action 10/31/94

Mexican spotted owl

NPRM 11/04/91 (56 FR 56344)

Final Action 03/16/93 (58 FR 14248)

Nelson's checker-mallow

NPRM 06/07/91 (56 FR 26373)

Final Action 02/12/93 (58 FR 8235)

Palezone shiner

NPRM 07/08/92 (57 FR 30191)

Final Action 04/27/93 (58 FR 25758)

Pygmy madtom

NPRM 07/08/92 (57 FR 30191)

Final Action 04/27/93 (58 FR 25758)

Small Entities Affected: None**Government Levels Affected:** State

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS-452 Arlington Square, 1849 C Street-NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AB56

1725. FARM-RAISED FISH; EXEMPTION FROM FISH AND WILDLIFE EXPORT REQUIREMENTS**Significance:** Agency Priority**Legal Authority:** 18 USC 42**CFR Citation:** 50 CFR 14**Legal Deadline:** None

Abstract: The Service has determined that the export of live farm-raised fish and farm-raised fish eggs does not adversely affect the wild resources. This rulemaking would exempt exporters from licensing requirements, designated port requirements, and payment of user fees. This rule will relieve exporters of the requirement of obtaining an import/export license (\$125 per year), and of the payment of user fees (\$25 per shipment).

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/09/92 | 57 FR 30457 |
| NPRM Comment Period End | 08/10/92 | 57 FR 30457 |
| Final Action | 10/20/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: John Doggett, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS-500, Arlington Square, Washington, DC 20240, 703 358-1949

RIN: 1018-AB61

1726. ENDANGERED AND THREATENED WILDLIFE AND PLANTS: HAWAIIAN PLANTS—23 FROM KAUAI AND 11 FROM KOOLAU**Significance:** Agency Priority**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** Final, Statutory.

In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:

| | | |
|-----------------------------------|----------|---------------|
| (Kauai) Brighamia insignis | | |
| NPRM | 10/30/91 | (56 FR 55862) |
| Final Action | 01/13/93 | (58 FR 4145) |

(Kauai) *Cyanea asarifolia*
NPRM 10/30/91 (56 FR 55862)
Final Action 01/13/93 (58 FR 4145)

(Kauai) *Cyrtandra ilmahuilensis*
NPRM 10/30/91 (56 FR 55862)
Final Action 01/13/93 (58 FR 4145)

(Kauai) *Delissea rhytidosperra*
NPRM 10/30/91 (56 FR 55862)
Final Action 01/13/93 (58 FR 4145)

(Kauai) *Dietilia laclinata*
NPRM 10/30/91 (56 FR 55862)
Final Action 01/13/93 (58 FR 4145)

(Kauai) *Exocarpos luteolus*
NPRM 10/30/91 (56 FR 55862)
Final Action 01/13/93 (58 FR 4145)

(Kauai) *Hedyotis cookiana*
NPRM 10/30/91 (56 FR 55862)
Final Action 01/13/93 (58 FR 4145)

(Kauai) *Hibiscus clayi*
NPRM 10/30/91 (56 FR 55862)
Final Action 01/13/93 (58 FR 4145)

(Kauai) *Lipochaeta fauriei*
NPRM 10/30/91 (56 FR 55862)
Final Action 01/13/93 (58 FR 4145)

(Kauai) *Lipochaeta micrantha*
NPRM 10/30/91 (56 FR 55862)
Final Action 01/13/93 (58 FR 4145)

(Kauai) *Lipochaeta walmsaensis*
NPRM 10/30/91 (56 FR 55862)
Final Action 01/13/93 (58 FR 4145)

(Kauai) *Lysimachia filifolia*
NPRM 10/30/91 (56 FR 55862)
Final Action 01/13/93 (58 FR 4145)

(Kauai) *Melicope haupuensis*
NPRM 10/30/91 (56 FR 55862)
Final Action 01/13/93 (58 FR 4145)

(Kauai) *Melicope knudsenii*
NPRM 10/30/91 (56 FR 55862)
Final Action 01/13/93 (58 FR 4145)

(Kauai) *Melicope pallida*
NPRM 10/30/91 (56 FR 55862)
Final Action 01/13/93 (58 FR 4145)

(Kauai) *Melicope quadrangularis*
NPRM 10/30/91 (56 FR 55862)
Final Action 01/13/93 (58 FR 4145)

(Kauai) *Munroidendron racemosum*
NPRM 10/30/91 (56 FR 55862)
Final Action 01/13/93 (58 FR 4145)

(Kauai) *Nothoecstrum peltatum*
NPRM 10/30/91 (56 FR 55862)
Final Action 01/13/93 (58 FR 4145)

(Kauai) *Peucedanum sandwicense*
NPRM 10/30/91 (56 FR 55862)
Final Action 01/13/93 (58 FR 4145)

(Kauai) *Phyllostegia walmsae*
NPRM 10/30/91 (56 FR 55862)
Final Action 01/13/93 (58 FR 4145)

(Kauai) *Pteralyxia kauaiensis*
NPRM 10/30/91 (56 FR 55862)
Final Action 01/13/93 (58 FR 4145)

(Kauai) *Schleedes spergulina*
NPRM 10/30/91 (56 FR 55862)
Final Action 01/13/93 (58 FR 4145)

(Kauai) *Solanum sandwicense*
NPRM 10/30/91 (56 FR 55862)
Final Action 01/13/93 (58 FR 4145)

(Koolau) *Chamaesyca deppeana*
NPRM 10/14/92 (57 FR 47028)
Final Action 01/16/94

(Koolau) *Cyanea truncata*
NPRM 10/14/92 (57 FR 47028)
Final Action 01/16/94

(Koolau) *Cyrtandra crenata*
NPRM 10/14/92 (57 FR 47028)
Final Action 01/16/94

(Koolau) *Cyrtandra polyantha*
NPRM 10/14/92
Final Action 01/16/94

(Koolau) *Eugenia koolauensis*
NPRM 10/14/92 (57 FR 47028)
Final Action 01/16/94

(Koolau) *Hesperemannia arborescens*
NPRM 10/14/92 (57 FR 47028)
Final Action 01/16/94

(Koolau) *Lobelia oahuensis*
NPRM 10/14/92 (57 FR 47028)
Final Action 01/16/94

(Koolau) *Lycopodium nutans*
NPRM 10/14/92 (57 FR 47028)
Final Action 01/16/94

(Koolau) *Melicope lydgateli*
NPRM 10/14/92 (57 FR 47028)
Final Action 01/16/94

(Koolau) *Rollandia crispata*
NPRM 10/14/92 (57 FR 47028)
Final Action 01/16/94

(Koolau) *Tetraplasandra gymnocarpa*
NPRM 10/14/92 (57 FR 47028)
Final Action 01/16/94

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 452 Arlington Square, Washington, DC 20240, 703 358-2171

RIN: 1018-AB69

1727. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory.

In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:

Alabama sturgeon
NPRM 06/15/93 (58 FR 33148)
Final Action 06/15/94

Ben Lomond spineflower
NPRM 10/24/91 (56 FR 55107)
Final Action 12/05/93

California orcutt grass
NPRM 11/12/91 (56 FR 57503)
Final Action 08/03/93 (58 FR 41384)

Chorro Creek bog
NPRM 12/23/91 (56 FR 66400)
NPRM (Reopening of Comment Period) 06/08/92 (57 FR 24221)
Final Action 01/15/94

Cushenberry buckwheat
NPRM 11/19/91 (56 FR 58332)
NPRM (Reopening of Comment Period) 05/26/92 (57 FR 21933)
Final Action 12/15/93

Cushenberry milkvetch
NPRM 11/19/91 (56 FR 58332)
NPRM (Reopening of Comment Period) 05/26/92 (57 FR 21933)
Final Action 12/15/93

Cushenberry oxytheca
NPRM 11/19/91 (56 FR 58332)
NPRM (Reopening of Comment Period) 05/26/92 (57 FR 21933)
Final Action 12/15/93

Gambel's watercress
NPRM 09/30/91 (56 FR 49446)
Final Action 08/03/93 (58 FR 41378)

Giant garter snake
NPRM 12/27/91 (56 FR 67046)
NPRM (Reopening of Comment Period) 05/26/92 (57 FR 21933)
NPRM (Reopening of Comment Period) 12/18/92 (57 FR 60161)
Final Action 10/30/93

Indian Knob mountainbalm
NPRM 12/23/91 (56 FR 66400)
NPRM (Reopening of Comment Period) 06/08/92 (57 FR 24221)
Final Action 01/15/94

Marsh sandwort
NPRM 09/30/91 (56 FR 49446)
Final Action 08/03/93 (58 FR 41378)

Monterey spineflower
NPRM 10/24/91 (56 FR 55107)
NPRM (Reopening of Comment Period) 05/26/92 (57 FR 21933)
Final Action 12/05/93

Morro manzanita
NPRM 12/23/91 (56 FR 66400)
NPRM (Reopening of Comment Period) 06/08/92 (57 FR 24221)
Final Action 01/15/94

Morro shoulderband snail
NPRM 12/23/91 (56 FR 66400)
NPRM (Reopening of Comment Period) 06/08/92 (57 FR 24221)
Final Action 01/15/94

Oregon chub
NPRM 11/19/91 (56 FR 58348)
Final Action 12/15/93

Otay Mesa mint
NPRM 11/12/91 (56 FR 57503)
Final Action 08/03/93 (58 FR 41384)

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Final Rule Stage

Parish's daisy

NPRM 11/19/91 (56 FR 58332)
NPRM (Reopening of Comment Period)
05/26/92 (57 FR 21933)
Final Action 12/15/93

Peninsular bighorn sheep

NPRM 05/08/92 (57 FR 19837)
Final Action 00/00/00

Pismo clarkia

NPRM 12/23/91 (56 FR 66400)
NPRM (Reopening of Comment Period)
06/08/92 (57 FR 24221)
Final Action 04/01/94

Riverside fairy shrimp

NPRM 11/12/91 (56 FR 57503)
Final Action 08/03/93 (58 FR 41384)

Robust spineflower

NPRM 10/24/91 (56 FR 55107)
NPRM (Reopening of Comment Period)
05/26/92 (57 FR 21933)
Final Action 12/05/93

San Bernardino Mountains bladderpod

NPRM 11/19/91 (56 FR 58332)
NPRM (Reopening of Comment Period)
05/26/92 (57 FR 21933)
Final Action 12/15/93

San Diego button-celery

NPRM 11/12/91 (56 FR 57503)
Final Action 08/03/93 (58 FR 41384)

Santa Cruz wallflower

NPRM 10/24/91 (56 FR 55107)
NPRM (Reopening of Comment Period)
05/26/92 (57 FR 21933)
Final Action 12/05/93

Scott's Valley spineflower

NPRM 10/24/91 (56 FR 55107)
NPRM (Reopening of Comment Period)
05/26/92 (57 FR 21933)
Final Action 12/05/93

Western snowy plover

NPRM 01/14/92 (57 FR 1443)
NPRM (Reopening of Comment Period)
08/03/92 (57 FR 34100)
Final Action 03/05/93 (58 FR 12864)

Small Entities Affected: None**Government Levels Affected:** State

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS-452, Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AB73

1728. ENDANGERED AND THREATENED WILDLIFE AND PLANTS: ESTABLISHMENT OF ADDITIONAL MANATEE SANCTUARIES IN KINGS BAY, CRYSTAL RIVER, CITRUS COUNTY, FLORIDA

Significance: Agency Priority**Legal Authority:** 16 USC 1531 to 1544**CFR Citation:** 50 CFR 17**Legal Deadline:** None**Abstract:** The Fish and Wildlife

Service proposes to establish four additional manatee sanctuaries (32 acres) in Kings Bay, Crystal River, Citrus County, Florida. All waterborne activities would be prohibited in these sanctuaries from November 15 through March 31 of each year. The proposed action would prevent the taking of manatees by harassment resulting from waterborne activities during the winter months. The number of sanctuaries in Kings Bay would be increased from three (10.7 acres) to seven (42.7 acres) to accommodate the increase in the number of manatees using the area each winter, and to offset the harassment from increasing public use.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/13/93 | 58 FR 28381 |
| NPRM Comment Period End | 07/12/93 | 58 FR 28381 |
| Final Action | 12/31/93 | |

Establishment of additional manatee protection areas

Final Action (Emergency Rule) 01/22/93 (57 FR 5643)

Small Entities Affected: Undetermined**Government Levels Affected:**

Undetermined

Additional Information: The emergency rule implemented Federal protection for 240 days.

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AB74

1729. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Significance: Agency Priority**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** Final, Statutory.

In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the

Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:**Apalachicola rosemary**

NPRM 05/20/92 (57 FR 21369)
Final Action 07/12/93 (58 FR 37432)

Auerodendron pauciflorum (NCN)

NPRM 03/18/93 (58 FR 14541)
Final Action 03/18/94

Beach Jacquemontia

NPRM 03/18/93 (58 FR 14537)
Final Action 03/18/94

California Inderiella

NPRM 05/08/92 (57 FR 19856)
NPRM (Reopening of Comment Period)
08/13/92 (57 FR 36380)
Final Action 01/18/94

Carolina heelsplitter

NPRM 05/26/92 (57 FR 21925)
Final Action 06/30/93 (58 FR 34926)

Clubshell mussel

NPRM 06/18/92 (57 FR 27203)
Final Action 03/17/94

Coachella Valley milk-vetch

NPRM 05/08/92 (57 FR 19844)
Final Action 01/18/94

Conservancy fairy shrimp

NPRM 05/08/92 (57 FR 19856)
NPRM (Reopening of Comment Period)
08/13/92 (57 FR 36380)
Final Action 02/05/94

Etonia rosemary

NPRM 05/20/92 (57 FR 21369)
Final Action 07/12/93 (58 FR 37432)

Fish Slough milk-vetch

NPRM 05/08/92 (57 FR 19844)
Final Action 01/18/94

Godfrey's butterwort

NPRM 05/20/92 (57 FR 21369)
Final Action 07/12/93 (58 FR 37432)

Karner blue butterfly

NPRM 01/21/92 (57 FR 2241)
Final Action 12/14/92 (57 FR 59236)

Lane Mountain milk-vetch

NPRM 05/08/92 (57 FR 19844)
Final Action 01/18/94

Leptocereus grantianus (no common name (NCN))

NPRM 05/20/92 (57 FR 21374)
Final Action 02/26/93 (58 FR 11550)

Longhorn fairy shrimp

NPRM 05/08/92 (57 FR 19856)
NPRM Reopen Comment Period 08/13/92 (57 FR 36380)
Final Action 02/05/94

Northern copperbelly water snake

NPRM 08/19/93 (58 FR 43860)
Final Action 08/19/94

Northern riffleshell mussel

NPRM 06/18/92 (57 FR 27203)
Final Action 03/17/94

DOI-FWS

Final Rule Stage

Okeechobee gourd

NPRM 05/20/92 (57 FR 21381)
Final Action 07/12/93 (58 FR 37432)

Pelraon's milk-vetch

NPRM 05/08/92 (57 FR 19844)
Final Action 01/18/94

Pima pineapple cactus

NPRM 04/20/92 (57 FR 14374)
Final Action 09/23/93 (58 FR 49875)

Seabeach amaranth

NPRM 05/26/92 (57 FR 21921)
Final Action 04/07/93 (58 FR 18035)

Shining milk-vetch

NPRM 05/08/92 (57 FR 19844)
Final Action 01/18/94

Short-leaved rosemary

NPRM 05/20/92 (57 FR 21369)
Final Action 07/12/93 (58 FR 37432)

Sodaville milk-vetch

NPRM 05/08/92 (57 FR 19844)
Final Action 01/18/94

Spectacled sider

NPRM 05/08/92 (57 FR 19852)
Final Action 05/10/93 (58 FR 27474)

Triple-ribbed milk-vetch

NPRM 05/08/92 (57 FR 19844)
Final Action 01/18/94

Vernal pool fairy shrimp

NPRM 05/08/92 (57 FR 19856)
Final Action 02/05/94

Vernal pool tadpole shrimp

NPRM 05/08/92 (57 FR 19856)
Final Action 02/05/94

Small Entities Affected: None**Government Levels Affected:** State

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS - 452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AB75

1730. MARINE MAMMALS: INCIDENTAL TAKE DURING SPECIFIED ACTIVITIES (OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION) IN ARCTIC ALASKA AND THE BEAUFORT SEA

Legal Authority: 16 USC 1361 et seq**CFR Citation:** 50 CFR 18.121**Legal Deadline:** None

Abstract: The Marine Mammal Protection Act allows for periods of up to 5 years the incidental, but not intentional, take in specified activities (other than commercial fishing) of marine mammals if it is determined, based on the best scientific evidence available, that the total of such taking for the 5-year period will have a negligible impact on the marine mammal species and will not have an

unmitigable adverse impact on the availability of these species for subsistence uses by Alaskan Natives. BP Exploration (Alaska) Inc., on behalf of itself and 14 other Petitioners, on December 17, 1991, submitted applications to the Service for promulgation of regulations to allow the incidental take of polar bears and walrus during year-round oil and gas exploration, development and production activities in Coastal Arctic Alaska and the Beaufort Sea.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/30/92 | 57 FR 62283 |
| NPRM Comment Period End | 03/15/93 | 57 FR 62283 |
| Final Action | 10/20/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: James G. Geiger, Chief, Division of Fish and Wildlife Management Assistance, Department of the Interior, United States Fish and Wildlife Service, MS - 820 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-1718

RIN: 1018-AB79

1731. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Significance: Agency Priority**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** Final, Statutory.

In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:

| | | |
|---|-------------------------------------|-------------------------------------|
| (PR) Calyptanthus thomasi (No Common Name (NCN)) | NPRM 01/05/93 (58 FR 339) | Final Action 01/05/94 |
| (PR) Myrcia paganii (NCN) | more 01/05/93 (58 FR 339) | Final Action 01/05/94 |
| (PR) Thelypteris inabonensis (NCN) | NPRM 07/02/93 (58 FR 35887) | Final Action 07/02/94 |
| (PR) Thelypteris verecunda (NCN) | NPRM 07/02/93 (58 FR 35887) | Final Action 07/02/94 |
| (PR) Thelypteris yaucoensis (NCN) | NPRM 07/02/93 (58 FR 35887) | Final Action 07/02/94 |
| Adiantum vivessii (NCN) | NPRM 07/14/92 (57 FR 31166) | Final Action 06/09/93 (58 FR 32311) |
| Aristida chaseae (NCN) | Final Action 04/27/93 (58 FR 25755) | NPRM 09/03/93 (57 FR 40429) |
| Arizona willow | NPRM 11/20/92 (57 FR 54747) | Final Action 11/30/94 |
| Avon Park harebells | NPRM 09/30/92 (57 FR 45020) | Final Action 04/27/93 (58 FR 25746) |
| Britton's beargrass | NPRM 09/30/92 (57 FR 45020) | Final Action 04/27/93 (58 FR 25743) |
| Delhi Sands flower-loving fly | NPRM 11/19/92 (57 FR 54547) | Final Action 09/23/93 (58 FR 49881) |
| Elaphoglossum serpens (NCN) | NPRM 07/14/92 (57 FR 31166) | Final Action 06/09/93 (58 FR 32311) |
| Florida perforate cladonia | NPRM 09/30/92 (57 FR 45020) | Final Action 04/27/93 (58 FR 25746) |
| Kodachrome bladderpod | NPRM 11/03/92 (57 FR 49671) | Final Action 11/03/93 |
| Kodachrome pepper-grass | NPRM 11/03/92 (57 FR 49671) | Final Action 11/03/93 |
| Lewton's polygala | NPRM 09/30/92 (57 FR 45020) | Final Action 04/27/93 (58 FR 25746) |
| Lyonia truncata var. proctorii (NCN) | NPRM 09/03/92 (57 FR 25755) | Final Action 04/27/93 (57 FR 25755) |
| Pamakanii | NPRM 03/25/93 (58 FR 16164) | Final Action 03/25/94 |
| Pigeon wings | NPRM 09/30/92 (57 FR 45020) | Final Action 04/27/93 (58 FR 25746) |
| Polystichum calderonense (NCN) | NPRM 07/14/92 (57 FR 31166) | Final Action 06/09/93 (58 FR 32311) |
| Relict and Bluemask darters | NPRM 12/11/92 (57 FR 58774) | Final Action 12/11/93 |
| Sandlance | Final Action 04/27/93 (58 FR 25746) | NPRM 09/30/93 (57 FR 45020) |
| Scrub buckwheat | NPRM 09/30/92 (57 FR 45020) | Final Action 04/27/93 (58 FR 25746) |

DOI-FWS

Final Rule Stage

Spineless hedgehog cactus, delisting
 NPRM 01/14/93 (58 FR 4401)
 Final Action 09/22/93 (58 FR 49242)

Star cactus
 NPRM 10/09/92 (57 FR 46528)
 NPRM (Reopening of Comment Period)
 02/12/93 (58 FR 8249)
 Final Action 11/15/93

Tectaria estremera (NCN)
 NPRM 07/14/92 (57 FR 31166)
 Final Action 06/09/93 (58 FR 32311)

Tumamoc globeberry, delisting
 NPRM 08/21/92 (57 FR 37941)
 Final Action 06/18/93 (58 FR 33562)

Vernonia proctorii (NCN)
 NPRM 09/03/92 (57 FR 40429)
 Final Action 04/27/93 (58 FR 25755)

Water howellia
 NPRM 04/16/93 (58 FR 19795)
 Final Action 04/16/94

Western lily
 NPRM 10/26/92 (57 FR 48495)
 Final Action 10/26/93

Small Entities Affected: None
Government Levels Affected: State
Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS-452, Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171
RIN: 1018-AB83

1732. ENDANGERED AND THREATENED WILDLIFE AND PLANTS: CRITICAL HABITAT FOR FOUR COLORADO RIVER FISHES

Significance: Agency Priority
Legal Authority: 16 USC 1531 et seq
CFR Citation: 50 CFR 17
Legal Deadline: None
Abstract: The Service proposes to designate critical habitat for four species of endemic Colorado River Basin fishes: Razorback sucker, Colorado squawfish, Humpback chub, and Bonytail chub. These species are listed under the Endangered Species Act. Historically, these four species occurred throughout the Colorado River system from Wyoming to Mexico. The proposed critical habitat designation, when made final, would result in additional consultation and conference requirements under Section 7 of the Act with regard to Federal agency actions which are likely to destroy or adversely modify critical habitat.

Timetable:

| Action | Date | FR Cite |
|--------|----------|------------|
| NPRM | 01/29/93 | 58 FR 6578 |

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM Comment | 03/30/93 | 58 FR 6578 |
| Period End | | |
| Final Action | 02/15/94 | |

Small Entities Affected: Undetermined
Government Levels Affected: State
Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS 452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171
RIN: 1018-AB91

1733. ENDANGERED AND THREATENED WILDLIFE AND PLANTS: FOUR HAWAIIAN FERNS

Significance: Agency Priority
Legal Authority: 16 USC 1531 et seq
CFR Citation: 50 CFR 17
Legal Deadline: Final, Statutory.
 In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:

| | | |
|---|----------|---------------|
| Asplenium fragile var. insulare (No Common Name (NCN)) | | |
| NPRM | 06/24/93 | (58 FR 34231) |
| Final Action | 06/24/94 | |
| Diplazium molokaiense (NCN) | | |
| NPRM | 06/24/93 | (58 FR 34231) |
| Final Action | 06/24/94 | |
| Pauoa | | |
| NPRM | 06/24/93 | (58 FR 34231) |
| Final Action | 06/24/94 | |
| Pteris lidgatei (NCN) | | |
| NPRM | 06/24/93 | (58 FR 34231) |
| Final Action | 06/24/94 | |

Small Entities Affected: Undetermined
Government Levels Affected: State
Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior,

United States Fish and Wildlife Service, 452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171
RIN: 1018-AB92

1734. WILD BIRD CONSERVATION ACT

Legal Authority: PL 102-440
CFR Citation: 50 CFR 23
Legal Deadline: None
Abstract: The Service will propose regulations implementing the provisions of the Wild Bird Conservation Act of 1992.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/12/93 | 58 FR 42926 |
| NPRM Comment | 09/13/93 | 58 FR 42926 |
| Period End | | |
| Final Action | 10/23/93 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined
Agency Contact: Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 432 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2093
RIN: 1018-AB93

1735. CLEAN VESSEL ACT TECHNICAL GUIDELINES

Legal Authority: PL 102-587
CFR Citation: 50 CFR 80
Legal Deadline: None
Abstract: The Clean Vessel Act provides funds to States for construction, renovation, operation and maintenance of pumpout stations, and waste reception facilities for discharging of wastes from recreation boaters. The Act requires the issuance of draft guidelines on pumpout stations and waste reception facilities for public comment within 6 months after the date of enactment. This rulemaking will propose guidelines to be used by States to build pumpout stations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/17/93 | 58 FR 33447 |
| NPRM Comment | 08/02/93 | 58 FR 33447 |
| Period End | | |
| Final Action | 01/05/94 | |

DOI—FWS

Final Rule Stage

Small Entities Affected: Businesses**Government Levels Affected:** State

Agency Contact: Columbus H. Brown, Chief, Division of Federal Aid, Department of the Interior, United States Fish and Wildlife Service, MS - 140 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2156

RIN: 1018-AB95

1736. PROPOSED ESTABLISHMENT OF A NONESSENTIAL EXPERIMENTAL POPULATION OF BLACK-FOOTED FERRETS IN NORTH-CENTRAL MONTANA

Significance: Agency Priority**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** None

Abstract: The Service, in cooperation with the Montana Department of Fish, Wildlife and Parks, will reintroduce black-footed ferrets (*Mustela nigripes*) into the 11,061-square kilometers (4,237 square miles) north-central Montana Black-footed Ferret Experimental Population Area in north-central Montana. This reintroduction is proposed to implement a primary recovery action for this federally listed endangered species and to evaluate release techniques.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 04/13/93 | 58 FR 19220 |
| NPRM Comment Period End | 06/14/93 | 58 FR 19220 |
| Final Action | 10/01/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS-452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AB96

1737. • ESTABLISHMENT OF A NONESSENTIAL EXPERIMENTAL POPULATION OF BLACK-FOOTED FERRETS IN SOUTHWESTERN SOUTH DAKOTA

Significance: Agency Priority**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** None

Abstract: The Service, in cooperation with the U.S. Forest Service and the National Park Service, proposes to release black-footed ferrets into the Conata Basin/Badlands Reintroduction Area in southwestern South Dakota. This reintroduction is proposed to implement a primary recovery action for this federally listed endangered species and to evaluate release techniques.

Timetable:

| Action | Date | FR Cite |
|-------------------------|--------------|-------------|
| NPRM | 05/19/93 | 58 FR 29176 |
| NPRM Comment Period End | 07/19/93 | 58 FR 29176 |
| Next Action | Undetermined | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS -452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AB98

1738. • ENDANGERED AND THREATENED WILDLIFE AND PLANTS: EIGHT VERNAL POOL PLANTS OF THE CENTRAL VALLEY OF CALIFORNIA

Significance: Agency Priority**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** Final, Statutory.

In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:

| | | |
|--|-----------------------------|-----------------------|
| Colusa grass | NPRM 08/05/93 (58 FR 41700) | Final Action 08/05/94 |
| Fleshy owl's grass | NPRM 08/05/93 (58 FR 41700) | Final Action 08/05/94 |
| Greene's tuctoria | NPRM 08/05/93 (58 FR 41700) | Final Action 08/05/94 |
| Hairy orcutt grass | NPRM 08/05/93 (58 FR 41700) | Final Action 08/05/94 |
| Hoover's spurge | NPRM 08/05/93 (58 FR 41700) | Final Action 08/05/94 |
| Sacramento orcutt grass | NPRM 08/05/93 (58 FR 41700) | Final Action 08/05/94 |
| San Joaquin Valley orcutt grass | NPRM 08/05/93 (58 FR 41700) | Final Action 08/05/94 |
| Slender orcutt grass | NPRM 08/05/83 (58 FR 41700) | Final Action 08/05/94 |

Small Entities Affected: None**Government Levels Affected:** State

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS -452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AC00

1739. • ENDANGERED AND THREATENED WILDLIFE AND PLANTS: THREE PUERTO RICAN TREES

Significance: Agency Priority**Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 17**Legal Deadline:** Final, Statutory.

In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

DOI—FWS

Final Rule Stage

Timetable:

Chupacallos
 NPRM 09/24/93 (58 FR 49960)
 Final Action 09/24/94

Ortegon
 NPRM 09/24/93 (58 FR 49960)
 Final Action 09/24/94

Uvillo
 NPRM 09/24/93 (58 FR 49960)
 Final Action 09/24/94

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS -452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AC04

1740. • CLEAN VESSEL ACT PUMPOUT STATION GRANT ADMINISTRATION

Significance: Agency Priority

Legal Authority: PL 102-587

CFR Citation: 50 CFR 80

Legal Deadline: None

Abstract: The Clean Vessel Act provides funds to States for construction, renovation, operation and maintenance of pumpout stations, and waste reception facilities for discharging of wastes from recreational boaters. Guidance is needed on how the program will be administered because funds are available for this fiscal year. The Service will propose criteria to be used to review grant proposals for construction of pumpouts.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/08/93 | 58 FR 36619 |
| NPRM Comment Period End | 08/23/93 | 58 FR 36619 |
| Final Action | 01/05/94 | |

Small Entities Affected: Businesses

Government Levels Affected: State

Additional Information: This action was originally scheduled in the April 1993 agenda under RIN 1018-AB95.

Agency Contact: Columbus H. Brown, Chief, Division of Federal Aid, Department of the Interior, United States Fish and Wildlife Service, MS - 140 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2156

RIN: 1018-AC06

DEPARTMENT OF THE INTERIOR (DOI)

Completed Actions

United States Fish and Wildlife Service (FWS)

1741. CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (ENDANGERED SPECIES CONVENTION)

Significance: Agency Priority

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 23

Legal Deadline: None

Abstract: The Service adds the saffron toucanet, chestnut-eared aracari, red-breasted toucan, and the spot-billed toucanet, at the request of Argentina, and the hill myna at the request of Thailand, to Appendix II of the Endangered Species Convention. The Convention regulates import, export, re-export, and introduction from the sea of certain animal and plant species. Species for which trade is controlled are listed in Appendices I, II, and III to the Convention. The countries participating in this treaty, including the U.S., recently adopted species amendments to Appendices I and II. The U.S. did not enter a reservation on any of the listing amendments approved at the recent eighth meeting of the Conference of the Parties. These amendments will be implemented in a separate rulemaking action.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| End Review No action pending at this time. | 08/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (Convention) regulates international trade in certain species of animals and plants. Species for which trade is controlled are included in three appendices. Appendix I includes species threatened with extinction that are or may be affected by trade. Appendix II includes species that although not necessarily now threatened with extinction may become so unless trade in them is strictly controlled. It also lists species that must be subject to regulation in order that trade in other currently or potentially threatened species may be brought under effective control.

Agency Contact: Charles W. Dane, Chief, Office of Scientific Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 725 Arlington Square, Washington, DC 20240, 703 358-1708

RIN: 1018-AA29

1742. PUBLIC ENTRY AND USE

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 26

Legal Deadline: None

Abstract: Regulations will be proposed which will simplify and reduce administrative costs related to the process by which special regulations relating to public access use and recreation are issued for units of the National Wildlife Refuge system. Special regulations will be used for public access use and recreation on individual national wildlife refuges.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| End Review No action pending at this time. | 08/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Shallenberger, Chief, Division of Refuges, Department of the Interior, United States Fish and Wildlife Service, MS - 670 Arlington Square, Washington, DC 20240, 703 358-1744

RIN: 1018-AA36

DOI-FWS

Completed Actions

1743. IMPLEMENTATION OF KLAMATH RIVER BASIN FISHERY RESOURCES RESTORATION ACT**Legal Authority:** 16 USC 460ss**CFR Citation:** 50 CFR 72**Legal Deadline:** None

Abstract: This rule implements the Klamath River Basin Fishery Resources Restoration Act. These include establishment of qualifications for volunteers, establishment of standards for determining the value of in-kind contributions and real and personal property provided by non-Federal sources to implement the conservation area restoration program, and establishment of the basis for determining whether matching funds will be provided in a timely and appropriate manner.

Timetable:

| Action | Date | FR Cite |
|--|----------|------------|
| ANPRM | 03/25/87 | 52 FR 9550 |
| ANPRM Comment Period End | 05/11/87 | |
| End Review | 08/27/93 | |
| Rulemaking not indicated at this time. | | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Gary Edwards, Assistant Director - Fisheries, Department of the Interior, United States Fish and Wildlife Service, MS - 3245 MIB, 1849 C Street NW., Washington, DC 20240, 202 208-6394

RIN: 1018-AB11**1744. HIGHLY TRADED APPENDIX II SPECIES****Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 23**Legal Deadline:** None

Abstract: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates international trade in listed plants and animals. The Service, as management and scientific authorities, must make appropriate determinations concerning Appendix II listed species prior to granting export approval to these listed species. Notice in the Federal Register is required by United States law in the determination process.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

End Review No action 08/27/93 pending at this time.

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 432 Arlington Square, Washington, DC 20240, 703 358-2093

RIN: 1018-AB30**1745. AMENDMENTS TO THE MARINE MAMMAL PROTECTION ACT****Legal Authority:** 16 USC 1361 to 1407**CFR Citation:** 50 CFR 18**Legal Deadline:** None

Abstract: The Service proposes to amend regulations to reflect the 1988 amendments to the Marine Mammal Protection Act pertaining to permits.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

End Review No actions pending at this time. 08/27/93

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 430 Arlington Square, Washington, DC 20240, 703 358-2093

RIN: 1018-AB34**1746. CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)****Legal Authority:** 16 USC 1531 et seq**CFR Citation:** 50 CFR 23**Legal Deadline:** None

Abstract: The Service proposes to amend 50 CFR 23, subparts A and B, to consider the following proposals recommended by the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora: (1) Whether or not to reduce the paperwork burden for trade in certain hybrid plants. Such reduction would

cause slight risks to wild plants, but a substantial reduction of administrative and public burdens. (2) Whether to require a fitness-to-travel checklist to reduce the high mortality/morbidity in the shipment of live animals. Processing such checklists would increase costs but would also increase awareness of live animals transport requirements/needs. (3) To allow innocent infractions of regulations to be cured by issuance of permits retroactively. While such action would increase costs slightly, there would be slight reductions in the cost of processing violations and such action would encourage voluntary compliance.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

End Review No action 08/27/93 pending at this time.

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Arthur Lazarowitz, Chief, Operations Branch, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 432 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2093

RIN: 1018-AB50**1747. COMPATIBILITY OF PERMITTED USES ON NATIONAL WILDLIFE REFUGES****Legal Authority:** 16 USC 668dd**CFR Citation:** 50 CFR 25; 50 CFR 26; 50 CFR 29**Legal Deadline:** None

Abstract: This rulemaking would revise portions of 50 CFR 25, 26 and 29 to define and provide standards for the compatibility of permitted uses on the National Wildlife Refuge System. Congress has expressed concern that all uses permitted on national wildlife refuges be consistently "compatible" with the purposes for which the respective refuges were established. This rulemaking would provide a uniform definition for "compatible" use and, consequently, allow enhanced protection to the national wildlife refuge system.

DOI—FWS

Completed Actions

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

End Review No action 08/27/93
to be taken at this
time.

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Shallenberger,
Chief, Division of Refuge Management,
Department of the Interior, United
States Fish and Wildlife Service, MS
- 670 Arlington Square, Washington,
DC 20240, 703 358-1744

RIN: 1018-AB70

1748. APPLICATION FEES FOR CONTROLLED HUNTS ON NATIONAL WILDLIFE REFUGES

Legal Authority: 16 USC 668dd

CFR Citation: 50 CFR 25

Legal Deadline: None

Abstract: The popularity of controlled hunts has increased greatly over the last several years. Consequently, the number of applications for hunting permits has increased proportionately to such an extent that individual national wildlife refuges have been overburdened financially, and in terms of personnel work hours, with their review of such applications for permit eligibility and issuance. The purpose of this rulemaking is to provide a regulation that will pertain to the establishment of application fees for controlled hunts on national wildlife refuges. The establishment of an application fee would defray the additional burden placed upon the individual national wildlife refuge managing a controlled hunt.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

End Review No action 08/27/93
pending at this
time.

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Shallenberger,
Chief, Division of Refuge Management,
Department of the Interior, United
States Fish and Wildlife Service, MS
- 670 Arlington Square, Washington,
DC 20240, 703 358-1744

RIN: 1018-AB71

1749. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; REMOVAL OF SPECIAL RULE ALLOWING A LIMITED SPECIAL HUNT OF GRIZZLY BEAR

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service proposes to remove 50 CFR 17.40 (b)(1)(i)(E), the special rule which allows take of grizzly bears through a special hunt in northwestern Montana. The Service further intends to review the Grizzly Bear Special Rule to address actions needed due to population pressure within a grizzly bear population. The proposed removal of the authorization for the special hunt in Montana is to allow time to review the regulation based on current biological information. The removal of the special rule will, in no way, change the remainder of the Grizzly Bear rule in 50 CFR 17.40(b).

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

NPRM 04/20/92 57 FR 14378
Final Action 08/19/92 57 FR 37478
Final Action Effective 08/19/92 57 FR 37478

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jamie Rappaport
Clark, Chief, Division of Endangered
Species, Department of the Interior,
United States Fish and Wildlife
Service, MS-452, Arlington Square,
Washington, DC 20240, 703 358-2171

RIN: 1018-AB78

1750. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; THREATENED STATUS FOR SNAKE RIVER SPRING/SUMMER CHINOOK SALMON; THREATENED STATUS FOR SNAKE RIVER FALL CHINOOK SALMON

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service is adding the Snake River spring/summer chinook salmon and the Snake River fall chinook salmon to the list of Endangered and Threatened Wildlife. Under the Endangered Species Act, and

in accordance with the Reorganization Plan No. 4 of 1970, the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Department of Commerce, is responsible for chinook salmon. The Fish and Wildlife Service is responsible for the actual addition of a species to the List of Endangered and Threatened Wildlife in 50 CFR 17.11(h).

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

Final Action 09/23/93 58 FR 49880
Final Action Effective 09/23/93

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Jamie Rappaport
Clark, Chief, Division of Endangered
Species, Department of the Interior,
United States Fish and Wildlife
Service, MS 452 Arlington Square, 1849
C Street NW., Washington, DC 20240,
703 358-2171

RIN: 1018-AB82

1751. PROCEDURES FOR CERTIFYING FISH HEALTH INSPECTORS

Significance: Agency Priority

Legal Authority: 18 USC 42

CFR Citation: 50 CFR 16

Legal Deadline: None

Abstract: The Service proposes to develop regulations that will describe the application and evaluation processes for fish health specialists who desire to be certified as fish health inspectors. These inspectors are required in order to implement regulations contained in 50 CFR 16.13. This regulation would also discuss the renewal process for such inspectors.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

End Review No action 08/27/93
pending at this
time.

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Nickum,
National Aquaculture Coordinator,
Department of the Interior, United
States Fish and Wildlife Service, MS-
820, Arlington Square, 1849 C Street
NW., Washington, DC 20240, 703 358-
1715

RIN: 1018-AB86

DOI-FWS

Completed Actions

1752. FISH HEALTH INSPECTIONS AND DIAGNOSTIC SERVICES PROVIDED TO NON-SERVICE ENTITIES

Significance: Agency Priority

Legal Authority: 18 USC 42 to 44; 16 USC 742

CFR Citation: 50 CFR 16

Legal Deadline: None

Abstract: The Service proposes to develop regulations which will describe how the Service will provide fish health inspections and diagnostic services to non-Service entities, such as private and State fish hatcheries. These procedures have not been officially standardized. This regulation will also include the application process, procedures to be followed, and responsibilities.

Timetable:

| Action | Date | FR Cite |
|------------|---------------------------------|----------|
| End Review | No action pending at this time. | 08/27/93 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Nickum, National Aquaculture Coordinator, Department of the Interior, United States Fish and Wildlife Service, MS-820, Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-1878

RIN: 1018-AB87

1753. ENDANGERED AND THREATENED WILDLIFE AND PLANTS: POLICY ON THE TREATMENT OF HYBRIDS AND PROPOSED DEFINITIONS

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service proposes to issue a policy that will include within the scope of a listing for a specific taxon "hybrid" individuals that more closely resemble a listed species than they resemble individuals intermediate with another species. The proposed policy is intended to allow the Service to routinely protect and conserve intercross progeny. A second goal is to give the Service the ability to eliminate intercross progeny if their presence interferes with conservation efforts for a listed species. It also allows fostering of intercrossing when this would preserve remaining genetic material from a nearly extinct species. Under the policy, intermediate individuals or populations of direct hybrid origin would not ordinarily be protected or be eligible for listing.

Timetable:

| Action | Date | FR Cite |
|-----------|---------------------------------|----------|
| Withdrawn | No action pending at this time. | 08/27/93 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AB90

1754. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS: TAXONOMIC CONDITIONS IN ENTRIES FOR TEXAS KARST INVERTEBRATES; TECHNICAL CORRECTIONS

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: Recently published taxonomic studies have revealed that two listed species, the Kretschmarr Cave mold beetle and the Bee Creek Cave harvestman, each comprise two species. The next republication of the List of Endangered and Threatened Wildlife will include two additional entries, the Coffin Cave mold beetle and the Bone Cave harvestman, to ensure that recognition and protection to the originally listed taxa. This rule describes the technical basis for these changes to the list.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/18/93 | 58 FR 43818 |
| Final Action Effective | 09/17/93 | 58 FR 43818 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jamie Rappaport Clark, Chief, Division of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, MS-452 Arlington Square, 1849 C Street NW., Washington, DC 20240, 703 358-2171

RIN: 1018-AC05
BILLING CODE 4310-55-F

DEPARTMENT OF THE INTERIOR (DOI)

Proposed Rule Stage

National Park Service (NPS)

1755. FORT JEFFERSON NATIONAL MONUMENT: FISHING; BOUNDARY ADJUSTMENTS

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.27

Legal Deadline: None

Abstract: This proposed regulation pertains to Fort Jefferson National Monument and will delete references to the taking of crayfish and conch.

Information will be included to redefine the park boundary. These changes are necessary to reflect a closure of park waters to the removal of crayfish and conch and to update boundary changes mandated by congressional action in 1980 that enlarged the park area.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/05/86 | 51 FR 28110 |
| NPRM Comment Period End | 09/04/86 | 51 FR 28110 |
| Reproposal | 11/19/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tony Sisto, Staff Park Ranger, Department of the Interior,

National Park Service, P.O. Box 73127, Washington, DC 20013-7127, 202 208-4874

RIN: 1024-AA96

1756. MINERALS MANAGEMENT—NON-FEDERAL OIL AND GAS

Significance: Agency Priority

Legal Authority: 16 USC 1 et seq; 16 USC 410g; 16 USC 4101; 16 USC 459d-3; 16 USC 459h-3; 16 USC 698c; 16 USC 698i; 16 USC 460-2(i); 16 USC 450kk; 16 USC 230a; PL 100-301, Sec 8; 31 USC 9701

CFR Citation: 36 CFR 9

Legal Deadline: Final, Statutory, January 29, 1989.

Section 8 of the Big Cypress National Preserve Addition Act directs the Secretary of the Interior to promulgate regulations governing nonfederal oil and gas development by 1/29/89.

Abstract: Several sections of 36 CFR part 9, subpart B contain ambiguous language which has caused confusion in interpreting the existing regulations. The NPS wants to make technical revisions to clarify requirements for both applicants and the Service. Also, the existing regulations exempt two classes of operators from compliance. Because of these exemptions, the regulations apply to only 30% of the existing operations resulting in avoidable impacts to park resources and visitor values from unregulated operations. Finally, the Service intends to propose revisions to the existing regulations to incorporate congressionally mandated requirements and timetables governing nonfederal oil and gas development in the Big Cypress National Preserve Addition. Examples of such revisions include: making the regulations applicable to all oil and gas operations within all units of the National Park System; updating terms for consistency with existing policies, practices, and laws; and removing the monetary ceiling and floor on bonds and security deposits so that bonds may be calculated and posted commensurate with reclamation costs.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Einar Olsen, Environmental Protection Specialist,

Department of the Interior, National Park Service, P.O. Box 37127, Room 3223, 1100 L St. NW., Washington, DC 20013-7127, 202 343-4968

RIN: 1024-AB39

1757. YELLOWSTONE NATIONAL PARK: COMMERCIAL TRAFFIC ON U.S. HIGHWAY 191 WITHIN YELLOWSTONE NATIONAL PARK

Significance: Agency Priority

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.13

Legal Deadline: None

Abstract: The proposed regulation will exempt the section of U.S. 191 within Yellowstone National Park from the prohibition on the use of National Park Service roads by commercial vehicles when such use has in no way a connection with operation of the park; delete the special regulations establishing the speed limit on U.S. 191 within Yellowstone National Park; and restrict the amount and type of hazardous materials which may be transported on U.S. 191 within Yellowstone National Park. The special regulation establishing the present fee schedule for commercial traffic within Yellowstone will be eliminated and the Superintendent provided the discretion to establish and adjust fees for such use on an annual basis.

These actions will clearly define the management and regulation of commercial traffic on U.S. 191 through Yellowstone and assure a certain measure of protection against hazardous waste spills.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/15/93 | 58 FR 48336 |
| NPRM Comment Period End | 11/15/93 | 58 FR 48336 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Sacklin, Chief, Planning, Department of the Interior, National Park Service, Yellowstone National Park, P.O. Box 168, Yellowstone National Park, WY 82190, 307 344-7381

RIN: 1024-AB82

1758. NATIONAL CAPITAL REGION PARKS: SPECIAL EVENT RULES

Legal Authority: 16 USC 1; 16 USC 3; 16 USC 9a; 16 USC 460(q); 16 USC 462(k); DC Code 8-137; DC Code 40-721

CFR Citation: 36 CFR 7.96

Legal Deadline: None

Abstract: The National Park Service proposed rule and policy statement with request for comments relates to special events in the National Capital Region. A variety of special events, such as festivals and private rented events have occurred on park land for some time. These events have increased in number and size and have caused a strain on limited park resources and on the National Capital Region budget. The proposed rule would limit the number and size of festivals and private rented events, limit sales at such events, and require sponsors of the events to bear any unbudgeted costs of the National Park Service.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/15/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Stanton, Regional Director, National Capital Region, Department of the Interior, National Park Service, 1100 Ohio Drive SW., Washington, DC 20242, 202 619-7005

RIN: 1024-AB92

1759. NATIONAL PARK SERVICE SYMBOLS: UNITED STATES PARK POLICE INSIGNIA

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 11

Legal Deadline: None

Abstract: The National Park Service proposed rule and request for comments relates to the United States Park Police insignia. It will recognize an official United States Park Police insignia, provide for its future protection and prevent the unauthorized use of the insignia.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/08/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Tony Sisto, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 208-4874

RIN: 1024-AB94

1760. SOLID WASTE DISPOSAL SITES IN UNITS OF THE NATIONAL PARK SYSTEM

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 6

Legal Deadline: None

Abstract: The National Park Service proposes to severely restrict the creation of any new solid waste management sites within the boundaries of any National Park unit. Sites in existence as of September 1, 1984, will be regulated to minimize the impacts upon the environment and the visitor experience.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: John Donohue, Program Specialist, Environmental Compliance Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 208-4274

RIN: 1024-AB95

1761. RIGHTS-OF-WAY

Legal Authority: 16 USC 3; 16 USC 5; 16 USC 79

CFR Citation: 36 CFR 14

Legal Deadline: None

Abstract: The regulations for rights-of-way found at 36 CFR part 14, subparts A to H were promulgated as interim regulations in 1980. The regulations no longer meet the needs of the Service or of rights-of-way applicants. Final regulations need to be developed through a revision of part 14.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/05/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Tony Sisto, Staff Park Ranger, Ranger Activities Division, Department of the Interior, National Park Service, 1849 C Street NW., Washington, DC 20240, 202 208-4874

RIN: 1024-AC01

1762. ALASKA: SUBSISTENCE USES

Legal Authority: 16 USC 3; 16 USC 3101

CFR Citation: 36 CFR 13

Legal Deadline: None

Abstract: The proposed rulemaking will amend 36 CFR part 13, subpart B - "Subsistence," to establish an alternative process for deletion of a resident zone community or area based upon an approved recommendation of a Subsistence Resource Commission (SRC) established pursuant to 16 USC 3118.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tony Sisto, Staff Park Ranger, Ranger Activities Division, Department of the Interior, National Park Service, 1849 C Street NW., Washington, DC 20240, 202 208-4874

RIN: 1024-AC03

1763. GLACIER BAY: VESSEL MANAGEMENT PLAN/REGULATIONS

Legal Authority: 16 USC 3; 16 USC 3101; 16 USC 1361; 16 USC 1531

CFR Citation: 36 CFR 13.65

Legal Deadline: None

Abstract: Glacier Bay National Park is initiating a vessel management plan that will, during its formulation, review the existing vessel regulations for revisions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/18/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marvin Jensen, Superintendent, Department of the Interior, National Park Service, Glacier Bay National Park, Gustavus, AK 99826, 907 697-2230

RIN: 1024-AC05

1764. PENALTY PROVISIONS

Legal Authority: 16 USC 1; 16 USC 3; 18 USC 3571

CFR Citation: 36 CFR 1.3

Legal Deadline: None

Abstract: Existing fine penalties at 36 CFR 1.3 were outdated by the Criminal Fine Improvement Act of 1987 (Pub. L. 100-185). These proposed regulations will establish penalty provisions in accordance with the Act.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tony Sisto, Staff Park Ranger, Ranger Activities Division, Department of the Interior, National Park Service, 1849 C Street NW., Washington, DC 20240, 202 208-4874

RIN: 1024-AC06

1765. ROCK CLIMBING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Rock climbing has long been an accepted recreational activity in many park areas. An explosive growth of rock climbing in recent years, along with increased impacts to park resources because of this activity, suggests that regulations and guidelines need to be developed to protect park resources while providing for a quality climbing experience. Information to address this issue will be sought from interested parties in an Advance Notice of Proposed Rulemaking.

Timetable:

| Action | Date | FR Cite |
|---------------|--------------|-------------|
| ANPRM | 06/11/93 | 58 FR 32878 |
| ANPRM Comment | 09/13/93 | 58 FR 32878 |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tony Sisto, Staff Park Ranger, Ranger Activities Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 208-4874

RIN: 1024-AC13

DOI—NPS

Proposed Rule Stage

1766. • SALE AND DISTRIBUTION OF NEWSPAPERS, LEAFLETS, AND PAMPHLETS

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 7.96

Legal Deadline: None

Abstract: This rule will propose an amendment to the National Park Service regulations governing sales, and will propose a rescission of an enforcement guideline regarding sales within the National Capital Region. A proposed Administrative Policy Statement will explain the administration of these regulations, which are intended to regulate sales on park land of the National Capital Region.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Stanton, Regional Director, National Capital Region, Department of the Interior, National Park Service, 1100 Ohio Drive SW., Washington, DC 20242, 202 619-7005

RIN: 1024-AC14

1767. • GLACIER NATIONAL PARK REVISION

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.3

Legal Deadline: None

Abstract: This rule will revise sport regulations to allow the Superintendent to better monitor the fishing program; to prohibit the use of motorboats in certain areas; and to clarify the exceptions to the prohibitions on commercial passenger-carrying vehicles on park roads.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tony Sisto, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 208-4874

RIN: 1024-AC15

1768. • KATMAI NATIONAL PARK—BEAR MANAGEMENT

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13.66

Legal Deadline: None

Abstract: The rulemaking will establish a process for the Superintendent to set minimum distances between humans and bears in portions of Katmai National Park. The rulemaking will prohibit a person from intentionally remaining within a specified distance from bears in areas identified by the Superintendent to protect bears and people.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Tony Sisto, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 208-4874

RIN: 1024-AC17

1769. • YELLOWSTONE NATIONAL PARK—SPECIAL REVISION

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.13

Legal Deadline: None

Abstract: Specific regulations for Yellowstone National Park were originally promulgated in the early 1970s, with only minor changes since that time. This rulemaking will completely revise this section to bring it up to date.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Tony Sisto, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 208-4874

RIN: 1024-AC18

**DEPARTMENT OF THE INTERIOR (DOI)
National Park Service (NPS)**

Final Rule Stage

1770. PROTECTION OF ARCHAEOLOGICAL RESOURCES; UNIFORM REGULATIONS

Legal Authority: PL 100-555; PL 100-588

CFR Citation: 43 CFR 7; 36 CFR 296; 18 CFR 1312; 32 CFR 229

Legal Deadline: None

Abstract: This proposed rule would amend the description of prohibited acts in the final uniform regulations to include attempts to excavate, remove, damage, or otherwise alter or deface archeological resources, based on

amendments to the Archaeological Resources Protection Act made in 1988.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 01/29/90 | 55 FR 2848 |
| NPRM Comment Period End | 02/28/90 | 55 FR 2848 |
| Additional NPRM | 09/11/91 | 56 FR 46259 |
| Final Action | 02/25/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Richard Waldbauer, Archeologist, Department of the

Interior, National Park Service, Archeological Assistance Division, P.O. Box 37127, Washington, DC 20013-7127, 202 343-4113

RIN: 1024-AA51

1771. EVERGLADES NATIONAL PARK: MINING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.45(a)

Legal Deadline: None

Abstract: This revision applies to Everglades National Park in Florida.

DOI-NPS

Final Rule Stage

Section 7.45(a) will be revised to eliminate obsolete regulations, remove expired material from the Code of Federal Regulations pertaining to commercial fishing, provide for consistency with State fishing rules, and ensure continued protection of park resources.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/05/86 | 51 FR 28108 |
| NPRM Comment Period End | 09/04/86 | 51 FR 28108 |
| Reproposal | 12/21/92 | 57 FR 60496 |
| Final Action | 11/19/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tony Sisto, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 208-4874

RIN: 1024-AB10

1772. MANAGEMENT OF MINERAL DEVELOPMENT ASSOCIATED WITH MINING CLAIMS

Significance: Agency Priority

Legal Authority: 16 USC 1901 et seq, Mining in the Parks Act of 1976; 16 USC 1 et seq, NPS Organic Act; 30 USC 21 et seq, Mining Law of 1872

CFR Citation: 36 CFR 9

Legal Deadline: None

Abstract: The existing regulations at 36 CFR part 9, subpart A, promulgated in January of 1977, contain a provision regarding the use of water in connection with mining claims within National Park System units that creates a "catch 22" for miners seeking to use water in connection with their claims. In order to use water in a park, a miner must have a perfected water right. However, to obtain a perfected water right, a miner must use water. Herein lies the "catch 22." The National Park Service would like to rectify this dilemma through a rule change that would eliminate the perfected water right language while at the same time preserve the Service's ability to protect water quality and quantity.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 05/05/89 | 54 FR 19411 |

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM Comment Period End | 07/05/89 | 54 FR 19411 |
| Final Action | 10/01/93 | |
| Small Entities Affected: None | | |
| Government Levels Affected: None | | |
| Agency Contact: Carol McCoy, Chief, Policy and Regulations Section, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013, 202 343-4962 | | |
| RIN: 1024-AB74 | | |

1773. NATIONAL NATURAL LANDMARKS PROGRAM

Significance: Agency Priority

Legal Authority: 16 USC 461 et seq

CFR Citation: 36 CFR 62

Legal Deadline: None

Abstract: This proposed rulemaking will amend the current regulations for the National Natural Landmarks Program. Proposed changes include strengthening and clarifying provisions for landowner notification, adding requirements for voluntary landowner consent for natural landmark designation, and providing for review of natural landmark nominations by the National Park System Advisory Board.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| ANPRM | 10/29/90 | 55 FR 43384 |
| NPRM | 11/21/91 | 56 FR 58790 |
| NPRM Comment Period End | 02/19/92 | 56 FR 58790 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael A. Ruggiero, Chief, Wildlife and Vegetation Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-8100

RIN: 1024-AB96

1774. GLACIER BAY NATIONAL PARK, ALASKA FISHING REGULATIONS

Significance: Agency Priority

Legal Authority: 16 USC 1; 16 USC 3; 16 USC 3101 et seq

CFR Citation: 36 CFR 13.65

Legal Deadline: None

Abstract: The proposed regulations will allow commercial fishing in Glacier Bay National Park as an exemption from currently existing servicewide regulations until December 31, 1997. Non-commercial consumptive fishing methods are designated, and subsistence uses are prohibited pursuant to statutory requirements.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/05/91 | 56 FR 37262 |
| NPRM Comment Period End | 11/03/91 | 56 FR 46589 |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tony Sisto, Staff Park Ranger, Department of the Interior, National Park Service, Ranger Activities, P.O. Box 37127, Washington, DC 20013-7127, 202 208-4874

RIN: 1024-AB99

1775. NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT IMPLEMENTATION

Legal Authority: 25 USC 3001 to 3013

CFR Citation: 43 CFR 10

Legal Deadline: None

Abstract: Regulations will provide Federal agencies, museums that receive Federal funds, and Indian tribes and Native Hawaiian organizations with directions on procedures and actions needed to comply with the Native American Graves Protection and Repatriation Act.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/28/93 | 58 FR 31122 |
| Final Action | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Francis P. McManamon, Departmental Consulting Archeologist, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-4101

RIN: 1024-AC07

DEPARTMENT OF THE INTERIOR (DOI)
National Park Service (NPS)

Completed Actions

1776. APOSTLE ISLANDS NATIONAL LAKESHORE: SNOWMOBILING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.82

Legal Deadline: None

Abstract: This proposed rule designates routes and frozen water surfaces for use by snowmobiles at Apostle Islands National Lakeshore. The general regulations at 36 CFR 2.18 prohibit such use unless routes and water surfaces are specifically identified and promulgated as special regulations. The intended effect of this regulation is to remove that prohibition and allow the use of snowmobiles to conduct legislatively authorized fishing activities.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 10/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Krambrink, Chief Ranger, Department of the Interior, National Park Service, RT 1, Box 4, Bayfield, WI 54814, 715 779-3397

RIN: 1024-AB80

1777. BLUE RIDGE PARKWAY: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.34

Legal Deadline: None

Abstract: The proposed rulemaking would revise the Park's fishing regulations by eliminating most of 36

CFR 7.34(b) in favor of adopting applicable State fishing regulations regarding seasons and creel limits. Special closures and other restrictions for specific park waters will be accomplished through annual Superintendent's orders established pursuant to 36 CFR 1.5.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| Withdrawn - No further action to be taken at this time | 10/07/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bambi Teague, Department of the Interior, National Park Service, 200 BB&T Building, Asheville, NC 28801, 704 259-0760

RIN: 1024-AC02

1778. CURATION OF FEDERALLY OWNED AND ADMINISTERED ARCHAEOLOGICAL COLLECTIONS

Legal Authority: 16 USC 470aa to 470mm

CFR Citation: 36 CFR 79.5; 36 CFR 79.12

Legal Deadline: None

Abstract: These proposed amendments to the existing regulation specify the necessary distribution of reports, records, and other documents related to archeological collections and the procedures for discarding certain kinds of materials.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 10/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Veletta Canouts, Archeologist, Department of the Interior, National Park Service, Archeological Assistance Division, P.O. Box 37127, Washington, DC 20013-7127, 202 343-4101

RIN: 1024-AC08

1779. PARTS 1 TO 5 REVISIONS

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 1; 36 CFR 2; 36 CFR 3; 36 CFR 4; 36 CFR 5

Legal Deadline: None

Abstract: A major revision of 36 CFR parts 1 to 5 was completed in 1983. This current review is to address any issues involving clarity, continued utility, changes in authorities, or other issues affecting these CFR parts. The purpose of this revision is to update existing regulations and not a major revision or change in regulatory structure as was accomplished in 1983.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 10/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tony Sisto, Staff Park Ranger, Ranger Activities Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 208-4874

RIN: 1024-AC12
BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Indian Affairs (BIA)

Proposed Rule Stage

1780. ADMINISTRATION OF THE HIGHER EDUCATION PROGRAM

Significance: Agency Priority

Legal Authority: 25 USC 13; PL 67-85

CFR Citation: 25 CFR 40

Legal Deadline: None

Abstract: This rule will revise established policies and provide uniform procedures to govern the higher education program administered under the authority of 25 USC 13. This

rule applies only to educational grants; Bureau educational loans are governed by 25 CFR part 91. This part has been redesignated from 25 CFR part 32.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 03/03/87 | 52 FR 6482 |
| NPRM Comment Period End | 05/04/87 | 52 FR 11503 |
| Public Consultation | 01/23/91 | |
| Reproposal | 12/81/93 | |

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM Comment Period End | 03/31/94 | |
| Final Action | 10/31/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Reginald Rodriguez, Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, MS-3530 MIB,

DOI—BIA

Proposed Rule Stage

1849 C Street NW., Washington, DC
20240, 202 208-4871
RIN: 1076-AA10

1781. ADMINISTRATION OF THE INDIAN ADULT EDUCATION PROGRAMS

Significance: Agency Priority
Legal Authority: 25 USC 13
CFR Citation: 25 CFR 46
Legal Deadline: None

Abstract: These proposed regulations are designed to provide standardized administrative procedures for administering and operating Indian adult education programs.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/30/87 | 12 FR 49172 |
| NPRM Comment Period End | 02/29/88 | 52 FR 49172 |
| Public consultation | 01/23/91 | |
| Reproposal | 04/30/94 | |
| NPRM Comment Period End | 07/31/94 | |
| Final Action | 02/28/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Reginald Rodriguez, Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 1849 C Street NW., Washington, DC 20240, 202 208-4871

RIN: 1076-AA15

1782. LEASING AND PERMITTING

Significance: Agency Priority
Legal Authority: 25 USC 395; 25 USC 402; 25 USC 403; 25 USC 466
CFR Citation: 25 CFR 162
Legal Deadline: None

Abstract: The Bureau proposes to reorganize part 162 into subparts to facilitate the use of the regulations for easier reference and to incorporate requirements for grazing permits within the rule for Leasing and Permitting. The inclusion of the requirements for grazing permits in this part will result in the removal of 25 CFR part 166, General Grazing Regulations, from the 25 CFR.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/30/94 | |

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM Comment Period End | 06/30/94 | |
| Final Action | 02/28/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hank Kipp, Division of Water and Land Resources, Billings Area Office, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-4004

RIN: 1076-AA29

1783. ROADS OF THE BUREAU OF INDIAN AFFAIRS

Significance: Agency Priority
Legal Authority: 25 USC 47; 25 USC 318a; 23 USC 202; 23 USC 204
CFR Citation: 25 CFR 170
Legal Deadline: None

Abstract: The Bureau of Indian Affairs is proposing to revise 25 CFR part 170 to reflect the current Bureau of Indian Affairs and Federal Highway Administration policies for road systems on Indian reservations. This change is proposed to assure that funds are apportioned from the Highway Trust Fund for construction projects on Indian reservations roads in accordance with the relative needs of the reservation, and to encourage tribal self-determination.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 02/28/94 | |
| NPRM Comment Period End | 04/28/94 | |
| Final Action | 01/31/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard B. Geiger, Chief, Division of Transportation, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-4359

RIN: 1076-AB05

1784. LEASING OF OSAGE RESERVATION LANDS FOR OIL/GAS MINING

Legal Authority: PL 95-496, sec 1 to 2; PL 95-321; PL 95-919
CFR Citation: 25 CFR 226
Legal Deadline: None

Abstract: This proposed rule would amend 25 CFR part 226 to allow certain producers to receive bonus or premium pay for the crude oil produced. The regulations strengthen the management of the Osage mineral estates and relieve the Osage oil lessees from basing the payment of royalties to the Osage Tribe on the offered or posted price of a major purchaser in Kansas-Oklahoma area.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/31/93 | |
| NPRM Comment Period End | 12/31/93 | |
| Final Action | 09/30/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Kim Snyder, Liaison Officer, Energy and Minerals, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Mail Stop 4544-MIB, Washington, DC 20240, 202 208-3607

RIN: 1076-AC09

1785. FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAM

Significance: Agency Priority
Legal Authority: 25 USC 13
CFR Citation: 25 CFR 20
Legal Deadline: None

Abstract: The Bureau is amending existing Financial Assistance and Social Services program regulations. The proposed regulations define the extent of the programs, establish eligibility requirements and set the parameters for assistance payments. General Assistance, Child Welfare Assistance and Services to Families and Communities will be revised. Adult Care Services, Tribal Work Experience Program and Miscellaneous Assistance Programs will be added to the regulations in more detail.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 11/30/93 | |
| NPRM Comment Period End | 01/31/94 | |
| Final Action | 09/30/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Hickman, Chief, Division of Social Services,

DOI-BIA

Proposed Rule Stage

Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-2721
 RIN: 1076-AC13

1786. CERTIFICATES OF DEGREE OF INDIAN BLOOD

Significance: Agency Priority
Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9
CFR Citation: 25 CFR 70
Legal Deadline: None

Abstract: This rulemaking action is to add a new part 70 to govern the issuance of Certificates of Degree of Indian Blood (CDIBs). There has been a sharp increase in the number of requests for CDIBs over the past few years. More and more programs are requiring individuals to submit CDIBs to document possession of Indian blood. This rulemaking action is intended to clarify the circumstances under which the Bureau will issue CDIBs; the documents and records on which the Bureau will base the issuance of CDIBs; and the procedures that individuals will need to follow, including any documentation requirements, to obtain CDIBs.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 03/31/94 | |
| NPRM Comment Period End | 05/31/94 | |
| Final Action | 01/31/95 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Agency Contact: Lathel Duffield, Chief, Branch of Tribal Enrollment Services, Department of the Interior, Bureau of Indian Affairs, MS-2611 MIB, 1849 C Street NW., Washington, DC 20240, 202 208-3702

RIN: 1076-AC19

1787. REVISED PROCEDURES FOR IMPLEMENTATION OF THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT AMENDMENTS OF 1988

Significance: Regulatory Program
Legal Authority: 25 USC 450; 5 USC 5911; 43 USC 1396

CFR Citation: 25 CFR 900; 25 CFR 272; 25 CFR 274; 25 CFR 275; 25 CFR 276; 25 CFR 277; 25 CFR 278

Legal Deadline: NPRM, Statutory, August 5, 1989. Final, Statutory, October 5, 1989.

Abstract: The primary purpose of the amendments to 93 USC 638 is to permit an orderly transition from Federal domination of programs for and services to Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services while maintaining the Federal Government's unique and continuing relationship with and responsibility to individual Indian tribes and to the Indian people as a whole. In addition to extensive consultation with the tribes and Native American groups, the Bureau of Indian Affairs is examining all of its planning administrative procedures from the perspective of maximizing tribal participation. The changes are one of process rather than increases or decreases in budget or program funding.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 01/15/94 | |
| NPRM Comment Period End | 04/30/94 | |
| Final Action | 06/15/95 | |

Small Entities Affected: None
Government Levels Affected: Federal

Additional Information: This Rule combined the current 25 CFR parts 271, 272, 274, 275, 276, 277 and 278.

Agency Contact: Jim Thomas, Chief, Indian Self Determination, Department of the Interior, Bureau of Indian Affairs, Room 4627-MIB, 1849 C Street NW., Washington, DC 20240, 202 208-5727

RIN: 1076-AC20

1788. SAFETY AND HEALTH INSPECTION PROGRAM

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13; 5 USC 7902; 7 USC 135 et seq; 21 USC 301 et seq; 23 USC 208; 33 USC 467 et seq

CFR Citation: 25 CFR 50

Legal Deadline: None

Abstract: This proposed rule establishes a new part containing requirements for determining whether plant conditions at Bureau-funded schools are an immediate hazard to health and safety. The Bureau is required to develop rules for a safety and health inspection program by PL

100-297, which states that schools may be closed or consolidated, or programs substantially curtailed, for plant conditions constituting an immediate hazard to health or safety only if a Bureau health and safety officer determines that such conditions exist. This rule is administrative in nature and outlines the responsibilities of the Division of Safety Management for conducting safety and health inspections.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 12/31/93 | |
| NPRM Comment Period End | 02/28/94 | |
| Final Action | 10/31/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Jaynes, Department of the Interior, Bureau of Indian Affairs, Division of Safety Management, P.O. Box 2186, Albuquerque, NM 87103, 505 766-2863

RIN: 1076-AC31

1789. MINIMUM ACADEMIC STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN AND NATIONAL CRITERIA FOR DORMITORY SITUATIONS

Legal Authority: 25 USC 2001

CFR Citation: 25 CFR 36

Legal Deadline: None

Abstract: The Bureau of Indian Affairs is proposing to revise the regulations in 25 CFR 36 which govern the provisions of academic and dormitory programs for bureau-funded schools. The proposed revisions will satisfy the requirements of the Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (PL 100-297) which require the establishment of standards for immunization of students, an alcohol and substance abuse curriculum and a process for substituting alternative dormitory standards.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 11/30/93 | |
| NPRM Comment Period End | 02/28/94 | |
| Final Action | 08/31/94 | |

Small Entities Affected: None

Government Levels Affected: None

DOI-BIA

Proposed Rule Stage

Agency Contact: Jim Martin, Chief, Planning, Oversight and Evaluation Staff, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 219-1131

RIN: 1076-AC32

1790. GENERAL FOREST REGULATIONS

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 301; 25 USC 406; 25 USC 407; 25 USC 413; 25 USC 466

CFR Citation: 25 CFR 163

Legal Deadline: Final, Statutory, May 28, 1992.

Abstract: The Bureau of Indian Affairs is revising 25 CFR part 163 to reflect those changes necessary to implement the National Indian Forest Resources Management Act, PL 101-630. This action includes revisions and amendments to existing regulations as well as the addition and deletion of sections affected by the Act. The regulations will provide uniform guidance for forest management and administration and implement Indian and Alaskan Native forestry education assistance programs.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 11/15/93 | |
| NPRM Comment Period End | 01/31/94 | |
| Final Action | 06/30/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal

Additional Information: In conjunction with this revision of part 163, parts 164 and 165 will be deleted.

Agency Contact: Jim Stires, Forester, Branch of Forestry, Department of the Interior, Bureau of Indian Affairs, Billings Area Office, 1316 N. 26th Street, Billings, MT 59101, 406 657-6358

RIN: 1076-AC44

1791. DEPOSIT AND EXPENDITURE OF INDIVIDUAL FUNDS OF MEMBERS OF THE OSAGE TRIBE OF INDIANS WHO DO NOT HAVE CERTIFICATES OF COMPETENCY

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 117

Legal Deadline: None

Abstract: The Bureau of Indian Affairs is publishing a proposed rule to amend the regulations governing the deposit and expenditure of individual funds belonging to persons of Osage blood who do not possess a certificate of competency. The regulations are being amended to correspond to current administrative and economic conditions. The promulgation of these amendments will improve the management of the restricted funds of such persons and estates of such deceased persons.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 02/28/94 | |
| Final Action | 12/31/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gordon Jackson, Superintendent, Osage Agency, Department of the Interior, Bureau of Indian Affairs, Grandview Agency, Tulsa, OK 74056, 918 287-2495

RIN: 1076-AC45

1792. FACILITIES CONSTRUCTION PROGRAM

Significance: Agency Priority

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 13; 25 USC 413; 25 USC 9; 25 USC 295; 25 USC 2005c; 29 USC 794

CFR Citation: 25 CFR 294

Legal Deadline: None

Abstract: The purpose of these regulations is to formalize procedures and the approval process for the acquisition of sites, construction, or renovation (including all necessary equipment) for schools for Indian children under funds authorized and appropriated under Federal statutes for new school construction application evaluations and priority rankings. These appropriations include, but are not limited to, the following: facility structures that require new addition to an existing structure, new school facilities, dormitories, gymnasiums, cafeterias, libraries, and multi-purpose rooms. Because these are procedural regulations, they do not entail any additional costs; the benefits include a more effective program.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/01/93 | |
| Final Action | 07/31/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: A new part 294 will be published in a new subchapter P in 25 CFR chapter I, "Facilities, Construction, Operation and Maintenance."

Agency Contact: Kathleen L. Slover, Program Liaison Specialist, Office of Construction Management, Department of the Interior, Bureau of Indian Affairs, Room 2417 MIB, 1849 C Street NW., Washington, DC 20240, 202 208-3405

RIN: 1076-AC49

1793. OPERATION AND MAINTENANCE OF IRRIGATION PROJECTS

Significance: Agency Priority

Legal Authority: 25 USC 145; 25 USC 383; 25 USC 385; 25 USC 338; 25 USC 43

CFR Citation: 25 CFR 171

Legal Deadline: None

Abstract: The purpose of these revisions is to provide for consistent administration, to establish policies for updating practices and procedures of operation and maintenance of the irrigation system and to provide uniform accounting procedures.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 12/31/93 | |
| NPRM Comment Period End | 02/28/94 | |
| Final Action | 10/31/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mort Dreamer, Supervisory General Engineer, Department of the Interior, Bureau of Indian Affairs, Room 4559, MIB, 1849 C Street NW., Washington, DC 20240, 202 208-5696

RIN: 1076-AC53

1794. LAW ENFORCEMENT FACILITIES REGULATIONS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 13; 25 USC 413

CFR Citation: 25 CFR 296

Legal Deadline: None

Abstract: The Bureau of Indian Affairs (BIA) is proposing to add a new part 296 to formalize the procedures applicable to the priority ranking process for Adult and Juvenile Detention Centers projects federally owned, leased, contracted or granted. The new part 296 will be added under a new subchapter P of title 25 of the Code of Federal Regulations entitled Facilities Management Program. The priority ranking process will result in the establishment of a priority listing of Adult and Juvenile Detention Center projects for possible funding as authorized and appropriated by Congress. Because these are procedural regulations, they do not entail any additional cost; the benefits include a more effective program.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 04/15/94 | |
| Final Action | 05/15/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: A new part 294 will be placed in a new subchapter P of 25 CFR chapter I, "Facilities Construction, Operations, and Maintenance."

Agency Contact: Kathleen L. Slovor, Program Liaison Specialist, Office of Construction Management, Department of the Interior, Bureau of Indian Affairs, Room 2417 MIB, 1849 C Street NW., Washington, DC 20240, 202 208-3405

RIN: 1076-AC60

1795. INDIVIDUAL INDIAN MONIES

Significance: Agency Priority

Legal Authority: 5 USC 301; 25 USC 29; 43 USC 1457

CFR Citation: 25 CFR 115

Legal Deadline: None

Abstract: This regulation will modify existing regulations governing the Individual Indian Monies Trust (IIM) Funds and establish guidelines on accepting new IIM accounts. The Federal Government has sole responsibility for the protection of Indian trust funds which have been either collected from receipts from Indian trust land or through judgment awards to tribes and/or individuals.

The Bureau of Indian Affairs has established the Office of Trust Funds Management to oversee Indian Trust Funds operations. The modified and new regulations will result in the added protection, and more efficient handling of the Indian trust funds.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/30/93 | |
| NPRM Comment | 01/31/94 | |
| Period End | | |
| Final Action | 08/31/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jim Parris, Director, Office of Trust Funds Management, Department of the Interior, Bureau of Indian Affairs, 505 Marquette NW, Suite 700, Albuquerque, NM 87102, 505 766-3230

RIN: 1076-AC65

1796. SALE OF FOREST PRODUCTS, RED LAKE INDIAN RESERVATION, MINNESOTA

Significance: Agency Priority

Legal Authority: 25 USC 9; 25 USC 2

CFR Citation: 25 CFR 165

Legal Deadline: None

Abstract: The purpose of this action is to delete part 165 from 25 CFR. Since the Red Lake Indian Mills no longer exist and since section 163.13, "Indian tribal forest enterprise operations," of the 1993 revision of the 25 CFR General Forest Regulations adequately prescribes policy for the sale of forest products produced by other Indian forest product enterprises on the Red Lake Indian Reservation, 25 CFR part 165 is no longer needed.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 04/15/94 | |
| NPRM Comment | 06/15/94 | |
| Period End | | |
| Final Action | 01/15/95 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This part is being deleted due to revisions made in part 163.

Agency Contact: Jim Stires, Forester, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 1316

N. 26th Street, Billings, MT 59101, 406 657-6358

RIN: 1076-AC75

1797. SALE OF LUMBER AND OTHER FOREST PRODUCTS PRODUCED BY INDIAN ENTERPRISES FROM THE FORESTS ON INDIAN RESERVATIONS

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 164

Legal Deadline: None

Abstract: The purpose of this action is to delete part 164 from 25 CFR. Since section 163.13, "Indian tribal forest enterprise operations," of the 1993 revision of the 25 CFR General Forest Regulations adequately prescribed policy for the sale of lumber and other forest products produced by Indian enterprises from forests on Indian reservations, 25 CFR part 164 is no longer needed.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 04/15/94 | |
| NPRM Comment | 06/15/94 | |
| Period End | | |
| Final Action | 01/15/95 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This part is being deleted due to revisions made to part 163.

Agency Contact: Jim Stires, Forester, Department of the Interior, Bureau of Indian Affairs, 1316 N. 26th Street, Billings, MT 59101, 406 657-6358

RIN: 1076-AC77

1798. LISTING OF COURTS OF INDIAN OFFENSES: AMENDMENT

Legal Authority: 5 USC 301; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None

Abstract: On May 14, 1991, the Ute Mountain Tribal Council voted to retrocede the operation of the law enforcement services and tribal court programs citing ongoing problems which have hindered the fair and impartial administration of justice. This decision has created a jurisdictional void since neither State or Federal authorities have jurisdiction over minor offenses committed by Indians. To

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minimize the potential danger to the residents of the Ute Mountain Ute Reservation, the BIA is undertaking this rulemaking to authorize the establishment of Courts of Indian Offenses to fill this apparent jurisdictional void.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/30/93 | |
| Final Action | 06/30/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roland Johnson, Assistant Area Director (Programs), Albuquerque Area Office, Department of the Interior, Bureau of Indian Affairs, P.O. Box 26567, Albuquerque, NM 87125-6567, 505 766-3157

RIN: 1076-AC78

1799. ADULT AND JUVENILE DETENTION, HOLDING, AND COMMUNITY RESIDENTIAL STANDARDS FOR FACILITIES AND PROGRAMS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 13; 25 USC 2417; 25 USC 2453; 25 USC 2802

CFR Citation: 25 CFR 10

Legal Deadline: None

Abstract: The Bureau of Indian Affairs is proposing a new part 10 in 25 CFR to establish standards for governing Indian adult and juvenile detention, holding and community residential facilities and programs. The current detention regulations in 25 CFR are over 20 years old and extremely limited. The proposed changes will cover all important issues governing detention and residential services. The standards will increase the bureau's capability to provide Indian tribes the direction to administer constitutionally sound detention and residential programs. It will also provide a preventative measure to potential litigation.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 12/31/93 | |
| NPRM Comment Period End | 02/28/94 | |
| Final Action | 10/31/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Warren D. LeBeau, Detention Specialist, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-5786

RIN: 1076-AC80

1800. NAVAJO PARTITIONED LANDS GRAZING REGULATIONS

Legal Authority: 25 USC 640(d)

CFR Citation: 25 CFR 161

Legal Deadline: None

Abstract: These regulations are necessary for implementation of the livestock and grazing control provisions of 25 USC 640(d). In 1982 the Federal District Court for Arizona abolished 25 CFR 153, Grazing Regulation for the Joint Use Administrative Area and ordered the Secretary to promulgate new regulations for the control of grazing and livestock for the former Joint Use Administrative Area. Due to a lack of tribal concurrence, regulations were not promulgated for lands partitioned to the Navajo Tribe. Navajo tribal concurrence has been recently obtained; therefore, the BIA needs to move forward with publication of these regulations. Any cost associated with the implementation of these regulations will be assumed within the BIA annual budget. Cost associated with compliance of the provisions of these regulations will be borne by the Navajo Tribe or its members. There is no associated cost to the general public.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 01/31/94 | |
| NPRM Comment Period End | 03/31/94 | |
| Final Action | 11/30/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ray Smith, Chief, Branch of Agriculture, Division of Water and Land, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-6807

RIN: 1076-AC81

1801. HOUSING IMPROVEMENT PROGRAM

Significance: Agency Priority

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 256

Legal Deadline: None

Abstract: Language contained in the current regulations is in some cases vague and confusing, resulting in assistance being provided to ineligible applicants. Abuses have been identified and the program has been declared a material weakness by the Department. In addition, an error in a selection criteria point must be corrected. The changes will ensure that Federal funds are used to provide decent, safe, and sanitary housing.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 01/15/94 | |
| NPRM Comment Period End | 03/31/94 | |
| Final Action | 12/31/94 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: None

Additional Information: The provisions published under this RIN related to mineral agreements will be published as a separate final rule under RIN 1076-AC99.

Agency Contact: Ronald Thurman, Housing Program Specialist, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-5427

RIN: 1076-AC82

1802. MUTUAL FUND INVESTMENT OF TRUST FUNDS

Significance: Regulatory Program

Legal Authority: PL 101-644; 25 USC 151

CFR Citation: 25 CFR 144

Legal Deadline: None

Abstract: This regulation will address the general guidelines related to the investment of tribal and individual Indian funds exceeding \$50,000. These funds are in a mutual account comprised entirely of public debt obligations of the United States, or other obligations which are unconditionally guaranteed by the United States as to both principal and interest.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 09/30/94 | |
| NPRM Comment Period End | 11/30/94 | |
| Final Action | 08/31/95 | |

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Proposed Rule Stage

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Agency Contact: Jim Parris, Director, Office of Trust Funds Management, Department of the Interior, Bureau of Indian Affairs, 505 Marquette Street NW., Suite 700, Albuquerque, NM 87102, 505 766-3230
RIN: 1076-AC83

1803. INDIAN MONIES, PROCEEDS OF LABOR (IMPL)

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 155
CFR Citation: 25 CFR 113
Legal Deadline: None

Abstract: The Bureau is proposing to rescind part 113 of 25 CFR in accordance with Pub. L. 97-257, which provided that no funds shall be deposited in such accounts after September 30, 1982. The accounts have been removed from the accounting system and are no longer in use.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/31/93 | |
| NPRM Comment | 02/28/94 | |
| Period End | | |
| Final Action | 08/15/94 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Agency Contact: Jim R. Parris, Director, Office of Trust Funds Management, Department of the Interior, Bureau of Indian Affairs, 505 Marquette St. NW., Suite 700, Albuquerque, NM 87102, 505 766-3230
RIN: 1076-AC86

1804. BUSINESS PRACTICES ON THE NAVAJO, HOPI, AND ZUNI RESERVATIONS

Legal Authority: 5 USC 301
CFR Citation: 25 CFR 141
Legal Deadline: None

Abstract: The Bureau of Indian Affairs is proposing to revise language that provides that license fees be deposited into "Indian Monies, Proceeds of Labor (IMPL)" accounts. The Bureau is no longer authorized to obligate or expend IMPL funds in accordance with Pub. L. 97-257, which rescinded use of IMPL accounts. Language pertaining to the

IMPL accounts will be deleted and corrected to read "Special Deposit Account."

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/31/93 | |
| NPRM Comment | 02/28/94 | |
| Period End | | |
| Final Action | 08/15/94 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Agency Contact: Jim R. Parris, Director, Office of Trust Funds Management, Department of the Interior, Bureau of Indian Affairs, 505 Marquette St. NW., Suite 700, Albuquerque, NM 87102, 505 766-3230
RIN: 1076-AC87

1805. TRIBAL ORGANIZATION UNDER A FEDERAL STATUTE

Legal Authority: 5 USC 301; 25 USC 473; 25 USC 476; 25 USC 477; 25 USC 503; PL 100-581

CFR Citation: 25 CFR 81

Legal Deadline: None

Abstract: These regulations establish uniform procedures for conducting Secretarial elections for voting on proposed constitutions when tribes wish to reorganize, adopt constitutional amendments, ratify and amend charters, or revoke existing constitutions. This proposed rule will revise the regulations to bring them into compliance with PL 100-581.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 04/30/94 | |
| NPRM Comment | 06/01/94 | |
| Period End | | |
| Final Action | 01/31/95 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Agency Contact: Joyce Grisham, Division of Tribal Government Services, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-7445
RIN: 1076-AC88

1806. PETITIONING AND OTHER PROCEDURES FOR TRIBES REORGANIZED UNDER FEDERAL STATUTE AND OTHER ORGANIZED TRIBES

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 473; 25 USC 476; 25 USC 477; 25 USC 503

CFR Citation: 25 CFR 82

Legal Deadline: None

Abstract: This regulation will provide uniformity and order in the formulation and submission of petitions to request the Secretary to call elections to amend tribal constitutions, issue charters, and other actions where constitutions provide for petitioning the Secretary or Commissioner. This rule will amend the regulations to allow the spokesman for the petitioners to make technical changes to petitions in consultation with the Bureau and to change the petition format.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 04/30/94 | |
| NPRM Comment | 06/01/94 | |
| Period End | | |
| Final Action | 01/31/95 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Agency Contact: Joyce Grisham, Division of Tribal Government Services, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-7445
RIN: 1076-AC89

1807. FAMILY AND CHILD EDUCATION PROGRAM (FACE)

Legal Authority: 25 USC 2; 25 USC 2003; 25 USC 2002; 25 USC 13

CFR Citation: 25 CFR 35

Legal Deadline: None

Abstract: This rule will establish new standards and procedures for applications and approval of applications under family and child education programs. The proposed standards are intended to enhance and ensure fairness in the award of funds for these programs.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/05/93 | |

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| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM Comment | 02/05/94 | |
| Period End | | |
| Final Action | 09/30/94 | |

Small Entitles Affected: None
Government Levels Affected: None
Agency Contact: Patsy Jones, Education Specialist, Office of Indian Education Programs, Department of the Interior, Bureau of Indian Affairs, Room 3530 MIB, 1849 C Street NW., Washington, DC 20240, 202 219-1127
RIN: 1076-AC92

1808. ARRANGEMENTS WITH STATES, TERRITORIES, AND OTHER AGENCIES FOR SOCIAL WELFARE OF INDIANS

Legal Authority: 25 USC 454

CFR Citation: 25 CFR 21

Legal Deadline: None

Abstract: The passage of Public Law 96-638, the Indians Self Determination and Education Assistance Act, authorized Indian tribes to enter into contractual agreements with the Federal government to administer tribal social services programs, as well as other programs formerly administered by Federal agencies. This rule will set forth procedures governing these agreements, as well as those entered into for the same purpose with state governments.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 07/31/94 | |
| NPRM Comment | 09/30/94 | |
| Period End | | |
| Final Action | 05/31/95 | |

Small Entitles Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Hickman, Chief, Division of Social Services, Office of Tribal Services, Department of the Interior, Bureau of Indian Affairs, Room 310 - SIB, 1951 Constitution Ave. NW., Washington, DC 20240, 202 208-2649

RIN: 1076-AC94

1809. LICENSED INDIAN TRADERS

Legal Authority: 25 USC 261; 25 USC 262; 25 USC 2; 25 USC 9; 25 USC 301; 18 USC 437

CFR Citation: 25 CFR 140

Legal Deadline: None

Abstract: The rule will add a new section 140.27 to ensure compliance with tribal commercial codes in the regulation of business activities on Indian reservations within the State of New York.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/31/94 | |
| NPRM Comment | 03/31/94 | |
| Period End | | |
| Final Action | 09/15/94 | |

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: George Big Eagle, Rights Protection Officer, Eastern Area Office, Department of the Interior, Bureau of Indian Affairs, 3701 N. Fairfax Drive, Rm. 260, Arlington, VA 22203, 703 235-3178

RIN: 1076-AC95

1810. EDUCATION CONTRACTS UNDER THE JOHNSON-O'MALLEY ACT

Legal Authority: 25 USC 455 to 457; PL 95-561; PL 93-638

CFR Citation: 25 CFR 273

Legal Deadline: None

Abstract: This rule will change the definition of the term "eligible Indian for services" and incorporate applicable statutory changes and Federal court decisions. The proposed change will clarify program eligibility.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 03/31/94 | |
| NPRM Comment | 06/30/94 | |
| Period End | | |
| Final Action | 12/31/94 | |

Small Entitles Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles Geboe, Chief, Elementary and Secondary Education, Office of Indian Education Programs, Department of the Interior, Bureau of Indian Affairs, Room 3530 - MIB, 1849 C Street NW., Washington, DC 20240, 202 219-1129

RIN: 1076-AC96

1811. • INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION PROGRAMS

Significance: Regulatory Program

Legal Authority: 25 USC 301

CFR Citation: 25 CFR 63

Legal Deadline: None

Abstract: This regulation will establish a formula by which base support funding will be provided to tribes to establish Indian child protection and family violence protection programs. Base support funding is to consider projected service area population, projected service area, projected caseload, and any special circumstances. Funds may be used to initiate child protective services programs, family violence protection programs, child abuse investigation and prosecution programs, training programs, and community education.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 09/30/94 | |
| NPRM Comment | 11/30/94 | |
| Period End | | |
| Final Action | 09/30/95 | |

Small Entitles Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Hickman, Director, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, DC 20240, 202 208-2721

RIN: 1076-AC97

1812. • MANAGEMENT OF TRIBAL ASSETS OF THE UTE INDIAN TRIBE AND THE UTE INDIAN CORPORATION

Legal Authority: 25 USC 2

CFR Citation: 25 CFR 217

Legal Deadline: None

Abstract: This rule will provide procedures for the joint management of undivided assets by the Tribal Business Committee, representing the full-blood group, and the Ute Distribution Corporation, representing the mixed-blood group. This action is required by law to divide the net proceeds from the undivided assets between the two groups.

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Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 09/30/94 | |
| Final Action | 09/30/95 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined
Agency Contact: Jim Parris, Director, Office of Trust Funds Management,

Department of the Interior, Bureau of Indian Affairs, 505 Marquette Street NW., Suite 700, Albuquerque, NM 87102, 505 766-3230
RIN: 1076-AC98

DEPARTMENT OF THE INTERIOR (DOI)
 Bureau of Indian Affairs (BIA)

Final Rule Stage

1813. CRIMINAL AND CIVIL CODE OF OFFENSES AND PROCEDURES FOR THE COURTS OF INDIAN OFFENSE

Significance: Agency Priority
Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13
CFR Citation: 25 CFR 11; 25 CFR 12
Legal Deadline: None

Abstract: The present regulations contain an incomplete criminal code that does not cover many areas of state law where the reservation is located. The current regulations also contain incomplete provisions for criminal and civil procedures. This rule will update the sections on criminal offenses and create new sections on criminal procedures, domestic relations and probate proceedings. Courts will have a six month period from the date of publication of the final rule in which to revise court codes. There will be no effect on the annual caseload, staffing, or costs.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/24/85 | 50 FR 43235 |
| NPRM Comment Period End | 01/31/86 | 51 FR 400 |
| Final Action | 10/31/93 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Betty Rushing, Chief, Branch of Judicial Services, Department of the Interior, Bureau of Indian Affairs, Division of Tribal Government Services, 1849 C Street NW., MS-2611, Washington, DC 20240, 202 208-4400
RIN: 1076-AA01

1814. OIL, GAS, SOLID MINERAL, AND GEOTHERMAL MINERAL AGREEMENTS

Significance: Agency Priority
Legal Authority: 25 USC 2101 to 2108
CFR Citation: 25 CFR 225
Legal Deadline: None

Abstract: The purpose of these revisions is to reflect the enactment of legislation, court decisions, changes, and reorganization with the Federal government and the evolution of usual and common business practices. The existing rule does not adequately reflect the provisions of the Federal Oil and Gas Royalty Management Act or the Surface Mining Control and Reclamation Act.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/21/87 | 52 FR 39332 |
| Comment Period End | 12/21/87 | 52 FR 39332 |
| NPRM | 11/18/91 | 56 FR 58734 |
| Reproposal | 11/21/91 | 56 FR 58734 |
| NPRM Comment period end | 01/19/92 | |
| Final Action | 03/31/94 | |

Small Entities Affected: None
Government Levels Affected: None
Additional Information: This regulation was formerly combined with material that will now be published separately under RIN 1076-AC98.

Agency Contact: Kim Snyder, Div. of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-3607
RIN: 1076-AA82

1815. PROTECTION OF ARCHAEOLOGICAL RESOURCES

Legal Authority: 16 USC 470
CFR Citation: 25 CFR 262
Legal Deadline: None

Abstract: This final rule will add a new part to title 25 of the Code of Federal Regulations. The rule is in response to direction in the Archeological Protection Act of 1979. Key areas of the proposed rule will address the permit requirements specific to Indian Tribes and individuals, and the custody of archeological resources.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 01/25/90 | 55 FR 2580 |
| NPRM Comment Period End | 02/24/90 | |
| Final Action | 01/31/94 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Don Sutherland, Archeologist, Office of Environmental Quality, Department of the Interior, Bureau of Indian Affairs, Mail Stop 4544-MIB, 1849 C Street NW., Washington, DC 20240, 202 208-4791
RIN: 1076-AC23

1816. PROCEDURES FOR ESTABLISHING THAT AN AMERICAN GROUP EXISTS AS AN INDIAN TRIBE

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9
CFR Citation: 25 CFR 83
Legal Deadline: None

Abstract: The proposed revisions will improve existing regulations by clarifying and revising definitions, criteria, and administrative procedures and by adding a revised independent review of decisions. The revisions respond to issues raised by diverse parties concerning the interpretation of the regulations and the administration of the review process. The proposed changes are based upon 14 years of experience administering the acknowledgement process and upon public comments from the Congress, states, recognized tribes, unrecognized groups, other Federal agencies, and national Indian organizations.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/18/91 | 56 FR 47320 |
| NPRM Comment Period End | 12/17/91 | |
| Final Action | 11/30/93 | |

Small Entities Affected: None
Government Levels Affected: None

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Final Rule Stage

Agency Contact: Holly Reckord, Acting Chief, Branch of Acknowledgement and Research, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-3592
RIN: 1076-AC46

1817. PREPARATION OF A ROLL OF INDEPENDENT SEMINOLE INDIANS OF FLORIDA

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; PL 101-227

CFR Citation: 25 CFR 67

Legal Deadline: None

Abstract: This final rule will add a new part 67 to provide procedures to govern the preparation, certification, and approval of a descendancy roll of independent Seminole Indians of Florida. The Act of April 30, 1990, provides for the use and distribution of funds awarded the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission. Section 7 directs the Secretary of the Interior to compile a roll of independent individuals of Seminole descent. The descendancy roll will be used as the basis for a per capita distribution of a portion of the Seminole judgement funds.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/30/92 | 57 FR 45252 |
| NPRM Comment Period End | 10/30/92 | |
| Final Action | 01/31/94 | |
| Final Action Effective | 02/28/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kaye Armstrong Vann, Area Tribal Relations Specialist, Department of the Interior, Bureau of Indian Affairs, 3701 N. Fairfax Drive, MS-260, Virginia Square, Arlington, VA 22203, 703 235-2575
RIN: 1076-AC48

1818. BUY INDIAN ACT PROCEDURES FOR CONTRACTING

Significance: Regulatory Program

Legal Authority: 25 USC 47

CFR Citation: 48 CFR 1480

Legal Deadline: Final, Statutory, September 12, 1991.
 Interim Final - 03/01/91.

Abstract: This final rule will be codified as 48 CFR 1480, replacing 41 CFR part 14H, and will establish policies and procedures concerning the Bureau of Indian Affairs' acquisition management system. This rule pertains to contracts entered into pursuant to the Act of June 25, 1910 (25 USC 47), which is usually referred to as the "Buy Indian Act."

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/12/91 | 56 FR 46468 |
| NPRM Comment Period End | 01/10/92 | |
| Final Action | 03/31/94 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Kimberly A. Romine, Procurement Analyst, Department of the Interior, Bureau of Indian Affairs, MS 334-A, SIB, 1849 C Street NW., Washington, DC 20240, 202 208-2825

RIN: 1076-AC50

1819. OFF RESERVATION LAND ACQUISITIONS FOR INDIAN TRIBES

Significance: Regulatory Program

Legal Authority: 25 USC 465; 25 USC 2202

CFR Citation: 25 CFR 151

Legal Deadline: None

Abstract: This final rule will provide stronger and more consistent guidelines for reviewing trust applications than the current case-by-case review, which uses general criteria. The Secretary of the Interior announced on July 19, 1990, a new policy for Indian Tribes acquiring in trust for gaming and non-gaming purposes lands contiguous to or outside the tribe's existing reservation boundaries. This proposed revision will add two new sets of criteria that will be used in evaluating tribal off-reservation acquisition for gaming and non-gaming purposes.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/15/91 | 56 FR 32278 |
| NPRM Comment Period End | 08/15/91 | 56 FR 32278 |
| Final Action | 03/31/94 | |
| Final Action Effective | 04/30/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alice Harwood, Realty Specialist, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, Room 4522 - MIB, 1849 C Street NW., Washington, DC 20240, 202 208-3604

RIN: 1076-AC51

1820. INDIAN CHILD WELFARE ACT

Significance: Regulatory Program

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 23

Legal Deadline: None

Abstract: The regulations (25 CFR part 23) are being revised to authorize the provision of funds to Indian tribes on a non-competitive basis. The revised rule will also incorporate provisions for maintaining a competitive grant award process for non-reservation Indian organizations.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 01/12/93 | 58 FR 4046 |
| NPRM Comment Period End | 02/11/93 | |
| Final Action | 04/30/94 | |

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: David Hickman, Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, Room 310, SIB, 1849 C Street NW., Washington, DC 20240, 202 208-2721

RIN: 1076-AC55

1821. USE OF COLUMBIA RIVER INDIAN IN-LIEU FISHING SITES

Significance: Agency Priority

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 248

Legal Deadline: None

Abstract: The purpose of this action is to amend 25 CFR 248 to be consistent with the decision of the 9th Circuit Court of Appeals and the final judgment in *Sohappy v. Hodel*. The court declared invalid that portion of the regulation prohibiting permanent occupancy of the five Columbia River in-lieu fishing sites. The proposed

DOI—BIA

Final Rule Stage

amendment revises the rule to delete the prohibition against construction of permanent dwelling structures on the five in-lieu sites.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/30/92 | 57 FR 45258 |
| NPRM Comment Period End | 11/30/92 | |
| Final Action | 03/31/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ron Eggers, Chief, Branch of Fisheries, Portland Area Office, Department of the Interior, Bureau of Indian Affairs, 911 NE 11th Avenue, Portland, OR 97232-4169, 503 231-6749

RIN: 1076-AC79

1822. • OIL AND GAS, SOLID MINERAL, AND GEOTHERMAL MINERAL AGREEMENTS

Significance: Agency Priority

Legal Authority: 25 USC 2101 to 2108

CFR Citation: 30 CFR 225

Legal Deadline: None

Abstract: This rule will add a new part 225 governing solid mineral, oil and gas, and geothermal mineral agreements entered into pursuant to the the Indian Mineral Development Act of 1982. The intent of the rule is to ensure that Indian mineral owners wishing to develop their mineral resources are able to do so in their best economic interests with a minimum of environmental or cultural impact. This rule will assist Indian mineral owners entering into minerals agreements by allowing for greater responsibility, oversight, and flexibility in the control and development of their own resources.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/21/91 | 56 FR 58734 |
| NPRM Comment Period End | 01/19/92 | 56 FR 58734 |
| Final Action | 03/31/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This rule was listed in the April 1993 agenda under RIN 1087-AA82. This provisions in this rule been separated from the other provisions of RIN 1076-AA82, which are published elsewhere in this agenda under the old RIN.

Agency Contact: Kim Snyder, Division of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-3607

RIN: 1076-AC99

DEPARTMENT OF THE INTERIOR (DOI)

Completed Actions

Bureau of Indian Affairs (BIA)

1823. GRANTS TO TRIBALLY CONTROLLED COMMUNITY COLLEGES AND NAVAJO COMMUNITY COLLEGE

Significance: Agency Priority

Legal Authority: 25 USC 1815; 25 USC 640

CFR Citation: 25 CFR 41

Legal Deadline: None

Abstract: The Secretary proposes to revise the current regulations which are used to govern the administration of grants to the Tribally Controlled Community Colleges. The revision is mandatory since the current regulations do not apply to the new requirements which were made under the 1990 Amendments Act. The revision will govern the new requirements which include: (1) Planning Grants; (2) Forward Funding; (3) Facility Construction; (4) Endowments; and (5) New Method of Counting Students.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action will be taken at this time. | 07/08/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Reginald Rodriguez, Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240, 202 208-4871

RIN: 1076-AA11

1824. LAND ACQUISITIONS FOR TRIBES AND INDIVIDUAL INDIANS

Legal Authority: 25 USC 465; 25 USC 2202

CFR Citation: 25 CFR 151

Legal Deadline: None

Abstract: As a result of the Indian Land Consolidation Act, PL 97-495, many of the current provisions within 25 CFR 151 require updating. These changes will have a major impact on the ability of tribes and individual Indians to manage their real estate more effectively and efficiently. In addition to those provisions that are affected by the Act, other provisions within existing regulations are in need of updating as well. The proposed changes will enhance the review and processing of land acquisition transactions for tribes and individual Indians.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action will be taken at this time. | 07/09/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alice Harwood, Realty Specialist, Department of the Interior, Bureau of Indian Affairs, Division of Real Estate Services, 1849 C Street NW., Washington, DC 20240, 202 208-3604

RIN: 1076-AA81

1825. INDIAN ELECTRIC POWER UTILITIES

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 175

Legal Deadline: None

Abstract: This proposed revision will add a new section "Hardship Cases" to the current regulation and will make necessary changes to incorporate a delegation of authority under Secretary's Order 3150. There are no other alternatives to consider and these changes will not create additional cost to the public or the Federal Government. Benefits will be to the

DOI-BIA

Completed Actions

consumer who is considered under hardship conditions.

Timetable:

| Action | Date | FR Cite |
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| Withdrawn No further action will be taken at this time. | 07/12/93 | |
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Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Bernie Burnham, Acting Chief, Branch of Irrigation and Power, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Rm. 4550 MIB, Washington, DC 20240, 202 208-5696

RIN: 1076-AC24

1826. LEASING OF OSAGE RESERVATION LANDS FOR MINING FOR MINERALS OTHER THAN OIL AND GAS

Legal Authority: PL 59-321

CFR Citation: 25 CFR 214

Legal Deadline: None

Abstract: The BIA is proposing to revise the regulations at 25 CFR 214 governing management of non-oil and gas minerals on Osage Reservation Lands in Oklahoma. The proposed revisions eliminate specific royalties for minerals not found within the Osage Mineral estate and give authority to the Osage Tribal Council, with the approval of the Superintendent of the Osage Agency, to set applicable royalty rates. This revision also replaces outmoded methods of exchange with modern methods, and correctly designates those officials responsible for the management of non-oil and gas minerals within the Osage Mineral estate. The proposed revisions are intended to enhance the management ability of the Department over the production of these minerals, and to eliminate various inaccuracies in the current regulations.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
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| Withdrawn No further action will be taken at this time. | 07/12/93 | |
|---|----------|--|

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Gordon Jackson, Superintendent, Department of the Interior, Bureau of Indian Affairs, Osage

Agency, Pawhuska, OK 74056, 918 287-2481

RIN: 1076-AC28

1827. INDIAN SCHOOL EQUALIZATION PROGRAM

Significance: Agency Priority

Legal Authority: 25 USC 2008; 25 USC 2010

CFR Citation: 25 CFR 39

Legal Deadline: None

Abstract: The Bureau is revising 25 CFR 39 to satisfy the requirements of the Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (PL 100-297), which requires amendments to the Indian School Equalization Program formula weight factors affecting students enrolled in the seventh and eighth grades, small schools, school board expenses, and gifted and talented students.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

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| Withdrawn No action anticipated until December 1994. | 07/09/93 | |
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Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Jim Martin, Chief, Planning, Oversight and Evaluation Staff, Department of the Interior, Bureau of Indian Affairs, MS-3530, MIB, 1849 C Street NW., Washington, DC 20240, 202 219-1131

RIN: 1076-AC33

1828. OPERATION OF ALASKA RESUPPLY PROGRAM

Legal Authority: 5 USC 301; 25 USC 13; 48 USC 50

CFR Citation: 25 CFR 142

Legal Deadline: None

Abstract: The proposed revisions will accommodate the new delivery methods which are a result of a test period utilizing the Air Force's contracts with commercial enterprises. This system has replaced the use of the vessel known as the USMS NORTH STAR III. Additionally, the proposed revisions will serve to clarify certain administrative functions resulting from recent management audits as well as other changing conditions.

Timetable:

| Action | Date | FR Cite |
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| Withdrawn due to budget reductions. | 07/01/93 | |
|-------------------------------------|----------|--|

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: George Hillman, Acting Director Seattle Support Center, Department of the Interior, Bureau of Indian Affairs, P.O. Box 80947, Seattle, WA 98108, 206 764-3328

RIN: 1076-AC54

1829. ADDING NEW CRIMINAL OFFENSES AND CIVIL PROCEDURES FOR THE COURTS OF INDIAN OFFENSES

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None

Abstract: The Bureau of Indian Affairs has recently revised its regulations governing Courts of Indian Offenses to provide those courts with an updated code of laws and to clarify the jurisdiction of those courts and their relationships to tribal governments and the Department of the Interior.

New provisions concern drug abuse, abuse of psychotoxic substances, child abuse prostitution, domestic violence and increased maximum penalties for various offenses in the Code. Other added provisions include a change in the method of listing Indian reservations to which the Code applies, together with a repeal of the supersession provision by which tribal ordinances, inconsistent with the regulations, may override the Code's text. A clarifying provision on jurisdictional limitations is added, specifically excluding from jurisdiction under this part Federal employees acting within the scope of their employment.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
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|---|----------|--|
| Withdrawn No further action will be taken at this time. | 07/15/93 | |
|---|----------|--|

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Betty Rushing, Chief, Branch of Judicial Services, Department of the Interior, Bureau of Indian Affairs,

DOI-BIA

Completed Actions

Division of Tribal Government Services,
1849 C Street, NW MS-2612 MIB,
Washington, DC 20240, 202 208-4400
RIN: 1076-AC66

1830. EMPLOYMENT ASSISTANCE FOR ADULT INDIANS

Legal Authority: 25 USC 13, The Snyder Act; 25 USC 309
CFR Citation: 25 CFR 26; 25 CFR 27
Legal Deadline: None

Abstract: This rule will establish basic procedures that will provide equitable delivery of adult vocational training and employment assistance services and will meet the requirements set forth in the Inspector General's Audit Report No. W-IA-BIA-38-84.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

Withdrawn No further 07/01/93
action will be taken
at this time.

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This action will combine parts 26 and 27 of 25 CFR into a new part 28. Parts 26 and 27 will be deleted.

Agency Contact: Deano Poleahla, Acting Chief, Division of Job Placement, Office of Economic Development, Department of the Interior, Bureau of Indian Affairs, Room 309 - SIB, 1951 Constitution Ave. NW., Washington, DC 20240, 202 208-2570
RIN: 1076-AC84

1831. OSAGE ROLL, CERTIFICATE OF COMPETENCY

Legal Authority: 25 USC 331
CFR Citation: 25 CFR 154
Legal Deadline: None

Abstract: The Bureau is updating these regulations to reflect current policy. The proposed changes will bring these provisions into line with proposed revisions to 25 CFR 117 - Deposit and Expenditure of Individual Funds of Members of the Osage Tribe of Indians Who Do Not Have Certificates of Competency.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

Withdrawn No further 07/15/93
action will be taken
at this time.

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gordon Jackson, Superintendent, Osage Indian Agency, Department of the Interior, Bureau of Indian Affairs, P.O. Box 1539, Pawhuska, OK 74056, 918 287-1032
RIN: 1076-AC85

1832. PREFERENCE IN EMPLOYMENT

Legal Authority: 25 USC 479
CFR Citation: 25 CFR 5
Legal Deadline: None

Abstract: The Bureau of Indian Affairs is proposing to amend 25 CFR 5 by removing Section 5.1(e), since time limitations on this information have expired. Definition 5.1(c) will apply to the Osage Indian Tribe when this rule becomes final.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

Withdrawn No further 07/26/93
action will be taken
at this time.

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mercedes Lewis, Supervisory Staffing Specialist, Office of Administrative Services, Department of the Interior, Bureau of Indian Affairs, Room 320 - SIB, 1951 Constitution Ave. NW., Washington, DC 20240, 202 208-2506
RIN: 1076-AC90

1833. PRESERVATION OF ANTIQUITIES

Legal Authority: 25 USC 301; 25 USC 378; 25 USC 379
CFR Citation: 25 CFR 261
Legal Deadline: None

Abstract: This rule will delete 25 CFR 261, which provides Bureau-specific procedures for the issuance of permits

under the Antiquities Act of 1906 (16 USC 432). The part is superseded by regulations covering the issuance of permits for the same purpose under the more comprehensive Archaeological Resources Protection Act of 1979 (16 USC 470).

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

Withdrawn No further 07/15/93
action will be taken
at this time.

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald Sutherland, Archaeologist, Office of Trust Responsibilities, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington DC 20240, 202 208-4791
RIN: 1076-AC91

1834. PREPARATION OF A MEMBERSHIP ROLL OF DELAWARE INDIANS OF WESTERN OKLAHOMA

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9
CFR Citation: 25 CFR 65

Legal Deadline: None

Abstract: This rule will delete 25 CFR 65. The actions it was designed for have now been completed and the rule is no longer necessary.

Timetable:-

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

Withdrawn No further 07/15/93
action will be taken
at this time.

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lathel Duffield, Chief, Branch of Tribal Enrollment Services, Office of Tribal Government Services, Department of the Interior, Bureau of Indian Affairs, 1849 C Street. NW., Washington, DC 20240, 202 208-3702
RIN: 1076-AC93

BILLING CODE 4310-02-F

DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)

Proposed Rule Stage

1835. AUDIT PROCEDURES AND PAYOR REQUIREMENTS AND RESPONSIBILITIES DURING AUDITS

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 217

Legal Deadline: None

Abstract: The Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA) requires that the Secretary of the Interior establish a comprehensive inspection and auditing system to provide the capability to accurately determine royalties, interest, fines, penalties, fees, deposits, and other payments owed on Federal or Indian oil and gas leases. This responsibility has been delegated to MMS. However, performance of the required audits may be delegated to States or Indian tribes pursuant to sections 202 and 205 of FOGRMA or to independent certified public accountants under contract. The FOGRMA also requires the promulgation of regulations to establish audit standards and procedures, payor requirements and responsibilities, and authorities and responsibilities which may be delegated by MMS to a State, Indian tribe, or an independent certified public accountant. The purpose of this rulemaking action is to establish the regulations required by FOGRMA.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 02/28/94 | |
| NPRM Comment Period End | 04/28/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James W. Shaw, Associate Director for Royalty Management, Department of the Interior, Minerals Management Service, P.O. Box 25165, MS 3000, Denver, CO 80225-0165, 303 231-3058

RIN: 1010-AB44

1836. PAYOR RESPONSIBILITIES

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC

1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: Responsibilities of Minerals Management Service include the collection of royalties, bonuses, rentals, and related revenues from Federal and Indian mineral leases. These monies are, for the most part, collected from the current designated payor on the lease. However, if MMS is unable to collect from the current payor, it must pursue collections from a prior payor(s), the lessee, or an assignee of the lease. Existing regulations are unclear as to the responsibilities and liabilities of the parties involved. Therefore, MMS is proposing to amend its regulations to clarify payor, lessee, and assignee requirements and responsibilities.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 07/29/94 | |
| NPRM Comment Period End | 09/29/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James W. Shaw, Associate Director for Royalty Management, Department of the Interior, Minerals Management Service, P.O. Box 25165, MS 3000, Denver, CO 80225-0165, 303 231-3058

RIN: 1010-AB45

1837. AMENDMENTS TO 30 CFR 250.67—HYDROGEN SULFIDE

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.67

Legal Deadline: None

Abstract: This rule will revise the requirements for warning systems, personnel protection, hydrogen sulfide (H₂S) and sulphur dioxide (SO₂) detection and monitoring, and the criteria for the activation of warning systems. These amendments are necessary to be consistent with the new personnel exposure limits for H₂S and SO₂ established by the Occupational Safety and Health Administration. Amending the rule would reduce personnel exposure limits, thereby decreasing the risks associated with hazardous environments. An NPRM was published in the Federal Register

on August 15, 1990 (55 FR 33326), soliciting comments. The comments received were reviewed and revisions were written. A recent equipment failure at an H₂S gas facility resulted in the flaring of gas containing high concentrations of H₂S, which resulted in the risk of exposure to high concentrations of H₂S and the discharge of large volumes of sulphur dioxide. As a result of this incident, the current regulations are being revised to adequately address the flaring of gas containing H₂S. Since the revisions are extensive, the rule is being reproposeed.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/15/90 | 55 FR 33326 |
| NPRM Comment Period End | 10/15/90 | 55 FR 33326 |
| NPRM | 10/19/93 | |
| NPRM Comment Period End | 12/20/93 | |
| Final Action | 10/28/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

RIN: 1010-AB50

1838. AMENDMENT TO RULES GOVERNING INSTALLATION OF SHUTDOWN VALVES ON PIPELINES

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.154

Legal Deadline: None

Abstract: The development of this notice of proposed rulemaking resulted from the recommendation of a task force that examined many contributing causes to recent fatal accidents in the North Sea and the Gulf of Mexico. The task force identified areas where changes in regulations should be considered. This action considers changes to the regulations concerning better communication among personnel, protection of pipeline risers, safe fuel storage, fire survivability of the accommodation, and the placement of shutdown valves on pipelines as a means to isolate the pressurized hydrocarbons in the pipeline from potential danger that could result from a fire or other damage to the pipeline.

DOI—MMS

Proposed Rule Stage

An alternative is to leave the rules unchanged.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 07/23/90 | 55 FR 29860 |
| ANPRM Comment Period End | 09/21/90 | |
| NPRM | 03/01/94 | |
| NPRM Comment Period End | 05/01/94 | |
| Final Action | 03/05/95 | |
| Final Action Effective | 04/05/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

RIN: 1010-AB52

1839. VALUATION OF GAS PRODUCTION UNDER UNITIZATION OR COMMUNITIZATION AGREEMENTS

Legal Authority: 5 USC 301 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 202

Legal Deadline: None

Abstract: The current gas valuation regulations provided that when the lessee of any gas lease committed to a federally approved unitization or communitization agreement does not take the full share of production under the terms of the agreement, the entitled, but not taken, production is still subject to royalty payment and reporting requirements. This rulemaking would eliminate the requirement that the actual disposition of any part of production to which a lessee was entitled but did not take governs the valuation of that part. Under the rulemaking, the regulations would be amended to allow lessees to value their entitled, but not taken, production at prices based upon information that is accessible to the lessee. This rule will reduce the administrative burden for payors and MMS so that there is certainty in the determination of royalty values. The adoption of these

rules would not affect the requirement in Indian leases and the current regulations for the performance of major portion analyses or dual accounting.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 06/01/92 | 57 FR 23068 |
| ANPRM Comment Period End | 08/17/92 | 57 FR 31471 |
| NPRM | 07/28/94 | |
| NPRM Comment Period End | 09/28/94 | |
| Final Action | 07/01/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James W. Shaw, Associate Director for Royalty Management, Department of the Interior, Minerals Management Service, P.O. Box 25165, MS 3000, Denver, CO 80225-0165, 303 231-3058

RIN: 1010-AB57

1840. ARCHAEOLOGICAL SURVEYS

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.33; 30 CFR 250.34; 30 CFR 250.157

Legal Deadline: None

Abstract: This rule proposes to amend the regulations to specifically express the authority under which Regional Directors may require archaeological resource surveys and reports. The requirements under consideration are comparable to requirements previously included in lease stipulations and are not expected to add significant costs to the lessee.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 11/16/93 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 11/25/94 | |
| Final Action Effective | 12/26/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

RIN: 1010-AB63

1841. LIMITATIONS ON CREDIT ADJUSTMENTS SUBMITTED BY LESSEES AND OTHER ROYALTY PAYORS UNDER FEDERAL AND INDIAN MINERAL LEASES

Legal Authority: 5 USC 301 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: Section 10 of the Outer Continental Shelf Lands Act (OCSLA), 43 USC 1339, requires that a lessee or payor under an offshore lease submit a request to Minerals Management Service (MMS) for recoupment or refund of an overpayment (credit adjustment) within 2 years of the date of the original payment. However, current law does not provide for a time limitation on credit adjustments under onshore Federal or Indian leases similar to that provided in the OCSLA. This rule would add a new provision entitled "Limitations on Credit Adjustments" which would restrict credit adjustments without prior authorization to payments due within 5 years before the date of the adjustments. The rule provides that MMS could authorize credit adjustments with respect to payments made more than 5 years but less than 10 years before the date of the adjustments. However, credit adjustments with respect to any payment made more than 10 years before the date of the adjustment would be prohibited.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/17/93 | 58 FR 43588 |
| NPRM Comment Period End | 10/17/93 | 58 FR 43588 |
| Final Action | 02/01/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James W. Shaw, Associate Director for Royalty Management, Department of the Interior, Minerals Management Service, P.O. Box 25165, MS 3000, Denver, CO 80225-0165, 303 231-3058

RIN: 1010-AB73

DOI—MMS

Proposed Rule Stage

1842. COLLECTION OF ROYALTIES, INTEREST, AND OTHER AMOUNTS DUE UNDER FEDERAL AND INDIAN MINERAL LEASES BY ADMINISTRATIVE OFFSET

Legal Authority: 5 USC 301 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1810 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: The Debt Collection Act of 1982 (DCA), 31 USC 3716, provides for a Federal Agency's exercise of administrative offset to collect claims of the United States Government. The DCA instructs each Agency to prescribe regulations before collecting a claim by administrative offset. In accordance with the requirements of the DCS, the Minerals Management Service (MMS) is proposing new regulations governing collection by administrative offset of royalties, interest, and other amounts due under Federal and Indian oil, gas, and other mineral leases. Under this rule, collection by administrative offset would only be used after other attempts to collect the debt had been attempted by MMS.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/17/93 | 58 FR 43583 |
| NPRM Comment Period End | 10/17/93 | 58 FR 43583 |
| Final Action | 02/01/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James W. Shaw, Associate Director for Royalty Management, Department of the Interior, Minerals Management Service, P.O. Box 25165, MS 3000, Denver, CO 80225-0165, 303 231-3058

RIN: 1010-AB74

1843. RESPONSE PLANS FOR OFFSHORE FACILITIES

Significance: Agency Priority

Legal Authority: 33 USC 1321; EO 12777

CFR Citation: 30 CFR 250

Legal Deadline: Final, Statutory, August 18, 1992.

Abstract: Regulations are being developed to implement the authority of Minerals Management Service (MMS) under the Federal Water Pollution Control Act (FWPCA) as amended by the Oil Pollution Act of 1990. These regulations will address oil spill prevention and response in State submerged lands as well as in the Outer Continental Shelf. A nonregulatory alternative will not meet the mandate of the FWPCA as amended. The expected costs will depend on the extent to which existing practices in State and Federal waters meet the new mandated requirements. The expected benefits will be an assurance that oil spill prevention and response capability are being addressed on all facilities in both State and Federal waters.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 08/12/92 | 57 FR 36032 |
| ANPRM Comment Period End | 10/28/92 | |
| Interim Final Rule | 02/08/93 | 58 FR 7489 |
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 02/01/95 | |
| Final Action Effective | 04/01/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

RIN: 1010-AB81

1844. AMENDMENT OF REGULATIONS GOVERNING ASSESSMENTS FOR INCORRECT REPORTS

Legal Authority: 5 USC 301 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 216; 30 CFR 218

Legal Deadline: None

Abstract: 30 CFR 216.40(b) and 218.40(b) authorize the Minerals Management Service (MMS) to assess an amount not to exceed \$10 for each report received by the designated due date but which is incorrectly

completed. The reports subject to this assessment are required to be submitted to MMS by royalty payors, lease operators, lessees, or other parties in accordance with statutes, regulations, contracts, orders, or terms of Federal or Indian mineral leases. The MMS regulations do not provide for an assessment for incorrect reports if the incorrect report is received after its designated due date. However, the administrative costs incurred by MMS to research and resolve reporting errors are identical whether or not the report is received timely or late. So that MMS may be compensated for all administrative costs incurred due to reporting errors, MMS is amending sections 216.40(b) and 218.40(b) to include as assessable, all reports that are submitted incorrectly regardless of whether or not the report was received by the designated due date or was received late.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/17/93 | 58 FR 43852 |
| NPRM Comment Period End | 10/17/93 | 58 FR 43852 |
| Final Action | 07/15/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James W. Shaw, Associate Director for Royalty Management, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3000, Denver, CO 80225-0165, 303 231-3058

RIN: 1010-AB82

1845. OFFSETS, RECOUPMENTS, AND REFUNDS OF EXCESS PAYMENTS OF ROYALTIES, RENTALS, BONUSES, OR OTHER AMOUNTS UNDER FEDERAL OFFSHORE MINERAL LEASES

Legal Authority: 43 USC 1339

CFR Citation: 30 CFR 200

Legal Deadline: None

Abstract: This rulemaking will add new provisions covering Federal offshore mineral leases subject to section 10 of the Outer Continental Shelf Lands Act (OCSLA), 43 USC 1339. The rule will establish procedures for crediting (recouping) excess payments of royalties, rentals, bonuses, or other amounts against a current or future payment obligation. It

DOI—MMS

Proposed Rule Stage

will also provide for refunding excess payments to any person lawfully entitled to receive a refund or credit for overpayments made under an offshore lease.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: James W. Shaw, Associate Director for Royalty Management, Department of the Interior, Minerals Management Service, P.O. Box 25165, MS 3000, Denver, CO 80225-0165, 303 231-3058

RIN: 1010-AB90

DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)

Final Rule Stage

1846. REGULATIONS GOVERNING RECOUPMENT OF OVERPAYMENTS ON INDIAN LEASES

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: Because royalty payments are a major source of income to many Indian allottees, and the only source in some instances, it has been a longstanding Department of the Interior policy that overpayments made by lessees and other royalty payors to Indians cannot be recovered by refund. This policy was established to prevent an undue financial burden on Indian allottees who may have limited financial means to refund the overpayment. However, the adopted policy permits lessees and payors to recoup overpayments as a credit against future rental or royalty accruals due to Indian tribes or allottees. Lessees and operators were instructed to follow this recoupment policy in "Notice to Lessees and Operators of Indian Oil and Gas Leases No. 1A" (NTL-1A), issued by the Conservation Division of U.S. Geological Survey in 1977. The MMS published revised final oil and gas product valuation regulations at 30 CFR part 206 on January 15, 1988 (53 FR 1184 and 53 FR 1230), effective March 1, 1988. Section 206.150(e)(2) of the revised regulations terminated NTL-1A. Although the Indian lease overpayment recoupment policy has been the same for many years, MMS believes that its (cont)

Timetable:

| Action | Date | FR Cite |
|--------|----------|------------|
| NPRM | 01/31/90 | 55 FR 3232 |

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM Comment Period End | 03/02/90 | 55 FR 3232 |
| Final Action | 02/28/94 | |

Small Entities Affected: None
Government Levels Affected: None

Additional Information: ABSTRACT CONT: regulations should state the policy. Consequently, MMS proposes to add new sections at 30 CFR 218.53 (previously reserved) and 30 CFR 218.203 to codify the policy and procedure.

Agency Contact: James W. Shaw, Associate Director for Royalty Management, Department of the Interior, Minerals Management Service, P.O. Box 25165, MS 3000, Denver, CO 80225-0165, 303 231-3058

RIN: 1010-AB40

1847. EXTENSION OF TIME PERIOD FOR MAINTAINING RECORDS ON OUTER CONTINENTAL SHELF NET PROFIT SHARE OIL AND GAS LEASES

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 220

Legal Deadline: None

Abstract: There is a conflict in MMS regulations at 30 CFR 220.030 with the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA) as to the time period that an offshore net profit share lessee (NPSL) must maintain records and all other documentation pertaining to the NPSL capital account. Therefore, MMS is proposing to amend 30 CFR 250.030 to extend the time period to 6 years, from

36 months, consistent with the statutory requirement of FOGRMA. The MMS is also proposing to remove 30 CFR 220.033 which includes language that conflicts with the recordkeeping requirements of FOGRMA and MMS regulations at 30 CFR 212.50 and 212.51.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/07/90 | 55 FR 23248 |
| NPRM Comment Period End | 07/09/90 | 55 FR 23248 |
| Final Action | 02/28/94 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: James W. Shaw, Associate Director for Royalty Management, Department of the Interior, Minerals Management Service, P.O. Box 25165, MS 3000, Denver, CO 80225-0165, 303 231-3058

RIN: 1010-AB46

1848. AMENDMENT OF REGULATIONS GOVERNING LATE PAYMENT INTEREST CHARGES ON SOLID MINERALS AND GEOTHERMAL RESOURCES LEASES

Legal Authority: 5 USC 301 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: Section 218.54 of 30 CFR of the MMS regulations provides for late-payment interest charges on oil and gas late royalty payments based on the rate applicable under section 6621 of the Internal Revenue Code, 26 U.S.C. 6621(a)(2) (Supp. 1987). However, MMS regulations applicable to solid

DOI—MMS

Final Rule Stage

minerals and geothermal resources late royalty payments provide for late payment interest charges based on the lower rate prescribed by the Department of the Treasury as the "Treasury Current Value of Funds Rate." The MMS is amending its solid minerals and geothermal resources regulations to provide for the higher interest rate authorized by section 6621 of the Internal Revenue Code. This rule amendment will provide for consistency in MMS regulations.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/17/93 | 58 FR 33414 |
| NPRM Comment Period End | 08/16/93 | 58 FR 33414 |
| Final Action | 05/15/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James W. Shaw,
Associate Director for Royalty

Management, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3000, Denver, CO 80225-0165, 303 231-3058

RIN: 1010-AB83

1849. ADMINISTRATIVE AMENDMENT OF REGULATIONS TO UPDATE ADDRESSES AND INFORMATION REGARDING INFORMATION COLLECTION

Legal Authority: 5 USC 301; 25 USC 396; 25 USC 2101; 30 USC 181; 30 USC 351; 30 USC 1001; 30 USC 1701; 30 USC 9701; 43 USC 1301; 43 USC 1331; 43 USC 1801

CFR Citation: 30 CFR 207; 30 CFR 210; 30 CFR 216; 30 CFR 219; 30 CFR 220; 30 CFR 228; 30 CFR 208; 30 CFR 218; 30 CFR 229; 30 CFR 243

Legal Deadline: None

Abstract: This rule will make administrative changes to regulations governing royalty oil surety requirements, payments by electronic funds transfer, information collection requirements and references to addresses for mailing or delivering requests, forms, and/or payments to MMS. These amendments will clarify and improve the accuracy of MMS regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James W. Shaw,
Associate Director for Royalty Management, Department of the Interior, Minerals Management Service, P.O. Box 25165, MS 3000, Denver, CO 80225-0165, 303 231-3058

RIN: 1010-AB89

DEPARTMENT OF THE INTERIOR (DOI)

Completed Actions

Minerals Management Service (MMS)

1850. CLARIFICATION OF DATA FOR RELEASE TO THE PUBLIC OF CERTAIN DATA AND INFORMATION SUBMITTED IN ASSOCIATION WITH DRILLING AND PRODUCTION OPERATIONS

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.18

Legal Deadline: None

Abstract: The rule is intended to remove apparent inconsistencies in current regulations concerning the release of data and information submitted to MMS on certain MMS forms. Section 250.18 specifies periods of time that certain geological and geophysical data will be protected from disclosure to the public when submitted on specific forms. The alternatives of providing guidance through an OCS order or through a Notice to Lessees and Operators on a region-to-region basis fail to ensure that information is uniformly available to the public. This rulemaking does not involve any significant additional costs. Its benefits are the removal of ambiguity in the current regulations and the clear identification of items of data and information that are made available for public information.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/04/89 | 54 FR 32316 |
| NPRM Comment Period End | 10/03/89 | 54 FR 32316 |
| Further NPRM | 06/18/91 | 56 FR 27929 |
| Final Action | 08/25/93 | 58 FR 44762 |
| Final Action Effective | 09/24/93 | 58 FR 44762 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Mirabella,
Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

RIN: 1010-AB34

1851. ASSESSMENT FOR FAILURE TO SUBMIT PAYMENT OF SAME AMOUNT WITH REPORT OR BILL OR TO PROVIDE ADEQUATE INFORMATION

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: The MMS Auditing and Financial System (AFS) matches and applies each payment received to its corresponding report or bill. If a payment cannot be automatically matched and applied by the AFS because of inadequate or erroneous information, it must be manually matched and applied by MMS personnel. The manual matching of payments to reports and bills results in MMS incurring substantial costs so that the AFS can operate properly to account for and distribute royalties. This situation also delays the payment application process and can result in delay in distribution of royalties and related information to States and Indian Tribes and allottees. To recover the costs, MMS is proposing to amend its regulations to add a new assessment amount not to exceed \$250 per incident. The new assessment would encourage payors to submit their payment, when required, together with the applicable report or copy of the bill and for the same amount as the report or bill. The new assessment would also encourage payors to adequately identify

DOI—MMS

Completed Actions

payments to the report or bill to be paid.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 03/22/90 | 55 FR 10630 |
| NPRM Comment Period End | 05/21/90 | 55 FR 10630 |
| Final Action | 08/30/93 | 58 FR 45434 |
| Final Action Effective | 10/01/93 | 58 FR 45434 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James W. Shaw, Associate Director for Royalty Management, Department of the Interior, Minerals Management Service, P.O. Box 25165, MS 3000, Denver, CO 80225-0165, 303 231-3058

RIN: 1010-AB35

1852. AMENDMENT TO THE REGULATIONS CONCERNING THE REQUIREMENT FOR SUBMISSION OF A CORPORATE SURETY BOND TO INDEMNIFY THE U.S. FROM DEFAULT BY A LESSEE ON THE CONDITIONS AND TERMS OF AN OCS LEASE

Legal Authority: 43 USC 1335

CFR Citation: 30 CFR 256

Legal Deadline: None

Abstract: This rulemaking would amend current regulations requiring lessee surety bonds. The monetary value of surety bonds designated in current regulations was established over 20 years ago and is seriously inadequate to protect the Government from loss due to lessee failure to meet the terms of the OCS lease for royalty payments, proper abandonment of wells, site cleanup, and ongoing lease operations. Bond requirements may be increased on a case-by-case basis, as an alternative to rule change. This might result in inconsistent requirements. The potential costs are whatever increase is incurred in obtaining a higher value bond. Benefits would be a reduced potential for Government loss and a greater protection of the public interest.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 01/24/90 | 55 FR 2388 |
| NPRM Comment Period End | 03/26/90 | 55 FR 2388 |
| Final Action | 08/27/93 | 58 FR 45255 |
| Final Action Effective | 11/26/93 | 58 FR 45255 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

RIN: 1010-AB38

1853. GEOLOGICAL AND GEOPHYSICAL EXPLORATIONS OF THE OUTER CONTINENTAL SHELF

Legal Authority: 43 USC 1331 et seq; 42 USC 4332 et seq

CFR Citation: 30 CFR 251

Legal Deadline: None

Abstract: This rule is revised to reflect the current requirements and practices and to conform with new or changed laws and regulations. It expands the requirements for filing notice to include all geological and geophysical research not conducted pursuant to a permit. It clarifies that these regulations are applicable only to oil, gas, and sulphur, as all other mineral resources on the Outer Continental Shelf are covered by 30 CFR part 280. This rule will provide other pertinent information, such as current filing location addresses.

Timetable:

| Action | Date | FR Cite |
|------------------------------------|------------|----------|
| Withdrawn | No further | 07/16/93 |
| action will be taken at this time. | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

RIN: 1010-AB56

1854. REQUIREMENTS FOR CRANES INSTALLED ON FIXED PLATFORMS IN THE OUTER CONTINENTAL SHELF

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.20

Legal Deadline: None

Abstract: The rules at 30 CFR 250.22(c) are being evaluated to determine whether the requirements for the operation and maintenance of cranes installed on fixed platforms are adequate to promote safety on the Outer Continental Shelf. The advance NPRM will discuss current

maintenance, testing, and inspection requirements contained in the regulations through incorporation by reference of the American Petroleum Institute's Recommended Practice for Operation and Maintenance of Offshore Cranes (API RP 2D). Alternative rules will be discussed in the notice. The advance NPRM will also discuss training, crane operator qualifications, and the need for certifying crane operators. The oil and gas industry and general public will be requested to comment and make recommendations concerning regulation of cranes on offshore platforms.

Timetable:

| Action | Date | FR Cite |
|------------------------------------|------------|----------|
| Withdrawn | No further | 07/16/93 |
| action will be taken at this time. | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

RIN: 1010-AB62

1855. OFFSHORE PIPELINE INSPECTION AND BURIAL

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.153

Legal Deadline: Final, Statutory, May 18, 1992.

Abstract: Public Law 101-599 requires that the Secretary of Transportation establish standards to ensure continued burial of offshore pipelines lying between the mean high water mark and the point where the subsurface is under 15 feet of water as measured from mean low water. The Department of the Interior has jurisdiction over gathering pipelines on Federal offshore oil and gas leases. The Minerals Management Service will promulgate burial and inspection regulations for these pipelines. As of July 1992, there were 287 platforms on Federal leases in the Gulf of Mexico that were installed in water depths of between 7 and 16 feet.

Timetable:

| Action | Date | FR Cite |
|------------------------------------|------------|----------|
| Withdrawn | No further | 07/16/93 |
| action will be taken at this time. | | |

DOI—MMS

Completed Actions

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

RIN: 1010-AB65

1856. OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF, REPORTING FORMS

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250

Legal Deadline: None

Abstract: This final rule amends Minerals Management Service (MMS) regulations at 30 CFR part 250 that govern Outer Continental Shelf (OCS) reporting forms used for collecting information related to oil and gas and sulphur drilling and production in the OCS. The current OCS reporting forms are being updated and modernized as part of the effort to reduce the paperwork and respondent burden imposed on the public as required by the Paperwork Reduction Act of 1980 (Pub. L. 96-511, 44 USC 3501 et seq.). These revisions are a result of an analysis by an MMS task force and comments received from industry in response to several Federal Register notices published in August 1990 on the proposed forms. These changes will enable MMS to process the data submitted by industry more efficiently, reduce the reporting requirements for industry, and establish a consistent format and syntax to facilitate submission of information by electronic data transmission.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/24/93 | 58 FR 49924 |
| Final Action Effective | 10/25/93 | 58 FR 49924 |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

RIN: 1010-AB66

1857. REDUCTION IN ROYALTY RATES FOR OFFSHORE OIL AND GAS LEASES

Legal Authority: 43 USC 1337(a)(3)

CFR Citation: 30 CFR 203.50; 30 CFR 256.57

Legal Deadline: None

Abstract: Existing regulations at 30 CFR 203.50 would be amended to cross reference 30 CFR 256.57. The substance of the existing regulations would be recodified at 30 CFR 256.57 and amended to broaden the rules to include enhanced oil recovery projects as recommended by the General Accounting Office as well as to encourage investment in economically borderline new production on existing producing leases. The rule would retain current incentives to continue production that has declined to its economic limit. The rule could result in a substantial increase in production of otherwise unrecoverable oil and gas. The alternative would be to leave the existing regulations in place.

Timetable:

| Action | Date | FR Cite |
|------------------------------------|------------|----------|
| Withdrawn | No further | 07/16/93 |
| action will be taken at this time. | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

RIN: 1010-AB68

1858. OUTER CONTINENTAL SHELF DEEPWATER PRODUCTION

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250

Legal Deadline: None

Abstract: The Minerals Management Service (MMS) is proposing to amend the regulatory program by establishing new requirements for the development and production of oil and gas leases located in deepwater. The proposed requirements address the installation and operation of floating production facilities and other deepwater production facilities, extended well tests for deepwater reservoirs, oil storage, and/or offloading systems, and

other associated deepwater production safety systems. This action serves to notify the public of the changes MMS is proposing and to solicit comments on the subject. The costs to lessees to implement these amendments are not expected to significantly increase over the costs of complying with the current program under 30 CFR 250.

Timetable:

| Action | Date | FR Cite |
|------------------------------------|------------|----------|
| Withdrawn | No further | 07/16/93 |
| action will be taken at this time. | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

RIN: 1010-AB75

1859. OUTER CONTINENTAL SHELF OIL AND GAS UNITIZED OPERATIONS

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250

Legal Deadline: None

Abstract: Ambiguous and inadequate language will be revised by this rulemaking so that confusion is avoided and the intent of the regulation is achieved. The alternative is not to revise the regulations. There are no costs associated with this rulemaking as no substantive changes in the rules are being undertaken. The benefits of these revisions are the removal of possibilities for misinterpretation of the regulations and the amplification and clarification of the provisions affected.

Timetable:

| Action | Date | FR Cite |
|------------------------------------|------------|----------|
| Withdrawn | No further | 07/16/93 |
| action will be taken at this time. | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

RIN: 1010-AB76

1860. OUTER CONTINENTAL SHELF OIL AND GAS PRODUCTION RATES AND PRODUCTION MEASUREMENT

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250

Legal Deadline: None

Abstract: These revisions comprise some 15 minor changes and amendments to the regulations governing production rates and production measurement. The changes are being made to correct and alleviate several problems such as ambiguous language resulting in erroneous and undesirable interpretation, incorrect and outdated references, absence of provisions inadvertently dropped in previous revisions and the need to improve operational safety by adding minor requirements. The alternative is not to revise the regulations. Potential benefits include improved safety and environmental conditions, elimination of ambiguous provisions and correction of erroneous references.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action will be taken at this time. | 07/16/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 220070, 703 787-1607

RIN: 1010-AB77

1861. REDESIGNATION OF FINANCIAL RESPONSIBILITY CERTIFICATION FUNCTIONS

Legal Authority: PL 101-380; EO 12777

CFR Citation: 30 CFR 253 (New)

Legal Deadline: None

Abstract: The Oil Pollution Act of 1990 (OPA) and its implementing Executive Order 12777 assigned offshore financial responsibility certification functions from the U.S. Coast Guard (USCG) to the Minerals Management Service (MMS). The existing financial responsibility regulations in 33 CFR 135 are being transferred to MMS' regulations and redesignated as 30 CFR 253. This action will result in no substantive change to the regulatory

requirements at this time (i.e., the \$35 million level of financial responsibility that exists in the regulations is retained). Rulemaking at a later date will address the new financial responsibility requirements set in the OPA.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action will be taken at this time. | 07/16/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

RIN: 1010-AB78

1862. REGULARIZATION OF UNITIZATION ACROSS STATE AND FEDERAL JURISDICTIONAL BOUNDARIES

Legal Authority: 43 USC 1334; 43 USC 1337

CFR Citation: 30 CFR 250; 30 CFR 256

Legal Deadline: None

Abstract: This rule would regulate unitization across the State and Federal jurisdictional boundary (revision of 8(g) of the Outer Continental Shelf Lands Act (OCSLA)) of the Consolidated Omnibus Budget Reconciliation Act of April 8, 1986. The rule would also revise the rules for prevention of waste caused by unrestrained competitive development (section 5(j) of the OCSLA). Revisions of parts 250 and 256 to implement sections 5(j) and 8(g) will not result in substantial increases in costs to industry. Successful completion of these revisions will clarify the questions raised as to the ramifications of these legislative actions. Nonaction will only continue the confusion regarding the ramifications of the mandate in section 5(j).

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action will be taken at this time. | 07/16/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

RIN: 1010-AB79

1863. REQUIREMENT FOR NOTIFICATION FOR SCIENTIFIC RESEARCH FOR PROSPECTING FOR MINERALS OTHER THAN OIL, GAS, AND SULPHUR IN THE OUTER CONTINENTAL SHELF

Legal Authority: 43 USC 1331 et seq; 42 USC 4332 et seq

CFR Citation: 30 CFR 280

Legal Deadline: None

Abstract: The rule would revise regulations governing prelease activities for minerals other than oil and gas to make modifications similar to those being proposed for oil and gas activities. These changes would include requiring a notice for geological and geophysical scientific research activities and modifying proprietary terms for geophysical data and information and permit terms. The alternative is not to change the present requirements. The costs to those conducting prelease activities are not expected to significantly increase over the costs of complying with the current requirements.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action will be taken at this time. | 07/16/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

RIN: 1010-AB80

1864. AMENDMENT OF PRODUCTION ACCOUNTING REGULATIONS

Legal Authority: 5 USC 301 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 216

Legal Deadline: None

Abstract: On May 9, 1988, the Minerals Management Service (MMS) published a Notice of Final Rulemaking in the Federal Register (53 FR 18408) to amend its regulations to provide for lease operators to report onshore production data to MMS as a result of the transfer of accounting responsibility from the Bureau of Land Management (BLM). The transfer of responsibility from BLM to MMS has been completed. The MMS has also completed installation of a new computer system. As a result, certain sections of 30 CFR part 216 relative to reporting requirements require amendment. The amendments are administrative changes only and will result in a reduction of operator reporting burden by the elimination of certain reporting forms. The amendments also clarify existing operator responsibilities for reporting operations information to MMS.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/27/93 | 58 FR 45252 |
| Final Action Effective | 08/27/93 | 58 FR 45252 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James W. Shaw, Associate Director for Royalty Management, Department of the Interior, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS 3000, Denver, CO 80225-0165, 303 231-3058

RIN: 1010-AB84

1865. DOCUMENTS INCORPORATED BY REFERENCE

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250

Legal Deadline: None

Abstract: MMS currently incorporates by reference 68 documents that describe recommended practices or design criteria that must be followed in conducting specific offshore operations. Many of these incorporated documents have been revised and replaced with new editions; therefore, MMS needs to update the offshore operating regulations by incorporation of new editions of documents to those incorporated by reference. Most new editions reviewed would be adopted; however, in some cases it may no

longer be necessary to incorporate a specific document into the regulations. The costs to lessees to implement these amendments are not expected to significantly increase over the costs of complying with the current program under 30 CFR 250.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action will be taken at this time. | 07/16/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

RIN: 1010-AB85

1866. AMENDMENT OF ADDRESSES IN MINERALS MANAGEMENT SERVICE REGULATIONS

Legal Authority: 5 USC 301; 25 USC 396; 25 USC 2101; 30 USC 181; 30 USC 351; 30 USC 1001; 30 USC 1701; 31 USC 9701; 43 USC 1301; 43 USC 1331; 43 USC 1801

CFR Citation: 30 CFR 210; 30 CFR 216; 30 CFR 218

Legal Deadline: None

Abstract: The Royalty Management Program has been reorganized, therefore addresses in the current regulations for mailing or delivering requests, forms, and/or payments must be amended to reflect the new organization structure.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action will be taken at this time. | 07/16/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James W. Shaw, Associate Director for Royalty Management, Department of the Interior, Minerals Management Service, P.O. Box 25165, MS 3000, Denver, CO 80225-0165, 303 231-3058

RIN: 1010-AB86

1867. LEASE CANCELLATION AND LEASE COMPENSATION

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250; 30 CFR 256

Legal Deadline: None

Abstract: This proposed rule will expand and consolidate the provisions implementing lease cancellation and lessee compensation requirements of the Outer Continental Shelf Lands Act.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action will be taken at this time. | 07/16/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, MS 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

RIN: 1010-AB87

1868. REVISION OF REGULATIONS GOVERNING FEES APPLICABLE TO FILING OF ASSIGNMENTS, MORTGAGES, AND OTHER DOCUMENTS

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 256.64

Legal Deadline: None

Abstract: This rule will increase the fees for lease assignments and for recording mortgages and other documents. Also, this change will reflect changes in the time required to review and process lease assignments and to process mortgages and other documents.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action will be taken at this time. | 07/16/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Mirabella, Chief, Engineering and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1607

RIN: 1010-AB88

BILLING CODE 4310-MR-F

DEPARTMENT OF THE INTERIOR (DOI)
Office of Surface Mining Reclamation and Enforcement (OSMRE)

Proposed Rule Stage

1869. WIRE TRANSFER OF FEES

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 870

Legal Deadline: None

Abstract: The proposed rule would lower the threshold for requiring the payment of abandoned mine land reclamation fees by electronic transfer from \$100,000 to \$25,000. The proposed rule will increase the number of payments received by electronic transfer and reduce the float time for such payments.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 05/07/94 | |
| Final Action Effective | 06/07/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Delleane McKenzie, Accountant, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave NW., Washington, DC 20240, 202 208-2560

RIN: 1029-AB50

1870. SURFACE COAL MINING AND RECLAMATION OPERATIONS; PERMANENT REGULATORY PROGRAMS; PERFORMANCE BONDS; ALTERNATIVE BONDING SYSTEMS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 800.11

Legal Deadline: None

Abstract: The Office of Surface Mining Reclamation and Enforcement will propose a rule which adds two new components to existing bonding requirements. First, the rules will be amended to require that alternative bonding systems (ABS) remain liable for the generation of income or that an alternative system be established to satisfy existing forfeitures and liabilities covered by the ABS, in the event the ABS is terminated. Second, in the event of a Section 733 action, the ABS fund and all supporting legal documents must be transferable to the United States.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 05/07/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Lord, Program Analyst, Division of Technical Services, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Room 5111-L, Washington, DC 20240, 202 343-1480

RIN: 1029-AB61

1871. SUBSIDENCE

Significance: Agency Priority

Legal Authority: 30 USC 1201

CFR Citation: 30 CFR 817

Legal Deadline: Final, Statutory, October 1993.

Abstract: This rule would require coal mine operators who conduct underground mining after October 24, 1992, to repair or compensate the surface owner for resultant subsidence damage to occupied residential dwellings, related structures, and non-commercial buildings, and to replace existing drinking, residential, or domestic water supplies from wells or springs which are damaged or lost. The rule is required to implement Section 2504(a) of the Energy Policy Act of 1992.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Nancy Broderick, Chief, Branch of Federal and Indian Programs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1952 Constitution Ave. NW., Washington, DC 20240, 202 208-2533

RIN: 1029-AB69

1872. ABANDONED COAL REFUSE SITES

Significance: Agency Priority

Legal Authority: 30 USC 1201

CFR Citation: 30 CFR 785; 30 CFR 829; 30 CFR 830; 30 CFR 845; 30 CFR 870

Legal Deadline: NPRM, Statutory, October 24, 1993.

Abstract: OSM will propose new regulations governing permitting and

performance standards for on-site processing of abandoned coal refuse piles and operations for removal of abandoned coal refuse piles. The rules are required to implement Section 2503(e) of the Energy Policy Act of 1992.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/24/93 | |
| NPRM Comment Period End | 11/24/93 | |
| Final Action | 08/23/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Don Smith, Deputy Director, Big Stone Gap Field Office, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, P.O. Box 1216, Big Stone Gap, VA 24219, 703 523-1814

RIN: 1029-AB70

1873. ABANDONED MINE LAND GRANT PROCEDURES

Legal Authority: 30 USC 1201

CFR Citation: 30 CFR 886; 30 CFR 887; 30 CFR 888

Legal Deadline: None

Abstract: This rule will modify the Abandoned Mine Land grant regulations to codify the grant simplification initiative now being implemented. The rule will remove requirements for the submission of grant forms and other materials that are no longer needed and will reduce the reporting burden on States and Indian tribes.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 06/03/94 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Norm Hess, Program Management Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Washington, DC 20240, 202 208-2949

RIN: 1029-AB72

1874. COAL REMINING

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701; 30 CFR 773; 30 CFR 785; 30 CFR 874

Legal Deadline: None

Abstract: These rules will enable permittee operations which encounter an unanticipated event resulting in a violation to obtain new permits. The authority for this would exist from October 24, 1992, through September 30, 2004. The rules will also shorten the period of liability for revegetation from 5 years to 2 in the east and midwest and from 10 years to 5 in the arid west for remaining sites. The rules will ensure that remaining sites do not lose their abandoned mine land eligibility. The rules are required to implement section 2503 of the Energy Policy Act of 1992.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| Final Action | 08/25/93 | |
| NPRM | 11/14/93 | |
| NPRM Comment Period End | 12/14/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dennis Hunter, Chief, Branch of Research and Technical Standards, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Washington, DC 20240, 202 343-1504

RIN: 1029-AB74

1875. • DEFINITION OF COAL

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 700.5; 30 CFR 870

Legal Deadline: None

Abstract: This rule would define coal to mean combustible carbonaceous rock composed principally of consolidated and chemically altered plant remains. The rule would place all definitions related to coal in 30 CFR 700.5 and use the American Society for Testing and Materials ranking system to define different ranks of coal.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 05/28/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Doug Growitz, Hydrologist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Room 640 NC, Washington, DC 20240, 202 343-1507

RIN: 1029-AB75

1876. • AFFECTED AREA (HAUL ROADS)

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701

Legal Deadline: None

Abstract: The term "affected area" as defined in 30 CFR 701.5 excludes public roads, if, among other things, there is substantial public use. The rule was remanded by the Federal District Court because the definition excluded too broad a class of public roads. Suspension of that rule has caused confusion and left state regulatory authorities and OSM with imperfect guidance in a difficult area. Consistent with the Federal District Court ruling this rule will provide clarification and nationwide consistency concerning the extent to which public roads must be included in the affected area. There would be some increased costs to regulatory authorities and the coal industry since certain public roads that are not now regulated will need to be incorporated into the affected area of existing permits.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 12/18/93 | |
| NPRM Comment Period End | 02/18/94 | |
| Final Action | 09/29/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Fred Fox, Program Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution

Avenue NW., Washington, DC 20240, 200 234-3263

RIN: 1029-AB76

1877. • COAL FORMATION OUTCROP FIRES

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 880

Legal Deadline: None

Abstract: This rule revises mine fire control procedures in Appalachia to incorporate changes in the Energy Policy Act of 1992. The Act requires OSM to enter into cooperative agreements with states having approved Abandoned Mine Land Reclamation (AMLR) programs. Several provisions contained in the original law creating the program to extinguish or control coal outcrop fires were waived by the Act for states having approved AMLR programs. The Act authorizes cooperative agreements with states having approved AMLR programs for the purpose of planning and executing projects for controlling and extinguishing fires in coal formations. The Act provides that matching share contributions are waived for states with approved AMLR programs. Further, any cooperative agreement entered into under the Act with a state eligible to receive funds from the Appalachian Regional Development Commission is not subject to review by that Commission.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 06/12/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Tom Browne, Industry Economist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240, 202 208-2661

RIN: 1029-AB77

1878. • COAL MOISTURE

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 870

DOI-OSMRE

Proposed Rule Stage

Legal Deadline: None

Abstract: This rule adds specific criteria an operator must use in determining an excess moisture allowance claimed under 30 CFR 870.12. These criteria will codify technical guidance contained in AML Payer Letters issued since June 1988. The rule will identify acceptable methods and procedures for estimating total and inherent moisture contained in low rank coal. The criteria are based upon OSM experience and industry practices.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/25/93 | |
| NPRM Comment Period End | 11/25/93 | |
| Final Action | 08/04/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jane Robinson, Program Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Room 635 NC, Washington, DC 20240, 202 343-2826

RIN: 1029-AB78

1879. • BACKFILLING AND GRADING

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816

Legal Deadline: None

Abstract: This rule will reestablish time and distance requirements for backfilling and grading areas and contour mines so that reclamation proceeds as contemporaneously as practical with the surface mining operation. The rule will require the completion of backfilling and grading within certain times or distances

following coal removal. The proposal allows that for mining methods other than area and contour mining a schedule may be established by the regulatory authority, or on a case-by-case basis, a time and distance variance may be approved by the authority.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 05/31/94 | |
| Final Action | 03/10/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis Hunter, Chief, Branch of Research and Technical Standards, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Room 640 NC, Washington, DC 20240, 202 343-1504

RIN: 1029-AB79

DEPARTMENT OF THE INTERIOR (DOI)

Final Rule Stage

Office of Surface Mining Reclamation and Enforcement (OSMRE)

1880. APPLICANT/VIOLATOR SYSTEM PROCEDURES

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 773; 30 CFR 774; 30 CFR 843; 30 CFR 778

Legal Deadline: None

Abstract: The proposed rule will establish standards for review and rebuttal of presumptions regarding ownership and control relationships between permit applicants and violators as well as between permittees and violators. The rule will also specify requirements for verifying whether the ownership and control information specified on a permit application is complete, require use of OSM's applicant violator computer system and other available data by regulatory authorities when conducting violation reviews and establish procedures for regulatory authorities to use in determining the status of outstanding violations. The rule will prescribe sanctions in cases where a permit applicant intentionally fails to provide complete or accurate ownership and control information. In addition, the rule will specify measures for OSM to take should a state regulatory authority fail to implement these new

requirements. Regulations which may be modified include 30 CFR 773, 774, 778, and 843.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/06/91 | 56 FR 45780 |
| NPRM Comment Period End | 10/21/91 | |
| Final Action | 12/29/93 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Dr. Annetta Cheek, Chief, Applicant Violator System Staff, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240, 202 208-4654

RIN: 1029-AB34

1881. PERMANENT REGULATORY PROGRAM; PERFORMANCE STANDARDS; PERMANENT AND TEMPORARY IMPOUNDMENTS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.46; 30 CFR 816.49; 30 CFR 817.46; 30 CFR 817.49

Legal Deadline: None

Abstract: The proposed rule would clarify the design precipitation requirements for impoundments that rely primarily on storage to control stormwater runoff. It would also add a hazard consideration to the criteria for determining which design precipitation event is applicable in each case for spillway design.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/28/91 | 56 FR 29774 |
| NPRM Comment Period End | 08/27/91 | |
| Final Action | 10/21/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis Hunter, Chief, Branch of Research and Technical Standards, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240, 202 343-1504

RIN: 1029-AB40

1882. DEFINITION AND CRITERIA FOR VALID EXISTING RIGHTS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

DOI-OSMRE

Final Rule Stage

CFR Citation: 30 CFR 761.5**Legal Deadline:** None

Abstract: This rule will amend the portions of the permanent program which address the circumstances which constitute valid existing rights to mine coal in areas where Congress has otherwise prohibited mining under section 522(e) of the Surface Mining Control and Reclamation Act of 1977. This revision is in response to a court decision in round III of the litigation on OSM's permanent program regulations.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/18/91 | 56 FR 33152 |
| NPRM Comment Period End | 09/16/91 | |
| Final Action | 10/00/94 | |

Small Entities Affected: None**Government Levels Affected:** Federal

Agency Contact: Nancy Broderick, Chief, Branch of Federal and Indian Programs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Washington, DC 20240, 202 208-2553

RIN: 1029-AB42**1883. ABANDONED MINE LAND RECLAMATION FUND REAUTHORIZATION****Legal Authority:** 30 USC 1201 et seq**CFR Citation:** 30 CFR 870; 30 CFR 872; 30 CFR 874; 30 CFR 875; 30 CFR 876; 30 CFR 878**Legal Deadline:** None

Abstract: These regulations require revision and amendment to implement the amendments contained in the Energy Policy Act of 1972. The revised provisions address the eligibility of coal and noncoal reclamation projects, the collection and allocation of abandoned mine land fees, the eligibility of reclamation projects and the Small Operator Assistance Program.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/06/91 | 56 FR 45780 |
| NPRM Comment Period End | 02/21/92 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** Undetermined

Agency Contact: Danny Lytton, Chief, Branch of Program Policy, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave NW., Washington, DC 20240, 202 208-2819

RIN: 1029-AB49**1884. LAND USE INFORMATION RULE****Legal Authority:** 30 USC 1201**CFR Citation:** 30 CFR 779; 30 CFR 783; 30 CFR 784; 30 CFR 780**Legal Deadline:** None

Abstract: OSM proposes to either delete or restructure sections of its rules to reduce the burden of collecting excessive information. The provisions to be deleted or restructured pertain to mapping and identification of vegetative communities, previous mining in the permit area, slope measurements, and grazing management plans for post-mining land use. All of the information is deemed duplicative of other information collection requirements in the regulations or else is not needed.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 01/08/93 | |
| NPRM Comment Period End | 03/09/93 | |
| Final Action | 11/27/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Archana K. Puri, Civil Engineer, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave NW., Washington, DC 20240, 202 343-3871

RIN: 1029-AB57**1885. SURFACE COAL MINING AND RECLAMATION OPERATIONS: INITIAL AND PERMANENT REGULATORY PROGRAMS; ABANDONED SITES****Legal Authority:** 30 USC 1201 et seq**CFR Citation:** 30 CFR 840.11; 30 CFR 842.11**Legal Deadline:** None

Abstract: The rule would establish criteria for defining a site as "abandoned." Once a site met this definition, it would be eligible for an inspection frequency less than that

required under SMCRA for non-abandoned sites. These changes would allow better use of inspection resources.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/18/92 | 57 FR 60410 |
| NPRM Comment Period End | 01/19/93 | |
| Final Action | 12/12/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Daniel Stocker, Chief, Branch of Inspection and Enforcement, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., MS-Rm 110, Washington, DC 20240, 202 208-2550

RIN: 1029-AB60**1886. TRANSFER OF PERMIT RIGHTS; SUCCESSOR IN INTEREST; OWNERSHIP AND CONTROL; PERMIT INFORMATION AND THE APPLICANT/VIOLATOR SYSTEM; CIVIL PENALTIES; STATEMENT OF INTERESTS****Legal Authority:** 30 USC 1201 et seq**CFR Citation:** 30 CFR 701; 30 CFR 773; 30 CFR 774; 30 CFR 778; 30 CFR 823**Legal Deadline:** None

Abstract: The Office of Surface Mining Reclamation and Enforcement proposes to establish new regulations and amend existing provisions to clarify the role of the Applicant/Violator System (AVS) in the permit application process; amend the definitions of ownership and control and of transfer, assignment or sale of permit right; establish procedures for successor in interest; revise requirements for information to be submitted as part of the permit application process; and eliminate certain civil penalties as a basis for a permit block for owners and controllers of violators.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/28/93 | 58 FR 34652 |
| NPRM Comment Period End | 08/27/93 | |
| Final Action | 03/11/94 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

DOI—OSMRE

Final Rule Stage

Agency Contact: Annetta Cheek, Chief, Applicant/Violator System Office, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Room 7424 MIB, Washington, DC 20240, 202 208-4654

RIN: 1029-AB62

1887. REGULATION OF INDIAN LANDS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; 30 USC 181 et seq

CFR Citation: 30 CFR 710.11; 30 CFR 750.16

Legal Deadline: None

Abstract: This rule would allow coal operators to comply with either the interim program performance standards or the permanent program performance standards on Indian lands currently required under Office of Surface Mining Reclamation and Enforcement rules.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 03/22/93 | 58 FR 15404 |
| NPRM Comment Period End | 05/22/93 | |
| Final Action | 02/25/94 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Agency Contact: Billie E. Clark, Chief, Federal and Indian Permitting Branch, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Brooks Towers, 1020 15th Street, Denver, CO 800202, 303 844-2829

RIN: 1029-AB65

1888. BASIS FOR COAL WEIGHT DETERMINATION

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 870

Legal Deadline: None

Abstract: Some processors purchase raw coal from operators on an estimated clean coal basis. The Office of Surface Mining Reclamation and Enforcement's rules require reclamation fee payment on the actual gross weight of the clean or raw coal at the time of sale, transfer or use. Records required to document the basis of a coal sale are not clearly defined. Legislative changes provide OSM the authority to audit coal preparation plants, tipples and loading facilities. Records a person operating a coal preparation plant must maintain on

coal purchases are not specified in regulation. A person operating a preparation plant is not liable for fee payment on coal sales that exceed purchases. This rule would allow an operator who sells coal to a processor, who actually cleans the coal, to pay fees on the same basis on which the operator is paid by the processor. The person who operates a coal preparation plant would be liable for reclamation fee payment on all coal sold that exceeds coal purchased. Records to be maintained to document the basis for coal sales would be defined in regulation.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/29/92 | 57 FR 62116 |
| NPRM Comment Period End | 03/01/93 | |
| Final Action | 12/06/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jane R. Robinson, Program Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Washington, DC 20240, 202 343-2862

RIN: 1029-AB68

DEPARTMENT OF THE INTERIOR (DOI)

Completed Actions

Office of Surface Mining Reclamation and Enforcement (OSMRE)

1889. PERMANENT PROGRAM PERFORMANCE STANDARDS; HIGHWALL POLICY

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 845.15; 30 CFR 846.12

Legal Deadline: None

Abstract: The proposed regulation is in accordance with a court approved settlement agreement and would provide a method of calculating civil penalties when compliance with section 816.102(a) cannot be accomplished using best technology currently available or where compliance would result in significant harm to the environment and the operation does not qualify for an exemption to total highwall elimination in accordance with 30 CFR 816.102(k).

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

Withdrawn No further action to be taken at this time.

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis Hunter, Chief, Branch of Research and Technical Standards, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240, 202 343-1504

RIN: 1029-AB10

1890. FEDERAL REGULATORY PROGRAMS; PERMIT APPLICATION FEES

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 736; 30 CFR 740; 30 CFR 750

Legal Deadline: None

Abstract: In response to comments received concerning the rulemaking under RIN 1029-AB15, OSMRE will conduct a study of possible fees for permit revisions, renewals, and certain other permitting-related activities in the coming year and intends to propose further rulemaking where the results of that study indicate that such fees are justified and that fee collection would be administratively feasible.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

Withdrawn Decision made not to publish a rule at this time.

Small Entities Affected: None

Government Levels Affected: None

DOI-OSMRE

Completed Actions

Agency Contact: Arthur Abbs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Washington, DC 20240, 202 208-2651

RIN: 1029-AB29

1891. PERMANENT REGULATORY PROGRAM: BEST TECHNOLOGY CURRENTLY AVAILABLE

Legal Authority: 30 USC 1201 et seq
CFR Citation: 30 CFR 816; 30 CFR 817
Legal Deadline: None

Abstract: The requirement that all runoff from mined areas must pass through a siltation structure was suspended in compliance with a court-ordered remand. The rule will remove or reinstate suspended requirements that relate to the best technology currently available or may consider other alternatives.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action will be taken at this time. | 07/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Douglas I. Growitz, Hydrologist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Research and Technical Standards Branch, 1951 Constitution Avenue NW., Washington, DC 20240, 202 208-1507

RIN: 1029-AB36

1892. PREVIOUSLY MINED AREAS AND COAL PREPARATION PLANTS—REMAND

Significance: Agency Priority
Legal Authority: 30 USC 1201 et seq
CFR Citation: 30 CFR 701.5; 30 CFR 827.131(a)
Legal Deadline: None

Abstract: This rule will amend the definition of "previously mined area" at 30 CFR 701.5 and the requirements for coal preparation plants at 30 CFR 827.13 in response to a February 12, 1990, District Court decision.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 09/25/91 | 56 FR 48714 |

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM Comment Period End | 11/25/91 | |
| Final Action | 01/08/93 | 58 FR 3466 |
| Final Action Effective | 02/08/93 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Suzy Hudak, Policy Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Washington, DC 20240, 202 208-2700

RIN: 1029-AB45

1893. WETLANDS RULE

Legal Authority: 30 USC 1201 et seq
CFR Citation: 30 CFR 701; 30 CFR 816; 30 CFR 817
Legal Deadline: None

Abstract: This rule will add a definition of "wetland" and would establish standards for wetland success.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| Withdrawn - No further action to be taken at this time | 07/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis Hunter, Chief, Branch of Research and Technical Standards, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Room 7424 MIB, Washington, DC 20240, 202 343-1504

RIN: 1029-AB47

1894. REMOVAL OF PARTS 718 AND 720

Legal Authority: 30 USC 1201
CFR Citation: 30 CFR 718; 30 CFR 720
Legal Deadline: None

Abstract: OSM proposes to remove parts 718 and 720 of the Initial Program regulation because they have been superseded by the Permanent Program regulations.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/11/92 | 57 FR 35980 |
| NPRM Comment Period End | 10/13/92 | |

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/05/93 | 58 FR 41936 |
| Final Action Effective | 09/07/93 | 58 FR 41936 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel E. Stocker, Inspection and Enforcement Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave NW., Washington, DC 20240, 202 208-2550

RIN: 1029-AB58

1895. PROTECTION OF HISTORIC PROPERTIES FROM SURFACE COAL MINING OPERATIONS

Significance: Agency Priority
Legal Authority: 30 USC 1201 et seq
CFR Citation: 30 CFR 731; 30 CFR 732; 30 CFR 761; 30 CFR 772; 30 CFR 773; 30 CFR 779; 30 CFR 780; 30 CFR 783; 30 CFR 784

Legal Deadline: None

Abstract: The Office of Surface Mining Reclamation and Enforcement's (OSM) regulations concerning the protection of historic properties from surface coal mining operations, promulgated on February 10, 1987, were remanded by the DC District Court on October 7, 1991, for failure to comply with the National Historic Preservation Act (NHPA). The Court held that the rules were based on the incorrect premise that the State permitting actions are not Federal undertakings and remanded the matter to the Secretary of the Interior to bring OSM into compliance with NHPA. OSM must now propose new or amended rules to implement the court decision.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn Changes to be made through a memorandum of understanding. | 04/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Suzy Hudak, Policy Analyst, Branch of Federal and Indian Programs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., MS-Rm 110, Washington, DC 20240, 202 208-2700

RIN: 1029-AB63

DOI—OSMRE

Completed Actions

1896. REGULATION OF IMPOUNDMENTS

Legal Authority: 30 USC 1201 et seq
CFR Citation: 30 CFR 816; 30 CFR 817; 30 CFR 780; 30 CFR 784

Legal Deadline: None

Abstract: This rule would consolidate Office of Surface Mining Reclamation and Enforcement's and Mining Safety and Health Administration's rules covering the design, construction, inspection, and removal of impoundments thereby providing a uniform set of criteria for all coal mining operations.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| Withdrawn - No further action to be taken at this time | 07/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Wiles, General Engineer, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Division of Technical Services, 1951 Constitution Ave. NW., Washington, DC 20240, 202 343-1502

RIN: 1029-AB64

1897. REVEGETATION PERFORMANCE STANDARDS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816; 30 CFR 817

Legal Deadline: None

Abstract: This rule would revise the national performance standards used to measure the success of revegetating lands reclaimed after coal mining.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| Withdrawn - No further action to be taken at this time | 04/02/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. Scott Boyce, Environmental Protection Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Division of Technical Services, 1951 Constitution Ave. NW., Washington, DC 20240, 202 343-1514

RIN: 1029-AB66

1898. ASSISTANCE TO SMALL COAL OPERATORS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 795

Legal Deadline: None

Abstract: This rule will modify entitlements under the Small Operator Assistance Program (SOAP) by adding permitting services which an operator is liable to reimburse the program. The rules are required to implement section 2513 of the Energy Policy Act of 1992.

Timetable:

| Action | Date | FR Cite |
|---------------------------|----------|---------|
| Merged With RIN 1029-AB49 | 07/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Douglas Growitz, Hydrologist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Washington, DC 20240, 202 208-1507

RIN: 1029-AB73
BILLING CODE 4310-05-F

**DEPARTMENT OF THE INTERIOR (DOI)
 Bureau of Reclamation (RB)**

Proposed Rule Stage

1899. RECLAMATION ACQUISITION REGULATION SYSTEM

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 1400 appendix B et seq

Legal Deadline: None

Abstract: This rule will establish the Reclamation Acquisition Regulation System containing rules implementing and supplementing the Federal Acquisition Regulation and the Department of the Interior Acquisition Regulation.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| NPRM | 01/20/94 | |
| Interim Final Rule | 08/29/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Bill Opdyke, Chief, Policy Branch, Acquisition and Assistance Division, Department of the Interior, Bureau of Reclamation, P.O. Box 25007, Denver, CO 80225-0007, 303 236-3753

RIN: 1006-AA20

1900. PROCEDURE TO PROCESS AND RECOVER THE VALUE OF RIGHTS-OF-USE AND ADMINISTRATIVE COSTS INCURRED IN PERMITTING SUCH USE

Legal Authority: 43 USC 387; 31 USC 483

CFR Citation: 43 CFR 429

Legal Deadline: None

Abstract: The existing regulations will be revised to include procedures for issuing competitive rights-of-use, to provide for the use of forms, to provide for additional contacts with respondents, to provide for reporting requirements as a condition for issuance of rights-of-use, and to update list of addresses.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 09/30/94 | |
| Final Action | 09/29/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alonzo D. Knapp, Chief, Lands and Revenues Branch, Department of the Interior, Bureau of Reclamation, P.O. Box 25007, Denver Federal Center, Denver, CO 80225, 303 236-8503

RIN: 1006-AA23

DOI—RB

Proposed Rule Stage

1901. REGULATIONS FOR ADMINISTERING ENTITLEMENTS TO COLORADO RIVER WATER IN THE LOWER COLORADO RIVER BASIN

Legal Authority: 43 USC 617; 43 USC 391; 43 USC 485; 43 USC 390; 5 USC 552

CFR Citation: 43 CFR 415

Legal Deadline: None

Abstract: Colorado River water has been apportioned for consumptive use among water users with valid water rights within the States of Arizona, California, and Nevada. Future requests for delivery of this water are expected to exceed the amount that will be available. Formal rules will help ensure that water is put to beneficial use and that unauthorized uses are eliminated. The rules will provide a basis for the Secretary of the Interior to curtail unauthorized water use and establish a due process for water users to appeal adverse action decisions. Without formal rules and an appeals process, it is likely that the Secretary would be unable to enforce an action to curtail unauthorized water use and be subject to legal action by valid water users for not preventing unauthorized diversions of water. The initial cost of implementing the rule is estimated at \$125,000; annual costs thereafter - \$12,000, all costs in 1991 dollars. Costs are expected to be recovered from beneficiaries.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| ANPRM | 04/22/91 | 56 FR 16291 |
| NPRM | 03/15/94 | |
| NPRM Comment | 05/16/94 | |
| Period End | | |
| Final Action | 12/01/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Dale Ensminger, Repayment Specialist, Department of the Interior, Bureau of Reclamation, P.O. Box 61470, Attn: LC-449, Boulder City, NV 89006-1470, 702 293-8659

RIN: 1006-AA24

1902. RECLAMATION OF ARID LANDS BY THE UNITED STATES

Legal Authority: 43 USC 373

CFR Citation: 43 CFR 230

Legal Deadline: None

Abstract: This rule is proposed for rescission because current procedures for managing water rights conform to state requirements rather than procedures stated in this CFR part. Further, the Bureau's relationships are with organizations rather than individuals, and homesteading is no longer a primary consideration for reclamation projects.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |
| Final Action | 01/24/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eleanor Ashby, Records Management Policy Staff, Department of the Interior, Bureau of Reclamation, P.O. Box 25007, Denver Federal Center, Bldg. 67, Denver, CO 80225-00007, 303 236-7183

RIN: 1006-AA26

1903. EXCHANGE OR AMENDMENT OF FARM UNITS ON FEDERAL RECLAMATION PROJECTS

Legal Authority: 43 USC 373; 43 USC 451

CFR Citation: 43 CFR 406

Legal Deadline: None

Abstract: This rule was written in the 1950s to help carry out the Farm Unit Exchange Act of 1953, which provides for the exchange of certain unpatented farm units or private land on a Federal irrigation project by certain classes of qualified applicants. All farm units that were eligible for exchange have been exchanged, and since the program is no longer active, the rule needs to be rescinded.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |
| Final Action | 01/24/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eleanor Ashby, Records Management Policy Staff, Department of the Interior, Bureau of

Reclamation, P.O.Box 25007, Denver, CO 80225-0007, 303 236-7183

RIN: 1006-AA27

1904. ADMINISTRATIVE CLAIMS UNDER THE PUBLIC WORKS APPROPRIATION ACT FOR TETON DAM

Legal Authority: PL 94-180; PL 94-400

CFR Citation: 43 CFR 419

Legal Deadline: None

Abstract: This rule provides for the payment of claims for damages, losses, injuries, or death directly resulting from the failure on June 5, 1976, of the Teton Dam. There is no need to continue this rule because all claims against the United States resulting from the failure of the Teton Dam have been settled.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |
| Final Action | 01/24/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eleanor Ashby, Records Management Policy Staff, Department of the Interior, Bureau of Reclamation, P.O. Box 25007, Denver Federal Center, Bldg. 67, Denver, CO 80225-0007, 303 236-7183

RIN: 1006-AA28

1905. EMERGENCY DROUGHT ACT

Legal Authority: 43 USC 502

CFR Citation: 43 CFR 423

Legal Deadline: None

Abstract: This rule prescribes policies, procedures, and authority of the Bureau to mitigate losses and damages resulting from drought conditions in 17 western states in 1987 through 1989. This rule was promulgated upon passage of the Drought Assistance Act of 1988. Because activities under the Act terminated on December 31, 1989, the rule is no longer necessary.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |
| Final Action | 01/24/94 | |

DOI—RB

Proposed Rule Stage

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Eleanor Ashby,
 Records Management Policy Staff,
 Department of the Interior, Bureau of
 Reclamation, P.O.Box 25007, Denver
 Federal Center, Bldg. 67, Denver, CO
 80225-0007, 303 236-7183
RIN: 1006-AA29

**1906. ACREAGE LIMITATION
 REPORTING THRESHOLD**

Significance: Agency Priority
Legal Authority: 43 USC 390
 Reclamation Reform Act of 1982; 43
 USC 371 to 600 Reclamation Act of
 1902; 5 USC 552

CFR Citation: 43 CFR 426

Legal Deadline: None

Abstract: This rule will revise
 provisions exempting landholders
 (owners and lessees) in districts subject
 to the acreage limitation provisions of
 reclamation law from the information
 collection requirements of the
 Reclamation Reform Act of 1982 (RRA)
 if their reclamation project
 landholdings total 40 acres or less. The
 Bureau has determined that there may
 be ways to increase the exemption
 threshold that would reduce the public
 reporting burden and improve the
 Bureau's ability to administer the RRA.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/16/92 | 57 FR 47437 |
| NPRM Comment Period End | 11/16/92 | 57 FR 47437 |
| NPRM | 03/30/94 | |
| Final Action | 09/23/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Terry Lynott,
 Director, Policy and Programs,
 Department of the Interior, Bureau of
 Reclamation, P.O. Box 25007, Denver
 Federal Center, D-5010, Denver, CO
 80225, 303 236-3286

RIN: 1006-AA31

**DEPARTMENT OF THE INTERIOR (DOI)
 Bureau of Reclamation (RB)**

Final Rule Stage

1907. REVENUES MANAGEMENT

Legal Authority: 5 USC 552; 43 USC
 371; 43 USC 501; 43 USC 392; 40 USC
 485 et seq; 30 USC 351 et seq

CFR Citation: 43 CFR 403

Legal Deadline: None

Abstract: This rule will define
 requirements for the
 crediting/disposition of revenues. The
 rule notifies water districts of a review
 of legislation, repayment contracts, and
 amendments, and of current Bureau
 practice relating to collection and
 crediting/disposition. The rule also
 states that inappropriate direct
 crediting of revenues will be
 discontinued effective January 1, 1994,
 and that inappropriate direct credits
 received for calendar year 1993 must
 be repaid to the Bureau with interest
 of 7.040 percent. Since the Bureau does
 not have the option to dispose of
 revenues other than as required by law,
 the intent of this review is to ensure
 that revenue crediting follows the
 requirements of law.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 02/28/94 | |
| Final Action | 12/30/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda Davis,
 Revenues Management Specialist,
 Department of the Interior, Bureau of
 Reclamation, P.O. Box 25007, Denver,
 CO 80225-0007, 303 236-4633

RIN: 1006-AA30

**1908. ACREAGE LIMITATION
 REGULATIONS**

Significance: Agency Priority
Legal Authority: 43 USC 390
 Reclamation Reform Act of 1982; 43
 USC 371 to 600 Reclamation Act of
 1902; 5 USC 552

CFR Citation: 43 CFR 426

Legal Deadline: Final, Judicial,
 September 25, 1994.

Abstract: On March 10, 1992, the
 United States District Court for the

eastern district of California issued an
 order pursuant to the lawsuit of Natural
 Resources Defense Council v. Duvall
 (No. S-88-375-LKK). The order requires
 that the Bureau of Reclamation issue
 final rules that will apply to all
 Reclamation projects. An
 environmental impact statement must
 also be prepared in conjunction with
 the rules. The order stipulates the rules
 must be issued by September 25, 1994.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 09/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected:
 Undetermined

Agency Contact: Terry Lynott,
 Director, Policy and Programs,
 Department of the Interior, Bureau of
 Reclamation, P.O. Box 25007, Denver
 Federal Center, D-5010, Denver, CO
 80225, 303 236-3286

RIN: 1006-AA32

**DEPARTMENT OF THE INTERIOR (DOI)
 Bureau of Reclamation (RB)**

Completed Actions

**1909. ACREAGE LIMITATION RULES
 AND REGULATIONS**

Significance: Agency Priority

Legal Authority: 43 USC 390aa to
 390zz-1, Reclamation Reform Act of
 1982; 43 USC 371 to 600(e), The
 Reclamation Act of 1902; 5 USC 552

CFR Citation: 43 CFR 426

Legal Deadline: Final, Judicial, June
 10, 1993.

DOI—RB

Completed Actions

Abstract: On March 10, 1992, the United States District Court for the Eastern District of California issued an order in the Natural Resources Defense Council v. Duvall lawsuit (No. CIV-S-88-0375-LKK). The order requires, among other things, that the Bureau of Reclamation issue interim rules to implement the RRA in the Central Valley Project of California, including the preparation of an EIS. The order

stipulates the rules must be issued by June 10, 1993.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Notice of Intent to Prepare EIS | 05/12/92 | 57 FR 20288 |
| Withdrawn pending further court ruling | 07/16/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alonzo D. Knapp, Chief, Lands and Revenues Branch, Department of the Interior, Bureau of Reclamation, P.O. Box 25007, Denver Federal Center, D-5610, Denver, CO 80225, 303 236-8503

RIN: 1006-AA25
BILLING CODE: 4310-09-F

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Proposed Rule Stage

1910. UNAUTHORIZED USE OF PUBLIC LANDS

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 9230

Legal Deadline: None

Abstract: This rule will be amended to clarify those activities that are prohibited on the public lands, to provide managers with additional authority to resolve existing violations and to clarify the authority of the Secretary of the Interior in instances of mineral trespass.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 05/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Walter I. Johnson, Jr., Chief, Division of Law Enforcement and Resource Protection, Department of the Interior, Bureau of Land Management, 3905 Vista Avenue, Boise, ID 83705, 208 334-1260

RIN: 1004-AA38

1911. MANAGEMENT OF RIGHTS-OF-WAY AUTHORIZED BY R.S. 2477

Legal Authority: 43 USC 1732; 43 USC 1761 to 1771

CFR Citation: 43 CFR 2800

Legal Deadline: None

Abstract: This rule will amend the rights-of-way regulations for rights-of-ways issued under the Federal Land Policy and Management Act to provide for dealing with valid existing rights under R.S. 2477. The rule will include definitions for "construction", "highways", and "public lands not reserved for public purposes". The rule

will address roles and relationships between Federal and State law regarding rights-of-way.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ron Montagna, Realty Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW (260), Washington, DC 20240, 202 653-9215

RIN: 1004-AB00

1912. INDIAN ALLOTMENTS

Legal Authority: 25 USC 334

CFR Citation: 43 CFR 2530

Legal Deadline: None

Abstract: This rule would revise the existing regulations to remove obsolete and burdensome provisions and clarify and simplify the remaining provisions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Brenda Zenan, Realty Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-9215

RIN: 1004-AB10

1913. ONSHORE OIL AND GAS OPERATIONS; SPECIAL PROVISIONS; ONSHORE OIL AND GAS ORDER NO. 5—MEASUREMENT OF GAS

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 301 to 306; 25 USC 396 to 399; 43 USC 1457; 40 USC 471 et seq; 42 USC 4321; 42 USC 6508; 30 USC 1701 et seq; 25 USC 2102

CFR Citation: 43 CFR 3164.1

Legal Deadline: None

Abstract: This rule will amend Onshore Oil and Gas Order No. 5 on Measurement of Gas to provide clarifications of recordkeeping and orifice meter standards, and to provide for approval by the jurisdictional Bureau of Land Management State Office of gas measurement by electronic flow computers, using an orifice, that calculate volume using equations specified by the American Gas Association Committee Report No.3.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2182

RIN: 1004-AB22

1914. SALES OF FOREST PRODUCTS; GENERAL—PREPARATION FOR SALE

Legal Authority: 16 USC 617

CFR Citation: 43 CFR 5400; 43 CFR 5420

Legal Deadline: None

DOI-BLM

Proposed Rule Stage

Abstract: This rule will implement the Forest Resources Conservation and Shortage Relief Act of 1990 by prohibiting the export of unprocessed timber from western Federal timber lands and direct and indirect substitution for such timber.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ed Shepard, Forester, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-8864
RIN: 1004-AB34

1915. ONSHORE OIL AND GAS ORDER NO. 9—WASTE PREVENTION AND BENEFICIAL USE OF OIL AND GAS

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1; 43 CFR 3162.4; 43 CFR 3162.5; 43 CFR 3162.7-1; 43 CFR 3162.7-2; 43 CFR 3162.7-3; 43 CFR 3165.3; 43 CFR 3165.4

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR 3160. This order details the requirements in order to prevent wastes and promote beneficial uses of oil and gas. This order also provides the enforcement actions that will result when violations of standards occur. It also replaces NTL-4A. This order is to be referenced in the table at 43 CFR 3164.1(b).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2182
RIN: 1004-AB47

1916. CLASSIFICATIONS

Legal Authority: 43 USC 315f; 43 USC 869; 43 USC 1701 et seq

CFR Citation: 43 CFR 2400.

Legal Deadline: None

Abstract: This rule will amend part 2400 to include conformance with land-use planning and environmental analysis for establishing and terminating classifications.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jim Paugh, Realty Specialist, Department of the Interior, Bureau of Land Management, 2515 Warren Ave., P.O. Box 1828, Cheyenne, WY 82003, 307 775-6306
RIN: 1004-AB57

1917. MANAGEMENT OF DESIGNATED WILDERNESS AREA

Legal Authority: 43 USC 1701 et seq; 16 USC 1131 et seq

CFR Citation: 43 CFR 8560

Legal Deadline: None

Abstract: This rule will amend the existing regulations to remove obsolete provisions, clarify and simplify the regulations, and add provisions on access to inholdings, rights-of-way, use of mechanized equipment by certain individuals, access by Native Americans.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rob Hellie, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-9183
RIN: 1004-AB69

1918. DRAINAGE, OPERATIONS, AND LEASING OBLIGATIONS

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 301 to 306; 25 USC 396 to 399; 43 USC 1457; 40 USC 471 et seq; 42 USC 4321; 42 USC 6508; 30 USC 1701 et seq; 43 USC 1701 et seq; 25 USC 2102; 16 USC 668dd to ee; 31 USC 483a

CFR Citation: 43 CFR 3100.2; 43 CFR 3100.2-1; 43 CFR 3100.2-2; 43 CFR 3162.2

Legal Deadline: None

Abstract: This rule will clarify the responsibilities of fluid mineral lessees for protecting Federal-leased fluid minerals from drainage by operations on nearby lands that would result in lower royalties for Federal or Indian lessors by specifying requirements before the obligation of lessees to protect from such drainage begins, by providing a profitability threshold for lessee responsibility, by allocating burden of proof of drainage, and by specifying the responsibilities of multiple lessees and assignees. It will also clarify responsibility of the liable parties for other obligations arising from lease terms and operations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2182
RIN: 1004-AB74

1919. SALES—FEDERAL LAND POLICY AND MANAGEMENT ACT

Legal Authority: 43 USC 1701; 43 USC 1713

CFR Citation: 43 CFR 2710

Legal Deadline: None

Abstract: This rule will amend 43 CFR part 2710 to provide for improved administration of sales of public land under the Federal Land Policy and Management Act.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jim Paugh, Realty Specialist, Department of the Interior, Bureau of Land Management, 2515 Warren Ave., P.O. Box 1828, Cheyenne, WY 82003, 307 775-6306
RIN: 1004-AB77

DOI—BLM

Proposed Rule Stage

1920. ONSHORE OIL AND GAS OPERATIONS: ONSHORE OIL AND GAS ORDER NO. 4 —MEASUREMENT OF OIL

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 301 to 306; 25 USC 471 et seq; 42 USC 4321; 42 USC 6508; 30 USC 1701 et seq; 25 USC 2102

CFR Citation: 43 CFR 3160

Legal Deadline: None

Abstract: This rule will amend Onshore Oil and Gas Order No. 4 on Measurement of Oil to provide clarification of tank gauging sampling procedures, thermometer standards, sales meter proving requirements, oil removal documentation, and will make other minor editorial changes.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2182
RIN: 1004-AB80

1921. AWARD OF CONTRACT

Legal Authority: 43 USC 1181e; 30 USC 601 et seq

CFR Citation: 43 CFR 5450

Legal Deadline: None

Abstract: This rule will require purchasers of timber with previous defaults on U.S. Forest Service timber sale contracts to establish their responsibility in the same manner required of purchasers with previous defaults on BLM timber sale contracts.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/08/93 | 58 FR 47241 |
| NPRM Comment | 11/08/93 | 58 FR 47241 |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob Bierer, Forester, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-8864
RIN: 1004-AB83

1922. PROTECTION, MANAGEMENT, AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS

Legal Authority: 16 USC 1331 to 1340

CFR Citation: 43 CFR 4700

Legal Deadline: None

Abstract: This rule will clarify existing BLM policy on several matters, including adoption fees (they are nonrefundable) and the status of foals born to wild horses and burros after proper execution of a Private Maintenance and Care Agreement. The rule will also change the process of issuing decisions and administrative remedies and make necessary corrections in other portions of the regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/01/93 | 58 FR 51297 |
| NPRM Comment | 11/30/93 | 58 FR 51297 |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bruce Dawson, Acting Chief, National Wild Horses and Burros Program, Department of the Interior, Bureau of Land Management, P.O. Box 12000, Reno, NV 89520-0006, 702 785-6583

RIN: 1004-AB84

1923. CONVEYANCE OF FEDERALLY OWNED MINERAL INTERESTS

Legal Authority: 43 USC 1719; 43 USC 1740

CFR Citation: 43 CFR 2720

Legal Deadline: None

Abstract: This rule will clarify terminology and required procedures for the conveyance of mineral interests owned by the United States where the surface is or will be in non-Federal ownership.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/28/93 | 58 FR 50536 |
| NPRM Comment | 11/29/93 | 58 FR 50536 |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Clyde Topping, Economist, Division of Minerals Policy Analysis and Economic Evaluation, Department of the Interior, Bureau of

Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-6610
RIN: 1004-AB86

1924. GRAZING ADMINISTRATION EXCLUSIVE OF ALASKA

Legal Authority: 43 USC 315; 43 USC 1701 et seq

CFR Citation: 43 CFR 4100

Legal Deadline: None

Abstract: This rule will clarify the public participation role in management of the public rangelands, provide authority for non-monetary settlement for unauthorized grazing use determined by the BLM to have resulted from circumstances beyond the control of the permittee or lessee, and establish appropriate fees for use of the public lands for grazing.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 08/13/93 | 58 FR 43208 |
| ANPRM Comment | 09/13/93 | 58 FR 43208 |
| Period End | | |
| NPRM | 03/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: George Ramey, Range Conservationist, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-9195

RIN: 1004-AB89

1925. LAND WITHDRAWALS

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 2300

Legal Deadline: None

Abstract: This rule will amend the existing regulations to clarify and simplify the procedures for implementing the authority of the Secretary of the Interior to process withdrawal applications, and, where appropriate, to make, modify, or extend Federal land withdrawals.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jeff Holdren, Withdrawals Program Leader,

DOI—BLM

Proposed Rule Stage

Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-9202
RIN: 1004-AB94

1926. SALES OF FOREST PRODUCTS; LAW ENFORCEMENT

Legal Authority: 43 USC 1181e; 30 USC 601 et seq; 43 USC 1701 et seq; 43 USC 1201; 18 USC 1851 to 1858

CFR Citation: 43 CFR 5460; 43 CFR 5510; 43 CFR 9230; 43 CFR 9260

Legal Deadline: None

Abstract: This rule will amend current regulations to make them more orderly and easier to follow, and add a list of prohibited acts to the sections on forest product contracts and free use permits to provide guidance for the administration of contracts and permits and a basis for law enforcement.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/13/93 | 58 FR 47847 |
| NPRM Comment Period End | 11/12/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ed Shepard, Forester, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-8864

RIN: 1004-AB97

1927. HARDROCK MINERALS PROSPECTING PERMITS

Legal Authority: 5 USC app

CFR Citation: 43 CFR 3562

Legal Deadline: None

Abstract: This rule will amend the regulations to extend the duration of prospecting permits for hardrock minerals.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 09/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Linda Ponticelli, Mineral Leasing Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW

(660), Washington, DC 20240, 202 653-5182

RIN: 1004-AC05

1928. MINERALS; COST RECOVERY

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 1001 to 1025; 5 USC app; 30 USC 22

CFR Citation: 43 CFR 3100; 43 CFR 3200; 43 CFR 3400; 43 CFR 3500; 43 CFR 3600; 43 CFR 3610; 43 CFR 3700; 43 CFR 3800

Legal Deadline: None

Abstract: This rule will amend the regulations for fluid and solid leasable minerals, locatable minerals, and mineral materials to adjust current fees or establish new fees in accordance with Title V of the Independent Offices Appropriation Act of 1952 (User Charge Statute) and Office of Management and Budget Circular A-25, "User Charges."

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Linda Ponticelli, Mineral Leasing Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW (660), Washington, DC 20240, 202 653-5182

RIN: 1004-AC06

1929. ONSHORE OIL AND GAS OPERATIONS

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 301 to 306; 25 USC 396 et seq; 43 USC 1457; 30 USC 1701 et seq; 25 USC 2102 et seq

CFR Citation: 43 CFR 3160

Legal Deadline: None

Abstract: This rule will clarify the responsibilities of the Bureau of Land Management for lands administered by the Forest Service under the Federal Onshore Oil and Gas Leasing Reform Act of 1987, providing the BLM is responsible only for Applications for Permit to Drill, related subsurface impacts, and related appeals.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2182

RIN: 1004-AC09

1930. LAW ENFORCEMENT—CRIMINAL

Legal Authority: 16 USC 668(a); 16 USC 670; 16 USC 707; 16 USC 1538(a); 16 USC 1540; 16 USC 3370(d); 43 USC 1732; 43 USC 1733

CFR Citation: 43 CFR 9260

Legal Deadline: None

Abstract: This rule would amend the existing regulations to clarify the applicability of Federal, State and local fish and wildlife protection laws on the public land, and to delete obsolete regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dennis McLane, Chief Ranger, Department of the Interior, Bureau of Land Management, Division of Law Enforcement and Resource Protection, 3905 Vista Ave., Boise, ID 83705, 208 334-1260

RIN: 1004-AC11

1931. ADMINISTRATION OF RIGHTS-OF-WAY

Significance: Agency Priority

Legal Authority: 43 USC 1761 to 1771

CFR Citation: 43 CFR 2803

Legal Deadline: None

Abstract: The rule will establish a schedule for fair market rental for communication use rights-of-way under the Federal Land Policy and Management Act. The schedule will help reduce administrative costs related to appraisals and protests and appeals.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Undetermined

DOI—BLM

Proposed Rule Stage

Government Levels Affected: None
Agency Contact: David Cavanaugh, Realty Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-9215
RIN: 1004-AC12

Agency Contact: Gene Kolkman, Planning and Environmental Analyst, Department of the Interior, Bureau of Land Management, Bureau of Land Management (760), 1849 C Street NW., Washington, DC 20240, 202 653-8824
RIN: 1004-AC14

requirements of the Bureau. The revision will also slightly modify the procedures under which the public can apply for the performance of various types of surveys. Also included is information relating to filing cadastral survey plats and for protesting and appealing cadastral surveys.

1932. • PLANNING, PROGRAMMING, AND BUDGETING

Significance: Regulatory Program
Legal Authority: 43 USC 1711; 43 USC 1712
CFR Citation: 43 CFR 1600
Legal Deadline: None

Abstract: This rule will incorporate ecosystem management in the resource management planning process of the Bureau of Land Management, and streamline the planning process while providing for public participation.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

1933. • REQUIREMENTS AND PROCEDURES FOR THE SURVEY OF THE PUBLIC LANDS OF THE UNITED STATES

Legal Authority: Act of May 20, 1785; 43 USC 751; 43 USC 2; 30 USC 22; 48 USC 351; 43 USC 772; Reorganization Plan No. 3 of 1946; 43 USC 1601; 43 USC 1701; 16 USC 3101
CFR Citation: 43 CFR 9600
Legal Deadline: None

Abstract: This rulemaking would revise the established policies, procedures and requirements used by the Secretary of the Interior for the survey and resurvey of the Public Land Survey System (PLSS). The primary purpose of this revision is to recodify the existing cadastral survey code of Federal regulations from the current Part 9180 to Part 9600 in order to conform to the current paperwork management

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Doug Wilcox, Geodesist, National Policy and Program Development, Office of Cadastral Survey, Department of the Interior, Bureau of Land Management, Eastern States Office, 7450 Boston Boulevard, Springfield, VA, 703 440-1691

RIN: 1004-AC16

**DEPARTMENT OF THE INTERIOR (DOI)
 Bureau of Land Management (BLM)**

Final Rule Stage

1934. EXCHANGES—GENERAL PROCEDURES

Legal Authority: 43 USC 1715; 43 USC 1716; 43 USC 1732
CFR Citation: 43 CFR 2200
Legal Deadline: Final, Statutory, August 20, 1989.

Abstract: This rule will amend the existing regulations to provide procedures to facilitate and expedite the processing of land exchanges.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/18/89 | 54 FR 34380 |
| NPRM Comment Period End | 12/01/89 | 54 FR 43185 |
| Reproposal | 10/02/91 | 56 FR 49962 |
| NPRM Comment Period End | 12/02/91 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: Local, State

Agency Contact: Don Simpson, Realty Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-9215

RIN: 1004-AB28

1935. MINING CLAIMS UNDER THE GENERAL MINING LAWS

Significance: Regulatory Program
Legal Authority: 30 USC 22; 43 USC 1201; 43 USC 1744; 43 USC 1734; 43 USC 1740

CFR Citation: 43 CFR 3809

Legal Deadline: None

Abstract: This rule will require submission of financial guarantees for reclamation for all mining operations greater than casual use, create additional financial instruments for this purpose, and require operators with a record of noncompliance to file plans of operations.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/11/91 | 56 FR 31602 |
| NPRM Comment Period End | 09/09/91 | |
| Final Action | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rick Deery, Division of Solid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-5182

RIN: 1004-AB36

1936. ONSHORE OIL AND GAS ORDER NO. 8—WELL WORKOVERS, COMPLETIONS, ABANDONMENTS

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 398; 25 USC 396(d)

CFR Citation: 43 CFR 3160

Legal Deadline: None

DOI-BLM

Final Rule Stage

Abstract: This order is being issued under the Oil and Gas Operations regulations as found in 43 CFR part 3160. The order details the minimum standards of performance when conducting workover, completions, and abandonment of existing wells on Federal and Indian lands (except Osage Tribe). It also will contain enforcement actions that will result from the failure to meet the minimum standards.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/06/91 | 56 FR 20568 |
| NPRM Comment | 07/26/91 | |
| Period End | | |
| Final Action | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2182

RIN: 1004-AB37

1937. LEASES, PERMITS, AND EASEMENTS

Legal Authority: 43 USC 1732; 43 USC 1740

CFR Citation: 43 CFR 2920

Legal Deadline: None

Abstract: This rule will amend the existing regulations to provide for improved administration of Leases, Permits and Easements under the Federal Land Policy and Management Act.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/21/90 | 55 FR 48810 |
| NPRM Comment | 01/22/91 | |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Brenda Zenan, Realty Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-9215

RIN: 1004-AB51

1938. MINING IN MILITARY WITHDRAWALS

Legal Authority: 100 Stat 3457, sec 12; 30 USC 22; 43 USC 1701 et seq

CFR Citation: 43 CFR 3828; 43 CFR 3811

Legal Deadline: None

Abstract: This proposed rule establishes guidelines for mining in certain military installations under the Mining Law of 1872, as amended, and for assuring the safe, uninterrupted, and unimpeded use of the lands for military purposes. The Military Lands Withdrawal Act of 1986 specifically provided for certain military lands previously withdrawn from mining to be considered for opening to the operation of the Mining Law of 1872, as amended, with certain special restrictions. Military lands identified as suitable for mining through the Bureau of Land Management's planning system are proposed to be opened on the effective date of an opening order that will be published in the Federal Register.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/02/91 | 56 FR 30367 |
| NPRM Comment | 09/03/91 | 56 FR 30367 |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carole Smith, Mineral Leasing Specialist, Division of Solid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-5182

RIN: 1004-AB52

1939. PUBLIC AVAILABILITY OF MINERALS RESOURCES INFORMATION

Legal Authority: 5 USC 552

CFR Citation: 43 CFR 3000

Legal Deadline: None

Abstract: This rule will remove conflicts between existing mineral regulations relating to public availability of mineral resources information and the Freedom of Information Act. The rule will also remove discrepancies among the various mineral regulations regarding public release of information.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/31/91 | 56 FR 24767 |
| NPRM Comment | 07/31/91 | 56 FR 24767 |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dorothy Chambers, Management Analyst, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-8853

RIN: 1004-AB55

1940. ONSHORE OIL AND GAS OPERATIONS; SPECIAL PROVISIONS; ONSHORE OIL AND GAS ORDER NO. 1—APPROVAL OF OPERATIONS ON ONSHORE FEDERAL AND INDIAN OIL AND GAS LEASES

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 301 to 306; 25 USC 396 to 399; 43 USC 1457; 40 USC 471 et seq; 42 USC 4321; 42 USC 6508; 30 USC 1701 et seq; 25 USC 2102

CFR Citation: 43 CFR 3164.1

Legal Deadline: None

Abstract: This rule will amend Order No. 1 to conform to the regulations in 43 CFR 3160 and for consistency with the Federal Onshore Oil and Gas Leasing Reform Act of 1987. The rule will specify the requirements for the approval of all proposed exploratory, development, and service wells, and for approval of certain subsequent operations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/23/92 | 57 FR 32756 |
| NPRM Comment | 09/21/92 | |
| Period End | | |
| Final Action | 05/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2182

RIN: 1004-AB72

DOI-BLM

Final Rule Stage

1941. ONSHORE OIL AND GAS UNIT AGREEMENTS—UNPROVEN AREAS**Legal Authority:** 30 USC 181 et seq**CFR Citation:** 43 CFR 3180**Legal Deadline:** None

Abstract: This rule will clarify the effective date of approval of a unit agreement, and will provide for State Director review in cases of appeals by adversely affected parties. It will also condition Federal approval of a unit agreement on its containing a provision for payment to the Government of compensatory royalties for oil and gas drained from unleased Federal lands located within participating areas of the unit, in order to prevent loss through drainage through adjacent non-Federal wells without compensation to the Government.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 02/04/92 | 57 FR 4177 |
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2182

RIN: 1004-AB73**1942. PROTECTION, MANAGEMENT, AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS****Legal Authority:** 16 USC 1331 to 1340**CFR Citation:** 43 CFR 4770**Legal Deadline:** None

Abstract: The rule will allow the Secretary of the Interior to protect adopted wild horses and burros from abuse and neglect by authorizing full force and effect decisions to cancel Private Maintenance and Care Agreements when the condition of the animals warrants such action.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-----------|
| Interim Final Rule | 01/09/91 | 56 FR 786 |

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 03/11/91 | |
| Comment Period End | | |
| Final Action | 11/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Bruce Dawson, Acting Chief, National Wild Horses and Burros Program, Department of the Interior, Bureau of Land Management, P.O. Box 12000, Reno, NV 89520-0006, 702 785-6583

RIN: 1004-AB81**1943. PUBLIC LAW 167; ACT OF JULY 23, 1955****Significance:** Regulatory Program**Legal Authority:** 30 USC 22; 30 USC 612; 43 USC 1701 et seq**CFR Citation:** 43 CFR 3710**Legal Deadline:** None

Abstract: This rule will enumerate the restrictions on use and occupancy of unpatented mining claims and mill sites on public lands.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/11/92 | 57 FR 41846 |
| NPRM Comment Period End | 11/10/92 | 57 FR 41846 |
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Rick Deery, Division of Solid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-5182

RIN: 1004-AB88**1944. HOMESTEADING; DESIGNATION OF AREAS AND SITES; PROGRAMS AND OBJECTIVES (ADMINISTRATIVE FINAL RULE)**

Legal Authority: 43 USC 161 to 164; 43 USC 166 to 169; 43 USC 185; 43 USC 201; 43 USC 231; 43 USC 1201; 43 USC 1411

CFR Citation: 43 CFR 2510; 43 CFR 2070; 43 CFR 1720; 43 CFR 8350**Legal Deadline:** None

Abstract: This rule will remove parts 2510, 2070, and 1720 and subpart 8352 of Title 43 of the Code of Federal Regulations. The authorities for these parts have all either been repealed or have expired under their own terms.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Jim Paugh, Realty Specialist, Department of the Interior, Bureau of Land Management, 2515 Warren Ave., P.O. Box 1828, Cheyenne, WY 82003, 307 775-6306

RIN: 1004-AB98**1945. • MINING CLAIMS; LANDS OPEN TO LOCATION; NATIONAL PARKS; INDIAN RESERVATIONS; REMOVAL OF OBSOLETE OR EXPIRED REGULATIONS****Legal Authority:** 30 USC 541; 16 USC 1901 et seq; 43 USC 1701 et seq**CFR Citation:** 43 CFR 3720; 43 CFR 3810; 43 CFR 3820**Legal Deadline:** None

Abstract: This rule will remove obsolete or expired regulations concerning location and entry of mining claims and sites on coal bearing lands, National Park System Units, and Indian reservations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 03/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Roger A. Haskins, Division of Mineral Resources, Department of the Interior, Bureau of Land Management, Nevada State Office, 850 Harvard Way, P.O. Box 12000, Reno, NV 89520-0006, 702 785-6564

RIN: 1004-AC13

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Completed Actions

1946. PALEONTOLOGY

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 8270

Legal Deadline: None

Abstract: This rule will be revised to provide the procedures for the management of paleontological specimens located on the public lands.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 08/17/82 | 47 FR 35914 |
| Withdrawn No further action scheduled at this time. | 06/29/83 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Carl Barna, Division of Recreation, Cultural and Wilderness Resources, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-9163
RIN: 1004-AA27

1947. ONSHORE OIL AND GAS ORDER NO. 7—DISPOSAL OF PRODUCED WATER

Legal Authority: 30 USC 189; 30 USC 359

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas regulations as found in 43 CFR part 3160. The order details the requirements for the handling, storing or disposing of water produced from oil or gas wells. It replaces NTL-2B. The order will also contain inspection standards. This order is referenced in the table at 43 CFR 3164.1(b).

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 01/19/90 | 55 FR 1837 |
| NPRM Comment Period End | 03/20/90 | 55 FR 1837 |
| Final Action | 09/08/93 | 58 FR 47354 |
| Final Action Effective | 10/08/93 | 58 FR 47354 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2182
RIN: 1004-AA66

1948. EXPLORATION ACTIVITY; OIL AND GAS LEASING; GEOTHERMAL RESOURCE LEASING—GENERAL

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 18 USC 3101 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3100; 43 CFR 3200

Legal Deadline: None

Abstract: The rule will issue corrections and clarifications to published final rules of May 16, 1988 and June 17, 1988.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 06/29/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lois Mason, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2182
RIN: 1004-AA97

1949. RIGHTS-OF-WAY UNDER THE MINERAL LEASING ACT

Legal Authority: 30 USC 185

CFR Citation: 43 CFR 2880

Legal Deadline: None

Abstract: This rule will amend the regulations to provide for improved administration of rights-of-way under the Mineral Leasing Act.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 07/06/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carl Gammon, Realty Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW (320), Washington, DC 20240, 202 653-9215
RIN: 1004-AA98

1950. GEOTHERMAL RESOURCE OPERATIONS

Legal Authority: 30 USC 1001 to 1025

CFR Citation: 43 CFR 3200; 43 CFR 3260; 43 CFR 3270

Legal Deadline: None

Abstract: This rulemaking will revise provisions related to geothermal leasing and geothermal operations conducted on Federal lands. The changes are designed to remove burdensome and cumbersome provisions and simplify the regulations.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 06/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-2182
RIN: 1004-AB18

1951. MINERALS (NONMINERAL ENTRIES ON MINERAL LANDS)

Legal Authority: 30 USC 186; 30 USC 124

CFR Citation: 43 CFR 2093

Legal Deadline: None

Abstract: The amendments made by this rulemaking would eliminate portions of the existing regulations that refer to repealed authorities and make minor changes that reflect the merger of functions between the Bureau of Land Management and the Minerals Management Service.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 06/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Matt Millenbach, Chief, Division of Lands and Realty, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-9215
RIN: 1004-AB20

1952. COAL MANAGEMENT—GENERAL

Significance: Regulatory Program

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 3400

Legal Deadline: None

DOI—BLM

Completed Actions

Abstract: This rule will revise the exploration and mining operations regulations, as well as other operations-related regulations, to streamline them and to have them reflect current policy and standard industry operating practices relating to Federal coal.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/12/91 | 56 FR 32002 |
| NPRM Comment Period End | 09/10/91 | 56 FR 32002 |

Withdrawn No further
action scheduled at
this time.

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Politzer, Chief, Division of Solid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-5182

RIN: 1004-AB44

1953. VILLAGE SELECTIONS

Legal Authority: 43 USC 1613

CFR Citation: 43 CFR 2651

Legal Deadline: None

Abstract: This rule would amend the existing regulations to allow undersampled Alaska Native Village Corporations to select lands identified and made available by the Secretary enabling them to fulfill their statutory entitlement under the Alaska Native Claims Settlement Act.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 06/30/93 | |

Withdrawn No further
action scheduled at
this time.

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mike Berch, Realty Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-9215

RIN: 1004-AB58

1954. CAVE MANAGEMENT

Legal Authority: 16 USC 4301 et seq; 43 USC 1740

CFR Citation: 43 CFR 37

Legal Deadline: Final, Statutory, August 18, 1989.

Abstract: This rule will provide criteria to determine whether caves on Federal lands are significant and thereby to be given special attention in planning and other decisions affecting Federal lands.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 01/13/92 | 57 FR 1344 |
| Final Action | 10/01/93 | 58 FR 51550 |
| Final Action Effective | 11/01/93 | 58 FR 51550 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Del Price, Outdoor Recreation Planner, Department of the Interior, Bureau of Land Management, 2850 Youngfield St., Lakewood, CO 80215-7076, 303 239-3739

RIN: 1004-AB59

1955. RULES OF CONDUCT

Legal Authority: 102 Stat 4571

CFR Citation: 43 CFR 8365

Legal Deadline: None

Abstract: This rule will amend the penalty provision in 43 CFR 9260 to provide for the penalty called for in the Arizona-Idaho Conservation Act of 1988.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 06/30/93 | |

Withdrawn No further
action scheduled at
this time.

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold Belisle, Chief, Branch of Recreation Resources, Department of the Interior, Bureau of Land Management, 1849 C St NW., Washington, DC 20240, 202 653-8828

RIN: 1004-AB67

1956. AVAILABILITY OF PUBLIC RECORDS

Legal Authority: 43 USC 1201; 43 USC 1460; 43 USC 1734; 43 USC 1737; 5 USC 552

CFR Citation: 43 CFR 1814

Legal Deadline: None

Abstract: This rule will establish specific procedures for public access to Bureau of Land Management records on all media, including paper, microform, computer, and audiovisual, in order to facilitate public access. It will also

provide information on fees that may be required for providing records or services.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 06/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dorothy A. Chambers, Management Analyst, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-8853

RIN: 1004-AB70

1957. MINERAL MATERIALS DISPOSAL

Legal Authority: 30 USC 601 et seq

CFR Citation: 43 CFR 3600

Legal Deadline: None

Abstract: This rule will improve the economies of scale of mineral materials production by providing for contracts with a longer term than the current 10 years, either a longer fixed term, or a term based on the duration of production tied to diligence requirements. It will also provide for contracts for concomitantly larger quantities of mineral materials, the quantity available at the contract site.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 01/27/92 | 57 FR 3092 |
| NPRM Comment Period End | 03/27/92 | 57 FR 3092 |

Withdrawn No further
action scheduled at
this time.

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Durga Rimal, Geologist, Division of Solid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-5182

RIN: 1004-AB76

1958. FEDERAL LAND WITHDRAWALS; AMENDMENT TO WITHDRAWAL PROCEDURES

Legal Authority: 43 USC 1714

CFR Citation: 43 CFR 2310

Legal Deadline: None

DOI-BLM

Completed Actions

Abstract: This rule will amend existing regulations by removing references to emergency withdrawals.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 11/26/91 | 56 FR 59914 |
| NPRM Comment | 12/26/91 | 56 FR 59914 |
| Period End | | |
| Withdrawn No further action scheduled at this time. | 06/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Vanessa Engle, Realty Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-9215

RIN: 1004-AB92

1959. RESTORATIONS AND REVOCATIONS

Legal Authority: 43 USC 1701 et seq; 43 USC 1201; 40 USC 472

CFR Citation: 43 CFR 2370

Legal Deadline: None

Abstract: This rule will amend the existing regulations to improve and define more precisely the procedures for the revocation and restoration of Federal land withdrawals that are no longer needed by a Federal agency.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 06/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeff Holdren, Withdrawals Program Leader, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-9202

RIN: 1004-AB95

1960. SALES OF FOREST PRODUCTS; DESIGNATION OF SURPLUS SPECIES

Legal Authority: 16 USC 620 et seq

CFR Citation: 43 CFR 5400

Legal Deadline: None

Abstract: This rule will declare values of grades and species of unprocessed Federal timber that are surplus to domestic processing needs and that are

therefore not restricted from export from the United States.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 06/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob Bierer, Forester, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-8864

RIN: 1004-AB96

1961. SURFACE MANAGEMENT

Legal Authority: 30 USC 22; 43 USC 1201; 43 USC 1701 et seq

CFR Citation: 43 CFR 3809

Legal Deadline: None

Abstract: This rule will revise the regulations used to manage surface-disturbing mining activities on public lands. Topics that may be addressed in a proposed rule are: reconsideration of the 5-acre threshold, revision of the definition of "unnecessary or undue degradation," civil and/or criminal penalties for noncompliance, administrative deadlines, and further environmental and reclamation requirements.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| ANPRM | 10/23/91 | 56 FR 54815 |
| ANPRM Comment | 01/03/92 | 56 FR 54815 |
| Period End | | |
| Withdrawn No further action scheduled at this time. | 06/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jennifer Fox, Geologist, Division of Solid Minerals, Department of the Interior, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240, 202 653-5182

RIN: 1004-AB99

1962. FAA AIRPORT GRANTS (43 CFR 2640)

Legal Authority: 49 USC 2215

CFR Citation: 43 CFR 2640

Legal Deadline: None

Abstract: This rule will amend the existing regulation by providing for

continued segregation after patent, and for the use of a notice of decision rather than a Notice of Realty Action, in order to make these regulations consistent with subpart 2091.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 06/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jim Paugh, Realty Specialist, Department of the Interior, Bureau of Land Management, 2515 Warren Ave., P.O. Box 1828, Cheyenne, WY 82003, 307 775-6306

RIN: 1004-AC01

1963. COAL MANAGEMENT: GENERAL

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 3400

Legal Deadline: None

Abstract: This rule will amend the regulations to render all decisions on coal leasing, exploration, and development in full force and effect pending the outcome of appeals to the Interior Board of Land Appeals, unless the appellant shows cause as to direct, adverse effects on himself/herself.

Timetable:

| Action | Date | FR Cite |
|---|----------|------------|
| NPRM | 01/22/93 | 58 FR 5697 |
| NPRM Comment | 03/23/93 | 58 FR 5697 |
| Period End | | |
| Withdrawn No further action scheduled at this time. | 06/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carole Smith, Mineral Leasing Specialist, Department of the Interior, Bureau of Land Management, 1849 C Street, NW (660), Washington, DC 20240, 202 653-5182

RIN: 1004-AC04

1964. RENTAL FEES, MINING CLAIM RECORDATION, AND ASSESSMENT WORK

Legal Authority: 106 Stat 1374

CFR Citation: 43 CFR 3730; 43 CFR 3820; 43 CFR 3833; 43 CFR 3850

Legal Deadline: None

DOI—BLM

Completed Actions

Abstract: This rule will implement provisions of the Interior and Related Agencies Appropriation Act of 1993 requiring an annual rental fee of \$100 for each mining claim and site located and held under the General Mining Law of 1872 for fiscal years 1993 and 1994.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 03/05/93 | 58 FR 12878 |
| NPRM Comment Period End | 04/19/93 | 58 FR 12878 |
| Final Action | 07/15/93 | 58 FR 38186 |
| Final Action Effective | 07/15/93 | 58 FR 38186 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roger Haskins, Mining Law Specialist, Department of the Interior, Bureau of Land Management, Nevada State Office, BLM, 850 Harvard Way, P.O. Box 12000, Reno, NV 89520-0006, 702 785-6576

RIN: 1004-AC07

1965. OIL AND GAS COMPETITIVE LEASES, DURATION OF LEASE TERM

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 16 USC 3101 et

seq; 43 USC 1701 et seq; 40 USC 471 et seq; 40 Op Atty Gen 41

CFR Citation: 43 CFR 3120

Legal Deadline: None

Abstract: This rule will extend the primary term of all new competitive Federal onshore oil and gas leases from five years to ten years. This revision is necessary to comply with provisions of the Energy Policy Act of 1992 (PL 102-486).

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/30/93 | 58 FR 40753 |
| Final Action Effective | 07/30/93 | 58 FR 40753 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Erick Kaarlela, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1849 C St. NW., Washington, DC 20240, 202 653-2182

RIN: 1004-AC08

1966. LAW ENFORCEMENT—CRIMINAL

Legal Authority: 16 USC 433; 16 USC 470; 16 USC 668(a); 16 USC 670(j); 16

USC 703; 16 USC 1241 to 1246; 16 USC 1331 to 1340; 16 USC 1538; 16 USC 3372; 16 USC 4301; 18 USC 47; 18 USC 111; 18 USC 371 to 372; 18 USC 641; 18 USC 1170; ...

CFR Citation: 43 CFR 9260

Legal Deadline: None

Abstract: This rule would completely revise part 9260 - Law Enforcement - Criminal to reflect current conditions, standards and authorities.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action scheduled at this time. | 06/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis McLane, Chief Ranger, Department of the Interior, Bureau of Land Management, Division of Law Enforcement and Resource Protection, 3905 Vista Ave., Boise, ID 83705, 208 334-1260

RIN: 1004-AC10

BILLING CODE 4310-04-F

DEPARTMENT OF THE INTERIOR (DOI)

Completed Actions

Bureau of Mines (MINES)

1967. HELIUM DISTRIBUTION CONTRACTS

Legal Authority: 50 USC 167 et seq

CFR Citation: 30 CFR 602

Legal Deadline: None

Abstract: Issuance of a revision to 30 CFR 602 is designed to correct a deficiency identified by the Inspector General. Under the existing rule, the Bureau of Mines has not been able to bill and collect the \$5 per thousand cubic feet price premium for Bureau

helium purchased for sale to Federal agencies but sold to commercial accounts. The Inspector General estimated that \$293,000 and \$437,000 went uncollected in 1989 and 1990, respectively. Estimates of any future benefits are uncertain because of changing market conditions.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Withdrawn No further action will be taken at this time. | 07/16/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Armond A. Sonnek, Assistant Director-Helium Operations, Department of the Interior, Bureau of Mines, 810 7th Street NW., Washington, DC 20241, 202 501-9245

RIN: 1032-AA01

BILLING CODE 4310-63-F

DEPARTMENT OF THE INTERIOR (DOI)

Completed Actions

Geological Survey (GS)

1968. STATE WATER RESEARCH INSTITUTES

Legal Authority: PL 98-242; PL 101-397

CFR Citation: 30 CFR 401

Legal Deadline: None

Abstract: This agency is proposing to revise the procedures and criteria for evaluating the State Water Research Institutes authorized under the Water Resources Research Act of 1984. The revision incorporates changes made by

PL 101-397 so that evaluation teams are not required to visit each institute but can visit such institutes as deemed necessary; the composition of the evaluation team is changed; the evaluation team will consider only

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Completed Actions

those institute activities funded under section 104 of the Water Resources Research Act of 1984. The revision will lower the cost of the evaluation process.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/17/92 | 57 FR 59941 |
| NPRM Comment Period End | 01/19/93 | 57 FR 59941 |
| Final Action | 05/07/93 | 58 FR 27203 |
| Final Action Effective | 06/07/93 | 58 FR 27203 |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Allen Ford, Department of the Interior, Geological Survey, 424 National Center, Reston, Virginia 22092, 703 648-6806

RIN: 1028-AA03

1969. OBTAINING FEDERAL ASSISTANCE IN FINANCING EXPLORATION FOR MINERAL RESOURCES, EXCLUDING ORGANIC FUELS

Legal Authority: 30 USC 642(e)

CFR Citation: 30 CFR 400

Legal Deadline: None

Abstract: This agency is proposing to remove 30 CFR 400, Regulations for Obtaining Federal Assistance in Financing Exploration for Mineral Resources, excluding organic fuels, in the United States, its Territories and Possessions, because the program has had no funding authority since 1979, and it is doubtful that funding will be authorized in the foreseeable future.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/21/92 | 57 FR 43411 |
| NPRM Comment Period End | 10/21/92 | |
| Final Action | 12/17/92 | 57 FR 59916 |
| Final Action Effective | 01/09/93 | 57 FR 59916 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Curtin, Department of the Interior, Geological Survey, 913 National Center, Reston, Virginia 22092, 703 648-4242

RIN: 1028-AA04

[FR Doc. 93-21806 Filed 10-22-93; 8:45 am]

BILLING CODE 4310-31-F

Federal Register

Monday
October 25, 1993

Part XI

Department of
Justice

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE (DOJ)

DEPARTMENT OF JUSTICE

8 CFR Ch. I

21 CFR Ch. I

28 CFR Ch. I

Regulatory Agenda

AGENCY: Department of Justice.

ACTION: Regulatory agenda.

SUMMARY: The Department of Justice is publishing its October 1993 regulatory agenda pursuant to Executive Order No. 12291 "Federal Regulation," 3 CFR, 1981 Comp., p. 127, and the Regulatory Flexibility Act, 5 U.S.C. 601-612 (West 1984).

FOR FURTHER INFORMATION CONTACT:

Robert Hinchman, Office of Policy Development, Department of Justice, Room 4501, 10th and Constitution Avenue NW., Washington, DC 20530, (202) 514-8059.

Dated: September 28, 1993.

Eleanor D. Acheson,
Assistant Attorney General, Office of Policy Development.

Civil Rights Division—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1970 | Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance | 1190-AA03 |

Drug Enforcement Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1971 | Prescriptions for Controlled Substances, Requirements for Use of Automated Data Processing Systems | 1117-AA03 |

Bureau of Prisons—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1972 | Pretrial Inmates | 1120-AA00 |
| 1973 | Searching/Detaining of Non-inmates | 1120-AA01 |
| 1974 | Volunteer Community Service Projects | 1120-AA03 |
| 1975 | UNICOR Inmate Work Programs | 1120-AA04 |
| 1976 | Inmate Accident Compensation | 1120-AA05 |
| 1977 | Telephone Regulations and Inmate Financial Responsibility | 1120-AA06 |
| 1978 | Compassionate Release | 1120-AA09 |

Bureau of Prisons—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1979 | Visiting Regulations and Inmate Discipline | 1120-AA02 |
| 1980 | Youth Corrections Act Programs | 1120-AA07 |
| 1981 | Transfer of Offenders to or From Foreign Countries | 1120-AA08 |

General Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1982 | Procedures for Collection of Past Due Legally Enforceable Debt Through Federal Tax Refund Offset | 1103-AA16 |

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General Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1983 | Determination for Access to National Security Information: Eligibility, Adjudication, and Appeal Procedures | 1103-AA18 |

Immigration and Naturalization Service—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1984 | Removal of the Requirement for the Registration and Fingerprinting of Certain Nonimmigrants Bearing Iraqi and Kuwaiti Travel Documents | 1115-AC83 |
| 1985 | Dedicated Commuter Lanes | 1115-AD35 |

Immigration and Naturalization Service—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1986 | Replenishment Agricultural Workers | 1115-AB05 |
| 1987 | Aliens, Exclusion Grounds, Immigration, Nationality, and Waivers of Inadmissibility | 1115-AB45 |
| 1988 | Nonimmigrant Classes; North American Free Trade Agreement (U.S.-Canada Free-Trade Agreement Amendments) | 1115-AB72 |
| 1989 | Control of Employment of Aliens | 1115-AB73 |
| 1990 | Suspension or Disbarment | 1115-AB87 |
| 1991 | Proof of Official Records | 1115-AC11 |
| 1992 | Exclusion of Aliens: Proceedings To Determine Deportability of Aliens in the United States; Apprehension, Custody, Hearing, and Appeal; Rescission of Adjustment of Status | 1115-AC22 |
| 1993 | Change of Nonimmigrant Classification | 1115-AC23 |
| 1994 | Contractual Augmentation of Federal Inspectional Services | 1115-AC27 |
| 1995 | Conditional Basis of Lawful Permanent Residence for Certain Alien Investors, Their Spouses, and Sons and Daughters | 1115-AC53 |
| 1996 | Representations and Appearances; Suspension or Disbarment | 1115-AC61 |
| 1997 | Parole Authority | 1115-AC69 |
| 1998 | Adjustment of Status to That of Person Admitted for Permanent Residence: Conditional Residents and Fiance(s) | 1115-AC70 |
| 1999 | Judicial Recommendations Against Deportation; Controlled Substance Violations | 1115-AC73 |
| 2000 | Nonimmigrant Visitors for Business or Pleasure | 1115-AC89 |
| 2001 | Biennial INS User Fee Review | 1115-AD06 |
| 2002 | Application for Extension or Reinstatement of Voluntary Departure | 1115-AD07 |
| 2003 | Physical and Mental Examination of Arriving Aliens | 1115-AD10 |
| 2004 | Special Services and Benefits; User Fees | 1115-AD18 |
| 2005 | Stipulated Deportation; Waiver of Presence of the Parties | 1115-AD20 |
| 2006 | Documentary Requirements: Nonimmigrants; Nonresident Alien Border Crossing Cards | 1115-AD24 |
| 2007 | Safeguarding Classified Information in Temporary Protected Status Cases | 1115-AD25 |
| 2008 | Record of Conviction; Certification | 1115-AD26 |
| 2009 | Petitioning for Foreign-Born Orphans by United States Citizens | 1115-AD28 |
| 2010 | Charging of User Fees at Land Border Ports of Entry | 1115-AD30 |
| 2011 | Designated Area Entry Permit | 1115-AD31 |
| 2012 | Revision of Form I-589 | 1115-AD36 |
| 2013 | Nonimmigrant Classes: Exchange Visitors | 1115-AD37 |
| 2014 | Jurisdictional Changes for Certain Appeals to Denials for Immigration Benefits | 1115-AD41 |
| 2015 | Automated Permit Ports at Specified Ports of Entry | 1115-AD42 |
| 2016 | Direct Mail Program—Issuance of Employment Authorization Documents; Changes in Application Procedures for Aliens Seeking Temporary Employment Authorization | 1115-AD48 |
| 2017 | Resubmission of Rejected Applications for Legalization | 1115-AD49 |
| 2018 | Citizenship Documents | 1115-AD51 |
| 2019 | Standardized Testing for Naturalization; Procedures for Approval of Test Providers | 1115-AD52 |
| 2020 | Designation of American Institutions of Research for Naturalization Purposes | 1115-AD53 |
| 2021 | Revocation of Naturalization | 1115-AD54 |
| 2022 | Petitions for Employment Based Immigrants | 1115-AD55 |

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Immigration and Naturalization Service—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2023 | Nonimmigrant Classes; Diplomat and Government Representatives | 1115-AD57 |
| 2024 | Admission of Refugees; Procedures | 1115-AD59 |

Immigration and Naturalization Service—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2025 | Nonimmigrant Classes; Temporary Employees | 1115-AA25 |
| 2026 | Immigration User Fee | 1115-AA30 |
| 2027 | Guam Visa Waiver Program, Taiwan | 1115-AA75 |
| 2028 | Seizure and Forfeiture of Conveyances | 1115-AA95 |
| 2029 | Proceedings To Determine Deportability of Aliens in the United States: Apprehension, Custody, Hearing and Appeal; Suspension of of Deportation and Voluntary Departure | 1115-AB19 |
| 2030 | Waiver of Certain Types of Visas | 1115-AB40 |
| 2031 | Apprehension, Custody, and Detention: Clarification of Force and Effect of Service Detainers (Form I-247) | 1115-AB48 |
| 2032 | Nonimmigrant Classes; Special Requirement for Admission, Extension and Maintenance of Status, Control of Employment of Alien | 1115-AB52 |
| 2033 | Field Officers; Powers and Duties; Subpoena | 1115-AB63 |
| 2034 | Termination of Temporary Resident Status | 1115-AB74 |
| 2035 | Establishment of Pilot Programs To Charge a User Fee at Selected Ports of Entry | 1115-AB78 |
| 2036 | Visa Waiver Pilot Program | 1115-AB93 |
| 2037 | Approval Process for Schools To Admit Nonimmigrant Students | 1115-AB97 |
| 2038 | Immigration and Nationality Petitions/Applications; Certification of Documents | 1115-AC07 |
| 2039 | Suspension of Immediate and Continuous Transit Agreements | 1115-AC17 |
| 2040 | Adjustment of Status to That of Persons Admitted for Lawful Temporary or Permanent Resident Status Under Section 245a of the Immigration and Nationality Act, as Amended | 1115-AC18 |
| 2041 | Changes in Processing Procedures for Certain Applications and Petitions for Immigration Benefits | 1115-AC20 |
| 2042 | Contracts With Transportation Lines; Signatory Authority | 1115-AC24 |
| 2043 | Temporary Protected Status | 1115-AC30 |
| 2044 | Special Classes of Persons Who May Be Naturalized; Veterans of the U.S. Armed Forces Who Served During WWI or WWII or Enlisted Under Act of June 30, 1950, as Amended | 1115-AC34 |
| 2045 | Application for the Exercise of Discretion Under 212c, Aggravated Felons | 1115-AC35 |
| 2046 | Consent To Reapply for Admission After Deportation, Removal, or Departure at Government Expense | 1115-AC37 |
| 2047 | Applicant Processing for Family Unity Benefits | 1115-AC39 |
| 2048 | Exemption to General Prohibition Against Approval of Application for Immigration Benefits Based on Marriage Entered Into During Deportation or Exclusion Proceedings | 1115-AC43 |
| 2049 | Conditional Basis of Lawful Permanent Residence for Certain Alien Spouses and Sons and Daughters; Battered Wife Exception | 1115-AC47 |
| 2050 | Special Immigrant Status; Certain Aliens Declared Dependent on a Juvenile Court | 1115-AC48 |
| 2051 | Treaty Aliens, E Classification | 1115-AC51 |
| 2052 | Administrative Naturalization | 1115-AC58 |
| 2053 | Release Procedures; Lawful Permanent Residents Convicted of Aggravated Felonies | 1115-AC60 |
| 2054 | Enhancing the Enforcement Authority of Immigration Officers | 1115-AC63 |
| 2055 | Procedures for Asylum and Withholding of Deportation | 1115-AC65 |
| 2056 | Asylum and Withholding of Deportation Procedures; Aggravated Felons | 1115-AC66 |
| 2057 | Asylum Application Mail-In Program to Asylum Offices; Issuance of Charging Documents in Exclusion and Deportation Proceedings by Supervisory Asylum Officers | 1115-AC67 |
| 2058 | Temporary Alien Workers Seeking Classification Under the Immigration and Nationality Act | 1115-AC72 |
| 2059 | Revision of Grounds for Deportation; Conforming Regulations | 1115-AC86 |
| 2060 | Unavailability to TWOV to Citizens of the Former Socialist Federal Republic of Yugoslavia | 1115-AC87 |
| 2061 | Mariel Cuban Parole Determinations | 1115-AC90 |
| 2062 | Admission of Refugees; Fingerprinting | 1115-AD08 |
| 2063 | Adjustment of Status to That of Person Admitted for Permanent Residence: Interview | 1115-AD12 |
| 2064 | Pre-Completion Interval Training; F-1 Student Work Authorization | 1115-AD16 |
| 2065 | Inspection of Persons Applying for Admission | 1115-AD17 |
| 2066 | Classification of Certain Scientists of the Independent States of the Former Soviet Union and Baltic States as Employment-Based Immigrants | 1115-AD29 |

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Immigration and Naturalization Service—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2067 | Rescission of All Evidence of Lawful Permanent Residence Except Alien Registration Receipt Card, Form I-551 | 1115-AD32 |
| 2068 | Adjustment of Status for Certain Nationals of the People's Republic of China | 1115-AD33 |
| 2069 | Pilot Program for Investors | 1115-AD38 |
| 2070 | Emergency Federal Law Enforcement Assistance | 1115-AD40 |
| 2071 | Unavailability of Transit Without Visa Procedure to Citizens of Haiti, Honduras, People's Republic of China, and Somalia | 1115-AD43 |
| 2072 | Determination of Public Charge, Amendment | 1115-AD44 |
| 2073 | Validity of Approved Petitions and Appeal Rights | 1115-AD45 |
| 2074 | Issuance of Travel Documents Using Form I-131 | 1115-AD46 |
| 2075 | Reducing Processing Times for Certain Persons Applying for Admission | 1115-AD47 |
| 2076 | Privilege of Communication | 1115-AD50 |
| 2077 | Automatic Revocation of Approval of Petitions | 1115-AD56 |
| 2078 | INS Forms Available From the Superintendent of Documents | 1115-AD58 |

Immigration and Naturalization Service—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2079 | Prosecution for Escape From Service Custody | 1115-AB15 |
| 2080 | Restricting the Use of Personal Checks for Fee Remittance, Once a Personal Check is Returned and Uncollected | 1115-AB24 |
| 2081 | Claims to Asylum or Withholding of Deportation Made by Aliens Fleeing Coercive Family Planning Policies | 1115-AB86 |
| 2082 | Availability of Material Under the Freedom of Information Act | 1115-AC15 |
| 2083 | Registration of Special Groups | 1115-AC68 |
| 2084 | Overtime Liability of Cargo Vessels and Aircraft | 1115-AC91 |
| 2085 | Powers and Duties of Service Officers; Availability of Service Records | 1115-AC94 |
| 2086 | Distribution of Service Forms | 1115-AC97 |
| 2087 | Non-Marinel Cuban Parole Determinations | 1115-AC98 |
| 2088 | Detention and Release of Juveniles, Aggravated Felons | 1115-AD04 |
| 2089 | Special Immigrant Status; Aliens Who Have Served Honorably (or Are Enlisted To Serve) in the Armed Forces of the United States for at Least 12 Years | 1115-AD05 |
| 2090 | Automatic Conversion of Classification of Beneficiary | 1115-AD14 |
| 2091 | Revision to Affirmative Asylum Adjudication Procedures | 1115-AD22 |
| 2092 | Ports of Entry for Aliens Arriving by Airport | 1115-AD34 |
| 2093 | Guidelines on Producing Master Exhibits for Asylum Applications | 1115-AD39 |

Legal Activities—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2094 | Implementation of the Equal Access to Justice Act in Department of Justice Administrative Proceedings | 1105-AA05 |
| 2095 | Criminal Fines Enforcement | 1105-AA16 |

Legal Activities—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2096 | Deportation Proceedings: Alien Convicted of Aggravated Felony | 1105-AA19 |

DOJ

Legal Activities—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2097 | New Restrictions on Lobbying | 1105-AA12 |
| 2098 | Unfair Immigration—Related Employment Practices | 1105-AA17 |

Office of Justice Programs—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2099 | Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments | 1121-AA16 |
| 2100 | Uniform Administrative Requirements for Grants and Cooperative Agreements to Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations | 1121-AA18 |

Office of Justice Programs—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2101 | Criminal Justice Information Systems | 1121-AA13 |
| 2102 | Office of Juvenile Justice and Delinquency Prevention Formula Grants Regulations | 1121-AA15 |

Office of Justice Programs—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2103 | Equal Employment Opportunity Program Guidelines | 1121-AA10 |
| 2104 | Nondiscrimination in OJP Federally Assisted Programs | 1121-AA11 |

Office of Justice Programs—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2105 | Criminal Intelligence Systems Operating Policies | 1121-AA12 |

DEPARTMENT OF JUSTICE (DOJ)

Final Rule Stage

Civil Rights Division (CRT)

1970. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6103

CFR Citation: 28 CFR 42, subpart I (New)

Legal Deadline: None

Abstract: This regulation will implement the Age Discrimination Act of 1975, as amended, in programs or activities assisted by the Department of Justice (DOJ). The statute requires that Federal agencies providing Federal

financial assistance promulgate implementing regulations consistent with the general regulations issued by the Secretary of Health and Human Services (HHS), and the statute provides that such agency regulations shall not be effective until approved by HHS. In 1980 the proposed rule was published for comment, modified, approved by the DOJ Office of Legal Counsel, and on November 10, 1980, a draft final rule was sent to HHS for approval. On July 13, 1984, HHS conditionally approved the draft regulation. On August 12, 1987, DOJ submitted to HHS a draft final

regulation. On August 3, 1991, HHS approved a DOJ draft final regulation.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/18/80 | 45 FR 32710 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William R. Worthen, Attorney, Coordination and Review Section, Department of Justice, Civil Rights Division, P.O. Box 66118,

DOJ—CRT

Final Rule Stage

Washington, DC 20035-6118, 202 307-2218

RIN: 1190-AA03

DEPARTMENT OF JUSTICE (DOJ)
Drug Enforcement Administration (DEA)

Proposed Rule Stage

1971. PRESCRIPTIONS FOR CONTROLLED SUBSTANCES, REQUIREMENTS FOR USE OF AUTOMATED DATA PROCESSING SYSTEMS

Significance: Agency Priority

Legal Authority: 21 USC 821; 21 USC 829; 21 USC 871(b)

CFR Citation: 21 CFR 1306.21; 21 CFR 1306.22; 21 CFR 1306.26; 21 CFR 1306.31

Legal Deadline: None

Abstract: This rule will amend existing regulations concerning the maintenance and retrieval of controlled substance prescription information stored in automated data processing systems. The rule is intended to clarify and simplify existing requirements. Some of these requirements are being met in another rule concerning the facsimile transmission of prescriptions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 09/05/89 | 54 FR 36815 |

| Action | Date | FR Cite |
|--------------|--------------|-------------|
| NPRM Comment | 11/24/89 | 54 FR 43436 |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: G. Thomas Gitchel, Chief, State and Industry Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration, Washington, DC 20537, 202 307-7297

RIN: 1117-AA03

DEPARTMENT OF JUSTICE (DOJ)
Bureau of Prisons (BOP)

Final Rule Stage

1972. PRETRIAL INMATES

Legal Authority: 18 USC 1512; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4005; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 4161 to 4166; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 551.100 to 551.120

Legal Deadline: None

Abstract: The Bureau of Prisons is amending its rule on Pretrial Inmates. Changes made in this amendment include the addition of provision for the review of the pretrial inmate's status, the addition of a definition for "waiver of separation" and procedures related to allowing inmates separation, and a revision of the definition of "pretrial inmate" to clarify that the definition does not include an inmate who is awaiting sentence once the Bureau has received notification of the conviction.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy Nanovic, Rules Administrator, Department of Justice,

Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534, 202 514-6655

RIN: 1120-AA00

1973. SEARCHING/DETAINING OF NON-INMATES

Legal Authority: 18 USC 751 to 752; 18 USC 1791 to 1792; 18 USC 3050; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4012; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 511.10 to 511.12

Legal Deadline: None

Abstract: The Bureau of Prisons is amending its rule on Searching/Detaining of Non-Inmates to incorporate statutory changes concerning the arrest authority for employees of the Bureau of Prisons, to clarify terminology concerning contraband and prohibited objects, and to make minor editorial changes.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534, 202 514-6655

RIN: 1120-AA01

1974. VOLUNTEER COMMUNITY SERVICE PROJECTS

Legal Authority: 18 USC 1512; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4005; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 4161 to 4166; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 551.60

Legal Deadline: None

Abstract: The Bureau of Prisons is issuing an interim rule on Voluntary Community Service Projects. A volunteer community service project is a project designed to provide for the public good which has been developed by local government or by a nonprofit charitable organization for approval by the Bureau. This rule provides for the voluntary participation by an inmate in a volunteer community service project. The intent of this rule is to promote the public interest and provide for the security and good order of the institution by reducing inmate idleness.

DOJ-BOP

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|------------|
| Interim Final Rule | 01/19/93 | 58 FR 5210 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534, 202 514-6655

RIN: 1120-AA03

1975. UNICOR INMATE WORK PROGRAMS

Legal Authority: 18 USC 4126

CFR Citation: 28 CFR 345

Legal Deadline: None

Abstract: The Bureau of Prisons is proposing to revise and reorganize its rule on UNICOR Inmate Work Programs. This proposed rule revises, and codifies into one part, the existing provision on inmate hiring procedures, pay, and scholarship and incentive awards programs. It updates Bureau policy by adding provisions on position classification and recruitment, physical and medical work limitations, inmate worker standards, performance appraisal, dismissal procedures, benefit retention, and training programs. The intent of this proposal is to enable the Bureau to continue to employ and train inmates in a manner that will assist the inmate in post-release employment.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/16/92 | 57 FR 59866 |
| NPRM Comment Period End | 02/01/93 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534, 202 514-6655

RIN: 1120-AA04

1976. • INMATE ACCIDENT COMPENSATION

Legal Authority: 18 USC 4126

CFR Citation: 28 CFR 301

Legal Deadline: None

Abstract: This document extends coverage under inmate accident compensation to inmates participating in approved work assignments for other Federal agencies and clarifies various existing procedures, such as the applicability of lost-time wages, the effects of subsequent incarceration, etc.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/21/93 | 58 FR 39099 |
| NPRM Comment Period End | 09/07/93 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534, 202 514-6655

RIN: 1120-AA05

1977. • TELEPHONE REGULATIONS AND INMATE FINANCIAL RESPONSIBILITY

Legal Authority: 5 USC 301; 5 USC 551; 5 USC 552a; 18 USC 1791; 18 USC 3013; 18 USC 3571; 18 USC 3621; 18 USC 3622; 18 USC 3624; 18 USC 3663; 18 USC 4001; 18 USC 4042; 18 USC 4081; 18 USC 4082; 18 USC 5006 to 5024; ...

CFR Citation: 28 CFR 540; 28 CFR 545

Legal Deadline: None

Abstract: This document provides for the operation of a debit billing system and imposes limits on telephone privileges for inmates who refuse participation in the inmate financial responsibility program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 07/21/93 | 58 FR 39096 |

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM Comment Period End | 08/20/93 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534, 202 514-6655

RIN: 1120-AA06

1978. • COMPASSIONATE RELEASE

Legal Authority: 18 USC 3569; 18 USC 3582; 18 USC 3621; 18 USC 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081; 18 USC 4082; 18 USC 4161 to 4166; 18 USC 4201 to 4218; 18 USC 5006 to 5024; 28 USC 509; 28 USC 510

CFR Citation: 28 CFR 571.60 to 571.64; 28 CFR 572.40 to 572.44

Legal Deadline: None

Abstract: The Bureau of Prisons is amending its procedures for early inmate release under extraordinary or compelling circumstances in order to include provisions applicable to inmates who were sentenced under the new law sentencing guidelines that eliminated parole, to make conforming changes with revised Parole Commission procedures, and to make various changes in administrative procedure.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534, 202 514-6655

RIN: 1120-AA09

DEPARTMENT OF JUSTICE (DOJ)
Bureau of Prisons (BOP)

Completed Actions

1979. VISITING REGULATIONS AND INMATE DISCIPLINE

CFR Citation: 28 CFR 540 to 541

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/21/93 | 58 FR 39094 |
| Final Action Effective | 08/20/93 | 58 FR 39094 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy Nanovic, 202 514-6655

RIN: 1120-AA02

1980. • YOUTH CORRECTIONS ACT PROGRAMS

Legal Authority: 5 USC 301; 18 USC 3521 to 3528; 18 USC 3621; 18 USC 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081; 18 USC 4082; 18 USC 5006 to 5024; 18 USC 5039; 21 USC 848; 28 USC 509; 28 USC 510

CFR Citation: 28 CFR 524

Legal Deadline: None

Abstract: The Bureau of Prisons is amending its rule on Youth Corrections Act Programs in keeping with the reduced need to maintain specifically designated YCA institutions or units.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/28/93 | 58 FR 50808 |
| Final Action Effective | 09/28/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534, 202 514-6655

RIN: 1120-AA07

1981. • TRANSFER OF OFFENDERS TO OR FROM FOREIGN COUNTRIES

Legal Authority: 5 USC 301; 10 USC 858; 18 USC 3565; 18 USC 3569; 18 USC 4001; 18 USC 4042; 18 USC 4081; 18 USC 4082; 18 USC 4100 to 4115; 18 USC 4161 to 4166; 18 USC 4201

to 4218; 18 USC 5003; 18 USC 5006 to 5024; 28 USC 509; 28 USC 510

CFR Citation: 28 CFR 527

Legal Deadline: None

Abstract: The Bureau of Prisons is amending its regulations on Transfer of Offenders to or From Foreign Countries in order to make various nomenclature changes and office designations, and to update provisions for offenders not eligible for parole pursuant to application of sentencing guidelines.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/13/93 | 58 FR 47976 |
| Final Action Effective | 09/13/93 | 58 FR 47976 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy Nanovic, Rules Administrator, Department of Justice, Bureau of Prisons, HOLC Room 754, 320 First Street NW., Washington, DC 20534, 202 514-6655

RIN: 1120-AA08

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Final Rule Stage

1982. PROCEDURES FOR COLLECTION OF PAST DUE LEGALLY ENFORCEABLE DEBT THROUGH FEDERAL TAX REFUND OFFSET

Legal Authority: 31 USC 3720A; 31 USC 3718; 28 USC 509; 28 USC 510

CFR Citation: 28 CFR 11

Legal Deadline: None

Abstract: The final rule will revise an interim final rule published on March 9, 1989, which established procedures for referring to the Department of Treasury debts for collection by offset against Federal Income Tax refunds.

The final rule will broaden the scope of coverage by including organizations and entities in addition to individual debtors, and by including debts that are past due and legally enforceable but not reduced to judgment in addition to debts that have been reduced to judgment.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| NPRM | 06/13/88 | 53 FR 22026 |
| Interim Final Rule | 03/09/89 | 54 FR 9979 |
| Interim Final Rule Effective | 03/09/89 | |

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 03/01/91 | 56 FR 8734 |
| Final Action | 11/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Imogene McCleary, Special Assistant to the Director, Department of Justice, Debt Collection Management, Justice Management Division, Room 1340, 10th & Const. Ave. NW., Washington, DC 20530, 202 514-5343

RIN: 1103-AA16

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Completed Actions

1983. DETERMINATION FOR ACCESS TO NATIONAL SECURITY INFORMATION: ELIGIBILITY, ADJUDICATION, AND APPEAL PROCEDURES

CFR Citation: 28 CFR 17

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: D. Jerry Rubino, 202 514-2094

RIN: 1103-AA18

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)

Prerule Stage

**1984. REMOVAL OF THE
 REQUIREMENT FOR THE
 REGISTRATION AND
 FINGERPRINTING OF CERTAIN
 NONIMMIGRANTS BEARING IRAQI
 AND KUWAITI TRAVEL DOCUMENTS**

Legal Authority: 8 USC 1103; 8 USC 1201; 8 USC 1201a; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305

CFR Citation: 8 CFR 264.3

Legal Deadline: None

Abstract: This rule provides for the removal of the requirement for the registration and fingerprinting of certain nonimmigrants bearing Iraqi and Kuwaiti travel documents who apply for admission to the United States.

INS No. 1630-93 provides for the registration and fingerprinting of certain nonimmigrants bearing Iraqi and Sudanese travel documents who apply for admission to the United States.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|--|--|--|
| Notice (INS No. 1630-10/00/93) Registration and Fingerprinting Iraq and Sudanese | | |
|--|--|--|

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1606-93

Cross reference INS No. 1315-91 (AG Order 1467-91), Registration and Fingerprinting of Certain Nonimmigrants Bearing Iraqi and Kuwaiti Travel Documents.

Cross reference INS No. 1630-93

Agency Contact: Andrea Sickler, Assistant Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Room 7228, Washington, DC 20536, 202 514-3019

RIN: 1115-AC83

1985. DEDICATED COMMUTER LANES

Legal Authority: 28 USC 509 and 510; 8 USC 1103

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This notice informs the public that the Immigration and Naturalization Service (Service) will be conducting a public opinion survey periodically over the next twelve months at land border ports-of-entry, to determine whether there will be sufficient potential usage of the public to warrant the opening of a dedicated commuter lane at selected sites.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1605-92

Agency Contact: Donna Kay Barnes, Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536, 202 514-3275

RIN: 1115-AD35

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)

Proposed Rule Stage

**1986. REPLENISHMENT
 AGRICULTURAL WORKERS**

Legal Authority: 8 USC 1103; 8 CFR 2

CFR Citation: 8 CFR 210a

Legal Deadline: None

Abstract: This rule will remove part 210a in INS regulations related to Replenishment Agricultural Workers. The statute governing this provision will expire September 30, 1993.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: INS No. 1635-93

Agency Contact: Jane Gomez, Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street

NW, Room 7122, Washington, DC 20536, 202 514-5014

RIN: 1115-AB05

**1987. ALIENS, EXCLUSION GROUNDS,
 IMMIGRATION, NATIONALITY, AND
 WAIVERS OF INADMISSIBILITY**

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 USC 1201; 8 USC 1304; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1186A; 8 USC 1255; 8 CFR 2; ...

CFR Citation: 8 CFR 212; 8 CFR 214; 8 CFR 238; 8 CFR 103; 8 CFR 204; 8 CFR 207; 8 CFR 208; 8 CFR 209; 8 CFR 210; 8 CFR 210a; 8 CFR 213; 8 CFR 223a; 8 CFR 234; 8 CFR 235; 8 CFR 236; ...

Legal Deadline: None

Abstract: This regulation provides changes in the exclusion grounds and waivers.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-----------|
| NPRM | 01/05/90 | 55 FR 438 |
| NPRM Comment Period End | 02/05/90 | 55 FR 438 |
| Proposed Rule | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1413-91

Consolidated INS Rules 1304, RIN 1115-AC01; 1235, RIN 1115-AB39; and 1232, RIN 1115-AB45

Agency Contact: Sophia Cox, Senior Immigration Examiner, Adjudications Division, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Room 7228, Washington, DC 20536, 202 514-5014

RIN: 1115-AB45

1988. NONIMMIGRANT CLASSES; NORTH AMERICAN FREE TRADE AGREEMENT (U.S.-CANADA FREE-TRADE AGREEMENT AMENDMENTS)

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 CFR 2

CFR Citation: 8 CFR 214; 8 CFR 103; 8 CFR 212; 8 CFR 274a

Legal Deadline: None

Abstract: This regulation provides amendments to part 214 in order to bring it into conformance with procedural changes effected by INS in the past year and provisions of the North American Free Trade Agreement

Timetable: Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: INS No. 1611-93

Cross reference INS No. 1310-92

The enactment of a North American Free Trade Agreement may impact the promulgation of this regulation.

Agency Contact: Jackie Bednarz, Chief, Nonimmigrant Branch, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7223, Washington, DC 20536, 202 514-5014

RIN: 1115-AB72

1989. CONTROL OF EMPLOYMENT OF ALIENS

Significance: Regulatory Program

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1255a; 8 USC 1255a note; 8 USC 1324a; 8 USC 1160; 8 CFR 2

CFR Citation: 8 CFR 210; 8 CFR 245a; 8 CFR 274a

Legal Deadline: None

Abstract: This rule reduces the number of INS-issued documents that are acceptable for purposes of completing the Employment Eligibility Verification Form, I-9. The rule will further simplify compliance with the employment eligibility verification requirements and address the concerns of employers who allege confusion created by the number of acceptable documents on the Form I-9. This rule should reduce any uncertainty on the part of employers, and thereby reduce potential employment discrimination based upon

misapplication of the employment eligibility verification requirements.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: INS No. 1399-92

Agency Contact: Michael C. McGoings, Associate General Counsel, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6100, Washington, DC 20536, 202 514-2895

RIN: 1115-AB73

1990. SUSPENSION OR DISBARMENT

Legal Authority: 8 USC 1103; 8 USC 1362; 8 CFR 2

CFR Citation: 8 CFR 292.3

Legal Deadline: None

Abstract: The proposed rule subjects attorneys and representatives to suspension or disbarment from practice before the Immigration and Naturalization Service (INS) if they are found to have violated the American Bar Association Model Rules of Professional Conduct.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1291-90

Agency Contact: Ira L. Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 1000, Washington, DC 20536, 202 514-0747

RIN: 1115-AB87

1991. PROOF OF OFFICIAL RECORDS

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2

CFR Citation: 8 CFR 287.6

Legal Deadline: None

Abstract: This rule will permit immigration officers to attest to having seen an official record and having made a true copy thereof.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1297-91

Agency Contact: Ira L. Frank, Senior Special Agent, Investigations Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1000, Washington, DC 20536, 202 514-0747

RIN: 1115-AC11

1992. EXCLUSION OF ALIENS: PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES; APPREHENSION, CUSTODY, HEARING, AND APPEAL; RESCISSION OF ADJUSTMENT OF STATUS

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1252; 8 USC 1255; 8 USC 1362; 8 CFR 2; 8 USC 1186A; 8 USC 1187; 8 USC 1251; 8 USC 1254; 8 USC 1256; 8 USC 1259

CFR Citation: 8 CFR 236.10; 8 CFR 242.25; 8 CFR 246.10

Legal Deadline: None

Abstract: This rule implements sections 601(a)(3) and 602(a)(4) of the Immigration Act of 1990 by permitting the Service to introduce under certain restrictions, relevant information that is classified under EO 12356 to be considered "in camera" and "ex parte" in exclusion, deportation and rescission hearings by a special inquiry officer.

This rule is necessary to aid in expelling alien terrorists from the United States and thus reduces the threat that such aliens pose to the national security and other vital interests of the United States.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1327-91

DOJ—INS

Proposed Rule Stage

AG Order Number to be assigned

This regulation falls under IMMACT 90

Agency Contact: Ira L. Frank, Senior Special Agent, Investigations Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1000, Washington, DC 20536, 202 514-0747

RIN: 1115-AC22

1993. CHANGE OF NONIMMIGRANT CLASSIFICATION

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1187; 8 USC 1258

CFR Citation: 8 CFR 1; 8 CFR 214; 8 CFR 248; 8 CFR 299

Legal Deadline: None

Abstract: This regulation will eliminate many of the anomalies that have been introduced into this section of regulation over the years.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: INS No. 1329-91. Draft circulating within INS.

Agency Contact: Jack Tabaka, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-5014

RIN: 1115-AC23

1994. CONTRACTUAL AUGMENTATION OF FEDERAL INSPECTIONAL SERVICES

Legal Authority: 8 USC 1103; 8 USC 1356

CFR Citation: 8 CFR 286

Legal Deadline: None

Abstract: Presently international passengers pay a five dollar user fee to fund immigration inspection services at airports and some seaports. A legislative change is being sought to section 286 of the INA, to permit airport operators, bridge owners and local government or special governmental districts to contract with the INS to provide augmented levels of inspectional services at airport, seaport or land border ports of entry, beyond

that level available through the user fee or appropriations process. This rule would be promulgated after such change was made to the INA.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal

Additional Information: INS No. 1333-91

Agency Contact: Thomas Andreotta, Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-2681

RIN: 1115-AC27

1995. CONDITIONAL BASIS OF LAWFUL PERMANENT RESIDENCE FOR CERTAIN ALIEN INVESTORS, THEIR SPOUSES, AND SONS AND DAUGHTERS

Legal Authority: PL 101-649, Sec 121

CFR Citation: 8 CFR 216

Legal Deadline: None

Abstract: This rule establishes criteria for maintenance and termination of conditional resident investor status. It also establishes process and criteria for removal of the conditional basis of permanent resident status.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1429-91

Agency Contact: Michael W. Straus, Sr. Immigration Examiner, Adjudications, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7223, Washington, DC 20536, 202 514-5014

RIN: 1115-AC53

1996. REPRESENTATIONS AND APPEARANCES; SUSPENSION OR DISBARMENT

Legal Authority: 8 USC 1103; 8 USC 1362; 8 CFR 2

CFR Citation: 8 CFR 292.3

Legal Deadline: None

Abstract: This rule modifies two grounds for suspension or disbarment of attorney or nonattorney representatives by removing the restriction on attorneys or their representatives to advertise the availability of their services on immigration matters, and by removing the restriction to make and retain a copy of a record in a case without authorization.

Removal of these two outdated grounds for ethical standards should increase the respectful attention paid by attorney and nonattorney representatives to the serious obligations imposed by 8 CFR 292. The effect of these modifications will be that INS regulations regarding suspension and disbarment will conform with the current state of the law and everyday practice.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: INS No. 1325-91

Agency Contact: Ira L. Frank, Senior Special Agent, Investigations Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1000, Washington, DC 20536, 202 514-0747

RIN: 1115-AC61

1997. PAROLE AUTHORITY

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1361; 8 CFR 2

CFR Citation: 8 CFR 212.5

Legal Deadline: None

Abstract: This rule adds the positions of Director and Assistant Directors, Organized Crime Drug Enforcement Task Force (OCDETF), New York, NY; Los Angeles, CA; Houston, TX; and Miami, FL as officials having authority to authorize parole of aliens into the United States.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

DOJ-INS

Proposed Rule Stage

Small Entities Affected: None**Government Levels Affected:** Federal**Additional Information:** INS No. 1367-91; RIN 1115-AD09 has been merged with this regulation.**Agency Contact:** Ira L. Frank, Senior Special Agent, Investigations Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1000, Washington, DC 20536, 202 514-0747.

RIN: 1115-AC69

1998. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE: CONDITIONAL RESIDENTS AND FIANC(E)S**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1257; 8 CFR 2**CFR Citation:** 8 CFR 245**Legal Deadline:** None**Abstract:** This regulation amends 8 CFR 245.1(b)(12) to clarify that an alien lawfully admitted for permanent residence on a conditional basis under either section 216 or section 216A of the Act remains ineligible for adjustment of status under section 245 of the Act even after the alien's status has been terminated under section 216 or section 216A, respectively.**Timetable:** Next Action Undetermined**Small Entities Affected:** Undetermined**Government Levels Affected:** Federal**Additional Information:** INS No. 1353-91; AG Order No. (to be assigned)**Agency Contact:** Yolanda Sanchez-K, Senior Immigration Examiner, Adjudications, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-3241

RIN: 1115-AC70

1999. JUDICIAL RECOMMENDATIONS AGAINST DEPORTATION; CONTROLLED SUBSTANCE VIOLATIONS**Legal Authority:** 8 USC 1103; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2**CFR Citation:** 8 CFR 241; 8 CFR 236; 8 CFR 246**Legal Deadline:** None**Abstract:** This rule will eliminate portions of the present rule due to passage of section 505 of the Immigration Act of 1990. It will retain that portion of the rule mandating that an alien notify the special inquiry officer when a judicial recommendation against deportation will be the basis of denying the charges made by the INS against the alien. It will also require the alien to produce a certified copy of the judicial recommendation against deportation at an expulsion hearing.**Timetable:**

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Federal**Additional Information:** INS No. 1311-91**Agency Contact:** Ira Frank, Senior Special Agent, Investigations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1000, Washington, DC 20536, 202 514-0747

RIN: 1115-AC73

2000. NONIMMIGRANT VISITORS FOR BUSINESS OR PLEASURE**Legal Authority:** PL 101-649**CFR Citation:** 8 CFR 212; 8 CFR 214**Legal Deadline:** None**Abstract:** The Immigration and Naturalization Service, through the use of the Public Notice process in the Federal Register has solicited public comment on the Service's operating instructions as they relate to aliens, employers, and religious organizations which may be affected by changes to the nonimmigrant classifications (B-1 nonimmigrant classifications) which have resulted from the enactment of Pub. L. 101-649, the Immigration Act of 1990.**Timetable:**

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Businesses**Government Levels Affected:** Federal**Additional Information:** INS No. 1441-91; regulatory action on hold pending change in statute.**Agency Contact:** Helen V. de Thomas, Sr. Immigration Examiner, Adjudications, Examinations,

Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-3946

RIN: 1115-AC89

2001. BIENNIAL INS USER FEE REVIEW**Legal Authority:** 8 USC 1103; 8 USC 1356**CFR Citation:** 8 CFR 286**Legal Deadline:** None**Abstract:** Biennial review of the INS user fee program is required with a report of the findings to be submitted by the Attorney General to the Congress. This rule contains several options which will enhance revenues available to meet program needs. Currently the fee is \$5.00 per passenger inspected.**Timetable:**

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Additional Information:** INS No. 1350-91 (Cross reference INS No. 1372-92, RIN 1115-AA30)**Agency Contact:** Mike Natchuras, System Accountant, Finance, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6240, Washington, DC 20536, 202 616-2754

RIN: 1115-AD06

2002. APPLICATION FOR EXTENSION OR REINSTATEMENT OF VOLUNTARY DEPARTURE**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1201; 8 USC 1252; 8 USC 1254; 8 USC 1304; 8 USC 1356; 8 CFR 2; 31 USC 9701**CFR Citation:** 8 CFR 100; 8 CFR 103; 8 CFR 242; 8 CFR 244; 8 CFR 299**Legal Deadline:** None**Abstract:** This regulation will require the use of a form application (for a fee) to apply for the benefits of extension and reinstatement of voluntary departure, where previously the request process was informal. Service form E-246 (Application for Stay of Deportation) is being amended to include this application in conjunction with the proposed rule.

DOJ—INS

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Additional Information:** INS No. 1371-92

Agency Contact: Robert Jacobson, Detention and Deportation Officer, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6008, Washington, DC 20536, 202 514-2865

RIN: 1115-AD07

8 USC 1252b; 8 USC 1304; 8 USC 1356; 5 USC 552; 5 USC 552(a); 31 USC 9701; 8 CFR 2

CFR Citation: 8 CFR 103**Legal Deadline:** None

Abstract: The rule amends the fee schedule contained in 8 CFR 103.7 (b)(1) in an attempt to satisfy Federal user fee statutes and regulations and specific Federal immigration laws that require recipients of special Government services and benefits which are not directed to the public at large to bear the costs of the Government providing those special services and benefits.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Federal

Additional Information: INS No. 1384-92; AG Order No. to be determined. Cross reference to RIN 1115-AA30

Agency Contact: Barbara J. Atherton, Chief, Fee Analysis and Operations Branch, Finance, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6240, Washington, DC 20536, 202 514-3410

RIN: 1115-AD18

2005. STIPULATED DEPORTATION; WAIVER OF PRESENCE OF THE PARTIES**Significance:** Agency Priority**Legal Authority:** 8 USC 1252; 8 USC 1226**CFR Citation:** 8 CFR 3.24**Legal Deadline:** None

Abstract: This regulation would require an Immigration Judge to accept a stipulated order of deportation or exclusion without the appearance of the parties.

Timetable: Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** None

Additional Information: INS No. 1386-92

Agency Contact: Kim Bingham, Assistant General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street

NW., Room 6100, Washington, DC 20536, 202 514-2895

RIN: 1115-AD20

2006. DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; NONRESIDENT ALIEN BORDER CROSSING CARDS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 USC 1183; 8 USC 1201; 8 USC 1224; 8 USC 1227; 8 USC 1154; 8 USC 1159; 8 CFR 2

CFR Citation: 8 CFR 212; 8 CFR 264; 8 CFR 299**Legal Deadline:** None

Abstract: This rule would standardize guidelines for the issuance of border crossing cards on the northern and southern borders.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Additional Information:** INS No. 1390-93

Agency Contact: Linda Loveless, Assistant Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 616-7489

RIN: 1115-AD24

2007. SAFEGUARDING CLASSIFIED INFORMATION IN TEMPORARY PROTECTED STATUS CASES**Significance:** Agency Priority**Legal Authority:** 8 USC 1103; 8 USC 1254a; 8 USC 1254 note**CFR Citation:** 8 CFR 240**Legal Deadline:** None

Abstract: This rule would permit an immigration judge and the Board of Immigration Appeals to consider classified information in the case of an alien applying for Temporary Protected Status. This information requires protection from unauthorized disclosure in the interest of national security after the Commissioner of the Immigration and Naturalization Service first determines that such information is relevant. This rule is necessary to ensure that the methods and/or means

2003. PHYSICAL AND MENTAL EXAMINATION OF ARRIVING ALIENS**Legal Authority:** 8 USC 1103; 8 USC 1224**CFR Citation:** 8 CFR 234**Legal Deadline:** None

Abstract: This regulation is implemented in conjunction with regulations issued by the Department of Health and Human Services, Public Health Service. The rule amends 8 CFR 234 to implement section 601(a) of the Immigration Act of 1990, Pub. L. 101-649 (IMMACT).

The rule ensures implementation and regulatory compliance with IMMACT as it relates to the physical and mental examination of aliens arriving into the United States. The rule also serves to provide guidance for the designation of civil surgeons.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Additional Information:** INS No. 1446-92

Agency Contact: Sophia Cox, Senior Immigration Examiner, Adjudications Division, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-5014

RIN: 1115-AD10

2004. SPECIAL SERVICES AND BENEFITS; USER FEES**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note;

of gathering information is not compromised if disclosed in an open forum such as a deportation proceeding.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1379-92

Agency Contact: Ira L. Frank, Senior Special Agent, Investigations Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1000, Washington, DC 20536, 202 514-0747

RIN: 1115-AD25

2008. RECORD OF CONVICTION; CERTIFICATION

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2

CFR Citation: 8 CFR 287

Legal Deadline: None

Abstract: This rule provides procedures to the States to transmit to the Immigration and Naturalization Service certified records of conviction of aliens who have been convicted of violating the criminal laws of the State.

The rule defines the term "record of conviction," and will provide a means of certifying records that are electronically transmitted to the Service by the States.

The rule also provides the States flexibility by permitting the use of abstracts of criminal conviction records, if that option makes providing the needed records easier.

The rule will help the States meet the requirements of Section 507 of the Immigration Act of 1990, and will help the Service in expelling from the United States, aliens who have been convicted of violating criminal laws of this country.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: INS No. 1457-92

Agency Contact: Ira L. Frank, Senior Special Agent, Investigations Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1000, Washington, DC 20536, 202 514-0747

RIN: 1115-AD26

2009. PETITIONING FOR FOREIGN-BORN ORPHANS BY UNITED STATES CITIZENS

Legal Authority: 8 USC 1103; 8 USC 1153; 8 USC 1186a; 8 USC 1255; 8 CFR 2

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: This rule revises 8 CFR 204.3 by clarifying language and procedures for prospective adoptive parents and other interested parties. The rule also enhances the ability of INS to ensure that children eligible for orphan status will receive proper care.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1395-92

Agency Contact: Jack Tabaka, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-5014

RIN: 1115-AD28

2010. CHARGING OF USER FEES AT LAND BORDER PORTS OF ENTRY

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252b; 8 USC 1226; 8 USC 1227; 5 USC 552; 5 USC 552a; 8 USC 1187; 8 USC 1182; 8 USC 1183; 8 USC 1224; 8 USC 1201a; 8 USC 1225

CFR Citation: 8 CFR 103; 8 CFR 217; 8 CFR 235; 8 CFR 264; 8 CFR 286; 8 CFR 212; 8 CFR 2

Legal Deadline: None

Abstract: This rule proposes to amend the regulations to allow the Immigration and Naturalization Service to require a fee for the issuance of specified documents at land border

Ports-of-Entry (POEs). The imbalance between workload and resources available to land border operations has necessitated the implementation of appropriate solutions to supplement the appropriate resources. The revenue generated by the collection of land border user fees will enable the Service to allocate additional resources to improve service to the public at land border POEs.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1603-92

Agency Contact: Linda Loveless, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 616-7489

RIN: 1115-AD30

2011. DESIGNATED AREA ENTRY PERMIT

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252; 5 USC 552; 5 USC 552a; 8 USC 1252b; 8 USC 1304; ...

CFR Citation: 8 CFR 235; 8 CFR 103; 3 CFR 1982"Comp. P. 166"; 8 CFR 2

Legal Deadline: None

Abstract: This rule establishes a 3 year pilot program to augment the uses of the Form I-68, formerly titled Canadian Border Boat Landing Permit, now titled Designated Area Entry Permit. The pilot program will allow, at selected cites, the new permit to be used for other recreational activities besides boating. The rule also adds other activities for which the permit may be used and allows USC's and residents to use the permit to return to the US within the geographic area designated.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1604-92

DOJ-INS

Proposed Rule Stage

Agency Contact: Linda Loveless, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 616-7489

RIN: 1115-AD31

2012. REVISION OF FORM I-589

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282

CFR Citation: 8 CFR 208.3

Legal Deadline: None

Abstract: This regulation is to revise INS Form I-589 (Request For Asylum In the United States.) The revision is necessary due to procedural changes in the Asylum Program. (INS No. 1396R-93)

A notice will be issued to provide information on the submission of INS Form I-589, Request for Asylum in the US, revised 8-1-91. The notice advises the public that prior versions of the form will no longer be accepted after the date of publication of this notice. (INS No. 1396-92)

Timetable:

| Action | Date | FR Cite |
|------------------------------------|----------|-------------|
| ANPRM for INS No. 1396-92 | 07/26/93 | 58 FR 39838 |
| Effective date for INS No. 1396-92 | 08/25/93 | 58 FR 39838 |
| NPRM for INS No. 1396R-93 | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1396-92 (Form I-589, Request for Asylum in the United States)

INS No. 1396R-93 (Revision of Form I-589)

Agency Contact: Christine Davidson, Senior Policy Analyst, Refugee, Asylum and Parole, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Attn: ULLICO, 3rd Floor, Washington, DC 20536, 202 633-4622

RIN: 1115-AD36

2013. NONIMMIGRANT CLASSES: EXCHANGE VISITORS

Legal Authority: 8 USC 1101; 8 USC 1184; 8 USC 1324a

CFR Citation: 8 CFR 214; 8 CFR 274a

Legal Deadline: None

Abstract: This regulation amends 8 CFR to comport to the regulatory amendments made by the United States Information Agency (USIA), which were proposed in October of 1992 and finalized on 3/19/93.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1610-93

USIA published final ruling 3/19/93. INS awaiting inter-agency Memorandum of Understanding from USIA.

Agency Contact: Lisa Jacobson Treacy, Sr. Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7223, Washington, DC 20536, 202 514-5014

RIN: 1115-AD37

2014. JURISDICTIONAL CHANGES FOR CERTAIN APPEALS TO DENIALS FOR IMMIGRATION BENEFITS

Legal Authority: 8 USC 204, 205, 212(d)(3) and 280 of the INA

CFR Citation: 8 CFR 3.1(b)(4),(5),(6); 8 CFR 103.1(f)(2); 8 CFR 204.1(a)(2)(H); 8 CFR 212.4(b); 8 CFR 236.F; 8 CFR 280.13(b); 8 CFR 280.51(c)

Legal Deadline: None

Abstract: This regulation will redefine the appellate jurisdictional roles between the Office of Administrative Appeals and the Board of Immigration Appeals.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1613-93

Agency Contact: Terrance M. O'Reilly, Director, Office of Administrative Appeals, Department of Justice, Immigration and Naturalization Service, 400 Vermont Avenue, Washington, DC 20019, 202 376-2052

RIN: 1115-AD41

2015. AUTOMATED PERMIT PORTS AT SPECIFIED PORTS OF ENTRY

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252; 8 USC 1304; 8 USC 1356; 5 USC 552; 5 USC 552a; ...

CFR Citation: 8 CFR 103; 8 CFR 235; 8 CFR 2

Legal Deadline: None

Abstract: This rule adds a new section to 8 CFR part 235, establishing a three-year pilot program to implement automated permit ports at specified remote ports-of-entry on the northern border of the United States. This will allow access to the U.S. by frequent, low-risk border crossers in remote border areas and will accommodate the needs of local residents while still safeguarding the integrity of the northern border.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1617-93

Agency Contact: Linda Loveless, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 616-7489

RIN: 1115-AD42

2016. • DIRECT MAIL PROGRAM—ISSUANCE OF EMPLOYMENT AUTHORIZATION DOCUMENTS; CHANGES IN APPLICATION PROCEDURES FOR ALIENS SEEKING TEMPORARY EMPLOYMENT AUTHORIZATION

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1324a; 8 CFR 2

CFR Citation: 8 CFR 274a

Legal Deadline: None

Abstract: This rule would change the current application procedures for an alien seeking temporary employment authorization and evidence thereof on a Service-issued Employment Authorization Document (I-688B).

DOJ—INS

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Businesses, Organizations
Government Levels Affected: Federal
Additional Information: INS No. 1624-93

Agency Contact: Patricia Trubiano, Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7215, Washington, DC 20536, 202 514-5014

RIN: 1115-AD48

2017. • RESUBMISSION OF REJECTED APPLICATIONS FOR LEGALIZATION

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1255a; 8 USC 1255a note
CFR Citation: 8 CFR 245a

Legal Deadline: None

Abstract: This rule provides aliens who assert that they affirmatively sought to file timely legalization applications, but were turned away by Legalization Assistants, the opportunity to resubmit their applications for a determination of their eligibility.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None
Government Levels Affected: Undetermined

Additional Information: INS No. 1625-93

Agency Contact: Jane Gomez, Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-5014

RIN: 1115-AD49

2018. • CITIZENSHIP DOCUMENTS

Legal Authority: 8 USC 1101; 8 USC 1101, note; 8 USC 1103; 8 USC 1409; 8 USC 1435; 8 USC 1443; 8 USC 1444; 8 USC 1448; 8 USC 1452; 8 USC 1453; 8 USC 1454; 8 USC 1455; 8 CFR 2; 5 USC 552; 66 Stat 173

CFR Citation: 8 CFR 341; 8 CFR 342; 8 CFR 343; 8 CFR 343a; 8 CFR 343b; 8 CFR 343c

Legal Deadline: None

Abstract: This rule will reorganize and revise those parts of the regulations regarding the issuance of various citizenship documents issued by the Service such as Certificates of Citizenship and replacement documents. It will allow for automation of the Service's procedures to give more efficient service to the public. It will also consolidate the rules regarding who may be issued such documentation so that the public may more easily determine what services are available.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Additional Information: INS No. 1637-93

Agency Contact: Stella Jarina, Chief, Naturalization and Special Projects, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, 202 514-5014

RIN: 1115-AD51

2019. • STANDARDIZED TESTING FOR NATURALIZATION; PROCEDURES FOR APPROVAL OF TEST PROVIDERS

Legal Authority: 8 USC 1103; 8 USC 1423; 8 USC 1443; 8 USC 1447; 8 USC 1448

CFR Citation: 8 CFR 312

Legal Deadline: None

Abstract: This rule would provide permanent procedures for approving private entities to be granted permission to give English language and civics tests for naturalization.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined
Government Levels Affected: Federal
Additional Information: INS No. 1275-93

Agency Contact: William R. Tollifson, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service,

425 I Street NW., Room 7122, Washington, DC 20536, 202 514-5014
RIN: 1115-AD52

2020. • DESIGNATION OF AMERICAN INSTITUTIONS OF RESEARCH FOR NATURALIZATION PURPOSES

Legal Authority: 8 USC 1103; 8 USC 1118; 8 USC 1182; 8 USC 1443; 8 USC 1447; 8 CFR 2.1

CFR Citation: 8 CFR 316

Legal Deadline: None

Abstract: This rule will revise the list of American Institutes of Research whose employees may be granted extended absence benefits for naturalization or the spouse of the U.S. employee may be granted expeditious naturalization.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined
Government Levels Affected: Federal
Additional Information: INS No. 1636-93

Agency Contact: William R. Tollifson, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-5014

RIN: 1115-AD53

2021. • REVOCATION OF NATURALIZATION

Legal Authority: 8 USC 1103; 8 USC 1443

CFR Citation: 8 CFR 340

Legal Deadline: None

Abstract: This rule will standardize procedures to be followed by the Service when revoking naturalization, or reopening naturalization decisions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: Federal
Additional Information: INS No. 1634-93

Agency Contact: Jane R. Gomez, Senior Immigration Examiner, Examinations, Department of Justice,

DOJ—INS

Proposed Rule Stage

Immigration and Naturalization Service,
425 I Street NW., Room 7122,
Washington, DC 20536, 202 514-5014
RIN: 1115-AD54

2022. • PETITIONS FOR EMPLOYMENT BASED IMMIGRANTS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186A; 8 USC 1255; 8 CFR 2

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: This rule would update and clarify evidence and filing instructions to make INS regulations conform to newly adopted Service filing procedures.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1633-93

Agency Contact: Gerard Casale, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-5014

RIN: 1115-AD55

2023. • NONIMMIGRANT CLASSES; DIPLOMAT AND GOVERNMENT REPRESENTATIVES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1221; 8 USC 1281; 8 USC 1282; 8 CFR 2

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This rule would provide information concerning the extent to which diplomats and representatives of international organizations can work outside their official capacity.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1631-93

Agency Contact: Katharine A. Lorr, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7215, Washington, DC 20536, 202 514-5014

RIN: 1115-AD57

2024. • ADMISSION OF REFUGEES; PROCEDURES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1157; 8 USC 1159; 8 USC 1182; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; 8 CFR 2

CFR Citation: 8 CFR 207; 8 CFR 208

Legal Deadline: None

Abstract: This regulation would accompany revisions to Form I-730 which would bring INS regulations into conformance with current processing procedures and to assure family unity of derivative refugee/asylee family members, by clarifying qualifying relationships and eligibility.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1639-93

Agency Contact: Yolanda Sanchez-K, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7215, Washington, DC 20536, 202 514-5014

RIN: 1115-AD59

DEPARTMENT OF JUSTICE (DOJ)

Final Rule Stage

Immigration and Naturalization Service (INS)

2025. NONIMMIGRANT CLASSES; TEMPORARY EMPLOYEES

Significance: Regulatory Program

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1258

CFR Citation: 8 CFR 214.2(h)

Legal Deadline: None

Abstract: The Immigration Reform and Control Act of 1986 (IRCA) imposes sanctions against employers who hire aliens not authorized to work. Since many of the nation's agricultural employers have become dependent upon such workers to meet production and harvesting needs, Congress created the Special Agricultural Workers (SAW) Program and the Replenishment Agricultural Workers (RAW) Program to grant permanent resident status to

certain agricultural workers. To clarify the process through which employers can employ nonimmigrant seasonal and temporary agricultural workers, Congress moved agricultural employment from H-2 classification into a separate H-2A class, and incorporated a labor certification process into the statute. This rule establishes special H-2A regulatory criteria. It supplements the Department of Labor's rules covering the temporary agricultural labor certification process. This rule amends Service regulations relating therefore to temporary alien workers seeking classification under section 101(a)(15)(H) of the Immigration and Nationality Act.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 08/08/86 | 51 FR 28576 |

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| NPRM Comment Period End | 10/07/86 | 51 FR 28576 |
| Interim Final Rule | 06/01/87 | 52 FR 20554 |
| Interim Rule Effective Date | 06/01/87 | 52 FR 20554 |
| Interim Rule | 12/00/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1302-90 (Cross reference to INS No. 1008-88)

Rule contingent upon Department of Labor final regulations

Agency Contact: Helen V. de Thomas, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service,

DOJ—INS

Final Rule Stage

425 I Street NW., Room 7122,
Washington, DC 20536, 202 514-5014
RIN: 1115-AA25

2026. IMMIGRATION USER FEE

Legal Authority: 8 USC 1103; 8 USC 1356; 8 CFR 2

CFR Citation: 8 CFR 286

Legal Deadline: None

Abstract: This regulation implements changes to 8 CFR 286 as mandated by section 210 of Pub. L. 101-515, Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1991, which removed some of the exceptions on changing the Immigration User Fee to commercial air travelers and charged the remittance schedule for commercial air generated fees.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1392-92 (Cross reference to INS No.1350-92, RIN 1115-AD06)

Agency Contact: Mike Natchuras, Systems Accountant, Finance, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6240, Washington, DC 20536, 202 616-2754

RIN: 1115-AA30

2027. GUAM VISA WAIVER PROGRAM, TAIWAN

Legal Authority: 8 USC 1103; 8 USC 1102; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252

CFR Citation: 8 CFR 212

Legal Deadline: None

Abstract: This temporary rule adds Taiwan temporarily to the Guam Visa Waiver Program, implemented under the Omnibus Territories Act of 1986. This rule will facilitate the travel of citizens of Taiwan to visit Guam under certain conditions.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 07/15/93 | 58 FR 38045 |

| Action | Date | FR Cite |
|--|----------|-------------|
| Interim Rule INS No. 1398-92, Cut off 07/15/94 | 07/15/93 | 58 FR 38045 |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: INS No. 1398-92

Agency Contact: Ronald Hays, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-3019

RIN: 1115-AA75

2028. SEIZURE AND FORFEITURE OF CONVEYANCES

Legal Authority: 8 USC 1324; 28 CFR 9

CFR Citation: 8 CFR 274

Legal Deadline: None

Abstract: This rule would make general revisions to 8 CFR part 274 to establish more uniformity in handling seizures and forfeitures within the Department of Justice.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1391-92 INS regulations pending DOJ changes to 28 CFR Part 9

Agency Contact: Daniel J. Stephen, Director, Asset Forfeiture Office, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1202, Washington, DC 20536, 202 616-2480

RIN: 1115-AA95

2029. PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING AND APPEAL; SUSPENSION OF OF DEPORTATION AND VOLUNTARY DEPARTURE

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1251; 8 USC 1252; 8 USC 1254; 8 USC 1362; 8 CFR 2

CFR Citation: 8 CFR 212; 8 CFR 242; 8 CFR 244

Legal Deadline: None

Abstract: Changes to the current regulations are necessitated by the Anti-Drug Abuse Act of 1988 provisions relating to aliens convicted of aggravated felonies. The regulations will delineate when a warrant of deportation may be used in lieu of a warrant of arrest to take an alien into custody.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| Interim Final Rule | 06/19/90 | 55 FR 24858 |
| NPRM Comment Period End | 07/19/90 | 55 FR 24858 |
| Interim Rule Comment Period End | 07/19/90 | 55 FR 24858 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1209-90

Agency Contact: Ira L. Frank, Senior Special Agent, Investigations Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1000, Washington, DC 20536, 202 514-0747

RIN: 1115-AB19

2030. WAIVER OF CERTAIN TYPES OF VISAS

Legal Authority: 8 USC 1182; 8 USC 1103; 8 USC 1102; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 CFR 2

CFR Citation: 8 CFR 212.1

Legal Deadline: None

Abstract: This rule would enable INS inspectors to take action on nonimmigrant visa waivers at ports of entry with the presumed concurrence of the Department of State. It will save time for the DOS, INS, and the traveling public.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/30/91 | 56 FR 36028 |
| NPRM Comment Period End | 08/29/91 | 56 FR 36028 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1225-90

Agency Contact: Diane Hinckley, Assistant Chief Inspector, Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-2725

RIN: 1115-AB40

2031. APPREHENSION, CUSTODY, AND DETENTION: CLARIFICATION OF FORCE AND EFFECT OF SERVICE DETAINEES (FORM I-247)

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1251; 8 USC 1252; 8 USC 1254; 8 USC 1362; 8 CFR 2

CFR Citation: 8 CFR 242.2

Legal Deadline: None

Abstract: This rule will clarify the force and effect of Service detainees and make clear that a Service detainee has no effect upon the alien or correctional institution until the alien has been released from the custody of the correctional institution.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/11/89 | 54 FR 29050 |
| NPRM Comment Period End | 08/10/89 | 54 FR 29050 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1219-89

Agency Contact: Ira L. Frank, Senior Special Agent, Investigations Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1000, Washington, DC 20536, 202 514-0747

RIN: 1115-AB48

2032. NONIMMIGRANT CLASSES; SPECIAL REQUIREMENT FOR ADMISSION, EXTENSION AND MAINTENANCE OF STATUS, CONTROL OF EMPLOYMENT OF ALIEN

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a

CFR Citation: 8 CFR 214.2; 8 CFR 274a.12; 8 CFR 248; 8 CFR 299

Legal Deadline: None

Abstract: Collaborative effort with INS, Department of State and Department of

Defense on revising Service regulations relating to employment authorization for dependents of certain principal aliens in NATO status. The revision is to clarify the current regulations and bring them more into alignment with the A and G regulations.

INS No. 1328-92, Nonimmigrant Classes; NATO Classes

Timetable:

(INS No. 1328-91)
Interim Rule 10/00/93

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1328-91

Agency Contact: Jack Tabaka, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7123, Washington, DC 20536, 202 514-3240

RIN: 1115-AB52

2033. FIELD OFFICERS; POWERS AND DUTIES; SUBPOENA

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2

CFR Citation: 8 CFR 287.4

Legal Deadline: None

Abstract: This rule amends regulations by permitting service of a subpoena to be made by an immigration officer except when the subpoena is issued by a special inquiry officer on behalf of a party other than the Immigration and Naturalization Service.

The rule would permit an immigration officer to ask for a subpoena from an immigration judge. It deletes the Regional Director, Office of Professional Responsibility, as an official who may issue a subpoena and/or designate service of same. The new rule specifically permits the subpoenaing of demonstrative evidence. Finally, the rule authorizes specified Immigration Service officials as well as special inquiry officers, to issue subpoenas on behalf of the service subsequent to commencement of any proceeding.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/26/91 | 56 FR 48766 |
| NPRM Comment Period End | 10/28/91 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1242-90

Agency Contact: Ira L. Frank, Senior Special Agent, Investigations Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1000, Washington, DC 20536, 202 514-0747

RIN: 1115-AB63

2034. TERMINATION OF TEMPORARY RESIDENT STATUS

Legal Authority: 8 USC 1103; 8 USC 1160; 8 CFR 2

CFR Citation: 8 CFR 210.2(e); 8 CFR 210.3(d); 8 CFR 210.4(d)

Legal Deadline: None

Abstract: This rule amends regulations concerning termination of temporary resident status granted to an alien as a Special Agricultural Worker. This rule will ensure that affected aliens are notified of the grounds alleged for termination of status and are given an opportunity to appeal any adverse decision.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| Interim Final Rule | 04/05/90 | 55 FR 12629 |
| Interim Rule Effective | 04/05/90 | 55 FR 12629 |
| Interim Rule Comment Period End | 05/07/90 | 55 FR 12629 |
| Interim Rule (2nd Interim) | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1260-90

Agency Contact: Jane Gomez, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-5014

RIN: 1115-AB74

2035. ESTABLISHMENT OF PILOT PROGRAMS TO CHARGE A USER FEE AT SELECTED PORTS OF ENTRY

Legal Authority: 8 USC 1356

CFR Citation: 8 CFR 103; 8 CFR 286; 8 CFR 299

Legal Deadline: None

Abstract: This action would be issued subsequent to the passage of a bill amending section 286 to establish an immigration user fee for services for persons entering the United States from contiguous territory and adjacent islands.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| Interim Final Rule | 05/13/91 | 56 FR 21917 |
| Interim Rule Effective | 06/12/91 | 56 FR 21918 |
| Interim Rule Comment Period End | 08/12/91 | 56 FR 21918 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS No. 1263-90, INS No. 1312-91

Agency Contact: Linda Loveless, Chief Inspector, Inspection, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-2725

RIN: 1115-AB78

2036. VISA WAIVER PILOT PROGRAM

Legal Authority: 8 USC 1356; 8 USC 1187; 8 USC 1103; 8 CFR 2

CFR Citation: 8 CFR 217

Legal Deadline: None

Abstract: INS Regulation No. 1406-91 amended 8 CFR 217 to enhance the Visa Waiver Pilot Program by permitting nationals of countries designated for the program to apply for admission at land border ports as well as at airports and seaports.

INS Regulation No. 1447-91 further amends 8 CFR 217 by permitting nationals of 13 additional designated countries, Andorra, Austria, Belgium, Denmark, Finland, Iceland, Liechtenstein, Luxembourg, Monaco, New Zealand, Norway, Spain, and San Marino to apply for admission for 90 days or less as nonimmigrant visitors for business or pleasure without first obtaining a nonimmigrant visa. INS Regulation No. 1628-93 revokes permission of nationals of Italy to apply for admission for 90 days or less as nonimmigrant visitors for business or pleasure without first obtaining a nonimmigrant visa. INS Regulation No. 1622-93 allows for the extension of the visa waiver pilot program to nationals of Brunei to apply for admission for 90 days or less as nonimmigrant

visitors for business or pleasure without first obtaining a non-immigrant visa.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 05/07/91 | 56 FR 21101 |
| NPRM Comment Period End | 05/22/91 | 56 FR 21101 |
| Final Rule (INS No. 1406-91) | 07/18/91 | 56 FR 32952 |
| Final Rule Effective | 07/18/91 | 56 FR 32952 |
| Interim Final Rule | 09/13/91 | 56 FR 46716 |
| Interim Rule Adding Additional Countries (INS No. 1447-91) | 09/13/91 | 56 FR 46716 |
| Interim Rule Effective | 10/01/91 | 56 FR 46716 |
| Interim Rule Comment Period End | 10/15/91 | 56 FR 46716 |
| Interim Rule (INS No. 1622-93) | 07/29/93 | 58 FR 40581 |
| Interim Rule Effective Date (INS No. 1622-93) | 07/29/93 | 58 FR 40581 |
| Interim Rule Comments Due (INS No. 1622-93) | 08/30/93 | 58 FR 40581 |
| Final Rule (INS No. 1622-93) | 10/00/93 | |
| Interim Rule (INS No. 1628-93) | 10/00/93 | |
| Final Rule (INS No. 1447-93) | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1406-91, INS No. 1447-91

Final action pending—awaiting State Department review of concurrent regulations.

Agency Contact: Ronald Hays, Assistant Chief Inspector, Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-0912

RIN: 1115-AB93

2037. • APPROVAL PROCESS FOR SCHOOLS TO ADMIT NONIMMIGRANT STUDENTS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1221; 8 USC 1282; 8 CFR 2

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This rule removes in section 214.3(c) the provision for consultation with the Department of Education

concerning petitions for approval of schools for attendance of nonimmigrant students.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 11/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: INS No. 1645-93

Agency Contact: Lisa Jacobson Treacy, Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, Room 7122, 425 I Street NW., Washington, DC 20536, 202 514-5014

RIN: 1115-AB97

2038. IMMIGRATION AND NATIONALITY PETITIONS/APPLICATIONS; CERTIFICATION OF DOCUMENTS

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1304; 31 USC 9701; EO 12356; 47 FR 14874; 47 FR 15557; 3 CFR, 1982 Comp, p 166; 8 CFR 2

CFR Citation: 8 CFR 103.2(b)(1)

Legal Deadline: None

Abstract: This rule revises the requirement that all supporting documents submitted by individuals applying for immigration benefits be accompanied by certified copies or that copies be certified by designated INS personnel at the time of receipt for retention with the petition(s) or application(s). Available data do not show a significant number of rescission/revocation actions based on fraudulent claims to warrant continuing to require that all documents in support of a request for an immigration benefit be certified. The public will be less burdened with having to produce and pay for certified copies. The public will also have to spend less time standing in line at an INS office waiting for their documents to be read and matched for certification.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1298-90

DOJ—INS

Final Rule Stage

Agency Contact: Alice Neary, Information Management Specialist, Public Contact Section, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 5309, Washington, DC 20536, 202 514-5365

RIN: 1115-AC07

2039. SUSPENSION OF IMMEDIATE AND CONTINUOUS TRANSIT AGREEMENTS

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1182c; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1225 to 1228; 8 USC 1252; 8 CFR 2

CFR Citation: 8 CFR 212; 8 CFR 214; 8 CFR 238

Legal Deadline: None

Abstract: The provisions for aliens in immediate and continuous transit without visa preclude screening of such aliens prior to their arrival at a port of entry in the United States. This rule revises the appropriate sections of 8 CFR to eliminate a loophole that allows certain unscreened aliens to embark to the United States.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1319-91

Agency Contact: Robert Hutnick, Assistant Chief Inspector, Inspections, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 616-7499

RIN: 1115-AC17

2040. ADJUSTMENT OF STATUS TO THAT OF PERSONS ADMITTED FOR LAWFUL TEMPORARY OR PERMANENT RESIDENT STATUS UNDER SECTION 245A OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Legal Authority: 8 USC 1103; 8 USC 1255a; 8 USC 1255a note; 8 CFR 2.1

CFR Citation: 8 CFR 245a

Legal Deadline: None

Abstract: This interim rule amends the present rule by providing for the automatic termination of section 245A

temporary resident status upon entry of a final order of deportation or exclusion.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal
Additional Information: INS No. 1321-91

AG Order Number to be assigned
Additional Agency Contact: Gerald Hurwitz, Executive Office of Immigration Review

Agency Contact: David Dixon, Appellate Counsel, General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6100, Washington, DC 20536, 202 514-2895

RIN: 1115-AC18

2041. CHANGES IN PROCESSING PROCEDURES FOR CERTAIN APPLICATIONS AND PETITIONS FOR IMMIGRATION BENEFITS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1304; 8 USC 1455; 5 USC 552; 5 USC 552a; 28 USC 1746; 31 USC 9701; 8 CFR 2; 8 USC 1184; 8 USC 1186a; 8 USC 1181; 8 USC 1187; 8 USC 1258

CFR Citation: 8 CFR 103; 8 CFR 214; 8 CFR 223; 8 CFR 223a; 8 CFR 248; 8 CFR 264; 8 CFR 292

Legal Deadline: None

Abstract: This rule would clarify and streamline evidence rules and the process by which persons may apply and receive certain immigration documents and benefits. It would also revise how the Service notifies applicants and petitioners of decisions, and modify how the Service communicates with applicants and petitioners represented by an attorney or other representatives.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/02/91 | 56 FR 61201 |
| NPRM Comment Period End | 01/02/92 | 56 FR 61201 |
| Interim Final Rule | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1324-91

Agency Contact: Mike Aytes, Director, Service Center Operations, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 4014, Washington, DC 20536, 202 514-3156

RIN: 1115-AC20

2042. CONTRACTS WITH TRANSPORTATION LINES; SIGNATORY AUTHORITY

Legal Authority: 8 USC 1103; 8 USC 1228; 8 CFR 2

CFR Citation: 8 CFR 238

Legal Deadline: None

Abstract: The rule delegates signatory authority to enter into contracts under the purview of Section 238 of the Immigration and Nationality Act to the Executive Associate Commissioner for Operations.

The rule clarifies the use of the Form I-425 with respect to Section 238 of the Act.

INS No. 1640-93 revises the listing of airlines who have entered into agreements on Form I-425 and I-426 in accordance with section 238 of the Act.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| Interim Final Rule | 12/17/92 | 57 FR 59906 |
| Interim Rule Effective | 12/17/92 | 57 FR 59906 |
| INS No. 1376-92 | | |
| NPRM Comment Period End | 01/19/93 | 57 FR 59906 |
| Interim Rule Comment Period End | 01/19/93 | 57 FR 59906 |
| INS No. 1376-92 | | |
| Final Rule INS No. 1376-93 | 12/00/93 | |
| Final Rule INS No. 1640-93 | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1376-92 Delegates Signatory Authority. INS No. 1640-93 Contracts With Transportation Lines adding airline names.

Agency Contact: Una Brien, Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-2681

RIN: 1115-AC24

DOJ—INS

Final Rule Stage

2043. TEMPORARY PROTECTED STATUS**Significance:** Regulatory Program**Legal Authority:** 8 USC 1103; 8 USC 1254a; 8 USC 1254a note; 8 USC 1362; 8 USC 1324a; 8 USC 1101; 8 CFR 2; 28 USC 509; 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1201; 8 USC 1304; 31 USC 9701**CFR Citation:** 8 CFR 3; 8 CFR 103; 8 CFR 240; 8 CFR 274a; 8 CFR 299**Legal Deadline:** Final, Statutory, January 1, 1991.

Implementation date for TPS Program and for designation of El Salvador.

Abstract: This rule implements a new section 244A of the Immigration and Nationality Act, established by section 302 of the Immigration Act of 1990, IMMACT, Pub. L. 101-649, November 29, 1990. This rule sets forth procedures for making application for Temporary Protected Status and provides, in accordance with the act, an opportunity for eligible individuals to temporarily remain and work in the United States until it is safe for them to return to their homeland.

This regulation also provides for the designation of other countries for Temporary Protected Status and specifies when such designations are to expire and discusses fees for EAD Authorization Document.

Regulation also provides an exception to the registration deadlines for TPS for persons who were in valid immigrant or non-immigrant status during the initial registration period. The regulation also updated the application process to conform with current procedures and reflect changes made by IMMACT.

Timetable:**Bosnia TPS (INS No. 1400BOS-92); AG Order 1610-92 (12-mo. period)**
Expires 08/10/93; 08/10/92 (57 FR 35604)**Bosnia-Herzegovina**
Effective Date 08/11/93 (58 FR 40676)**Bosnia-Herzegovina TPS**
Extension Until 08/10/94 07/29/93 (58 FR 40676)**DED for Nationals of El Salvador**
Notice (INS No. 1615-93) Effective 07/01/93 (58 FR 32157)**Employment Authorization Document Fees (INS No. 1453-92)**Interim Rule 02/13/92 (57 FR 5227)
Interim Rule Effective Date 02/14/92 (57 FR 5227)

Interim Rule Comment Period End 03/16/92 (57 FR 5227)

Final Rule Merged With INS No. 1612 02/17/93

Exception to Registration Deadlines for TPS

Interim Rule (INS No. 1608-93) 10/00/93

Extension of Deferral of Enforced Departure for El Salvadorans

Notice (INS No. 1615-93) 06/08/93 (58 FR 32157)

Kuwait for TPS Effective Date

Termination of Designation 03/27/92 (57 FR 2930)

Kuwait TPS (AG Order No. 1484-91) (12-mo. period)

Designation 03/27/91 (56 FR 12745)

Kuwait TPS (INS No. 1400K-92); AG Order No. 1557-92

Termination of Designation 01/24/92 (57 FR 2930)

Lebanon TPS (termination date 04/09/93) (AG Order 1680-93)

Termination of Designation 02/08/93 (58 FR 7582)

Lebanon TPS (AG Order No. 1485-91) (12-mo. period)

Designation 03/27/91 (56 FR 12746)

Lebanon TPS (INS No. 1400LEB-92); AG Order No. 1559-92

Extension of Designation 01/24/92 (57 FR 2931)

Lebanon TPS (12-mo. extension until 03/28/93)

Extension of Designation 01/24/92 (57 FR 2931)

Liberia TPS (AG Order No. 1483-91) (12-mo. period)

Designation 03/27/91 (56 FR 12746)

Liberia TPS (INS No. 1400LIB-92); AG Order No. 1558-92

Extension of Designation 01/24/92 (57 FR 2932)

Liberia TPS (12-mo. extension until 03/28/93)

Extension of Designation Liberia 01/24/92 (57 FR 2932)

Liberia TPS (12-mo. extension until 03/28/94) (AG Order 1682-93)

Extension of Designation 02/10/93 (58 FR 7898)

Somalia TPS (INS No. 1374-92)Designation 09/16/91 (56 FR 46804)
Unavailability of TWOV 00/00/00**Somalia TPS (INS No. 1400SOM-92); AG Order 1607-92**

Extension Until 09/17/93 07/21/92 (57 FR 32232)

Somalia TPS (INS No. 1629-93)Effective Date 09/18/93
Extension Until 09/17/94 09/20/93 (58 FR 48898)

Reregistration Procedures Effective 09/20/93

Reregistration Procedures End 10/20/93

TPS for Salvadorans (Effective Date)

Deferral of Enforced Departure 07/01/92 (57 FR 28700)

TPS for Salvadorans (INS No. 1445-91) (4-mo. period)

Application Extension Eff Date 07/01/91 (56 FR 41445)

Application Extension 08/21/91 (56 FR 41445)

TPS for Salvadorans (INS No. 1459-92)

Deferral of Enforced Departure 06/26/92 (57 FR 28700)

Waiver of Fees; TPS (INS No. 1443-91); AG Order No. —

Final Rule 08/05/92 (57 FR 34506)

8 CFR Part 240 - General TPS Rule

Interim Rule Effective Date 01/02/91 (56 FR 618)

Interim Rule 01/07/91 (56 FR 618)

Interim Rule Comment Period End 02/06/91 (56 FR 618)

Final Rule 05/22/91 (56 FR 23491)

Final Rule Effective Date 05/22/91 (56 FR 23491)

8 CFR Part 240-Removal of Obsolete TPS Language (1612-93)

Proposed Rule 11/00/93

Small Entities Affected: Undetermined**Government Levels Affected: Federal****Additional Information:** INS No. 1400-91; AG Order 1465-91; Additional contact Gerald Hurwitz, EOIR, 703-756-6470.

The Attorney General may designate other countries for TPS.

Cross Reference to INS No. 1443-91, Waiver of Fees; contact Lori Scialabba, INS General Attorney, 202-514-2895.

Cross Reference to INS No. 1453-92, Employment Authorization Document Fees for nationals of El Salvador under TPS; contact Bo Cooper, INS General Attorney, 202-514-2895.

Cross Reference to INS No. 1374-92, Unavailability to Transit Without Visa Procedure to Citizens of Somalia; contact John King, Assistant Chief Inspector, 202-514-2725.

Cross Reference to INS No. 1608-93, TPS, Exception to Registration Deadlines; contact Kathryn Kazalonis, Senior Immigration Examiner, 202-514-5014.

Cross Reference to INS No. 1612-93, Removal of Obsolete TPS language; contact Stella Jarina, Chief, Naturalization and Special Projects Branch, 202-514-5014.

Cross Reference to INS No. 1629-93 and 1621-93, TPS, Somalia and Bosnia-Herzegovina, Ron Chirlin, Senior Examiner 202-514-5014

Agency Contact: Ronald S. Chirlin, Senior Immigration Examiner, Adjudications and Naturalization, Department of Justice, Immigration and

DOJ—INS

Final Rule Stage

Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-5014

RIN: 1115-AC30

2044. SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED; VETERANS OF THE U.S. ARMED FORCES WHO SERVED DURING WWI OR WWII OR ENLISTED UNDER ACT OF JUNE 30, 1950, AS AMENDED

Legal Authority: 8 USC 1103; 8 USC 1440 and note; 8 USC 1443; 66 Stat 173; 66 Stat 250; 66 Stat 276

CFR Citation: 8 CFR 329

Legal Deadline: None

Abstract: This rule implements section 405 of the Immigration Act of 1990, Pub. L. 101-649, to allow for the naturalization of natives of the Philippines, based upon certain active-duty military service during WWI, who would not otherwise be eligible for naturalization. Approximately 50,000 persons will be eligible for naturalization as a result of the implementation of this regulation. (INS No. 1404-91)

This rule amends the existing fee schedule for the INS to recover the cost of providing special services which allow for the naturalization of natives of the Philippines, based upon certain active duty military service during World War II. (INS No. 1404F-92).

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Final Rule Implementation Date (INS No. 1404-91) | 11/29/90 | 58 FR 45418 |
| Interim Final Rule | 03/15/91 | 58 FR 11060 |
| Interim Rule Effective (INS No. 1404-91) | 03/15/91 | 58 FR 11060 |
| Interim Rule Comment Period End (INS No. 1404-91) | 04/15/91 | |
| Interim Rule (INS No. 1404F-92) | 05/27/93 | 58 FR 30698 |
| Interim Rule Effective Date (INS No. 1404F-92) | 06/28/93 | 58 FR 30698 |
| Interim Rule Comments Due (INS No. 1404F-92) | 07/12/93 | 58 FR 30698 |
| Final Rule (INS No. 1404-91) | 08/30/93 | 58 FR 45418 |
| Final Rule Effective (INS No. 1404-91) | 08/30/93 | 58 FR 45418 |

| Action | Date | FR Cite |
|---|----------|-------------|
| Final Rule (INS No. 1404F-92) | 10/00/93 | |
| Final Rule Cut-Off Date (INS No. 1404-91) | 02/03/95 | 58 FR 45418 |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1404-91, Special Classes Regulation INS No. 1404F-92, Increase in Fee for Application Regulation

Agency Contact: Stella Jarina, Chief, Naturalization Branch, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7223, Washington, DC 20536, 202 514-5014

RIN: 1115-AC34

2045. APPLICATION FOR THE EXERCISE OF DISCRETION UNDER 212C, AGGRAVATED FELONS

Legal Authority: PL 101-649, Sec 511

CFR Citation: 8 CFR 212

Legal Deadline: None

Abstract: This regulation implements section 511 of the Immigration Act of 1990, Pub. L. 101-649, by providing that a lawful permanent resident applying for advance permission to enter the United States under section 212(c) of the Act may not be granted such permission if he or she has been convicted of an aggravated felony and has served a term of imprisonment of at least five years.

This rule also provides that certain specified aliens are ineligible for discretionary relief under section 212(c) of the Act for a period of five years from the date of the barring act if the alien fails to appear for deportation, appear at an asylum hearing, or voluntarily depart.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| Interim Final Rule | 10/03/91 | 58 FR 50033 |
| Interim Rule Effective | 10/03/91 | 58 FR 50033 |
| NPRM Comment Period End | 11/04/91 | 58 FR 50033 |
| Interim Rule Comment Period End | 11/04/91 | 58 FR 50033 |
| Final Action | 01/01/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: INS No. 1405-91

Agency Contact: Sophia Cox, Sr. Immigration Examiner, Adjudications Division, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-5014
RIN: 1115-AC35

2046. CONSENT TO REAPPLY FOR ADMISSION AFTER DEPORTATION, REMOVAL, OR DEPARTURE AT GOVERNMENT EXPENSE

Significance: Agency Priority

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1182(c); 8 USC 1184; 8 USC 1125; 8 USC 1228; 8 USC 1228; 8 USC 1252; 8 CFR 2

CFR Citation: 8 CFR 212

Legal Deadline: None

Abstract: This rule implements section 514 of the Immigration Act of 1990 (IMMACT 90), Pub. L. 101-649, by extending from ten to twenty years the bar on reentry into the United States after deportation or removal of aliens who are convicted on one of more aggravated felonies. The change applies to admission occurring on or after January 1, 1991.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| Interim Final Rule | 05/21/91 | 58 FR 23212 |
| Interim Rule Comment Period End | 06/20/91 | 58 FR 23212 |
| Final Action | 01/01/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1410-91

Agency Contact: Sophia Cox, Sr. Immigration Examiner, Adjudications Division, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-5014

RIN: 1115-AC37

2047. APPLICANT PROCESSING FOR FAMILY UNITY BENEFITS

Significance: Regulatory Program

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1324a; 8 USC 1252; 8 USC 1254; 8 USC 1255a note; 8 USC 1362; 8 USC 1101; 8 CFR 2

CFR Citation: 8 CFR 242; 8 CFR 103; 8 CFR 264; 8 CFR 274a; 8 CFR 299

Legal Deadline: Final, Statutory, October 1, 1991.

Public Law 101-649 would make Section 301 effective this date.

Abstract: This final rule responds to issues and comments emanating from the interim rule which implemented section 301 of the Immigration Act of 1990. It provides for application for family unity benefits (voluntary departure and employment authorization) and sets procedures for applying and adjudication of appeals to adverse decisions. For those who are eligible, relief from being a deportable alien may be received where no such relief existed before.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 08/30/91 | 56 FR 42948 |
| NPRM Comment Period End | 09/30/91 | |
| Interim Rule Effective | 10/01/91 | 57 FR 6457 |
| Interim Final Rule | 02/25/92 | 57 FR 6457 |
| Interim Rule | 03/26/92 | 57 FR 6457 |
| Comment Period End | | |
| Interim Rule Correction | 04/21/92 | 57 FR 14627 |
| Next Action Undetermined | | |

Small Entities Affected: Undetermined
Government Levels Affected: Federal
Additional Information: INS No. 1414-91

Additional Service Center Contact, Jack Hartsoch 202-514-5309

Agency Contact: Jack Hartsoch, Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 4014, Washington, DC 20536, 202 514-3156

RIN: 1115-AC39

2048. EXEMPTION TO GENERAL PROHIBITION AGAINST APPROVAL OF APPLICATION FOR IMMIGRATION BENEFITS BASED ON MARRIAGE ENTERED INTO DURING DEPORTATION OR EXCLUSION PROCEEDINGS

Legal Authority: PL 101-649, Sec 702
CFR Citation: 8 CFR 204; 8 CFR 245
Legal Deadline: None

Abstract: This regulation would allow a citizen or lawful permanent resident petitioner, or an alien applicant for

permanent resident status, to seek an exemption from the general prohibition against approval of immigration benefits based upon a marriage entered into while the beneficiary or applicant was under deportation or exclusion proceedings.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Final Rule | 06/20/91 | 56 FR 28311 |
| Interim Rule Effective | 06/20/91 | 56 FR 28311 |
| Interim Rule | 07/22/91 | 56 FR 28311 |
| Comment Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: Federal
Additional Information: INS No. 1419-91

Agency Contact: Rita Boie, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7223, Washington, DC 20536, 202 514-5014

RIN: 1115-AC43

2049. CONDITIONAL BASIS OF LAWFUL PERMANENT RESIDENCE FOR CERTAIN ALIEN SPOUSES AND SONS AND DAUGHTERS; BATTERED WIFE EXCEPTION

Legal Authority: PL 101-649, Sec 701
CFR Citation: 8 CFR 216

Legal Deadline: None

Abstract: This rule would amend the existing waiver provisions and establish a third basis for waiving the joint filing requirement to remove the conditional basis of lawful permanent residence for certain alien spouses, sons, and daughters.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Final Rule | 05/16/91 | 56 FR 22635 |
| Interim Rule Effective | 05/16/91 | 56 FR 22635 |
| Interim Rule | 06/17/91 | 56 FR 22635 |
| Comment Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: Federal
Additional Information: INS No. 1423-91

Agency Contact: Rita Boie, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and

Naturalization Service, 425 I Street NW., Room 7223, Washington, DC 20536, 202 514-5014

RIN: 1115-AC47

2050. SPECIAL IMMIGRANT STATUS; CERTAIN ALIENS DECLARED DEPENDENT ON A JUVENILE COURT

Significance: Agency Priority

Legal Authority: PL 101-649, Sec 153; PL 102-232, Sec 302(d)(2)

CFR Citation: 8 CFR 101; 8 CFR 204; 8 CFR 205; 8 CFR 245

Legal Deadline: None

Abstract: This regulation would establish a procedure for classification of certain aliens who have been declared dependent on a juvenile court in the United States as special immigrants.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Final Rule | 05/21/91 | 56 FR 23207 |
| Interim Rule Effective | 05/21/91 | 56 FR 23207 |
| Interim Rule | 06/20/91 | 56 FR 23207 |
| Comment Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: State, Federal
Additional Information: INS No. 1424-91

Agency Contact: Rita Boie, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7223, Washington, DC 20536, 202 514-5014

RIN: 1115-AC48

2051. TREATY ALIENS, E CLASSIFICATION

Significance: Regulatory Program

Legal Authority: 8 USC 1103; 8 USC 1184; 8 CFR 2

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This rule would codify existing policy guidelines regarding the classification of nonimmigrant treaty aliens.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 08/30/91 | 56 FR 42952 |

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| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM Comment Period End | 10/15/91 | |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1427-91

Development of the Final Rule is pending coordination with the Department of State.

Agency Contact: Katharine A. Lorr, Chief, Nonimmigrant Branch, Adjudications, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-3043

RIN: 1115-AC51

2052. ADMINISTRATIVE NATURALIZATION

Significance: Regulatory Program

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1304; 8 USC 1424; 8 USC 1425; 8 USC 1426; 8 USC 1427; 8 USC 1429; 8 USC 1433; 8 USC 1443; 8 USC 1447; 8 USC 1448; 8 USC 1454; 8 CFR 2.1

CFR Citation: 8 CFR 103; 8 CFR 299; 8 CFR 310; 8 CFR 312; 8 CFR 313; 8 CFR 315; 8 CFR 316; 8 CFR 319; 8 CFR 322; 8 CFR 324; 8 CFR 325; 8 CFR 327; 8 CFR 328; 8 CFR 329; 8 CFR 330; ...

Legal Deadline: Final, Statutory, October 1, 1991.

Abstract: The Immigration Act of 1990, Pub. L. 101-649, (IMMACT) conferred upon the Attorney General, as of October 1, 1991, the responsibility for making final determinations on applications for naturalization. This regulation provides for the implementation of the new administrative system and serves to codify those essential substantive and procedural requirements for naturalization provided by statute and previous judicial interpretations and precedent. The rule also makes those technical and administrative changes as are necessary to allow for more efficiency in administering the naturalization provisions, and provides additional guidance and clarification to Service officials. This rule also implements the Miscellaneous and Technical Amendments Act of 1991.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Interim Rule Effective | 10/01/91 | 56 FR 50475 |
| Interim Final Rule | 10/07/91 | 56 FR 50475 |
| Interim Rule Comment Period End | 11/21/91 | 56 FR 50475 |
| Second Interim Rule | 09/24/93 | 58 FR 49905 |
| Second Interim Rule Effective | 09/24/93 | 58 FR 49905 |
| Second Interim Rule Comment Period End | 11/08/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1435-91; AG Order No. (to be assigned)

Agency Contact: Stella Jarina, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-5014

RIN: 1115-AC58

2053. RELEASE PROCEDURES; LAWFUL PERMANENT RESIDENTS CONVICTED OF AGGRAVATED FELONIES

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1186A; 8 USC 1251; 8 USC 1252; 8 USC 1254; 8 USC 1362; 8 CFR 2; 104 Stat 4978; 100 Stat 3537; 66 Stat 173; 66 Stat 208; 66 Stat 214; 66 Stat 235

CFR Citation: 8 CFR 242

Legal Deadline: None

Abstract: This regulation provides the procedures to be followed in determining release conditions for lawfully admitted aliens who are in deportation proceedings and who have been convicted of aggravated felonies as defined in section 101(a)(43) of the Immigration and Nationality Act.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 05/21/91 | 56 FR 23214 |
| Interim Final Rule Effective Date | 05/21/91 | 56 FR 23214 |
| Interim Final Rule Comment Period End | 06/20/91 | 56 FR 23214 |
| Interim Final Rule (2nd Interim) | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: INS No. 1439-91

Agency Contact: Robert Jacobson, Detention and Deportation Officer, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6008, Washington, DC 20536, 202 514-2865

RIN: 1115-AC60

2054. ENHANCING THE ENFORCEMENT AUTHORITY OF IMMIGRATION OFFICERS

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1186A; 8 USC 1251; 8 USC 1252; 8 USC 1254; 8 USC 1357; 8 USC 1362; 8 USC 1225; 8 USC 1226; 8 CFR 2

CFR Citation: 8 CFR 242; 8 CFR 287

Legal Deadline: None

Abstract: This regulation codifies existing policy guidance regarding the authority of immigration officers to arrest persons, carry firearms, and serve process. It further expands the arrest authority of immigration officers beyond arrests for violations of the immigration laws. These changes are the result of expanded authority provided in section 503 of the Immigration Act of 1990, Pub. L. 101-649.

Timetable:

| Action | Date | FR Cite |
|-------------------------|--------------|-------------|
| NPRM | 10/14/92 | 57 FR 47011 |
| NPRM Comment Period End | 11/30/92 | 57 FR 47011 |
| Next Action | Undetermined | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1442-91

Agency Contact: Kathryn E. Sheehan, Special Assistant, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7246, Washington, DC 20536, 202 514-3032

RIN: 1115-AC63

2055. PROCEDURES FOR ASYLUM AND WITHHOLDING OF DEPORTATION

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; 8 CFR 2

CFR Citation: 8 CFR 208

Legal Deadline: None

Abstract: This regulation amends 208.1 procedures to be used in adjudicating asylum application filed with INS under Section 208. The rule provides that part 208 applies to all applications "adjudicated" by asylum officers after October 1, 1990, rather than to those "filed" after that date.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1355-91 * Cross reference: 1321-91 Medrano Reg.

Agency Contact: David Dixon, Appellate Counsel, General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6100, Washington, DC 20536, 202 514-2895

RIN: 1115-AC65

2056. ASYLUM AND WITHHOLDING OF DEPORTATION PROCEDURES; AGGRAVATED FELONS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1252; 8 USC 1253; 8 USC 1254; 8 USC 1282; 8 USC 1283; 8 USC 1285; 8 USC 1362

CFR Citation: 8 CFR 208; 8 CFR 236; 8 CFR 242

Legal Deadline: None

Abstract: This regulation implements section 515 of the Immigration Act of 1990 (IMMACT), Pub. L. 101-649, which provides that an alien who has been convicted of an aggravated felony is ineligible for asylum, and is ineligible for withholding of deportation on the basis of having been convicted of a particularly serious crime.

The elimination of these forms of relief from deportation for aggravated felons applies to applications filed on or after November 29, 1990.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/16/93 | 58 FR 38312 |
| NPRM Comment Period End | 08/16/93 | 58 FR 38312 |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1412-91; AG Order No. (to be assigned upon signature)

Agency Contact: Christine Davidson, Senior Policy Analyst, Refugee, Asylum and Parole, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Attn: ULLICO, 3rd Floor, Washington, DC 20536, 202 633-4389

RIN: 1115-AC66

2057. ASYLUM APPLICATION MAIL-IN PROGRAM TO ASYLUM OFFICES; ISSUANCE OF CHARGING DOCUMENTS IN EXCLUSION AND DEPORTATION PROCEEDINGS BY SUPERVISORY ASYLUM OFFICERS

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1253; 8 USC 1283; 66 Stat 173

CFR Citation: 8 CFR 100; 8 CFR 208; 8 CFR 235; 8 CFR 242

Legal Deadline: None

Abstract: This rule establishes procedures to be used in filing for asylum under section 208, and withholding of deportation under section 243(h) of the Immigration and Nationality Act, as amended by the Refugee Act of 1980, Pub. L. 96-212.

The rule modifies the final rule on asylum adjudication published on July 27, 1990 at 55 FR 30674.

It establishes seven Asylum Offices and their jurisdictions; and it also indicates how asylum and withholding of deportation applications should be filed by mail with these offices instead of with Service district offices and suboffices.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Interim Final Rule | 10/09/91 | 56 FR 50810 |
| Interim Rule Effective | 10/09/91 | 56 FR 50810 |
| Notice INS No. 1382-92 For filing applications for asylum in the US under Sec. 208 INA. | 06/17/92 | 57 FR 27068 |
| Interim Rule (2nd Interim) INS No. 1343-93 | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1343-93

Agency Contact: Christine Davidson, Senior Policy Analyst, Refugee, Asylum and Parole, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., ULLICO, 3rd Floor, Washington, DC 20536, 202 633-4389

RIN: 1115-AC67

2058. TEMPORARY ALIEN WORKERS SEEKING CLASSIFICATION UNDER THE IMMIGRATION AND NATIONALITY ACT

Significance: Regulatory Program

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186A; 8 USC 1187; 8 CFR 2; 8 USC 1104

CFR Citation: 8 CFR 214; 8 CFR 214.2

Legal Deadline: None

Abstract: This regulation implements provisions of the Immigration Act of 1990 (IMMACT), Pub. L. 101-649, as they relate to temporary alien workers seeking nonimmigrant classification and admission to the US under sections 101(a)(15)(H),(L),(O), and (P) of the Immigration and Nationality Act.

This rule also contains technical amendments which reflect the Service's operating experience under the H and L classifications.

This rule will conform Service policy to the intent of Congress as it relates to these classifications, implement new nonimmigrant classifications and requirements established by IMMACT, and clarify for businesses and the general public requirements for classification, admission, and maintenance of status.

INS Regulation 1452-92 alters some of the procedures required to petition for an H-1B nonimmigrant and also describes the eligibility criteria for foreign physicians. The rule clarifies new requirements for eligibility and admission.

INS Regulation 1454-92 implements provisions of Pub. L. 102-232 concerning aliens eligible for H-1B, O, and P classifications.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 07/11/91 | 56 FR 31553 |
| NPRM Comment Period End | 08/12/91 | 56 FR 31553 |
| Final Rule Effective for INS No. 1417-91 | 10/01/91 | 56 FR 61111 |
| Final Rule for INS No. 1417-91 | 12/02/91 | 56 FR 61111 |

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| Action | Date | FR Cite |
|---|----------|-------------|
| Final Rule Correction for INS No. 1417-91 | 01/08/92 | 57 FR 749 |
| Interim Rule Effective for INS No. 1452-92 | 03/31/92 | 57 FR 12177 |
| Interim Rule Effective for INS No. 1454-92 | 04/01/92 | 57 FR 12177 |
| Interim Final Rule | 04/09/92 | 57 FR 12177 |
| Interim Rule for INS No. 1452-92 | 04/09/92 | 57 FR 12177 |
| Interim Rule for INS No. 1454-92 | 04/09/92 | 57 FR 12179 |
| Interim Rule Comment Period End for INS No. 1452-91 | 06/08/92 | |
| Interim Rule Comment Period End for INS No. 1454-92 | 06/08/92 | |
| Final Action for INS No. 1452-92 | 12/00/93 | |
| Final Action for INS No. 1454-92 | 12/00/93 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: INS No. 1452-92 and INS No. 1454-92

Agency Contact: John Brown, Senior Immigration Examiner, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7215, Washington, DC 20536, 202 514-3240

RIN: 1115-AC72

2059. REVISION OF GROUNDS FOR DEPORTATION; CONFORMING REGULATIONS

Legal Authority: 8 USC 1103; 8 USC 1184; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2

CFR Citation: 8 CFR 210a; 8 CFR 214; 8 CFR 241; 8 CFR 242

Legal Deadline: Final, Statutory, March 1, 1991.
Public Law 101-649

Abstract: This regulation provides technical amendments to 8 CFR parts 210a, 214, 241, and 242 to bring these sections into conformance with Section 241 of the Immigration and Nationality Act, as amended by Section 602 of the Immigration Act of 1990, Pub. L. 101-649.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Rule Effective | 03/01/91 | 56 FR 38332 |
| Interim Final Rule | 08/13/91 | 56 FR 38331 |
| Interim Rule | 09/27/91 | 56 FR 38332 |
| Comment Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1438-91

Agency Contact: Robert Jacobson, Detention and Deportation Officer, Enforcement, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6008, Washington, DC 20536, 202 514-2865

RIN: 1115-AC86

2060. UNAVAILABILITY TO TWOV TO CITIZENS OF THE FORMER SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 CFR 2

CFR Citation: 8 CFR 212

Legal Deadline: None

Abstract: This rule amends 8 CFR 212 by adding Yugoslavia to the list of countries whose nationals are prohibited from transiting through the US without a visa.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Interim Final Rule | 01/19/93 | 58 FR 4891 |
| Interim Final Rule Effective (INS No. 1397-92) | 01/19/93 | 58 FR 4891 |
| NPRM Comment Period End | 02/18/93 | |
| 2nd Interim Final Rule (INS No. 1397R-93) | 08/16/93 | 58 FR 43438 |
| 2nd Interim Final Rule Effective (INS No. 1397R-93) | 08/16/93 | 58 FR 43438 |
| 2nd Interim Final Rule Comments Due (INS No. 1397R-93) | 09/15/93 | 58 FR 43438 |
| Final Rule (INS No. 1397R-93) | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1397-92

INS No. 1397R-93

Agency Contact: Una Brien, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 514-2681

RIN: 1115-AC87

2061. MARIEL CUBAN PAROLE DETERMINATIONS

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252

CFR Citation: 8 CFR 212

Legal Deadline: None

Abstract: This rule revises and expands the discretionary authority of the INS under the Cuban Review Plan to withdraw parole approval for excludable Mariel Cubans where circumstances make it impossible to execute the parole decision, and release of the detainee is contrary to the public interest.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/07/91 | 56 FR 21100 |
| NPRM Comment Period End | 06/06/91 | 56 FR 21100 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1344-91

AG Order No. 1492-91

Agency Contact: Joan Lieberman, Assistant General Counsel, General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6100, Washington, DC 20536, 202 514-2895

RIN: 1115-AC90

2062. ADMISSION OF REFUGEES; FINGERPRINTING

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1157; 8 USC 1159; 8 USC 1182

CFR Citation: 8 CFR 207

Legal Deadline: None

Abstract: This regulation amends the procedures to be used in adjudicating refugee resettlement applications under section 207 of the Immigration and Nationality Act by removing the

fingerprinting requirement for refugee applicants 14 years of age or older.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1510-92

Agency Contact: Janelle Jones, Refugee Officer, Refugee, Asylum and Parole, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., ULLICO, 3rd Floor, Washington, DC 20536, 202 633-4389

RIN: 1115-AD08

2063. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE: INTERVIEW

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1257; 8 CFR 2

CFR Citation: 8 CFR 245

Legal Deadline: None

Abstract: This rule removes 8 CFR 245.9 which requires that all applicants for adjustment of status to that of permanent residence be interviewed by an immigration officer, except those applicants who are under the age of 14, or who are clearly ineligible for having lived or worked illegally in the United States or who, prior to November 20, 1990, filed an application under the provisions of the Cuban Adjustment Act of November 2, 1968.

This rule will remove the mandatory interview requirement in favor of the discretionary use of the interview for adjustment of status.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Final Rule | 11/02/92 | 57 FR 49374 |
| Interim Rule Effective | 11/02/92 | 57 FR 49374 |
| Interim Rule | 12/02/92 | 57 FR 49374 |
| Comment Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1373-92

Agency Contact: Rita A. Bale, Senior Immigration Examiner, Adjudications Division, Department of Justice,

Immigration and Naturalization Service, 425 I Street NW., Room 7215, Washington, DC 20536-0002, 202 514-5014

RIN: 1115-AD12

2064. PRE-COMPLETION INTERVAL TRAINING; F-1 STUDENT WORK AUTHORIZATION

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a; 8 USC 1324a

CFR Citation: 8 CFR 214; 8 CFR 274a

Legal Deadline: None

Abstract: The regulation restores the ability of foreign students to engage in practical training prior to completion of their course of study and will also provide employment authorization for F-1 students based upon severe economic hardships. Pre-completion training is necessary to permit students to accept short term employment that furthers their academic studies before graduation.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| Interim Final Rule | 07/20/92 | 57 FR 31954 |
| Interim Rule Effective | 07/20/92 | 57 FR 31954 |
| Interim Rule | 09/18/92 | 57 FR 31954 |
| Comment Period End | | |
| 2nd Interim Rule with Comments | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1458-92

Agency Contact: Lisa Jacobson Treacy, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-3240

RIN: 1115-AD18

2065. INSPECTION OF PERSONS APPLYING FOR ADMISSION

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252; 8 USC 1353a; 8 USC 1353b; 31 USC 9701

CFR Citation: 8 CFR 235

Legal Deadline: None

Abstract: This rule provides for the reimbursement to the INS for certain

direct salary costs and administrative overhead charges in its overtime billing for arriving trains and vessels under 8 USC 1353b, for all immigration inspection services rendered to crews, and for services rendered to passengers not exempt under 8 USC 1353b or 1356(g).

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/22/92 | 57 FR 60741 |
| NPRM Comment Period End | 01/21/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1512-92

Agency Contact: Robert Bevilacqua, Assistant Commissioner, Finance, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6321, Washington, DC 20536, 202 514-3400

RIN: 1115-AD17

2066. CLASSIFICATION OF CERTAIN SCIENTISTS OF THE INDEPENDENT STATES OF THE FORMER SOVIET UNION AND BALTIC STATES AS EMPLOYMENT-BASED IMMIGRANTS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 CFR 2

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: This rule implements the provisions of the Soviet Scientists Immigration Act of 1992 by providing petitioning procedures to establish eligibility as immigrants for certain qualifying scientists. This rule is necessary to prevent the employment of these scientists by unscrupulous nations intent on developing weapons which can threaten the world's security.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| Interim Final Rule | 05/27/93 | 58 FR 30699 |
| Interim Rule Effective Date | 05/27/93 | 58 FR 30699 |
| Interim Rule | 06/28/93 | 58 FR 30699 |
| Comments Due | | |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

DOJ—INS

Final Rule Stage

Additional Information: INS No. 1602-92

Agency Contact: Gerard Casale, Immigration Examiner, Adjudications Division, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, 202 514-5014

RIN: 1115-AD29

2067. RESCISSION OF ALL EVIDENCE OF LAWFUL PERMANENT RESIDENCE EXCEPT ALIEN REGISTRATION RECEIPT CARD, FORM I-551

Significance: Agency Priority

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1304; 8 USC 1356; 5 USC 552; 5 USC 552a

CFR Citation: 8 CFR 103; 8 CFR 204; 8 CFR 211; 8 CFR 223; 8 CFR 223A; 8 CFR 235; 8 CFR 245; 8 CFR 246; 8 CFR 247; 8 CFR 251; 8 CFR 252; 8 CFR 264; 8 CFR 274A; 8 CFR 299; 8 CFR 316; ...

Legal Deadline: None

Abstract: The Immigration and Naturalization Service (Service) proposes to amend its regulations concerning valid evidence of lawful permanent residence. The proposed regulations would require all aliens in possession of Form I-151, or prior documents, to replace their card with the more secure, machine-readable Alien Registration Receipt Card, I-551. (INS No. 1381R-93)

On June 26, 1992 the Immigration and Naturalization Service (the Service) published a Notice in the Federal Register announcing the expiration of validity of Alien Registration Receipt Card, Form I-151 and all prior documentation such as Forms AR-3, and AR-103 on August 2, 1993. (INS No. 1381N-93).

Timetable:

INS No. 1381N-93

Notice 05/13/93 (58 FR 28418)
Notice Effective Date 05/13/93 (58 FR 28418)

INS No. 1381R-93

Proposed Rule 05/28/93 (58 FR 31000)
Proposed Rule Comments Due 06/28/93
Final Rule 09/20/93 (58 FR 48775)
Effective Date for Part 264 10/20/93
Effective Date for Other Amendments 09/20/94

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1381N-93 Notice of Suspension of Expiration Date of Alien Registration Receipt Card, Form I-151

INS No. 1381R-93 Rescission of All Evidence of Lawful Permanent Residence Except Alien Registration Receipt Card, Form I-551

Agency Contact: Gerard Casale, Examiner, Examination Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-0150

RIN: 1115-AD32

2068. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1257; 8 CFR 2; PL 102-404

CFR Citation: 8 CFR 245

Legal Deadline: None

Abstract: This regulation implements the provisions of Public Law 102-404 by providing adjustment of status procedures for certain nationals of the People's Republic of China.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| Interim Final Rule | 07/01/93 | 58 FR 35832 |
| Interim Rule | 07/01/93 | 58 FR 35832 |
| Interim Rule Effective Date | 07/01/93 | 58 FR 35832 |
| Interim Rule Comment Due | 08/02/93 | 58 FR 35832 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1607-93

Agency Contact: Rita A. Boie, Senior Immigration Examiner, Adjudications and Naturalization, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7223, Washington, DC 20536, 202 514-5014

RIN: 1115-AD33

2069. PILOT PROGRAM FOR INVESTORS

Legal Authority: 8 USC 1153(b)(5); PL 102-395

CFR Citation: 8 CFR 204

Legal Deadline: NPRM, Statutory, October 1, 1993.

Department of State and Department of Justice must implement program by October 1, 1993.

Abstract: Pursuant to Public Law 102-395 the INS and Department of State (DOS) will, through rulemaking, set aside visas for a pilot program which will involve a regional economic center in the US. A proposed rule will be issued around August 1993 which will discuss how aliens admitted under the Pilot Program will be able to establish reasonable methodologies for determining job creation.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Interim Final Rule | 08/24/93 | 58 FR 44606 |
| Interim Final Rule Effective (INS No. 1609-93) | 08/24/93 | 58 FR 44606 |
| Public Notice Solicitation of Proposals (INS No. 1609N-93) | 08/24/93 | 58 FR 44698 |
| Interim Final Rule Comments Due (INS No. 1609-93) | 09/23/93 | 58 FR 44606 |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: INS No. 1609-93

INS No. 1609N-93 (Public Notice)

Agency Contact: Michael W. Straus, Senior Immigration Examiner, Adjudications and Naturalization, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-5014

RIN: 1115-AD38

2070. EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

Legal Authority: 8 USC 1101; 42 USC 10501; 42 USC 10502; 42 USC 10503; 42 USC 10504; 42 USC 10505; 42 USC 10506; 42 USC 10507; 42 USC 10508; 42 USC 10509; 42 USC 10510; 42 USC 10511; 42 USC 10512; 42 USC 10513

CFR Citation: 28 CFR 65

Legal Deadline: None

Abstract: The regulation amends part 65 of title 28 of the Code of Federal Regulations by adding a new subpart I entitled Immigration Emergency Fund. This new part establishes procedures

for State and local governments to obtain reimbursement from the Attorney General, up to a maximum of \$20,000,000 from the immigration emergency fund for services provided at the Attorney General's request to aid in the enforcement of the US immigration laws.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 01/14/92 | 57 FR 1439 |
| NPRM Comment Period End | 02/13/92 | 57 FR 1439 |
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Additional Information: INS No. 1449-92; AG Order No. 1553-92

Agency Contact: Michael Coster, Associate General Counsel, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 6100, Washington, DC 20536, 202 514-2620

RIN: 1115-AD40

2071. UNAVAILABILITY OF TRANSIT WITHOUT VISA PROCEDURE TO CITIZENS OF HAITI, HONDURAS, PEOPLE'S REPUBLIC OF CHINA, AND SOMALIA

Significance: Agency Priority

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 CFR 2

CFR Citation: 8 CFR 212

Legal Deadline: None

Abstract: This rule amends 8 CFR 212.1 by adding Haiti, Honduras, People's Republic of China, and Somalia to the list of countries for whose citizens the transit without visa (TWOV) procedure is not available. The rule will eliminate the abuse of the TWOV procedure by the above aliens misrepresenting themselves as transit passengers.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1374-93

Agency Contact: Robert Hutnick, Assistant Chief Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7216, Washington, DC 20536, 202 616-7499

RIN: 1115-AD43

2072. • DETERMINATION OF PUBLIC CHARGE, AMENDMENT

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255; 8 CFR 2

CFR Citation: 8 CFR 245a

Legal Deadline: None

Abstract: This rule provides that aliens who are self-supporting despite earning income below the poverty level may be admissible without having to apply for a waiver of inadmissibility under 8 CFR 245a. 245a.2(k)92).

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| Interim Final Rule | 08/27/93 | 58 FR 45235 |
| Interim Final Rule Effective | 08/27/93 | 58 FR 45235 |
| Interim Final Rule Comments Due | 09/27/93 | 58 FR 45235 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INS No. 1618-93

Agency Contact: Jane Gomez, Immigration Examiner, Adjudications, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7223, Washington, DC 20536, 202 514-5014

RIN: 1115-AD44

2073. • VALIDITY OF APPROVED PETITIONS AND APPEAL RIGHTS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186A; 8 USC 1255; 8 CFR part 2

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: This rule reinstates and clarifies procedures which determine

when it becomes invalid and ceases to convey a priority date. It also reinstates and revises procedures relating to a petitioner's appellate rights by extending the period in which an appeal may be filed from 15 to 30 days. This will standardize the filing period given petitioners who file appeals with the Board by conforming them with the 30-day filing period given applicants who appeal with the Administrative Appeals Unit.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1619-93

Agency Contact: Yolanda Sanchez-K, Senior Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7216, Washington, DC 20536, 202 514-5014

RIN: 1115-AD45

2074. • ISSUANCE OF TRAVEL DOCUMENTS USING FORM I-131

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 USC 1201; 8 USC 1252 note; 8 USC 1252b; 8 USC 1304; 8 USC 1304; 8 CFR 2; ...

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 223a; 8 CFR 299

Legal Deadline: None

Abstract: This rule renames and redesignates Form I-131, Application for Travel Document, for multiple use by any person in the U.S. seeking a reentry permit, refugee travel document, or parole documents, and Boarding letters including those issued by foreign consulates abroad.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS No. 1620-93

Agency Contact: Jack Rasmussen, Examiner, Examinations, Department of Justice, Immigration and Naturalization

DOJ—INS

Final Rule Stage

Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 616-7431
RIN: 1115-AD46

2075. • REDUCING PROCESSING TIMES FOR CERTAIN PERSONS APPLYING FOR ADMISSION

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252

CFR Citation: 8 CFR 235

Legal Deadline: None

Abstract: This rule revises regulations in order to facilitate the examination of U.S. citizens and the inspection of certain nonimmigrant aliens applying for admission into the United States.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1623-93

Agency Contact: Paul Rosenberg, Senior Inspector, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, 202 616-7491

RIN: 1115-AD47

2076. • PRIVILEGE OF COMMUNICATION

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1252; 8 CFR 2

CFR Citation: 8 CFR 242

Legal Deadline: None

Abstract: This rule updates the list of countries with which the United States has existing treaties requiring immediate communication with appropriate consular or diplomatic officers whenever nationals of those countries are detained in exclusion or expulsion proceedings.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1616-93

Agency Contact: Ira Frank, Senior Special Agent, Investigations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 1000, Washington, DC 20536, 202 514-0747

RIN: 1115-AD50

2077. • AUTOMATIC REVOCATION OF APPROVAL OF PETITIONS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1155; 8 USC 1182; 8 USC 1186a

CFR Citation: 8 CFR 205

Legal Deadline: None

Abstract: This rule would clarify notice procedures prior to automatic revocation of approval of immigrant visa petitions.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS No. 1632-93

Agency Contact: Gerard Casale, Senior Immigration Examiner, Examinations, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7122, Washington, DC 20536, 202 514-5014

RIN: 1115-AD56

2078. • INS FORMS AVAILABLE FROM THE SUPERINTENDENT OF DOCUMENTS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 CFR 2

CFR Citation: 8 CFR 299

Legal Deadline: None

Abstract: This rule would update the listing of Service forms available from the Government Printing Office, and would include current stock numbers and prices.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: INS No. 1638-93

Agency Contact: Ruthie Amoyal, Management Analyst, Management, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 5307, Washington, DC 20536, 202 514-3048

RIN: 1115-AD58

DEPARTMENT OF JUSTICE (DOJ)

Completed Actions

Immigration and Naturalization Service (INS)

2079. PROSECUTION FOR ESCAPE FROM SERVICE CUSTODY

CFR Citation: 8 CFR 242

Completed:

| Reason | Date | FR Cite |
|-----------------------------|----------|---------|
| Withdrawn By Program Office | 04/29/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carol Jenifer, 202 514-2865

RIN: 1115-AB15

2080. RESTRICTING THE USE OF PERSONAL CHECKS FOR FEE REMITTANCE, ONCE A PERSONAL CHECK IS RETURNED AND UNCOLLECTED

CFR Citation: 8 CFR 103

Completed:

| Reason | Date | FR Cite |
|--|----------|---------|
| Withdrawn by Program Office pending further review | 09/09/93 | |

Small Entities Affected: None

Government Levels Affected: None

DOJ—INS

Completed Actions

Agency Contact: Margaret Ulasek, 202 514-2660

RIN: 1115-AB24

2081. CLAIMS TO ASYLUM OR WITHHOLDING OF DEPORTATION MADE BY ALIENS FLEEING COERCIVE FAMILY PLANNING POLICIES

CFR Citation: 8 CFR 208

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 09/09/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Virtue, 202 514-2895

RIN: 1115-AB86

2082. AVAILABILITY OF MATERIAL UNDER THE FREEDOM OF INFORMATION ACT

CFR Citation: 8 CFR 103

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/01/93 | 58 FR 31147 |
| Final Action Effective | 06/01/93 | 58 FR 31147 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mildred Carter, 202 514-1722

RIN: 1115-AC15

2083. REGISTRATION OF SPECIAL GROUPS

CFR Citation: 8 CFR 263

Completed:

| Reason | Date | FR Cite |
|--------------------------------|----------|---------|
| Withdrawn By Program Office | 07/28/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ira L. Frank, 202 514-0747

RIN: 1115-AC68

2084. OVERTIME LIABILITY OF CARGO VESSELS AND AIRCRAFT

CFR Citation: 8 CFR 286

Completed:

| Reason | Date | FR Cite |
|---|----------|---------|
| Merged With INS 1512-92, RIN 1115- AD17 | 05/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Bevilacqua, 202 616-7695

RIN: 1115-AC91

2085. POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

CFR Citation: 8 CFR 103

Completed:

| Reason | Date | FR Cite |
|--------------------------------|----------|---------|
| Withdrawn By Program Office | 05/25/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Camp, 202 514-2964

RIN: 1115-AC94

2086. DISTRIBUTION OF SERVICE FORMS

CFR Citation: 8 CFR 299

Completed:

| Reason | Date | FR Cite |
|--------------------------------|----------|---------|
| Withdrawn By Program Office | 05/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: E. B. Duarte, Jr., 202 786-3587

RIN: 1115-AC97

2087. NON-MARIEL CUBAN PAROLE DETERMINATIONS

CFR Citation: 8 CFR 212

Completed:

| Reason | Date | FR Cite |
|------------------------------|----------|---------|
| Merged Into RIN 1115-AC90 | 08/24/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joan Lieberman, 202 514-2895

RIN: 1115-AC98

2088. DETENTION AND RELEASE OF JUVENILES, AGGRAVATED FELONS

CFR Citation: 8 CFR 242

Completed:

| Reason | Date | FR Cite |
|--------------------------------|----------|---------|
| Withdrawn By Program Office | 05/17/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gale David, 202 514-1958

RIN: 1115-AD04

2089. SPECIAL IMMIGRANT STATUS; ALIENS WHO HAVE SERVED HONORABLY (OR ARE ENLISTED TO SERVE) IN THE ARMED FORCES OF THE UNITED STATES FOR AT LEAST 12 YEARS

CFR Citation: 8 CFR 103; 8 CFR 204; 8 CFR 245

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/29/93 | 58 FR 50835 |
| Final Action Effective | 09/29/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rita Boie, 202 514-5014

RIN: 1115-AD05

2090. AUTOMATIC CONVERSION OF CLASSIFICATION OF BENEFICIARY

CFR Citation: 8 CFR 204

Completed:

| Reason | Date | FR Cite |
|--------------------------------|----------|---------|
| Withdrawn By Program Office | 04/29/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Yolanda Sanchez-K, 202 514-5014

RIN: 1115-AD14

2091. REVISION TO AFFIRMATIVE ASYLUM ADJUDICATION PROCEDURES

CFR Citation: 8 CFR 208

Completed:

| Reason | Date | FR Cite |
|--------------------------------|----------|---------|
| Withdrawn By Program Office | 05/27/93 | |

DOJ—INS

Completed Actions

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Bo Cooper, 202 514-9863
RIN: 1115-AD22

2092. PORTS OF ENTRY FOR ALIENS ARRIVING BY AIRPORT

CFR Citation: 8 CFR 100.4
Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/15/93 | 58 FR 38045 |
| Final Action Effective | 07/15/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Ira L. Frank, 202 633-4389
RIN: 1115-AD34

2093. GUIDELINES ON PRODUCING MASTER EXHIBITS FOR ASYLUM APPLICATIONS

CFR Citation: Not applicable

Completed:

| Reason | Date | FR Cite |
|-------------------|----------|-------------|
| Notice Effective: | 04/30/93 | 58 FR 26165 |
| | 04/30/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: John Evans, 202 633-1040
RIN: 1115-AD39

DEPARTMENT OF JUSTICE (DOJ)
Legal Activities (LA)

Prerule Stage

2094. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN DEPARTMENT OF JUSTICE ADMINISTRATIVE PROCEEDINGS

Legal Authority: 5 USC 504, Equal Access to Justice Act

CFR Citation: 28 CFR 24 (Revision)

Legal Deadline: None

Abstract: The Equal Access to Justice Act was reauthorized on August 5, 1985. Various new amendments have been adopted which require revision of the procedures for applications for attorneys fees, eligible parties, and proceedings covered.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Sectors Affected: Multiple
Analysis: Regulatory Impact Analysis
Agency Contact: Olga R. Trujillo, Acting General Counsel, Legal Activities, Department of Justice, 633 Indiana Avenue, NW., Room 1246E, Washington, DC 20531, 202 307-0790
RIN: 1105-AA05

2095. CRIMINAL FINES ENFORCEMENT

Legal Authority: 18 USC 3013(b); 18 USC 3613; 18 USC 3663(h); 26 USC 7805

CFR Citation: 28 CFR 72

Legal Deadline: None

Abstract: The Sentencing Reform Act of 1984 makes certain tax collection

provisions of the Internal Revenue Code applicable to the collection of criminal fines. The proposed rule is intended to facilitate the collection of criminal fines by modifying the tax collection provision to better reflect the difference in the nature of tax and fine liabilities.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Richard Sponseller, Financial Litigation Staff, Executive Office for U.S. Attorneys, Department of Justice, Room 6404, 601 D Street NW., Washington, DC 20530, 202 501-7017

RIN: 1105-AA16

DEPARTMENT OF JUSTICE (DOJ)
Legal Activities (LA)

Proposed Rule Stage

2096. DEPORTATION PROCEEDINGS: ALIEN CONVICTED OF AGGRAVATED FELONY

Legal Authority: 5 USC 301; 8 USC 1103; 8 USC 1252; 8 USC 1362; 28 USC 509 and 510; 28 USC 1746; 5 USC 301

CFR Citation: 8 CFR 3

Legal Deadline: None

Abstract: This proposed rule amends 8 CFR part 3 by requiring an Immigration Judge to conduct a hearing on the merits within 30 days after the filing of the order to show cause in the case of an alien who is charged in the

order as an alien who has been convicted of an aggravated felony. The Immigration Judge may not grant more than one continuance absent extraordinary circumstances. If an appeal is taken from an order of deportation, the Board of Immigration Appeals shall decide the appeal within 60 days of the filing thereof.

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-------------|
| NPRM | 12/28/92 | 57 FR 61587 |
| NPRM Comment | 01/27/93 | 57 FR 61587 |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: None
Government Levels Affected: Federal
Additional Information: AG Order No. 1641-92
Agency Contact: Gerald Hurwitz, Counsel to the Executive Director, Executive Office for Immigration Review, Department of Justice, 5107 Leesburg Pike, Suite 2400, Falls Church, VA 22041, 703 756-6470

RIN: 1105-AA19

DEPARTMENT OF JUSTICE (DOJ)
Legal Activities (LA)

Final Rule Stage

2097. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: PL 101-121, sec 319; 31 USC 1352; 42 USC 3711 et seq; 42 USC 5601 et seq; 18 USC 4042; 42 USC 10601; 18 USC 4351 to 4353

CFR Citation: 28 CFR 69

Legal Deadline: None

Abstract: This interim final rule is in response to section 319 of PL 101-121. Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, cooperative agreement, loan or a Federal commitment to insure or guarantee a loan, must disclose lobbying activities.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 6751 |
| Next Action Undetermined | | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State

Agency Contact: Cynthia Schwimer, Manager, Financial Services Branch, Office of the Comptroller, Department

of Justice, 633 Indiana Avenue NW., Room 942, Washington, DC 20745, 202 307-3186

RIN: 1105-AA12

2098. UNFAIR IMMIGRATION—RELATED EMPLOYMENT PRACTICES

Significance: Regulatory Program

Legal Authority: 8 USC 1324b

CFR Citation: 28 CFR 44.100 to 44.305

Legal Deadline: None

Abstract: This section prohibits discrimination on the basis of national origin and citizenship status. The existing regulations implementing the antidiscrimination provisions of section 274B of the Immigration and Nationality Act, 8 U.S.C. 1324b, need to be modified to incorporate the Immigration Act of 1990 amendments. As currently written, portions of the existing regulations conflict with the amended statute. This conflict creates a significant problem in the enforcement and the comprehension of the antidiscrimination provisions. In addition, as the case law develops under this new statute, two issues have arisen. First, many issues have not been addressed or defined by the statute or regulations. Second, while it is possible for these issues to be decided on a case by case basis, the case law is not reported by any service. This has created a significant problem in the comprehension of the

antidiscrimination provisions. The main objectives of this rulemaking will be to eliminate contradictions, to incorporate additions, to promote a better understanding of the antidiscrimination provisions, and to determine whether additional clarification of the (cont)

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 08/14/91 | 56 FR 40247 |
| Interim Final Rule Effective Date | 08/14/91 | |
| Interim Final Rule Comment Period End | 10/15/91 | |
| Next Action Undetermined | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: antidiscrimination provisions would promote a better understanding of the antidiscrimination provisions and lead to a decline in employers' discriminatory practices.

This entry was incorrectly listed under the Civil Rights Division in the April 1991 edition of the agenda.

Agency Contact: Andrew M. Strojny, Deputy Special Counsel, Department of Justice, P.O. Box 65490, Washington, DC 20035-5490, 202 653-8121

RIN: 1105-AA17

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Prerule Stage

2099. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 3711 et seq, as amended; 42 USC 5601 et seq, as amended; 42 USC 10601 et seq, as amended; 18 USC 4042; 18 USC 4351 to 4353; EO 12291

CFR Citation: 28 CFR 66

Legal Deadline: None

Abstract: This rule is being revised to update uniform administrative requirements for Grants and Cooperative Agreements to State and Local Governments.

Timetable: Next Action Undetermined

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Cynthia Schwimer, Manager, Financial Services Branch, Office of the Comptroller, Department of Justice, Office of Justice Programs, 633 Indiana Avenue NW., Washington, DC 20531, 202 307-3186

RIN: 1121-AA16

2100. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 3711 et seq, as amended; 42 USC 5601 et seq, as amended; 18 USC 4042; 18 USC 4351 to 4353; EO 12291

CFR Citation: 28 CFR 66

Legal Deadline: None

Abstract: This common rule will replace OMB Circular A-110 which provides uniform administrative requirements for Grants and

DOJ—OJP

Prerule Stage

Cooperative Agreements to Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations. This rule specifies Governmentwide terms and conditions for grants and cooperative agreements.

Timetable: Next Action Undetermined

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Cynthia Schwimer, Manager, Financial Services Branch, Office of the Comptroller, Department of Justice, Office of Justice Programs, 633 Indiana Avenue NW., Washington, DC 20531, 202 307-3186
RIN: 1121-AA18

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Proposed Rule Stage

2101. CRIMINAL JUSTICE INFORMATION SYSTEMS

Legal Authority: 42 USC 3789g

CFR Citation: 28 CFR 20

Legal Deadline: None

Abstract: To change Office and Bureau nomenclature to comply with changes resulting from the Anti-Drug Abuse Act of 1988, Pub. L. 100-690, and to delete obsolete terminology.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Lila Sultan, Attorney-Advisor, Department of Justice, Office

of Justice Programs, 633 Indiana Avenue NW., Room 1245, Washington, DC 20531, 202 618-3259

RIN: 1121-AA13

2102. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FORMULA GRANTS REGULATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 5601 et seq; Juv. Justice & Delinquency Prevention Act of 1974 as amended

CFR Citation: 28 CFR 31

Legal Deadline: None

Abstract: These regulations, which implement sections 223(a)(12)(A), 223(a)(13), and 223(a)(14) of the Juvenile Justice and Delinquency Prevention Act of 1974, 42 USC 5601 et seq., as amended by the Juvenile Justice and Delinquency Prevention

Amendments of 1988, 1984, and 1980, are being amended to reflect more clarity, uniformity, and consistency for the States, and more latitude for the Administrator on implementing the requirements of the Act.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Roberta Dorn, Director, SRAD, Department of Justice, Office of Justice Programs, 633 Indiana Avenue NW., Washington, DC 20531, 202 307-5921

RIN: 1121-AA15

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Final Rule Stage

2103. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM GUIDELINES

Legal Authority: 42 USC 3789d(c); 42 USC 5674; 42 USC 10504(b); 42 USC 10604(e)

CFR Citation: 28 CFR 42.301

Legal Deadline: None

Abstract: To change departmental nomenclature to comply with nomenclature changes in the Anti-Drug Abuse Act of 1988 and eliminate references to title VI of the Civil Rights Act of 1964 which are not specifically applicable.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Inez Alfonso-Lasso, Director, Office for Civil Rights, Department of Justice, Office of Justice Programs, 633 Indiana Avenue NW., Room 1246A, Washington, DC 20531, 202 307-0690

RIN: 1121-AA10

2104. NONDISCRIMINATION IN OJP FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 3789d(c); 42 USC 5674; 42 USC 10604(e); 42 USC 10504(b)

CFR Citation: 28 CFR 42.201

Legal Deadline: None

Abstract: To change departmental nomenclature to comply with changes

in the Anti-Drug Abuse Act of 1988, expected reauthorization, and eliminate references to title VI and title IX which are not specifically applicable.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 03/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Inez Alfonso-Lasso, Director, Office for Civil Rights, Department of Justice, Office of Justice Programs, 633 Indiana Avenue NW., Room 1246A, Washington, DC 20531, 202 307-0690

RIN: 1121-AA11

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Completed Actions

**2105. CRIMINAL INTELLIGENCE
SYSTEMS OPERATING POLICIES**

CFR Citation: 28 CFR 23

Completed:

| <u>Reason</u> | <u>Date</u> | <u>FR Cite</u> |
|------------------------|-------------|----------------|
| Final Action | 09/16/93 | 58 FR 48448 |
| Final Action Effective | 09/16/93 | 58 FR 48448 |

Small Entities Affected: None

**Government Levels Affected: Local,
State**

**Agency Contact: Paul Kendall, 202
307-0793**

RIN: 1121-AA12

[FR Doc. 93-24313 Filed 10-22-93; 8:45 am]

BILLING CODE 4410-01-F

Federal Register

**Monday
October 25, 1993**

Part XII

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR (DOL)

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, VII, and IX

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual agenda of regulations selected for review or development.

SUMMARY: This document sets forth the Department's semiannual agenda of regulations that have been selected for review or development during the coming year. The agenda complies with the requirements of both Executive Order 12291 and the Regulatory Flexibility Act. The agenda lists all regulations that are expected to be under review or development between October 1993 and October 1994, as well as those completed during the past 6 months.

FOR FURTHER INFORMATION CONTACT:
Roland G. Droitsch, Acting Assistant Secretary, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW., Room S-2312, Washington, DC 20210, (202) 219-9058.

Note: Information pertaining to a specific regulation can be obtained from the agency contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and the Regulatory Flexibility Act require the semiannual publication in the Federal Register of an agenda of regulations. The Regulatory Flexibility Act became effective on January 1, 1981, and applies only to regulations for which a notice of proposed rulemaking was issued on or after that date. It requires the Department of Labor to publish an agenda listing all the regulations it expects to propose or promulgate that are likely to have a "significant economic impact on a substantial number of small entities" (5 U.S.C. 602). Executive Order 12291 became effective February 17, 1981, and in substance, requires the Department of Labor to publish an agenda listing all the regulations it expects to have under active consideration for promulgation, proposal, or review during the coming 1-year period.

As permitted by law, the Department of Labor is combining the publication of its agendas under the Regulatory Flexibility Act and Executive Order 12291.

The Department is committed to issuing and enforcing all regulatory actions necessary to protect workers and others, as well as to carry out its responsibilities under the many statutes and Executive order programs it administers. However, in order to allow me and my staff to have a sufficient opportunity to review the regulatory plans of the Department, many of the dates for next action are not shown and the nature of the next action to be taken may be undetermined. For example, more than half of the safety and health standards on which OSHA has been working fall into this category.

All interested members of the public are invited and encouraged to let departmental officials know how our regulatory efforts can be improved and, of course, to participate in and comment on the review or development of the regulations listed on the agenda.

Robert B. Reich,
Secretary of Labor.

Office of the Secretary—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2106 | Coordinated Enforcement of Farm Labor Protective Statutes | 1290-AA11 |

Office of the Secretary—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2107 | Use of Settlement Judges in Proceedings Before the Office of the Administrative Law Judges | 1290-AA12 |

Employment Standards Administration—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2108 | Child Labor Regulations, Orders and Statements of Interpretation (ESA/W-H) | 1215-AA09 |
| 2109 | Defining and Delimiting the Term "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity" (ESA/W-H) | 1215-AA14 |
| 2110 | Standards for Waivers Under Section 503 of the Rehabilitation Act | 1215-AA84 |

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Employment Standards Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2111 | Government Contractors: Nondiscrimination and Affirmative Action Obligations (ESA/OFCCP) | 1215-AA01 |
| 2112 | Wage Payments Under the Fair Labor Standards Act of 1938 | 1215-AA32 |
| 2113 | Government Contractors: Contractor Participation in Training Programs Pursuant to the Job Training Partnership Act (JTPA) (29 USC 1781) | 1215-AA56 |
| 2114 | Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors for Special Disabled Veterans and Veterans of the Vietnam Era | 1215-AA62 |
| 2115 | Labor Condition Applications and Requirements for Employers Using Aliens on H-1B Visas in Specialty Occupations and as Fashion Models | 1215-AA69 |
| 2116 | Labor Standards for Federal Service Contracts | 1215-AA78 |
| 2117 | Application of the Fair Labor Standards Act to Domestic Service | 1215-AA82 |
| 2118 | Procedures for Handling Discrimination Complaints Under Federal "Whistleblower" Protection Statutes | 1215-AA83 |
| 2119 | Submission of Bills for Medical Services under the Federal Employees' Compensation Act (FECA) | 1215-AA88 |

Employment Standards Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2120 | Enforcement of Contractual Obligations for Temporary Alien Agricultural Workers Admitted Under Section 216 of the Immigration and Nationality Act | 1215-AA43 |
| 2121 | Enforcement of Contractual Obligations Between Health Care Facilities Authorized To Utilize Temporary Non-Immigrant Alien Nurses | 1215-AA55 |
| 2122 | Fair Labor Standards Amendments of 1989 as Applied to Puerto Rico | 1215-AA57 |
| 2123 | Attestations by Employers for Off-Campus Work Authorization for Alien Students (F-1 Nonimmigrants) | 1215-AA68 |
| 2124 | Defining the Terms "Construction" and "Repairs" Under the Davis-Bacon and Related Acts | 1215-AA71 |
| 2125 | Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors for Individuals With Disabilities | 1215-AA76 |
| 2126 | The Family and Medical Leave Act of 1993 | 1215-AA85 |

Employment Standards Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2127 | Extension of the Effective Date of Final Rules for Labor Organization Annual Financial Reports and Abbreviated Annual Financial Reports for Small Labor Organizations | 1215-AA86 |

Employment and Training Administration—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2128 | Services to Migrant and Seasonal Farmworkers, Job Service Complaint System, Monitoring and Enforcement | 1205-AA37 |

Employment and Training Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2129 | Airline Deregulation: Employee Benefit Program | 1205-AA07 |
| 2130 | Senior Community Service Employment Program | 1205-AA29 |
| 2131 | Advances Under Title XII, SSA, and Tax Credit Under FUTA | 1205-AA65 |
| 2132 | Labor Certification Process for the Permanent Employment of Aliens in the United States | 1205-AA66 |
| 2133 | Labor Standards for the Registration of Apprenticeship Programs (Revision) | 1205-AA77 |
| 2134 | Defense Conversion Adjustment Program | 1205-AA85 |
| 2135 | Temporary Specialized Professional Occupations (H-1B) Labor Condition Application Process | 1205-AA89 |

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Employment and Training Administration—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2136 | Job Training Partnership Act: Indian and Native American Programs | 1205-AA96 |
| 2137 | Job Corps Allowances and Allotments | 1205-AA98 |
| 2138 | Job Training Partnership Act: Migrant and Seasonal Farmworker Programs | 1205-AA99 |
| 2139 | Federal-State Unemployment Compensation Program; Unemployment Insurance Revenue Quality Control Program | 1205-AB00 |
| 2140 | Unemployment Fund Cash Management | 1205-AB01 |

Employment and Training Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2141 | Job Training Partnership Act: Job Corps Program Under Title IV-B | 1205-AA54 |
| 2142 | Trade Adjustment Assistance for Workers | 1205-AA72 |
| 2143 | Federal-State Unemployment Compensation Program; Confidentiality and Disclosure of State Records | 1205-AA74 |
| 2144 | Attestation Process for Health Care Facilities Seeking To Employ Nonimmigrant Nurses | 1205-AA84 |
| 2145 | Permanent Labor Certification Program: Amendments to Regulations at 20 CFR Part 656 | 1205-AA86 |
| 2146 | Permanent Labor Certification Program: Pilot Labor Market Information Provisions | 1205-AA87 |
| 2147 | Off-Campus Work Authorization for Foreign Students: Attestation Process | 1205-AA88 |
| 2148 | Implementation of Clean Air Act Amendments to Title III of the Job Training Partnership Act (JTPA) | 1205-AA92 |
| 2149 | Job Training Partnership Act Amendments of 1992 | 1205-AA95 |
| 2150 | Extended Benefits in the Federal-State Unemployment Compensation Program | 1205-AA97 |

Employment and Training Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2151 | Unemployment Compensation for Ex-Servicemembers | 1205-AA06 |

Pension and Welfare Benefits Administration—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2152 | Qualified Domestic Relations Orders Under the Retirement Equity Act | 1210-AA19 |
| 2153 | Definition of Participant Covered Under the Plan | 1210-AA39 |
| 2154 | Disclosure of Plan Information to Participants and Beneficiaries Under the Employee Retirement Income Security Act of 1974 | 1210-AA44 |

Pension and Welfare Benefits Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2155 | Definition of "Plan Assets"—Participant Contributions | 1210-AA16 |

Pension and Welfare Benefits Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2156 | Adequate Consideration | 1210-AA15 |
| 2157 | Civil Penalties Under ERISA Section 502(l) | 1210-AA37 |

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Pension and Welfare Benefits Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2158 | Individual Benefits Reporting and Recordkeeping for Multiemployer Plans | 1210-AA02 |
| 2159 | Individual Benefits Reporting and Recordkeeping for Single Employer Plans | 1210-AA03 |
| 2160 | Time and Manner of Notice Requirement Under ERISA Section 101(d) | 1210-AA38 |

Office of the American Workplace—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2161 | Labor Organization Annual Financial Reports and Abbreviated Annual Financial Reports for Small Labor Organizations | 1294-AA08 |

Mine Safety and Health Administration—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2162 | Intrinsically Safe Battery-Powered Devices | 1219-AA59 |
| 2163 | Approval of Explosion-Proof Enclosures | 1219-AA60 |

Mine Safety and Health Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2164 | Underground Coal Mine Ventilation | 1219-AA11 |
| 2165 | Safeguard Criteria for Hoisting and Transportation | 1219-AA12 |
| 2166 | Noise Standard | 1219-AA53 |
| 2167 | Confined Spaces | 1219-AA54 |
| 2168 | Waterlines in Belt Conveyor Entries | 1219-AA70 |
| 2169 | Carbon Monoxide Monitor Approval | 1219-AA72 |
| 2170 | Firefighting and Escape and Evacuation Program | 1219-AA73 |
| 2171 | Diesel Particulate | 1219-AA74 |
| 2172 | Belt Entry Ventilation | 1219-AA76 |
| 2173 | Training and Retraining of Miners | 1219-AA77 |
| 2174 | Examinations of Surface Work Areas | 1219-AA78 |
| 2175 | Decertification of Certified and Qualified Persons | 1219-AA79 |
| 2176 | Respirable Coal Dust Revisions | 1219-AA81 |

Mine Safety and Health Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2177 | Safety Standards for Explosives at Metal and Nonmetal Mines | 1219-AA17 |
| 2178 | Diesel-Powered Equipment for Underground Coal Mines | 1219-AA27 |
| 2179 | Hazard Communication | 1219-AA47 |
| 2180 | Air Quality Chemical Substances and Respiratory Protection Standards | 1219-AA48 |
| 2181 | Experienced Miner and Supervisor Training | 1219-AA55 |
| 2182 | Requirements for Approval of Flame-Resistant Conveyor Belts | 1219-AA65 |
| 2183 | High-Voltage Longwall Equipment | 1219-AA75 |

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Mine Safety and Health Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2184 | Safety Standards for Operation and Maintenance of Machinery and Equipment in Underground Coal Mines | 1219-AA80 |

Office of the Assistant Secretary for Administration and Management—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2185 | Department of Labor Acquisition Regulations | 1291-AA20 |

Office of the Assistant Secretary for Administration and Management—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2186 | Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance From the Department of Labor | 1291-AA21 |

Office of the Assistant Secretary for Administration and Management—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2187 | Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments | 1291-AA15 |
| 2188 | New Restrictions on Lobbying | 1291-AA18 |

Occupational Safety and Health Administration—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2189 | Medical Surveillance Programs for Employees | 1218-AB00 |
| 2190 | Exposure Assessment Programs for Employees Exposed to Hazardous Chemicals | 1218-AB01 |
| 2191 | Indoor Air Quality in the Workplace | 1218-AB37 |
| 2192 | Comprehensive Occupational Safety and Health Programs | 1218-AB41 |

Occupational Safety and Health Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2193 | Respiratory Protection | 1218-AA05 |
| 2194 | Safety and Health Regulations for Longshoring (Part 1918) and Marine Terminals (Part 1917) | 1218-AA56 |
| 2195 | Steel Erection (Part 1926) | 1218-AA65 |
| 2196 | Welding, Cutting, and Brazing (Part 1910 and Part 1926) | 1218-AA72 |
| 2197 | Hazardous Materials (Part 1910) | 1218-AB20 |
| 2198 | Shipyards Employment: Phase II (Part 1915) | 1218-AB22 |
| 2199 | Recording and Reporting Occupational Injuries and Illnesses | 1218-AB24 |
| 2200 | Air Contaminants Rule for Construction, Agriculture and Maritime | 1218-AB26 |
| 2201 | Control of Hazardous Energy (Lockout/Tagout)—Construction (Part 1926) | 1218-AB30 |
| 2202 | Powered Industrial Truck Operator Training | 1218-AB33 |
| 2203 | Lead in Construction | 1218-AB34 |
| 2204 | Ergonomic Safety and Health Standards | 1218-AB36 |
| 2205 | Crane Safety | 1218-AB38 |
| 2206 | Abatement Verification | 1218-AB40 |
| 2207 | Retention of Markings and Placards | 1218-AB42 |

DOL

Occupational Safety and Health Administration—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|-----------------------------------|------------------------------|
| 2208 | Hazard Communication (MSDS) | 1218-AB43 |
| 2209 | Coke Oven Emissions | 1218-AB44 |

Occupational Safety and Health Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2210 | Methods of Compliance | 1218-AA28 |
| 2211 | Fall Protection (Part 1926) | 1218-AA37 |
| 2212 | Scaffolds (Part 1926) | 1218-AA40 |
| 2213 | Fall Protection Systems (Personal Protective Equipment) (Part 1910) | 1218-AA48 |
| 2214 | Logging Operations (Part 1910) | 1218-AA52 |
| 2215 | Electric Power Generation, Transmission, and Distribution (Part 1910) | 1218-AA59 |
| 2216 | Fall Protection in Shipyards (Part 1915) | 1218-AA66 |
| 2217 | Scaffolds in Shipyards (Part 1915) | 1218-AA68 |
| 2218 | Access and Egress in Shipyards (Part 1915) | 1218-AA70 |
| 2219 | Face, Head, Eye, and Foot Protection (Personal Protective Equipment) (Part 1910) | 1218-AA71 |
| 2220 | Welding, Cutting, and Heating in Shipyards (Part 1915) | 1218-AA73 |
| 2221 | Personal Protective Equipment in Shipyards (Part 1915) | 1218-AA74 |
| 2222 | 1,3-Butadiene | 1218-AA83 |
| 2223 | Glycol Ethers: 2-Methoxyethanol, 2-Ethoxyethanol, and Their Acetates | 1218-AA84 |
| 2224 | Explosive and Other Dangerous Atmospheres (Part 1915) | 1218-AA91 |
| 2225 | Methylene Chloride | 1218-AA98 |
| 2226 | Hazard Communication | 1218-AB02 |
| 2227 | Walking and Working Surfaces (Part 1910) | 1218-AB04 |
| 2228 | Asbestos (Remand) | 1218-AB25 |
| 2229 | Accreditation of Training Programs for Hazardous Waste Operations (Part 1910) | 1218-AB27 |
| 2230 | Occupant Protection in Motor Vehicles | 1218-AB28 |
| 2231 | Reporting of Fatality or Multiple Hospitalizations | 1218-AB35 |

Office of the Assistant Secretary for Veterans' Employment & Training—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2232 | Uniformed Services Employment and Reemployment Rights | 1293-AA05 |

Office of the Assistant Secretary for Veterans' Employment & Training—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2233 | Title IV, Part C, of the Job Training Partnership Act (JTPA) | 1293-AA06 |

Office of the Assistant Secretary for Veterans' Employment & Training—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2234 | Veterans' Programs and Services Administered by the Office of the Assistant Secretary for Veterans' Employment and Training | 1293-AA03 |

DEPARTMENT OF LABOR (DOL)
Office of the Secretary (OS)

Final Rule Stage

2106. COORDINATED ENFORCEMENT OF FARM LABOR PROTECTIVE STATUTES

Legal Authority: 29 USC 49 et seq; 29 USC 201 et seq; 29 USC 651 et seq; 29 USC 1801 et seq; 8 USC 1188(g)(2); 5 USC 301

CFR Citation: 29 CFR 42

Legal Deadline: None

Abstract: The Department intends to revise its regulations for coordinated enforcement of farm protective statutes. The rule will clarify existing regulatory language and update the regulations by making nomenclature and other technical amendments. The sections also will be reorganized for clarification. These regulations were first promulgated in 1980 to coordinate the farm labor enforcement activities of the Department's Employment and Training Administration, the Employment Standards Administration, the Occupational Safety and Health Administration, and the Office of the Solicitor of Labor (45 FR 39489). The regulations establish a National Farm Labor Coordinated Enforcement Committee, which meets quarterly, consisting of the heads of the above

DOL agencies, to oversee that coordination. A Regional Farm Labor Coordinated Enforcement Committee, which meets quarterly, is established in each DOL regional office. The Regional Committee is made up of the head of each of the above Agencies' regional offices. Each Regional Committee holds at least one annual public meeting to discuss farm labor issues.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| ANPRM | 07/24/92 | 57 FR 32939 |
| ANPRM Comment Period End. | 08/24/92 | |
| NPRM | 01/19/93 | 58 FR 5158 |
| NPRM Comment Period End | 02/18/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Since 1980, a number of changes have taken place in DOL's farm labor activities, such as: The Farm Labor Contractor Registration Act has been replaced by the Migrant and Seasonal Agricultural Worker Protection Act; the title of the head of the National Committee has been

changed from Under Secretary to Deputy Secretary; the Immigration Reform and Control Act of 1986 has amended the Immigration and Nationality Act, authorizing DOL to enforce work contracts executed by employers of alien (H-2A) farmworkers; the role of States in operating the Employment Service under the Wagner-Peyser Act was enhanced in 1982; regional offices of the Employment Standards Administration no longer exist and the regional farm labor enforcement role is now coordinated by the Regional Administrator for Wage Hour; and the Assistant Secretary for Policy has assumed a role in farm labor programs at the national level. These and other changes necessitate updating the coordinated enforcement regulations.

Agency Contact: Gordon L. Claucherty, Chairman, National Farm Labor Coordinated Enforcement Committee Working Group, Department of Labor, Office of the Secretary, 200 Constitution Avenue NW., Room S2114, FP Building, Washington, DC 20210, 202 219-6026

RIN: 1290-AA11

DEPARTMENT OF LABOR (DOL)
Office of the Secretary (OS)

Completed Actions

2107. USE OF SETTLEMENT JUDGES IN PROCEEDINGS BEFORE THE OFFICE OF THE ADMINISTRATIVE LAW JUDGES

Significance: Agency Priority

Legal Authority: 5 USC 301; 5 USC 551 to 553; 5 USC 581; EO 12778

CFR Citation: 29 CFR 18.9

Legal Deadline: None

Abstract: The Department's Office of Administrative Law Judges is proposing to adopt regulations that would permit the use of a settlement judge to mediate

settlement negotiations. The settlement judge process (a form of alternative dispute resolution) provides the parties with an assessment of the relative merits of their cases and thereby encourages a settlement. Any party could veto the use of the procedure.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 01/11/93 | 58 FR 3822 |
| NPRM Comment Period End | 02/25/93 | |
| Final Action | 07/16/93 | 58 FR 38498 |
| Final Action Effective | 08/16/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: John M. Vittone, Deputy Chief Administrative Law Judge, Office of Administrative Law Judges, Department of Labor, Office of the Secretary, 800 K Street NW., Room 4150, Washington, DC 20001-8002, 202 633-0341

RIN: 1290-AA12

DEPARTMENT OF LABOR (DOL)
Employment Standards Administration (ESA)

Prerule Stage

2108. CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570

Legal Deadline: None

Abstract: Section 3(1) of the Fair Labor Standards Act requires the Secretary of Labor to issue regulations with respect to minors between 14 and 16 years of age ensuring that the periods and

conditions of their employment do not interfere with their schooling, health, or well-being. The Secretary also is directed to designate occupations that may be particularly hazardous for minors 16 and 17 years of age. Child Labor Regulation No. 3 sets forth the

DOL—ESA

Prerule Stage

permissible industries and occupations in which 14- and 15-year olds may be employed. In addition, this regulation specifies the number of hours in a day and in a week, and time periods within a day that such minors may be employed. The nonagricultural hazardous occupations orders which prohibit the employment of minors in such occupations are also contained in 29 CFR 570. Changes in technology and job content over the years require a review of the regulations to ensure the safety and health of such minors and at the same time avoid unnecessary restrictions on their employment opportunities. Revisions to HOs 2, 10, and 12 were published in final on 11/20/91 (cont)

Timetable:

| Action | Date | FR Cite |
|-------------------------------|--------------|-------------|
| Final Action on HOs 2, 10, 12 | 11/20/91 | 56 FR 58626 |
| Final Action Effective Date | 12/20/91 | 56 FR 58626 |
| Next Action | Undetermined | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: (56 FR 58626), effective 12/20/91. The Department intends to consider whether other changes to the hazardous orders or to Child Labor Regulation No. 3 for 14- and 15-year-olds are appropriate.

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Rm S3502, FP Bldg., Washington, DC 20210, 202 219-8305

RIN: 1215-AA09

2109. DEFINING AND DELIMITING THE TERM "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY" (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 213(a)(1)

CFR Citation: 29 CFR 541

Legal Deadline: None

Abstract: These regulations set forth the criteria used in the determination of the application of the Fair Labor Standards Act exemption for "executive," "administrative," "professional" and "outside sales employees" from the minimum wage and overtime requirements of the Act. The existing regulation was targeted for review by the President's Task Force on Regulatory Relief. A final rule increasing the salary test criteria was published on 01/13/81 (46 FR 3010) and was scheduled to become effective on 02/13/81. On 02/12/81 (46 FR 11972) an indefinite stay of the final rule was published. On 03/27/81 (46 FR 18998) a proposal to suspend the final rule indefinitely was published with comments due by 04/28/81. As a result of numerous comments and petitions received from industry groups regarding the duties and responsibilities tests as set forth in the regulations, as well as recent case law developments, the Department concluded that a more comprehensive review of these regulations was needed and decided to reopen the comment period and broaden the scope of the review to include all aspects of the regulations. An ANPRM was published on 11/19/85 and its comment period was (cont)

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Indefinite Stay of Final Rule | 02/12/81 | 46 FR 11972 |
| Proposal To Suspend Rule Indefinitely | 03/27/81 | 46 FR 18998 |
| ANPRM | 11/19/85 | 50 FR 47696 |
| Extension of ANPRM Comment Period From 01/21/86 to 03/22/86 | 01/17/86 | 51 FR 2525 |
| ANPRM Comment Period End | 03/22/86 | 51 FR 2525 |
| ANPRM Second | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT: subsequently extended to 03/22/86. The Department, in its overall review of the full range of issues raised by public comments

submitted on its advance notice of proposed rulemaking of November 19, 1985, continues to consider a variety of other possible changes to the regulations.

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Bldg., Washington, DC 20210, 202 219-8305

RIN: 1215-AA14

2110. STANDARDS FOR WAIVERS UNDER SECTION 503 OF THE REHABILITATION ACT

Significance: Regulatory Program

Legal Authority: 29 USC 706; 29 USC 793, as amended by PL 99-506; PL 100-630; PL 100-259; PL 101-336; PL 102-569; EO 11758

CFR Citation: 41 CFR 60-741

Legal Deadline: None

Abstract: OFCCP is planning to issue regulations that will set forth standards for waivers (from provisions of Section 503 of the Rehabilitation Act) sought by federal contractors for facilities that they deem totally separate from and not involved in government contract work. OFCCP is required to issue these regulations by the 1992 Rehabilitation Act amendments.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| ANPRM | 10/00/93 | |
| ANPRM Comment Period End | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Annie A. Blackwell, Director, Division of Policy, Planning and Program Development, OFCCP, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room C3325, FP Building, Washington, DC 20210, 202 219-9430

RIN: 1215-AA84

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Employment Standards Administration (ESA)

2111. GOVERNMENT CONTRACTORS: NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS (ESA/OFCCP)**Significance:** Regulatory Program**Legal Authority:** EO 11246, as amended; 38 USC 4212; 29 USC 793**CFR Citation:** 41 CFR 60-1; 41 CFR 60-2; 41 CFR 60-4; 41 CFR 60-20; 41 CFR 60-30; 41 CFR 60-50; 41 CFR 60-60; 41 CFR 60-250; 41 CFR 60-741; 41 CFR 60-742**Legal Deadline:** None

Abstract: These regulations cover nondiscrimination and affirmative action obligations of Federal contractors under Executive Order 11246, as amended; the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 USC 4212), as amended; and Section 503 of the Rehabilitation Act of 1973, as amended. The NPRM published 08/25/81 and supplemented on 04/23/82 extended the effective date of a final rule published 12/30/80 and proposed amendments to that rule. OFCCP's review of regulatory options continues with emphasis on Executive Order recordkeeping requirements, use of desk audits to establish priorities for onsite reviews, certification requirements and coverage provisions.

Timetable:

| Action | Date | FR Cite |
|----------------------------------|----------|-------------|
| ANPRM | 07/14/81 | 46 FR 36213 |
| Supplement to ANPRM | 08/21/81 | 46 FR 42490 |
| Previous NPRM & Suspend Eff Date | 08/25/81 | 46 FR 42968 |
| NPRM | 04/23/82 | 47 FR 17770 |
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** State**Agency Contact:** Annie A. Blackwell, Director, Division of Policy, Planning and Program Development, OFCCP, Department of Labor, Employment Standards Administration, 200 Constitution Ave. NW., Rm C3325, FP Bldg., Washington, DC 20210, 202 219-9430

RIN: 1215-AA01

2112. WAGE PAYMENTS UNDER THE FAIR LABOR STANDARDS ACT OF 1938**Legal Authority:** 29 USC 203(m); 29 USC 203(t)**CFR Citation:** 29 CFR 531**Legal Deadline:** None

Abstract: The Labor Department intends to revise regulations, 29 CFR Part 531, Wage Payments under the Fair Labor Standards Act of 1938, to comport with amendments to the Act and changes in enforcement policy since the regulations were last revised in 1967.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210, 202 219-8305

RIN: 1215-AA32

2113. GOVERNMENT CONTRACTORS: CONTRACTOR PARTICIPATION IN TRAINING PROGRAMS PURSUANT TO THE JOB TRAINING PARTNERSHIP ACT (JTPA) (29 USC 1781)**Significance:** Regulatory Program**Legal Authority:** 29 USC 1781**CFR Citation:** 41 CFR 60-1; 41 CFR 60-2**Legal Deadline:** Final, Statutory, October 1, 1983.

Abstract: Section 481 of the Job Training Partnership Act of 1982 (JTPA) requires OFCCP to issue regulations which will specify the degree to which contractors' participation in JTPA approved training programs will satisfy their affirmative action obligations under Executive Order 11246, as amended. Among the issues to be determined are: (1) the extent to which a contractor's participation in an approved training program satisfies its affirmative action obligations; (2) the contents of an abbreviated affirmative action program; (3) methods for determining compliance; and (4) recordkeeping and reporting requirements.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** State

Additional Information: Issuance of a proposal has been delayed while the Department explores and evaluates the most effective ways to implement the JTPA consistent with OFCCP's nondiscrimination and affirmative action requirements. (Previously part of RIN 1215-AA01)

Agency Contact: Annie A. Blackwell, Director, Division of Policy, Planning and Program Development, OFCCP, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room C3325, FP Building, Washington, DC 20210, 202 219-9430

RIN: 1215-AA56

2114. AFFIRMATIVE ACTION AND NONDISCRIMINATION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR SPECIAL DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA**Significance:** Regulatory Program**Legal Authority:** 38 USC 4211; 38 USC 4212; PL 93-508 Amended; PL 94-502; PL 95-520; PL 96-466; PL 101-237; EO 11758; PL 97-306; PL 98-223; PL 102-16; PL 102-127**CFR Citation:** 41 CFR 60-250**Legal Deadline:** None

Abstract: OFCCP is planning to revise its regulations implementing 38 USC 4212 (formerly 2012) of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 to: (1) make its provisions for special disabled veterans consistent with the Americans with Disabilities Act of 1990 (ADA), (2) incorporate some legislative and other changes that have occurred, and (3) generally clarify 38 USC 4212 Affirmative Action Program (AAP) requirements.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Annie A. Blackwell, Director, Division of Policy, Planning and Program Development, OFCCP, Department of Labor, Employment

DOL—ESA

Proposed Rule Stage

Standards Administration, 200 Constitution Avenue NW., Room C3325, FP Building, Washington, DC 20210, 202 219-9430

RIN: 1215-AA62

2115. LABOR CONDITION APPLICATIONS AND REQUIREMENTS FOR EMPLOYERS USING ALIENS ON H-1B VISAS IN SPECIALTY OCCUPATIONS AND AS FASHION MODELS

Significance: Agency Priority

Legal Authority: PL 101-649, Sec 205; PL 102-232

CFR Citation: 29 CFR 507

Legal Deadline: Final, Statutory, October 1, 1991.

Abstract: The Employment Standards Administration (ESA) and the Employment and Training Administration (ETA) promulgated regulations governing the filing and enforcement of labor condition applications filed by employers seeking to use aliens in specialty occupations on H-1B visas. Under the Immigration and Nationality Act as amended by the Immigration Act of 1990, an employer seeking to employ an alien in a specialty occupation on an H-1B visa is required to file with the Department of Labor, and receive approval therefor, a labor condition application before the Immigration and Naturalization Service may approve an H-1B visa petition. The labor condition application process is to be administered by ETA and complaints and investigations regarding labor condition applications will be the responsibility of ESA. An interim final rule was published on October 22, 1991, effective October 1, 1991 (56 FR 54750). On December 12, 1991, Congress enacted the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991. On January 13, 1992, the Department published conforming changes to these regulations.

Timetable:

| Action | Date | FR Cite |
|---------------------------|----------|-------------|
| NPRM | 08/05/91 | 56 FR 37175 |
| NPRM Comment Period End | 09/04/91 | 56 FR 37175 |
| Interim Final Rule | 10/22/91 | 56 FR 54720 |
| Second Interim Final Rule | 01/13/92 | 57 FR 1316 |
| Second NPRM | 10/06/93 | 58 FR 52152 |

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Second NPRM | 11/05/93 | 58 FR 52152 |
| Comment Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Bldg., Washington, DC 20210, 202 219-8305

RIN: 1215-AA69

2116. • LABOR STANDARDS FOR FEDERAL SERVICE CONTRACTS

Significance: Agency Priority

Legal Authority: 41 USC 351 et seq; 79 Stat 1034, as amended in 86 Stat. 789; 90 Stat 2358; 41 USC 38; 41 USC 39; 5 USC 301

CFR Citation: 29 CFR 4

Legal Deadline: None

Abstract: The Service Contract Act (SCA) applies to Federal contracts principally for the furnishing of services through the use of service employees and, on contracts over \$2,500 where the predecessor contract was not subject to a collective bargaining agreement, requires the Department of Labor to determine prevailing wages and fringe benefits in the locality to be paid to various classifications of workers on the contract. Prevailing wage determinations issued by the Department, which become part of the Federal contract, establish the minimum compensation for employees performing on that contract.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: The proposed rule would reflect the Department's practice of issuing fringe benefit amounts derived from data collected on a nationwide basis. Among other things, the proposed rule would also provide for a variance from the Act's requirement for locality-based fringe benefit determinations pursuant to

Section 4(b) of SCA, which permits variances from the Act's requirements in "special circumstances" where the Secretary determines the variance is "necessary and proper in the public interest or to avoid serious impairment of government business, and is in accord with the remedial purpose of this Act to protect prevailing labor standards." The proposal would also include minor technical amendments to update and clarify the regulations.

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210, 202 219-8305

RIN: 1215-AA78

2117. APPLICATION OF THE FAIR LABOR STANDARDS ACT TO DOMESTIC SERVICE

Legal Authority: Section 13(a)(15), Fair Labor Standards Act (FLSA), as amended; Section 13(b)(21), FLSA, as amended; 29 USC 213(a)(15); 29 USC 213(b)(21) 88 Stat. 62; Section 29(b), FLSA of 1974; PL 93-259 88 Stat.76

CFR Citation: 29 CFR 552

Legal Deadline: None

Abstract: Section 13(a)(15) of the Fair Labor Standards Act (FLSA) provides an exemption from minimum wage and overtime compensation for domestic service employees engaged in providing companionship services. Section 13(b)(21) of the FLSA provides an exemption from overtime compensation for live-in domestic service employees. The Department intends to revise section 552.109 of regulations, 29 CFR Part 552, Application of the Fair Labor Standards Act to Domestic Service, to clarify that these exemptions are applicable to third-party employers or temporary help agencies only where the domestic service worker is jointly employed by the third-party employer or temporary help agency and the family or household using their services.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maria Echaveste, Administrator, Wage and Hour

DOL—ESA

Proposed Rule Stage

Division, Department of Labor,
Employment Standards Administration,
200 Constitution Avenue NW., Room
S3502, FP Building, Washington, DC
20210, 202 219-8305

RIN: 1215-AA82

**2118. PROCEDURES FOR HANDLING
DISCRIMINATION COMPLAINTS
UNDER FEDERAL
"WHISTLEBLOWER" PROTECTION
STATUTES**

Significance: Agency Priority

Legal Authority: 42 USC 5851; PL 102-486 sec 2902, 106 Stat 2776

CFR Citation: 29 CFR 24

Legal Deadline: None

Abstract: The Energy Policy Act of 1992, Public Law 102-486, was enacted on October 24, 1992. Among other provisions, this law amended the employee protection provisions for nuclear whistleblowers under former Section 210 of the ERA. The amendments affect only ERA whistleblower complaints and do not extend to the procedures established in 29 CFR Part 24 for handling employee whistleblower complaints under the Federal statutory employee protection provisions other than the ERA. The legislative amendments to ERA apply

to whistleblower claims filed under section 211(b)(1) of the ERA as amended (42 USC section 5851(b)(1)) on or after October 24, 1992, the date of enactment of section 2902 of the Energy Policy Act of 1992 (section 2902, Public Law 102-486; 106 Stat. 2776). The Department proposes to establish modified procedures and time frames for handling ERA complaints under 29 CFR Part 24 to implement the statutory amendments.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210, 202 219-8305

RIN: 1215-AA83

**2119. • SUBMISSION OF BILLS FOR
MEDICAL SERVICES UNDER THE
FEDERAL EMPLOYEES'
COMPENSATION ACT (FECA)**

Legal Authority: 5 USC 8101 et seq

CFR Citation: 20 CFR 10.411

Legal Deadline: None

Abstract: The FEC medical fee schedule which was implemented in 1986, used as the basis for the relative value assignments those published by the State of Washington. Since the development of the FECA schedule, the U.S. Department of Health and Human Services, Health Care Finance Administration (HCFA) has devised relative value units (RVU), which are in turn being adopted, with modifications, by the State of Washington. Since the HCFA RVUs now exist, FEC will use those in its fee schedule determinations, along with other changes in the formulation.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas M. Markey, Director, Office of Federal Employees' Compensation, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3229, FP Building, Washington, DC 20210, 202 219-7552

RIN: 1215-AA88

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Employment Standards Administration (ESA)

**2120. ENFORCEMENT OF
CONTRACTUAL OBLIGATIONS FOR
TEMPORARY ALIEN AGRICULTURAL
WORKERS ADMITTED UNDER
SECTION 216 OF THE IMMIGRATION
AND NATIONALITY ACT**

Legal Authority: PL 99-603

CFR Citation: 29 CFR 501

Legal Deadline: Final, Statutory, June 1, 1987.

Abstract: The Immigration Reform and Control Act of 1986 contains certain labor standards requirements for foreign agricultural workers employed under the H-2A foreign agricultural worker program, as well as for U.S. workers hired by employers who utilize foreign agricultural workers. The standards relate to pay, working conditions, housing, transportation and recruitment. The Employment Standards Administration issued an

interim final rule on June 1, 1987 (53 FR 20524) that incorporates the labor standards issued by the Employment and Training Administration (ETA) and sets forth procedures for enforcement of these labor standards. No further action is planned until ETA issues its final rule.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/05/87 | 52 FR 16795 |
| NPRM Comment Period End | 05/19/87 | 52 FR 16795 |
| Interim Final Rule | 06/01/87 | 52 FR 20524 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration,

200 Constitution Avenue NW., Rm S3502, FP Bldg., Washington, DC 20210, 202 219-8305

RIN: 1215-AA43

**2121. ENFORCEMENT OF
CONTRACTUAL OBLIGATIONS
BETWEEN HEALTH CARE FACILITIES
AUTHORIZED TO UTILIZE
TEMPORARY NONIMMIGRANT ALIEN
NURSES**

Significance: Agency Priority

Legal Authority: PL 101-238; 8 USC 1182(m); PL 102-232

CFR Citation: 29 CFR 504

Legal Deadline: Final, Statutory, August 1, 1990.

Abstract: The Immigration Nursing Relief Act of 1989, PL 101-238, amends Section 212 of the Immigration and Nationality Act to add a new

subsection (m) governing the admission to the United States of nonimmigrant nurses during a 5-year period. The law requires employers (health care facilities) interested in hiring temporary alien nurses in the future to file an attestation with the Department of Labor, which must include certain assurances as to the need for and effect of the alien's employment, wage rates to be paid, steps being taken to recruit and retain non-alien nurses, that no strike or lockout exists in a labor dispute, and that certain notifications and posting of notices have occurred. The Department is also required to establish a system for investigating and resolving complaints that the employer is not carrying out these attestations, and is authorized to impose administrative remedies, including civil monetary penalties, as deemed appropriate. The Employment and Training Administration of the Department developed regulations governing the (cont)

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/06/90 | 55 FR 27992 |
| NPRM Comment Period End | 08/06/90 | 55 FR 30720 |
| Interim Final Rule | 12/06/90 | 55 FR 50500 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: attestation process for health care facilities seeking to employ nonimmigrant nurses. The Employment Standards Administration will administer the enforcement provisions in the legislation by implementing regulations that incorporate the labor standards/attestations issued by ETA and set forth procedures for enforcement of these labor standards. Proposed rules were published on 7/6/90. Interim final regulations were published on 12/6/90 (55 FR 50500). On December 12, 1991, Congress enacted the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991. The Department intends to publish conforming changes to the regulations.

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room

S3502, FP Building, Washington, DC 20210, 202 219-8305

RIN: 1215-AA55

2122. FAIR LABOR STANDARDS AMENDMENTS OF 1989 AS APPLIED TO PUERTO RICO

Significance: Agency Priority

Legal Authority: PL 101-157; 29 USC 206(c)

CFR Citation: 29 CFR 510

Legal Deadline: None

Abstract: The Fair Labor Standards Amendments of 1989 were enacted on November 17, 1989. Among other provisions, the amendments provide that the increases in the Fair Labor Standards Act minimum wage applicable to the United States mainland will be phased in by industry for workers in Puerto Rico, with all employees becoming subject to the full mainland minimum wage level by April 1, 1996. Interim Final Rules were published on 03/30/90, and amended on September 27, 1990 (55 FR 39574), October 1, 1990 (55 FR 39958), December 27, 1990 (55 FR 53246) and January 10, 1992 (57 FR 1102).

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| Interim Final Rule | 03/30/90 | 55 FR 12114 |
| Interim Final Rule Effective Date | 04/01/90 | 55 FR 12114 |
| Interim Final Rule Amendment | 09/27/90 | 55 FR 39574 |
| Interim Final Rule Amendment | 10/01/90 | 55 FR 39958 |
| Interim Final Rule Amendment | 12/27/90 | 55 FR 53246 |
| Regulatory Impact Analysis | 01/08/92 | 57 FR 611 |
| Interim Final Rule Amendment | 01/10/92 | 57 FR 1102 |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210, 202 219-8305

RIN: 1215-AA57

2123. ATTESTATIONS BY EMPLOYERS FOR OFF-CAMPUS WORK AUTHORIZATION FOR ALIEN STUDENTS (F-1 NONIMMIGRANTS)

Legal Authority: PL 101-649, Sec 221(a); 104 Stat 4978 and 5027; PL 102-232

CFR Citation: 29 CFR 508

Legal Deadline: Final, Statutory, October 1, 1991.

Abstract: This rule implements regulations governing the filing and enforcement of attestations by employers seeking to use aliens admitted as students on F-1 visas (hereafter F-1 student) in off-campus work. Under the Immigration and Nationality Act (INA), as amended by the Immigration Act of 1990, employers are required to submit these attestations to DOL and the educational institution in order for such students, if otherwise qualified, to receive work authorizations from the Attorney General. The attestation process will be administered by ETA, while complaints and investigations regarding violations of the attestation provisions and procedures will be handled by ESA. On December 12, 1991, Congress enacted the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991. The Department intends to publish conforming changes to the regulations.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 11/06/91 | 56 FR 56860 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Bldg., Washington, DC 20210, 202 219-8305

RIN: 1215-AA68

2124. DEFINING THE TERMS "CONSTRUCTION" AND "REPAIRS" UNDER THE DAVIS-BACON AND RELATED ACTS

Significance: Agency Priority

Legal Authority: 40 USC 276a-7; 40 USC 276c; 40 USC 327 to 332;

Reorganization Plan No. 14 of 1950, 5

USC appendix; 5 USC 301; 29 USC 259; Statutes listed in 5.1(a) of 29 CFR 5

CFR Citation: 29 CFR 5

Legal Deadline: None

Abstract: The Department intends to amend the regulations defining the terms "construction," "prosecution," "completion," and "repair" on federally financed and assisted construction contracts subject to the Davis-Bacon and Related Acts. This revision is necessary to reflect the decision by the U.S. Court of Appeals for the District of Columbia Circuit in Building and Construction Trades Department, AFL-CIO v. United States Department of Labor, Wage Appeals Board, Midway Excavators, Inc., 932 F.2d 985 (DC Cir. 1991). In that decision, the court invalidated the provisions in section 29 CFR 5.2(j) of the regulations that apply the act to employees of construction contractors and subcontractors who haul materials and supplies to the site of a Davis-Bacon covered project.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/04/92 | 57 FR 19208 |
| Interim Final Rule | 05/04/92 | 57 FR 19204 |
| NPRM Comment Period End | 07/06/92 | 57 FR 19208 |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210, 202 219-8305

RIN: 1215-AA71

2125. AFFIRMATIVE ACTION AND NONDISCRIMINATION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR INDIVIDUALS WITH DISABILITIES

Significance: Regulatory Program

Legal Authority: 29 USC 706; 29 USC 793; PL 99-506 Amended; PL 100-630; PL 100-259; PL 101-336; EO 11758

CFR Citation: 41 CFR 60-741

Legal Deadline: None

Abstract: OFCCP is planning to revise its regulations implementing Section 503 of the Rehabilitation Act of 1973: (1) to make them consistent with the Americans with Disabilities Act, (2) to incorporate legislative and other changes that have occurred, and (3) to generally clarify Section 503 Affirmative Action Program requirements. Costs are undetermined. These revisions should greatly assist the public, and employers in particular, by providing a comprehensive set of up-to-date regulations.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 10/21/92 | 57 FR 48084 |
| NPRM Comment Period End | 11/20/92 | |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Annie A. Blackwell, Director, Division of Policy, Planning and Program Development, OFCCP, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room C3325, FP Building, Washington, DC 20210, 202 219-9430

RIN: 1215-AA76

2126. THE FAMILY AND MEDICAL LEAVE ACT OF 1993

Significance: Regulatory Program

Legal Authority: PL 103-3 107 Stat 6

CFR Citation: 29 CFR 825

Legal Deadline: Other, Statutory, June 5, 1993.

Other deadline is for interim final rule.

Abstract: Public Law 103-3, the Family and Medical Leave Act of 1993, which became effective on August 5, 1993,

requires employers with 50 or more employees to provide up to 12 weeks of unpaid leave for "eligible employees" to use for the care of a newborn or newly adopted child, for the care of a family member with a serious medical condition, or for their own illness. It also requires employers to maintain health insurance coverage and job protection for the duration of the leave, and sets minimum length of service and hours of work requirements before employees become eligible. The Department of Labor issued interim final regulations to implement Title I of the Act as it applies to private sector and certain governmental employers on June 4, 1993, and will issue final regulations after evaluation of public comments received and a period of experience with the new law after it becomes effective. OPM will issue regulations to implement similar provisions of the Act which have application to Federal sector employees within its jurisdiction.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 03/10/93 | 58 FR 13394 |
| NPRM Comment Period End | 03/31/93 | |
| Interim Final Rule | 06/04/93 | 58 FR 31794 |
| Interim Final Rule Comment Period Ends 9/2/93 | 06/04/93 | 58 FR 31794 |
| Extension of Interim Final Rule Comment Period from 9/2/93 to 12/3/93 | 08/30/93 | 58 FR 45433 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Maria Echaveste, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room S3502, FP Building, Washington, DC 20210, 202 219-8305

RIN: 1215-AA85

DEPARTMENT OF LABOR (DOL)

Completed Actions

Employment Standards Administration (ESA)

2127. EXTENSION OF THE EFFECTIVE DATE OF FINAL RULES FOR LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS AND ABBREVIATED ANNUAL FINANCIAL REPORTS FOR SMALL LABOR ORGANIZATIONS

Significance: Agency Priority

Legal Authority: 29 USC 431; 29 USC 438; 5 USC 7120(d); 22 USC 4117(d)

CFR Citation: 29 CFR 402; 29 CFR 403; 29 CFR 458

Legal Deadline: None

Abstract: The Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA) requires covered labor organizations to file an annual financial report with the Department of Labor. On October 30, 1992, final rules were published in the Federal Register which revised the detailed annual

financial reports (Form LM-2 or LM-3) and issued a new abbreviated annual financial report (Form LM-4). The effective date of the October 30, 1992 final rules is December 31, 1993. This revision proposed to extend the effective date from December 31, 1993 to December 31, 1994 because of problems encountered by labor organizations and the Department in connection with efforts to implement the revised reporting forms and because further study of the revisions may be necessary, including evaluating whether modification or rescission of some or all of the revisions may be appropriate.

Timetable:

| Action | Date | FR Cite |
|--------|----------|------------|
| NPRM | 02/19/93 | 58 FR 9418 |

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM Comment Period End | 03/22/93 | |
| Final Action | 05/12/93 | 58 FR 28304 |
| Final Action Effective | 12/31/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Previously reported under the Office of Labor Management Standards (1294-AA08 and 1294-AA07).

Agency Contact: Kay H. Oshel, Chief, Division of Interpretations and Standards, OLMS, Department of Labor, Employment Standards Administration, 200 Constitution Avenue NW., Room N5605, FP Building, Washington, DC 20210, 202 219-7373

RIN: 1215-AA86

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Employment and Training Administration (ETA)

2128. SERVICES TO MIGRANT AND SEASONAL FARMWORKERS, JOB SERVICE COMPLAINT SYSTEM, MONITORING AND ENFORCEMENT

Legal Authority: 29 USC 49k

CFR Citation: 20 CFR 653; 20 CFR 658; 20 CFR 651

Legal Deadline: None

Abstract: ETA is reviewing services to migrant and seasonal farmworkers

under the Wagner-Peyser Act as a result of amendments to Wagner-Peyser under Title V of the Job Training Partnership Act. It is anticipated that an ANPRM will be published and subsequent rulemaking may result.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Alicia Fernandez-Mott, National Monitor Advocate, Department of Labor, Employment and Training Administration, 200 Constitution Ave. NW., Rm N4470, FP Building, Washington, DC 20210, 202 219-5174

RIN: 1205-AA37

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Employment and Training Administration (ETA)

2129. AIRLINE DEREGULATION: EMPLOYEE BENEFIT PROGRAM

Significance: Agency Priority

Legal Authority: 49 USC 1552

CFR Citation: 20 CFR 618

Legal Deadline: None

Abstract: These regulations are being developed to implement the monetary provisions contained in Sec. 43 of the Airline Deregulation Act of 1978. The Act requires the Secretary of Labor to specify the percentage of prior salary which an "eligible protected employee" would receive as a benefit payment under the Act. An eligible protected employee is a person who has had at least 4 years of employment with a certificated air carrier as of October 24,

1978 and who loses his or her job during the ten years following such date in a bankruptcy or major employment contraction if and only if the Department of Transportation determines that the principal causes of such job loss was deregulation. On May 17, 1984 the U.S. District Court for the District of Columbia held that Section 43 of the Airline Deregulation Act was unconstitutional. On July 16, 1985, the U.S. Court of Appeals decided that the employee protection provisions of Section 43 were severable from the legislative veto provisions. The U.S. Supreme Court ruled on March 25, 1987 that the legislative veto provisions were unconstitutional but the first right-to-hire provisions were

constitutional, therefore, rulemaking can proceed on the (cont)

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 11/00/94 | |
| NPRM Comment Period End | 12/00/94 | |
| Final Action | 03/00/95 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT: monetary benefit aspects of the employee protection provisions.

Agency Contact: Sandra T. King, Chief, Division of Program Development and Implementation, Department of Labor, Employment and

DOL—ETA

Proposed Rule Stage

Training Administration, 200
Constitution Avenue NW., Rm C4514,
FP Bldg., Washington, DC 20210, 202
219-5309

RIN: 1205-AA07

2130. SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 301 Older
Americans Act of 1965; PL 102-375

CFR Citation: 20 CFR 641; 29 CFR 89

Legal Deadline: None

Abstract: The proposed regulation will implement the Older Americans Act Amendments of 1984, 1987, and 1992, and make clarifying changes. This regulation will provide administrative and programmatic guidance and requirements for the implementation of the Senior Community Employment Program.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/19/85 | 50 FR 29606 |
| NPRM Comment Period End | 08/27/85 | 50 FR 34725 |
| NPRM Second | 10/00/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: State,
Federal

Agency Contact: Paul A. Mayrand,
Director, Office of Special Targeted
Programs, Department of Labor,
Employment and Training
Administration, 200 Constitution
Avenue NW., Rm N4641, FP Bldg.,
Washington, DC 20210, 202 219-5500

RIN: 1205-AA29

2131. ADVANCES UNDER TITLE XII, SSA, AND TAX CREDIT UNDER FUTA

Significance: Regulatory Program

Legal Authority: 26 USC 7805; 42 USC
1302

CFR Citation: 20 CFR 606

Legal Deadline: None

Abstract: Since 1981, Congress has enacted major changes in the Federal Unemployment Tax Act (FUTA) and Social Security Act (SSA) with respect to advances to States for the payment of unemployment insurance and the repayment of such advances and interest thereon. Promulgation of comprehensive regulations is being

undertaken in two phases. The proposed rule will replace instructions contained in several Unemployment Insurance Program Letters approved under OMB No. 1205-0199 expiring November 30, 1993. This action represents the second phase, governing States receiving and voluntarily repaying advances to their unemployment funds and paying interest on such advances. The final rule for the first phase, governing relief from automatic repayment and interest charges, was published in the Federal Register on September 26, 1988 (RIN 1205-AA14).

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 09/00/94 | |
| NPRM Comment Period End | 10/00/94 | |
| Final Action | 03/00/95 | |

Small Entities Affected: None

Government Levels Affected: State,
Federal

Agency Contact: Sandra T. King,
Chief, Division of Program
Development and Implementation,
Department of Labor, Employment and
Training Administration, 200
Constitution Avenue NW., Room
C4514, FP Building, Washington, DC
20210, 202 219-5309

RIN: 1205-AA65

2132. LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES

Legal Authority: INA 212(a)(5)(A)

CFR Citation: 20 CFR 656

Legal Deadline: None

Abstract: Before the Department of State (DOS) and the Immigration and Naturalization Service (INS) may issue visas and admit certain immigrant aliens to work permanently in the United States, the Secretary of Labor pursuant to Section 212(a)(5)(A) of the Immigration and Naturalization Act (INA) must certify to the Secretary of State and to the Attorney General that: (a) There are not sufficient United States workers who are able, willing, qualified and available at the time of the application for a visa and admission into the United States and at the place where the alien is to perform work; and (b) the employment of the alien will not adversely affect

the wages and working conditions of similarly employed U.S. workers (8 USC 1182(a)(5)(A)). The Department of Labor (DOL) has promulgated regulations at 20 CFR Part 656 pursuant to and to implement section 212(a)(5)(A) INA 212(a)(5)(A)). These regulations set forth the fact finding process designed to support the granting or denial of a permanent labor certification. Experience in (cont)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: State,
Federal

Additional Information: ABSTRACT
CONT: administering the regulations to the certification of immigrant aliens for permanent employment in the United States indicates that a number of changes should be made to these regulations to make labor certification process more efficient and clarify ambiguities in the present regulations.

Agency Contact: Robert A. Schaeferl,
Director, U.S. Employment Service,
Department of Labor, Employment and
Training Administration, 200
Constitution Avenue NW., Room
N4470, FP Building, Washington, DC
20210, 202 219-5257

RIN: 1205-AA66

2133. LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS (REVISION)

Significance: Regulatory Program

Legal Authority: 29 USC 50 The
National Apprenticeship Act; 40 USC
276; 5 USC 3301

CFR Citation: 29 CFR 29 (Revision)

Legal Deadline: None

Abstract: ETA has undertaken a review of the Apprenticeship system to determine the role of apprenticeship in meeting America's future needs for a skilled work force. The Apprenticeship 2000 review, through research, review of existing materials and related programs, is considering alternative ways to strengthen and expand apprenticeship and related training programs. Existing regulations governing apprenticeship programs may be revised to: 1) improve the existing

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Proposed Rule Stage

program's ability to produce skilled workers to meet demands in the industries where it is now prevalent; and 2) expand the apprenticeship concept of training to fill the needs for skilled workers in additional industries.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/24/90 | 55 FR 34868 |
| NPRM Comment Period End | 10/23/90 | 55 FR 34868 |
| NPRM Second | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Anthony Swoope, Director, Bureau of Apprenticeship and Training, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4649, FP Building, Washington, DC 20210, 202 219-5921

RIN: 1205-AA77

2134. DEFENSE CONVERSION ADJUSTMENT PROGRAM

Significance: Regulatory Program

Legal Authority: PL 100-418

CFR Citation: 29 CFR 631

Legal Deadline: None

Abstract: Enactment of the Defense Authorization Act of 1990 added a new section 325 to Title III of the Job Training Partnership Act (JTPA) creating the Defense Conversion Adjustment Program (DCA). DCA is designed to assist workers dislocated as a result of reductions in expenditures for national defense. Programs resulting from this new section will differ in feature and substance from existing programs in such a way as to require regulatory action.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Robert N. Colombo, Director, Office of Worker Retraining and Adjustment Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N5426, FP

Building, Washington, DC 20210, 202 219-5577

RIN: 1205-AA85

2135. TEMPORARY SPECIALIZED PROFESSIONAL OCCUPATIONS (H-1B) LABOR CONDITION APPLICATION PROCESS

Significance: Regulatory Program

Legal Authority: PL 101-649, Sec 205; PL 102-232

CFR Citation: 20 CFR 655; 29 CFR 507

Legal Deadline: Other, Statutory, October 1, 1991. Other deadline is for interim final rule.

Abstract: This rule is necessary to implement certain revisions to the nonimmigrant H-1B visa category made by Public Law 101-649. The law provides that no alien may be admitted or provided status under this category unless the petitioning employer attests to the Secretary of Labor that the employer is offering prevailing wages and working conditions and that there is not a strike or lockout in the course of a labor dispute in the occupational classification at the place of employment. The law also directs the employer to notify the bargaining representative at the place of employment of the filing of an H-1B petition. If there is no bargaining representative, the employer must post a notice in conspicuous locations at the place of employment. The law provides a procedure for any aggrieved person or organization to challenge the employer's attestation.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| NPRM | 08/05/91 | 56 FR 37175 |
| NPRM Comment Period End | 09/04/91 | 56 FR 37175 |
| Interim Final Rule | 01/13/92 | 57 FR 1316 |
| Second NPRM | 10/06/93 | 58 FR 52152 |
| Second NPRM Comment Period End | 11/05/93 | 58 FR 52152 |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert A. Schaerfl, Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4470, FP Building, Washington, DC 20210, 202 219-5257

RIN: 1205-AA89

2136. JOB TRAINING PARTNERSHIP ACT: INDIAN AND NATIVE AMERICAN PROGRAMS

Significance: Regulatory Program

Legal Authority: Title IV, sec 401 of the JTPA

CFR Citation: 20 CFR 632; 20 CFR 636

Legal Deadline: None

Abstract: The purpose of title IV, section 401 of the Job Training Partnership Act to provide job training and employment activities to Indians and other Native Americans, such programs shall be administered in such a manner as to maximize the Federal commitment to support growth and development as determined by representatives for the communities and groups served by this section, including furtherance of the policy of Indian Self-Determination.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 12/00/93 | |
| Final Action | 07/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Paul A. Mayrand, Director, Office of Special Targeted Program, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4641, FP Building, Washington, DC 20210, 202 219-5500

RIN: 1205-AA96

2137. JOB CORPS ALLOWANCES AND ALLOTMENTS

Legal Authority: 29 USC 1579(a)

CFR Citation: 20 CFR 638

Legal Deadline: None

Abstract: Job Corps is devising a new pay and allotment system which will provide students with enough money to meet their basic needs, while adding greater incentives than are available in the current system to encourage retention, performance, program completion and length of enrollment. Payroll will be conducted biweekly versus the current twice monthly procedures.

DOL—ETA

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary H. Silva, Chief, Division of Program Management and Review, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4656, FP Building, Washington, DC 20210, 202 219-6568

RIN: 1205-AA98

2138. • JOB TRAINING PARTNERSHIP ACT; MIGRANT AND SEASONAL FARMWORKER PROGRAMS

Significance: Regulatory Program

Legal Authority: Title IV, sec 402 of the JTPA

CFR Citation: 20 CFR 633; 20 CFR 636

Legal Deadline: None

Abstract: It is the purpose of title IV, section 402, of the Job Training Partnership Act to provide job training, employment opportunities, and other services for those individuals who suffer chronic seasonal unemployment and underemployment in the agriculture industry. These conditions have been substantially aggravated by continual advancements in technology and mechanization, resulting in displacement, and contribute significantly to the Nation's rural employment problem. This problem is Federal in scope. No alternative solutions are under consideration at this time. Benefits include fuller rural employment. Over \$70 million is appropriated annually by Congress for this program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM Comment Period End | 12/00/93 | |
| Final Action | 07/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul A. Mayrand, Office of Special Targeted Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4641, FP Building, Washington, DC 20210, 202 219-5500

RIN: 1205-AA99

2139. • FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM; UNEMPLOYMENT INSURANCE REVENUE QUALITY CONTROL PROGRAM

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 602

Legal Deadline: None

Abstract: The regulation will provide explicit authority for the Revenue Quality Control (RQC) program to assess the quality of State unemployment compensation tax program operations, including the extent to which employers comply with the laws regarding the reporting and payment of unemployment insurance taxes (contributions) due. The alternatives considered were to implement the program under existing nonregulatory authority or to allow the States to develop such programs voluntarily. The costs of the program is the one or two staff years per State needed to conduct the RQC assessments, plus some time to program new data items. The benefits are more effective and efficient tax operations and better service to the system's customers, in this case the employer community. These benefits accrue as better performance information is developed for both States and Federal staff, leading to improved operations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Burman Skrable, Operations Research Analyst, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room S4015, FP Building, Washington, DC 20210, 202 219-5220

RIN: 1205-AB00

2140. • UNEMPLOYMENT FUND CASH MANAGEMENT

Legal Authority: 42 USC 1302; 26 USC 7805

CFR Citation: 31 CFR 205

Legal Deadline: None

Abstract: These regulations will provide the basis for a comprehensive unemployment fund cash management program. There are no current DOL regulations covering cash management. Treasury regulations covering the Cash Management Improvement Act of 1990 (CMLA) covers only the withdrawal and disbursement of funds. The DOL regulations will address the collection and deposit of unemployment funds and requisite program areas, e.g., investment of funds to complement CMLA regulations

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 03/00/94 | |
| Final Action | 09/00/94 | |
| Final Action Effective | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Sandra T. King, Chief, Division of Program Management and Implementation, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C4524, FP Building, Washington, DC 20210, 202 219-5309

RIN: 1205-AB01

DEPARTMENT OF LABOR (DOL)
Employment and Training Administration (ETA)

Final Rule Stage

2141. JOB TRAINING PARTNERSHIP ACT: JOB CORPS PROGRAM UNDER TITLE IV-B

Significance: Agency Priority

Legal Authority: Job Training Reform Amendments of 1992

CFR Citation: 20 CFR 626; 20 CFR 638

Legal Deadline: None

Abstract: This regulation amends 20 CFR parts 626 and 638, Job Corps Regulations under Title IV-B of the Job Training Partnership Act (JTPA). These amendments are required so that the Job Corps regulations will conform to the Job Training Reform Amendments of 1992 (Amendments). Amending its regulations enables Job Corps to implement related portions of the Amendments, which become effective July 1, 1993. It should be noted that no major changes in Job Corps policy or program content/design are necessitated by the Amendments. The proposed rulemaking involves changes in (1) language related to income eligibility, (2) definition of "family" and "family of one," (3) language defining eligibility for Job Corps through receipt of food stamps, (4) provision for a portion of the total Job Corps enrollment to come from persons who are age 22 through 24, and (5) establishment of annual performance standards for centers and other program components. There are no associated costs with these changes.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/14/93 | 53 FR 33000 |
| NPRM Comment Period End | 07/14/93 | 53 FR 33000 |
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Timothy F. Sullivan, Chief, Division of Program Planning and Development, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4507, FP Building, Washington, DC 20210, 202 219-5556

RIN: 1205-AA54

2142. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Significance: Regulatory Program

Legal Authority: 19 USC 2320

CFR Citation: 20 CFR 617

Legal Deadline: None

Abstract: These regulations implement the Amendments to the trade adjustment assistance provisions of the Trade Act of 1974 in Pub. L. 100-418 by expanding the eligibility for TAA to workers in the oil and natural gas industry engaged in exploration and drilling; requiring a written notice to workers believed to be covered by a certification issued by the Department and the publication of a notice of certification in a newspaper of general circulation; making participation in training a condition for receiving trade readjustment allowances; authorizing the waiver of training for a worker when training is not feasible or appropriate; authorizing the payment of TRA to a worker during breaks in training that do not exceed 14 days; basing TAA benefits on the worker's most recent separation rather than first qualifying separation as previously applied; extending the authorization of the TAA program to September 30, 1993; and making other changes.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/30/88 | 53 FR 48474 |
| NPRM Comment Period End | 12/30/88 | 53 FR 48474 |
| Final Action | 12/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marvin Fooks, Director, Office of Trade Adjustment Assistance, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C4318, FP Building, Washington, DC 20210, 202 219-5555

RIN: 1205-AA72

2143. FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM; CONFIDENTIALITY AND DISCLOSURE OF STATE RECORDS

Significance: Regulatory Program

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 603

Legal Deadline: None

Abstract: The Employment and Training Administration proposes to make rules regarding the disclosure of

unemployment insurance wage and claim information by State agencies.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 03/23/92 | 57 FR 10064 |
| NPRM Comment Period End | 05/22/92 | |
| Final Action | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Virginia Chupp, Unemployment Insurance Program Specialist, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C4512, FP Bldg., Washington, DC 20210, 202 219-5200

RIN: 1205-AA74

2144. ATTESTATION PROCESS FOR HEALTH CARE FACILITIES SEEKING TO EMPLOY NONIMMIGRANT NURSES

Significance: Agency Priority

Legal Authority: 8 USC 1101, Sec 212 of Immigration and Nationality Act

CFR Citation: 20 CFR 655, subpart D; 20 CFR 655, subpart E; 29 CFR 504, subpart D; 29 CFR 504, subpart E

Legal Deadline: Final, Statutory, August 1, 1990.

Abstract: This regulation implements section 212(m) of the Immigration and Nationality Act governing the admission to the United States of nonimmigrant nurses during a five year period.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/06/90 | 55 FR 27992 |
| NPRM Comment Period End | 08/06/90 | 55 FR 30720 |
| Interim Final Rule | 12/06/90 | 55 FR 50500 |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert A. Schaerfl, Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Rm N4470, FP Building, Washington, DC 20210, 202 219-5257

RIN: 1205-AA84

DOL—ETA

Final Rule Stage

2145. PERMANENT LABOR CERTIFICATION PROGRAM: AMENDMENTS TO REGULATIONS AT 20 CFR PART 656

Significance: Agency Priority

Legal Authority: 8 USC 1182(a)(5)(A); PL 101-649, Sec 122(b)

CFR Citation: 20 CFR 656

Legal Deadline: None

Abstract: The Employment and Training Administration proposes to amend its regulations relating to the certification of permanent employment of immigrant aliens in the U.S. The amendments implement the Immigration Act of 1990 and its amendments to the Immigration and Nationality Act.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/15/91 | 56 FR 32244 |
| NPRM Comment Period End | 08/14/91 | 56 FR 32244 |
| Interim Final Rule | 10/23/91 | 56 FR 54920 |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert A. Schaerfl, Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4470, Washington, DC 20210, 202 219-5257

RIN: 1205-AA86

2146. PERMANENT LABOR CERTIFICATION PROGRAM: PILOT LABOR MARKET INFORMATION PROVISIONS

Significance: Regulatory Program

Legal Authority: PL 101-649

CFR Citation: 20 CFR 656

Legal Deadline: NPRM, Statutory, October 1, 1991. Final, Statutory, April 1, 1992. Other, Statutory, September 30, 1994.

The law becomes effective on October 1, 1991, and is effective until September 30, 1994.

Abstract: This rule is necessary to implement section 122 of Public Law 101-649, the Immigration Act of 1990. This section requires the Secretary of Labor to establish a pilot which provides for a determination of labor

shortages or surpluses in up to 10 occupational classifications. The occupation may then be used in lieu of an individual, case-by-case labor certification. The pilot program is effective during the 3-fiscal year period beginning with FY 92.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 03/19/93 | 58 FR 15242 |
| NPRM Comment Period End | 04/19/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LEGAL DEADLINE CONT: A final rule may never be published if the immigration technical corrections bill passed by the Senate on July 1 or 2 is enacted.

Agency Contact: Robert A. Schaerfl, Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4470, FP Building, Washington, DC 20210, 202 219-5257

RIN: 1205-AA87

2147. OFF-CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS: ATTESTATION PROCESS

Significance: Regulatory Program

Legal Authority: PL 101-649

CFR Citation: 20 CFR 655; 29 CFR 508

Legal Deadline: Other, Statutory, October 1, 1991.

Other deadline is for interim final rule.

Abstract: This rule is necessary to implement section 221 of the Immigration Act of 1990, Public Law 101-649, which regards off-campus work authorization for students under the F-1 visa. In order to employ an F-1 student, the employer must provide the Secretary of Labor with an attestation that it has recruited for at least 60 days for the position, and that it will pay the greater of the prevailing or actual wage. The Secretary also has enforcement responsibility under this new law.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 11/06/91 | 56 FR 58860 |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert A. Schaerfl, Director, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4470, FP Building, Washington, DC 20210, 202 210-5257

RIN: 1205-AA88

2148. IMPLEMENTATION OF CLEAN AIR ACT AMENDMENTS TO TITLE III OF THE JOB TRAINING PARTNERSHIP ACT (JTPA)

Significance: Regulatory Program

Legal Authority: 29 USC 1579(a); 29 USC 1662e(i)

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, May 14, 1991.

Abstract: Regulatory action is necessary to provide specific requirements and guidelines for programs designed to assist workers dislocated as a consequence of compliance with the Clean Air Act of 1990 (S. 1630). Under the Act, grants may be made to States, certain substate grantees, employers, employer associations and representatives of employees -- to provide training, adjustment assistance and employment services to eligible individuals, and to make needs-related payments to such individuals in accordance with the requirements of the Act. These provisions are being promulgated to implement the amendment to the Job Training Partnership Act (JTPA) enacted as part of the Clean Air Act which added a new Section 326 to Title III of JTPA.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 03/24/92 | 57 FR 10232 |
| NPRM Comment Period End | 04/23/92 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Mr. Robert N. Colombo, Director, Office of Worker Retraining and Adjustment Programs, Department of Labor, Employment and Training Administration, 200

DOL—ETA

Final Rule Stage

Constitution Avenue NW., Room N5426, FP Building, Washington, DC 20210, 202 219-5577

RIN: 1205-AA92

2149. JOB TRAINING PARTNERSHIP ACT AMENDMENTS OF 1992

Significance: Agency Priority

Legal Authority: 29 USC 1501 et seq

CFR Citation: 20 CFR 626; 20 CFR 627; 20 CFR 628; 20 CFR 629; 20 CFR 630

Legal Deadline: Final, Statutory, December 18, 1992.

Abstract: The amendments focus on improving the targeting of programs to those facing serious barriers to employment, enhancing the quality of services provided, strengthening fiscal and program accountability, and promoting and coordinating programs and resources to more effectively provide job training and placement to the disadvantaged. The amendments were signed into law by the President on Monday, September 7, 1992.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 09/10/92 | 57 FR 41447 |
| ANPRM Comment Period End | 09/25/92 | 57 FR 41447 |
| Interim Final Rule | 12/29/92 | 57 FR 62004 |
| Final Action | 12/00/93 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Agency Contact: Hugh S. Davies, Director, Office of Employment and Training Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N4703, FP Building, Washington, DC 20210, 202 219-5580

RIN: 1205-AA95

2150. EXTENDED BENEFITS IN THE FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM

Legal Authority: PL 102-318

CFR Citation: 20 CFR 615

Legal Deadline: None

Abstract: The regulations incorporate statutory amendments to the permanent Federal-State Extended Benefits Program contained in the Unemployment Compensation Amendments of 1992.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Interim Final Rule | 12/00/93 | |
| Final Action | 05/00/94 | |
| Final Action Effective | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Sandra T. King, Chief, Division of Program Development, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C4514, FP Building, Washington, DC 20210, 202 219-5309

RIN: 1205-AA97

DEPARTMENT OF LABOR (DOL)

Completed Actions

Employment and Training Administration (ETA)

2151. UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEMBERS

Significance: Regulatory Program

Legal Authority: PL 102-64

CFR Citation: 20 CFR 614

Legal Deadline: None

Abstract: The regulations incorporate statutory amendments to the unemployment compensation for ex-servicemembers program contained in Section 301 of the Emergency Unemployment Compensation Act of 1991. These regulations will be issued

as an interim final rule because the statutory changes became effective upon enactment. To provide an opportunity for public participation in the rulemaking, a comment period is provided.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| Interim Final Rule | 12/15/92 | 57 FR 59798 |
| Interim Final Rule Effective Date | 1/14/93 | |
| Final Action | 08/17/93 | 58 FR 43782 |
| Final Action Effective | 08/17/93 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Sandra T. King, Chief, Division of Program Management and Implementation, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C4524, FP Building, Washington, DC 20210, 202 219-5309

RIN: 1205-AA06

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Pension and Welfare Benefits Administration (PWBA)

2152. QUALIFIED DOMESTIC RELATIONS ORDERS UNDER THE RETIREMENT EQUITY ACT

Significance: Agency Priority

Legal Authority: 29 USC 1056(d)(3)(L); 29 USC 1135

CFR Citation: 29 CFR 2530

Legal Deadline: None

Abstract: This regulation would clarify the application of the qualified domestic relations order provisions of section 206(d)(3) of ERISA and related provisions contained in section 414(p) of the Internal Revenue Code which

were added by the Retirement Equity Act of 1984.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| Request for Information | 10/00/93 | |

Small Entities Affected: Undetermined

DOL—PWBA

Prerule Stage

Government Levels Affected:
Undetermined

Additional Information: PWBA is considering the publication of proposed regulations under section 206(d)(3) of ERISA and related provisions contained in section 414(p) of the Internal Revenue Code which would clarify the statutory requirements pertaining to Qualified Domestic Relations Orders (QDROs). Under amendments effected by the Retirement Equity Act of 1984 (REA) to the anti-assignment and alienation provisions of ERISA and the Code, benefits under a pension plan may be assigned or alienated pursuant to a domestic relations order only if the order constitutes a QDRO. This Request for Information is intended to facilitate early public participation in the development of regulations, in the event that regulations are proposed.

Agency Contact: Susan Rees, Staff Attorney, Plan Benefits Security Division, Department of Labor, Office of the Secretary, 200 Constitution Ave. NW., Rm N4611, FP Bldg., Washington, DC 20210, 202 219-9141

RIN: 1210-AA19

2153. DEFINITION OF PARTICIPANT COVERED UNDER THE PLAN**Significance:** Agency Priority**Legal Authority:** 29 USC 1135**CFR Citation:** 29 CFR 2510.3-3**Legal Deadline:** None

Abstract: Regulation 29 CFR 2510.3-3(d)(2)(ii) describes the circumstances under which a plan participant receiving a distribution of benefits ceases to be a participant covered under the plan. Under the existing regulation, a participant covered under a pension plan loses his status as such

where he receives an annuity contract guaranteeing his benefits from an insurance company licensed to do business in a state. PWBA will solicit suggestions from the public with respect to development of a proposed amendment of this regulation that would provide that a participant covered under a pension plan would not automatically lose his status upon purchase of an annuity.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 06/21/91 | 56 FR 28638 |
| ANPRM Comment | 09/19/91 | 56 FR 36750 |
| Period End | | |

Next Action Undetermined

Small Entities Affected: Undetermined**Government Levels Affected:**
Undetermined

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW., Room N5669, FP Building, Washington, DC 20210, 202 219-7461

RIN: 1210-AA39

2154. • DISCLOSURE OF PLAN INFORMATION TO PARTICIPANTS AND BENEFICIARIES UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974**Significance:** Regulatory Program**Legal Authority:** 29 USC 1135; 29 USC 1029; 29 USC 1143; 29 USC 1021; 29 USC 1022; 29 USC 1024; 29 USC 1025; 29 USC 1059**CFR Citation:** 29 CFR 2520**Legal Deadline:** None

Abstract: The Department believes it is appropriate to undertake a comprehensive review of the current disclosure requirements to ensure that participants and beneficiaries are provided meaningful information and that such requirements take into account technological developments that result in more effective and timely communication of benefit and plan information. In this regard, the Department intends, as an initial step in this review, to solicit comments, recommendations and information from the public concerning the current disclosure requirements and changes thereto, taking into account the experience of the past 19 years and changes in communication techniques and types of plans. The public input received in response to this solicitation should enable the Department to review the current disclosure framework and to develop meaningful proposals for changes based on up-to-date information concerning current plan practices.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| Request for Information | 12/00/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:**
Undetermined

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW., Room N5669, FP Building, Washington, DC 20210, 202 219-7461

RIN: 1210-AA44

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Pension and Welfare Benefits Administration (PWBA)**2155. DEFINITION OF "PLAN ASSETS"—PARTICIPANT CONTRIBUTIONS****Significance:** Regulatory Program**Legal Authority:** 29 USC 1103; 29 USC 1135**CFR Citation:** 29 CFR 2550.403b-1**Legal Deadline:** None

Abstract: Section 403(a) of ERISA requires that all assets of an employee benefit plan be held in trust by one or more trustees pursuant to a written trust instrument, except as otherwise provided in section 403(b). This regulation would provide guidance with respect to circumstances under which participant monies paid to or withheld by employers in connection with certain welfare plans may not be

subject to the trust requirement of section 403(a).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:**
Undetermined

DOL—PWBA

Proposed Rule Stage

Agency Contact: Robert J. Doyle,
Director of Regulations and
Interpretations, Department of Labor,
Pension and Welfare Benefits

Administration, 200 Constitution Ave.
NW., Rm N5669, FP Building,
Washington, DC 20210, 202 219-7461
RIN: 1210-AA16

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Pension and Welfare Benefits Administration (PWBA)

2156. ADEQUATE CONSIDERATION

Significance: Regulatory Program
Legal Authority: 29 USC 1002(3)(18);
29 USC 1135

CFR Citation: 29 CFR 2510

Legal Deadline: None

Abstract: This regulation would provide guidance as to what constitutes adequate consideration under section 3(18) of ERISA for assets other than securities for which there is a generally recognized market.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/17/88 | 53 FR 17632 |
| NPRM Comment Period End | 07/18/88 | |
| Final Action | 06/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: Daniel Maguire, Staff Attorney, Plan Benefits Security Division, Department of Labor, Pension and Welfare Benefits Administration,

200 Constitution Avenue NW., Rm N4611, FP Building, Washington, DC 20210, 202 219-9592

RIN: 1210-AA15

2157. CIVIL PENALTIES UNDER ERISA SECTION 502(L)

Significance: Agency Priority
Legal Authority: 29 USC 1132

CFR Citation: 29 CFR 2570.80 (Procedural); 29 CFR 2560.502(l)-1 (Substantive)

Legal Deadline: None

Abstract: Section 502(l) of ERISA requires the Secretary of Labor to assess a civil penalty against a fiduciary who breaches a fiduciary duty under, or commits a violation of, part 4 of Title I of ERISA, or any other person who knowingly participates in such breach or violation. The Department has published an interim rule setting forth the procedures for the assessment of penalties under ERISA section 502(l) and for petitioning the Secretary to exercise his or her discretion to waive or reduce the mandated assessment, as

well as a proposed rule that defines the following pivotal terms contained in section 502(1): "applicable recovery amount," "breach of fiduciary responsibility or violation," and "settlement agreement" or "court order." The Department intends to finalize these two regulations.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/20/90 | 55 FR 25284 |
| Interim Final Rule | 06/20/90 | 55 FR 25284 |
| NPRM Comment Period End | 08/20/90 | 55 FR 25284 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected:
Undetermined

Agency Contact: Vicki Shteir-Dunn, Staff Attorney, Plan Benefits Security Division, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW., Room N4611, FP Building, Washington, DC 20210, 202 219-9141

RIN: 1210-AA37

DEPARTMENT OF LABOR (DOL)

Completed Actions

Pension and Welfare Benefits Administration (PWBA)

2158. INDIVIDUAL BENEFITS REPORTING AND RECORDKEEPING FOR MULTIEMPLOYER PLANS

Significance: Agency Priority
Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Legal Deadline: None

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in multiemployer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to

prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the single employer plan benefit reporting regulations.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM Previous | 02/09/79 | 44 FR 8294 |
| NPRM Previous | 08/08/80 | 45 FR 52824 |
| Notice of Public Hearing on Previous | 11/12/80 | 45 FR 74727 |
| Withdrawn | 07/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The Pension and Welfare Benefits Administration (PWBA) is holding this regulation in

abeyance pending completion of the PWBA's comprehensive review of legislative options related to the reporting and disclosure requirements under ERISA.

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave. NW., Rm N5669, FP Bldg., Washington, DC 20210, 202 219-7461

RIN: 1210-AA02

2159. INDIVIDUAL BENEFITS REPORTING AND RECORDKEEPING FOR SINGLE EMPLOYER PLANS

Significance: Agency Priority

DOL—PWBA

Completed Actions

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Legal Deadline: None

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in single employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the multiemployer plan benefit reporting regulation.

Timetable:

| Action | Date | FR Cite |
|--------------------------------------|----------|-------------|
| NPRM Previous | 02/09/79 | 44 FR 8294 |
| NPRM Previous | 08/01/80 | 45 FR 51231 |
| Notice of Public Hearing on Previous | 11/12/80 | 45 FR 74728 |
| Withdrawn | 07/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The Pension and Welfare Benefits Administration

(PWBA) is holding this regulation in abeyance pending completion of the PWBA's comprehensive review of legislative options related to the reporting and disclosure requirements under ERISA.

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave. NW., Rm N5669, FP Bldg., Washington, DC 20210, 202 219-7461

RIN: 1210-AA03

2160. TIME AND MANNER OF NOTICE REQUIREMENT UNDER ERISA SECTION 101(D)

Significance: Agency Priority

Legal Authority: 29 USC 1021

CFR Citation: 29 CFR 2520.101

Legal Deadline: None

Abstract: Section 101(d) of ERISA provides that when an employer maintaining a plan other than a multiemployer plan fails to make a required installment or other payment required to meet minimum funding standards under section 302 to a plan

before the 60th day following the due date, the employer shall notify each participant and beneficiary of such failure. Section 101(d) also provides that the notice shall be made at such time and in such manner as the Secretary shall provide. Because OBRA 1989 added section 502(c)(3) to permit the imposition of substantial penalties upon employers who fail to give the notice required by section 101(d), there will be an increased need for regulatory guidance by the Secretary as to the time and manner in which notice under section 101(d) must be provided.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/28/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW., Room N5669, FP Building, Washington, DC 20210, 202 219-7461

RIN: 1210-AA38

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Office of the American Workplace (OAW)

2161. • LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS AND ABBREVIATED ANNUAL FINANCIAL REPORTS FOR SMALL LABOR ORGANIZATIONS

Significance: Regulatory Program

Legal Authority: 29 USC 431; 29 USC 438; 5 USC 7120(d); 22 USC 4117(d)

CFR Citation: 29 CFR 402; 29 CFR 403; 29 CFR 458

Legal Deadline: None

Abstract: The Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), requires covered labor organizations to file annual financial reports with the Department

of Labor. On October 30, 1992, final rules were published in the Federal Register which revised the detailed annual financial reports (Form LM-2 or LM-3) and issued a new abbreviated annual financial report (Form LM-4). This revision proposes to reevaluate and modify the October 30, 1992 revisions because of problems encountered by labor organizations and the Department in connection with efforts to implement the revised reporting forms.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 09/23/93 | 58 FR 49672 |

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM Comment Period End | 10/25/93 | 58 FR 49672 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This regulation was formerly 1215-AA86.

Agency Contact: Kay Oshel, Chief, Division of Interpretations and Standards, Department of Labor, Office of the American Workplace, 200 Constitution Avenue NW., Room N5605, FP Building, Washington, DC 20210, 202 219-7337

RIN: 1294-AA08

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Mine Safety and Health Administration (MSHA)

2162. INTRINSICALLY SAFE BATTERY-POWERED DEVICES

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 18

Legal Deadline: None

Abstract: MSHA proposes to revise existing part 18 specifications and test requirements for the approval of intrinsically safe battery-powered devices as a subpart to 30 CFR part 7. Under part 7, testing would be done by the applicant or a third party, subject to agency requirements and approval. MSHA's review will update the existing approval criteria and allow the introduction of new technology, where appropriate.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA59

2163. APPROVAL OF EXPLOSION-PROOF ENCLOSURES

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 18

Legal Deadline: None

Abstract: MSHA proposes to revise existing 30 CFR part 18 specifications and test requirements for the approval of explosion-proof enclosures as a subpart to 30 CFR part 7. Under part

7, testing would be done by the applicant or a third party subject to agency requirements and approval. MSHA's review will update the existing approval criteria and allow the introduction of new technology, where appropriate.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA60

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Mine Safety and Health Administration (MSHA)

2164. UNDERGROUND COAL MINE VENTILATION

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75

Legal Deadline: None

Abstract: MSHA published a final rule revising safety standards for ventilation of underground coal mines on May 15, 1992. On June 7, 1993, MSHA extended the stay of sections 75.313 and 75.344(a)(1) until July 1, 1994. On November 16, 1992, the U.S. Court of Appeals for the D.C. Circuit issued an order staying the application of section 75.321(a). MSHA plans to repropose these provisions to address the concerns expressed by the mining community. Further, as a result of discussions with the mining community, the Agency will be considering certain other provisions for reproposal.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Extension of Administrative Stay Until July 1, 1994 | 06/07/93 | 58 FR 31908 |
| Extension of Effectiveness Until July 1, 1994 | 06/23/93 | 59 FR 33996 |
| ANPRM | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA11

2165. SAFEGUARD CRITERIA FOR HOISTING AND TRANSPORTATION

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1403; 30 CFR 75.1403-1 to 11

Legal Deadline: None

Abstract: Transporting persons and material has been a leading cause of fatal accidents in underground coal mines. The Agency, however, has few mandatory standards addressing haulage hazards. The hoisting and transportation standards need to be updated to reflect advances in technology.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA12

2166. NOISE STANDARD

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56; 30 CFR 57; 30 CFR 70; 30 CFR 71

Legal Deadline: None

Abstract: Hearing impairment is a serious occupational hazard in the mining industry. Many miners are consistently exposed to noise levels that are near maximum levels currently permitted by MSHA. As a result, miners may be suffering hearing impairment, notwithstanding existing MSHA noise standards. MSHA is developing a proposed rule which

DOL—MSHA

Proposed Rule Stage

would establish noise standards to apply to all mining.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 12/04/89 | 54 FR 50209 |
| ANPRM Comment | 06/22/90 | 55 FR 6011 |
| Period End | | |
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA53

Room 631, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA54

2168. WATERLINES IN BELT CONVEYOR ENTRIES

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75, subpart L

Legal Deadline: None

Abstract: MSHA currently requires waterlines to be installed along all belt conveyors in underground coal mines. Potential firefighting problems exist whenever air used to ventilate belt conveyor entries moves in an outby direction. Waterlines located in these entries are susceptible to severe damage caused by the spread of fire to the outby areas where the water is needed to fight the fire. Heat from the fire could melt or otherwise damage the waterline, necessitating the installation of a separate waterline around the fire, delaying the firefighting effort. MSHA is evaluating the need to revise this regulation so that waterlines are located to effectively fight all fires, regardless of the direction of air flow.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA70

2169. CARBON MONOXIDE MONITOR APPROVAL

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 12

Legal Deadline: None

Abstract: The use of carbon monoxide monitoring systems in underground coal mines can be effective in monitoring mine atmospheres to detect fires in the early stages of development. If mine operators depend on these systems for early fire detection, minimum performance criteria are necessary to ensure proper performance. MSHA intends to propose

approval requirements for these systems for use in underground coal mines.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA72

2170. FIREFIGHTING AND ESCAPE AND EVACUATION PROGRAM

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1101-23

Legal Deadline: None

Abstract: Currently 30 CFR 75.1101-23 requires each operator of an underground coal mine to adopt a program for mine evacuation in the event of an emergency, such as fire or explosion. However, the existing standard does not directly address heat sensing and carbon monoxide detection systems and the actions to be taken when such systems activate an alarm. In addition, regular review and update of firefighting and evacuation plans is not required by the existing standard. This rulemaking would address these issues.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA73

2171. DIESEL PARTICULATE

Significance: Regulatory Program

Legal Authority: 30 USC 811

2167. CONFINED SPACES

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56; 30 CFR 57; 30 CFR 70; 30 CFR 71; 30 CFR 75; 30 CFR 77

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking published in December 1991 requested comments on how to address the hazards of working in confined spaces. In mining operations, the majority of the fatalities associated with confined spaces occur in storage bins, hoppers, tanks, and stockpiles. The primary hazards to miners occur from being trapped by shifting piles of loose materials, falling into materials, and being struck by overhanging materials. Many toxic substances and physical hazards are identical to those confined space hazards that exist in general industry for which OSHA issued a final rule on January 14, 1993 (58 FR 4462).

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 12/30/91 | 56 FR 67364 |
| ANPRM Comment | 05/01/92 | 57 FR 8102 |
| Period End | | |
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd.,

DOL—MSHA

Proposed Rule Stage

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: During the past decade, diesel-powered equipment has been introduced into the underground coal mining industry in increasing numbers. MSHA does not have regulations that specifically address the health hazards associated with the particulate in the exhaust emitted by diesel-powered equipment in underground mines. In July 1990, the National Institute for Occupational Safety and Health issued an exploratory risk assessment for diesel particulate based on an animal study. The Agency is in the early stages of examining the appropriateness of developing a permissible exposure limit to control miners' exposure to diesel particulate. In January 1992, MSHA issued an advance notice of proposed rulemaking in which the Agency requested public comments on a series of issues relating to health effects, methods of monitoring to measure exposure, duration and frequency of exposure, and technological and economic feasibility. MSHA is continuing to review its available data and studies on the use of diesel equipment and the particulate emissions from diesel equipment.

Timetable:

| Action | Date | FR Cite |
|--|----------|------------|
| ANPRM | 01/06/92 | 57 FR 500 |
| Extension of Comment Period to 7/10/92 | 03/05/92 | 57 FR 7906 |
| ANPRM Comment Period End | 07/10/92 | 57 FR 7906 |
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA74

2172. BELT ENTRY VENTILATION

Significance: Regulatory Program

Legal Authority: 30 USC 811; 30 USC 957; 5 USC app II (FACA)

CFR Citation: 30 CFR 75.350; 30 CFR 75.326

Legal Deadline: None

Abstract: In June 1991, the Secretary established an advisory committee to make recommendations concerning the conditions under which air coursed through the belt entry could be safely used in the face areas of underground coal mines. A series of six public advisory committee meetings began in April 1992, with the final meeting held in September 1992. The committee reached its conclusion and issued its final report to the Secretary in November 1992. The advisory committee made consensus recommendations with respect to: (1) the conditions under which belt haulage entries could be safely used as intake air courses to ventilate working places; (2) minimum velocities in conveyor belt haulageways; and (3) ventilation of escapeways. MSHA is reviewing the recommendations to determine the most appropriate regulatory response.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Belt Entry Report | 08/25/89 | 54 FR 35356 |
| Notice of Establishment of Advisory Committee | 06/12/91 | 56 FR 27034 |
| Notice of Renewal of Charter | 12/10/91 | 56 FR 64526 |
| Notice of Availability of Report | 12/02/92 | 57 FR 57078 |
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: A public hearing was held in April 1990.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA76

2173. TRAINING AND RETRAINING OF MINERS

Significance: Agency Priority

Legal Authority: 30 USC 811; 30 USC 825

CFR Citation: 30 CFR 48

Legal Deadline: None

Abstract: MSHA received many comments in response to its proposed rule on experienced miner and supervisor training that requested

MSHA to address such issues as the appropriate training for different types of mining, the need for training of contractors, training for construction workers, and other suggested training changes. MSHA is reviewing these comments to determine what changes in the training regulations would be appropriate.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA77

2174. EXAMINATIONS OF SURFACE WORK AREAS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 77.1713

Legal Deadline: None

Abstract: Under 30 CFR 77.1713 coal mine operators are required to conduct examinations of each active working area of surface mines and active surface installations during each shift. Any hazardous conditions detected must be entered into a report of such examination along with a description of corrective actions taken. The Agency has interpreted this standard to exclude surface work areas of underground mines. The possibilities for hazards associated with such areas are numerous. The majority of the injuries and fatalities are a result of hazardous conditions not detected and corrected. This rulemaking would revise the standard to apply the on-shift examination requirement to surface areas of underground mines. By conducting an on-shift examination of hazardous conditions in these areas, the mine operator will better guarantee a safe working environment for the miners and a reduction in accidents.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses

DOL—MSHA

Proposed Rule Stage

Government Levels Affected:

Undetermined

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA78

2175. DECERTIFICATION OF CERTIFIED AND QUALIFIED PERSONS**Significance:** Agency Priority**Legal Authority:** 30 USC 957; 30 USC 811**CFR Citation:** 30 CFR 70; 30 CFR 71; 30 CFR 75; 30 CFR 77; 30 CFR 90; 30 CFR 48**Legal Deadline:** None

Abstract: MSHA has several existing provisions that require the certification or qualification of individuals to perform certain tasks at mines. However, the Agency has no formal procedures for revoking a person's certification or qualification when evidence indicates that the individual

does not adhere to required regulatory procedures. The Agency intends to develop generic procedures for decertification of individuals who no longer meet the requirements to be certified or qualified, or who have failed to comply with the law in their role as a certified or qualified person.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses**Government Levels Affected:** None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA79

2176. RESPIRABLE COAL DUST REVISIONS**Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 70; 30 CFR 71; 30 CFR 75; 30 CFR 90**Legal Deadline:** None

Abstract: In May 1991, the Secretary of Labor directed MSHA to conduct a thorough review of the program to control respirable coal dust and to develop recommendations for how the program could be improved. In June 1992, an interagency task group made recommendations to the Secretary on how to improve the accuracy and effectiveness of the coal dust program. This proposed rule will address those recommendations, and revise, where appropriate, the existing respirable dust standards.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses**Government Levels Affected:** Undetermined

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA81

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Mine Safety and Health Administration (MSHA)

2177. SAFETY STANDARDS FOR EXPLOSIVES AT METAL AND NONMETAL MINES**Significance:** Regulatory Program**Legal Authority:** 30 USC 811**CFR Citation:** 30 CFR 56, subpart E; 30 CFR 57, subpart E**Legal Deadline:** None

Abstract: On January 18, 1991, MSHA published a final rule in the Federal Register (56 FR 2070) revising its safety standards for explosives at metal and nonmetal mines. On October 16, 1992 (57 FR 47524) MSHA published a proposed rule addressing certain stayed provisions of the January 18, 1991 final rule. MSHA's proposed rule addressed the following stayed provisions: definitions of "blast site," "magazine," and "storage facility," the requirements of storage of packaged blasting agents, the location of explosive material storage facilities, vehicles used to transport explosives, primer protection, loading and blasting, double trunklines

in nonelectric initiation systems, hazards of excessive temperatures and burning explosive material. A public hearing was held in April 1993. MSHA intends to promulgate a final rule addressing the stayed provision by December 1993.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 10/16/92 | 57 FR 47524 |
| Extension of NPRM Comment Period to 01/29/93 | 11/25/92 | 57 FR 55491 |
| NPRM Comment Period End | 12/15/92 | |
| Extension of NPRM Comment Period 5/7/93 | 03/17/93 | 58 FR 14492 |
| Extension of Partial Administrative Stay until 12/31/93 | 08/07/93 | 58 FR 31908 |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA17

2178. DIESEL-POWERED EQUIPMENT FOR UNDERGROUND COAL MINES**Significance:** Regulatory Program**Legal Authority:** 30 USC 811; 30 USC 957**CFR Citation:** 30 CFR 7; 30 CFR 70; 30 CFR 75**Legal Deadline:** None

Abstract: MSHA has an established mining equipment approval program which includes evaluation criteria and corresponding safety standards requiring the use and maintenance of approved equipment. However, existing

approval regulations do not generally apply to the diesel-powered equipment now being used in coal mines. In July 1988, an advisory committee convened by the Secretary of Labor made recommendations to the Secretary concerning standards for the use of diesel-powered equipment in underground coal mines. Based on those recommendations, MSHA published a proposed rule that addressed the approval and use of diesel equipment, including monitoring requirements for certain diesel emissions. Public hearings were held in February and March 1991.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/04/89 | 54 FR 40950 |
| NPRM Comment Period End | 05/10/91 | 56 FR 13404 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA27

2179. HAZARD COMMUNICATION

Significance: Regulatory Program

Legal Authority: 30 USC 811; 30 USC 957

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The primary purpose of this action is to provide miners with the means to receive necessary information on the hazards of chemicals to which they are exposed and the actions necessary to protect their safety and health. In preparation of the rule, MSHA has reviewed OSHA's hazard communication standard and information collected by NIOSH as well as public comments received. MSHA's proposed rule pursued a performance-oriented approach that allows employees the flexibility to develop appropriate individual programs tailored to their particular workplace conditions.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 03/30/88 | 53 FR 10257 |
| ANPRM Comment Period End | 07/31/88 | |
| NPRM | 11/02/90 | 55 FR 46400 |
| NPRM Comment Period End | 01/21/92 | 56 FR 48720 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA47

2180. AIR QUALITY CHEMICAL SUBSTANCES AND RESPIRATORY PROTECTION STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56; 30 CFR 57; 30 CFR 58; 30 CFR 70; 30 CFR 71; 30 CFR 72; 30 CFR 75; 30 CFR 90

Legal Deadline: None

Abstract: MSHA's proposed rule incorporates permissible exposure limits which are applicable to the hazards encountered in metal and nonmetal mines and coal mines. The final rule will update permissible exposure limits and address methods of controlling such limits. Permissible exposure limits and standards for use of respiratory protective equipment will replace outdated incorporations by reference. The final rule also will update asbestos standards. Other issues being considered are: requirements for exposure monitoring; precautions for handling restricted-use chemicals; miner observation of monitoring; notification to workers of overexposures; miner access to exposure monitoring records; medical surveillance and transfer of miners required to use respirators and miners using certain carcinogens. MSHA may consider proceeding to final rulemaking with certain sections of the air quality proposal before others to address more immediate health hazards.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/29/89 | 54 FR 35760 |
| NPRM Comment Period End | 08/30/91 | 56 FR 29201 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 631, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA48

2181. EXPERIENCED MINER AND SUPERVISOR TRAINING

Significance: Regulatory Program

Legal Authority: 30 USC 811; 30 USC 825

CFR Citation: 30 CFR 48

Legal Deadline: None

Abstract: MSHA proposed to amend the definition of "experienced miner" to mean a miner who has had one year of mining experience and, for new miners hired after October 13, 1978, has completed new miner training. MSHA proposed to strengthen the training requirements for experienced miners by adding course requirements. Also, MSHA proposed to delete the supervisory personnel exemption from the training requirements. The comments received by MSHA on its September 1991 proposed rule addressed such issues as the appropriate training for different types of mining, the need for training of contractors, training for construction workers, and other suggested training changes. MSHA reviewed these comments to determine the appropriateness of any further changes to the Agency's training regulations. Public hearings on the proposed rule were held in July 1992.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/24/91 | 56 FR 48376 |
| NPRM Comment Period End | 08/24/92 | 57 FR 29853 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

DOL—MSHA

Final Rule Stage

Agency Contact: Patricia W. Silvey,
Director, Office of Standards,
Regulations and Variances, Department
of Labor, Mine Safety and Health
Administration, 4015 Wilson Blvd.,
Room 631, BT #3, Arlington, VA 22203,
703 235-1910
RIN: 1219-AA55

2182. REQUIREMENTS FOR APPROVAL OF FLAME-RESISTANT CONVEYOR BELTS

Legal Authority: 30 USC 957; 30 USC 811

CFR Citation: 30 CFR 14; 30 CFR 18; 30 CFR 75

Legal Deadline: None

Abstract: The proposed rule would implement new procedures and requirements for testing and approval of flame-resistant conveyor belts to be used in underground mines. The proposed revisions would replace the existing flame test for acceptance of flame-resistant conveyor belts specified in agency regulations. The proposal would also include current terminology. Current regulations require that conveyor belts be flame resistant in accordance with specifications of the Secretary. Conforming amendments to safety standards are proposed as part of this rulemaking.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 12/24/92 | 57 FR 61524 |
| Extension of Comment Period to 3/20/93 | 02/11/93 | 58 FR 8028 |
| NPRM Comment Period End | 02/22/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses
Government Levels Affected: None

Agency Contact: Patricia W. Silvey,
Director, Office of Standards,
Regulations and Variances, Department
of Labor, Mine Safety and Health
Administration, 4015 Wilson
Boulevard, Room 631, BT#3, Arlington,
VA 22203, 703 235-1910
RIN: 1219-AA65

2183. HIGH-VOLTAGE LONGWALL EQUIPMENT

Significance: Regulatory Program

Legal Authority: 30 USC 811; 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 75

Legal Deadline: None

Abstract: This rulemaking would apply to high-voltage longwall electric face equipment used in underground coal mines. Presently, 30 CFR 75.1002 precludes the use of high-voltage cables

within 150 feet of pillar workings. Therefore, mine operators have had to file petitions for modification so that they may use high-voltage longwall equipment. High-voltage longwall equipment would still be required to comply with the requirements of part 18, but this rulemaking would address additional safety requirements for the use of high-voltage longwall equipment, including trailing cables, motor, and shearer cables.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 08/27/92 | 57 FR 39036 |
| Extension of Comment Period to 11/13/92 | 10/23/92 | 57 FR 46350 |
| NPRM Comment Period End | 10/26/92 | 57 FR 39036 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia W. Silvey,
Director, Office of Standards,
Regulations and Variances, Department
of Labor, Mine Safety and Health
Administration, 4015 Wilson
Boulevard, Room 631, BT#3, Arlington,
VA 22203, 703 235-1910
RIN: 1219-AA75

DEPARTMENT OF LABOR (DOL)

Completed Actions

Mine Safety and Health Administration (MSHA)

2184. SAFETY STANDARDS FOR OPERATION AND MAINTENANCE OF MACHINERY AND EQUIPMENT IN UNDERGROUND COAL MINES

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1725(c)

Legal Deadline: None

Abstract: Currently, 30 CFR 75.1725(c) requires that the power be cut off and the machinery be blocked against motion before repairs can be done. MSHA proposes to revise this standard to clarify that activities involved in extending or retreating conveyor belts be considered maintenance. The hazards that persons are exposed to while extending conveyor belts are

essentially the same as those involved in more routine belt maintenance such as replacement or adjustment of rollers and installing and splicing new sections of belt.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 12/24/92 | 57 FR 61538 |
| NPRM Comment Period End | 02/22/93 | |
| Extension of Comment Period to 5/7/93 | 03/29/93 | 58 FR 16517 |
| Withdrawn Agency will focus on higher priority regulatory projects. | 08/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia W. Silvey,
Director, Office of Standards,
Regulations and Variances, Department
of Labor, Mine Safety and Health
Administration, 4015 Wilson
Boulevard, Room 631, BT#3, Arlington,
VA 22203, 703 235-1910
RIN: 1219-AA80

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Office of the Assistant Secretary for Administration and Management (OASAM)

2185. DEPARTMENT OF LABOR ACQUISITION REGULATIONS

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 2900 to 2999

Legal Deadline: None

Abstract: Revisions to DOLAR reflect changes in the Federal Acquisition Regulations and organizational changes within DOL.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Melvin Goldberg, Director, Office of Procurement and Grant Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue NW., Room S1522, FP Bldg., Washington, DC 20210, 202 219-9174

RIN: 1291-AA20

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Office of the Assistant Secretary for Administration and Management (OASAM)

2186. • NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF LABOR

Legal Authority: 42 USC 6101 et seq Age Discrimination Act of 1975

CFR Citation: 45 CFR 90

Legal Deadline: NPRM, Statutory, September 10, 1979.

45 CFR 90 requires publication of the NPRM no later than 90 days after publication of government-wide rule, and submission to HHS of final rule within 120 days of NPRM.

Abstract: The proposed regulatory action is necessary to comply with the Department's statutory and regulatory obligations under the Age

Discrimination Act of 1975, as amended (the "Act"). The Act and the general, government-wide implementing rule issued by the Department of Health and Human Services (HHS) (45 CFR 90) require each Federal agency providing financial assistance to any program or activity to publish proposed regulations implementing the Act no later than 90 days after the publication date of the government-wide rule, and to submit final agency regulations to HHS no later than 120 days after publication of the NPRM. As a practical matter, while DOL has not issued proposed or final regulations under the Age Discrimination Act, it has complied with its enforcement obligations. Furthermore, discrimination on the

basis of age is prohibited under Section 167 of the Job Training Partnership Act of 1982, and the implementing regulations at 29 CFR 34.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Annabelle T. Lockhart, Director, Directorate of Civil Rights, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue NW., Room N4123, FP Building, Washington, DC 20210, 202 219-8927

RIN: 1291-AA21

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Office of the Assistant Secretary for Administration and Management (OASAM)

2187. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Significance: Agency Priority

Legal Authority: OMB Circular A-110

CFR Citation: 29 CFR 97

Legal Deadline: None

Abstract: On March 11, 1988, a common final rule was published which implemented OMB Circular A-102, Administrative Requirements for Grants and Cooperative Agreements with State and local governments. OMB and DHS have prepared a proposed common rule and revised Circular A-110 to conform the grants management requirements for non-governmental grantees with government grants. The common rule already published on

governmental grantees will be amended to incorporate non-governmental grants.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/04/88 | 53 FR 44710 |
| NPRM Comment Period End | 01/03/89 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Melvin Goldberg, Director, Office of Procurement and Grant Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue NW., Rm S1522, FP Bldg., Washington, DC 20210, 202 219-9174

RIN: 1291-AA15

2188. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 31 USC 1352; PL 101-121, Sec 319; 5 USC 301 Reorganization Plan No. 6 of 1950

CFR Citation: 29 CFR 93

Legal Deadline: None

Abstract: This rule is in response to section 319 of Public Law 101-121. Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, cooperative agreement, loan, or a Federal commitment to insure or

DOL—OASAM

Final Rule Stage

guarantee a loan, must disclose lobbying.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 6736 |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Melvin Goldberg, Director, Office of Procurement and Grant Policy, Department of Labor,

Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue NW., Room S1522, FP Building, Washington, DC 20210, 202 219-9174

RIN: 1291-AA18

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Occupational Safety and Health Administration (OSHA)

2189. MEDICAL SURVEILLANCE PROGRAMS FOR EMPLOYEES

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Section 6(b) of the Act requires, where appropriate, provisions for medical surveillance in each 6(b) rulemaking for a harmful substance. OSHA does not have medical surveillance provisions in the air contaminants standard (29 CFR 1910.1000). A generic standard for medical surveillance would satisfy the requirements of the Act, thus enabling the Agency to provide relevant protection for workers covered by the air contaminant standard as well as future standards promulgated under paragraph 6(b) of the Act. OSHA has collected considerable useful information as a result of the advance notice of proposed rulemaking published on September 27, 1988 (53 FR 37595). OSHA has also consulted with the Department of Health and Human Services, and is making full use of the expertise within the National Institute for Occupational Safety and Health to develop specific criteria to be used to determine when and what medical surveillance intervention may be appropriate.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 09/27/88 | 53 FR 37595 |
| ANPRM Comment Period End | 12/27/88 | |
| Next Action Undetermined | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3718,

FP Bldg., Washington, DC 20210, 202 219-7075

RIN: 1218-AB00

2190. EXPOSURE ASSESSMENT PROGRAMS FOR EMPLOYEES EXPOSED TO HAZARDOUS CHEMICALS

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Section 6(b)(7) of the Act requires, where appropriate, provisions for exposure monitoring for substances regulated by OSHA. OSHA does not have exposure monitoring provisions in the air contaminants standards (29 CFR 1910.1000). A generic standard for exposure monitoring would satisfy the monitoring requirements of the Act, thus enabling the Agency to provide relevant protection for workers covered by the air contaminants standard as well as future standards promulgated under paragraph 6(b) of the Act. OSHA published an Advance Notice of Proposed Rulemaking on September 27, 1988 (53 FR 37591). OSHA intends to review its compliance experience with exposure monitoring provisions and seek expert opinion to determine the appropriateness of generic exposure monitoring provisions.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 09/27/88 | 53 FR 37591 |
| ANPRM Comment Period End | 12/27/88 | |
| Next Action Undetermined | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200

Constitution Avenue NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 219-7075

RIN: 1218-AB01

2191. INDOOR AIR QUALITY IN THE WORKPLACE

Significance: Regulatory Program

Legal Authority: 29 USC 655

CFR Citation: 29 CFR Not yet determined

Legal Deadline: None

Abstract: Health complaints related to indoor air quality (IAQ) have increased significantly following energy conservation measures instituted in the 1970's. Such measures have reduced the infiltration of outside air, allowing the build-up of indoor air contaminants. Adverse health effects associated with indoor air contaminants are classified as: (1) sick building syndrome which is characterized by general complaints that may include headaches, fatigue, nausea, mucous membrane (eye, nose, and throat) irritation, coughs, and muscle pain; and (2) building-related illness which describes those specific medical conditions of known etiology which can often be documented by physical signs and laboratory findings. These include respiratory allergies and Legionnaires' disease. A particular concern with matters dealing with indoor air quality is exposure to passive tobacco smoke (PTS). A wide range of health effects caused by PTS have been reported by the Surgeon General, the National Research Council, the Environmental Protection Agency (EPA), NIOSH, and private researchers, as well as by citizens reporting health effects due to PTS exposure while at work. (Cont)

DOL—OSHA

Prerule Stage

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| Request for Information | 09/20/91 | 56 FR 47892 |
| Comment Period End | 01/21/92 | 56 FR 47892 |
| Next Action to be Determined | 00/00/00 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: These effects range from acute annoyance and eye and respiratory tract irritation to the development of chronic pulmonary disease, cardiovascular diseases, and lung cancer. OSHA published a request for information on Indoor Air Quality September 20, 1991 (56 FR 47892). Comment period was extended to March 20, 1992. More than 1,200 comments were received. The Agency is reviewing all relevant information, including these comments and a recent EPA report on passive tobacco smoke, and is making a determination as to how to proceed.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3718, FP Building, Washington, DC 20210, 202 219-7075

RIN: 1218-AB37

2192. COMPREHENSIVE OCCUPATIONAL SAFETY AND HEALTH PROGRAMS

Significance: Regulatory Program

Legal Authority: 29 USC 655

CFR Citation: 29 CFR 1910; 29 CFR 1915; 29 CFR 1917; 29 CFR 1918; 29 CFR 1926; 29 CFR 1928

Legal Deadline: None

Abstract: OSHA has long recognized the utility of comprehensive safety and health programs, and adopted non-mandatory guidance for safety and health program management on January 26, 1989 (54 FR 3904). These guidelines were based on a distillation of safety and health management practices used by employers that have implemented successful comprehensive programs. The major elements OSHA has identified in the guidelines for effective occupational safety and health programs are: (1) management commitment and employee involvement; (2) worksite analysis to anticipate and prevent harmful occurrences; (3) hazard prevention afforded employees; and (4) safety and health training. Successfully implemented programs generally have a lower incidence of occupationally-related illnesses and injuries. In particular, OSHA has found that companies that have implemented comprehensive safety and health programs and are participating in its Voluntary Protection Program have lost-workday case rates that range from one-fifth to one-third the rates experienced by average worksites within their industrial classification. In addition, (cont)

Timetable:

| Action | Date | FR Cite |
|--------------------------------------|----------|---------|
| Request for Comments and Information | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: participating sites reported improved employee morale and productivity as a secondary benefit of their safety and health management activities. OSHA plans to publish a request for comments and information (RFI) to solicit data regarding the parameters of existing programs; the numbers and types of employers implementing such programs; the costs and benefits of implementation; and suggestions for mandatory requirements. In addition to collecting such information, OSHA also intends to solicit suggestions regarding existing requirements that could be consolidated, revised, or otherwise modified if requirements for a comprehensive occupational safety and health program were promulgated.

Agency Contact: Thomas J. Shepich, Director, Directorate of Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210, 202 219-8061

RIN: 1218-AB41

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Occupational Safety and Health Administration (OSHA)

2193. RESPIRATORY PROTECTION

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.134; 29 CFR 1915.152; 29 CFR 1918.102; 29 CFR 1926.103

Legal Deadline: None

Abstract: The present respiratory protection standards have been in place for more than 10 years and do not take into consideration the current state-of-the-art for respiratory protection. In addition, the general industry standard for respirators contains redundancies and includes several advisory

provisions which should be eliminated or changed. OSHA has reviewed the current standards and intends to propose revisions. In developing this proposal, OSHA has been working closely with the National Institute of Occupational Safety and Health (NIOSH) and the Mine Safety and Health Administration (MSHA).

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 05/14/82 | 47 FR 20803 |
| ANPRM Comment Period End | 09/13/82 | |

| Action | Date | FR Cite |
|---|----------|---------|
| Public Comment Period on Preproposal Draft Ends | 11/29/85 | |
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave. NW., Rm N3718, FP

DOL—OSHA

Proposed Rule Stage

Bldg., Washington, DC 20210, 202 219-7075

RIN: 1218-AA05

2194. SAFETY AND HEALTH REGULATIONS FOR LONGSHORING (PART 1918) AND MARINE TERMINALS (PART 1917)

Significance: Regulatory Program

Legal Authority: 29 USC 655 Occupational Safety and Health Act of 1970; 33 USC 941 Longshore and Harborworkers Compensation Act

CFR Citation: 29 CFR 1910.16; 29 CFR 1918 (Revision); 29 CFR 1917 (Revision and Corrections)

Legal Deadline: None

Abstract: The purpose of this regulatory action would be to update and revise a standard first issued in 1960. The current language in many instances addresses the hazards of cargo handling involving methods long since abandoned, and fails to address the serious hazards of newer methods. Because much of the current standard is out of date, there are problems with compliance. These revised requirements will provide both employers and employees with a blueprint for effective and safe work practices in the cargo handling industry. No alternative other than revision is contemplated. The annual cost of the revision is expected to be minimal -- less than five million dollars. In conjunction with the above regulatory action, the Marine Terminal Standard, Part 1917, will be revised to conform with changes made to Part 1918). Corrections to Part 1917 will also be made at this time.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: 44 Water Transportation

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605 FP Building, Washington, DC 20210, 202 219-8061

RIN: 1218-AA56

2195. STEEL ERECTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 40 USC 333

CFR Citation: 29 CFR 1926.750 (Revision); 29 CFR 1926.751 (Revision); 29 CFR 1926.752 (Revision)

Legal Deadline: None

Abstract: In the December 29, 1992, Federal Register, OSHA announced its intention to form a Negotiated Rulemaking Advisory Committee to negotiate issues associated with a revision to the existing steel erection standard. Four of the primary issues to be negotiated include the need to expand the scope and application of the existing standard; construction specifications and workplaces; written construction safety erection plans; and fall protection. Comments on forming the committee and nominations for representation on the committee were due by March 29, 1993.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Building, Washington, DC 20210, 202 219-8061

RIN: 1218-AA65

2196. WELDING, CUTTING, AND BRAZING (PART 1910 AND PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.251; 29 CFR 1910.252; 29 CFR 1910.253; 29 CFR 1910.254; 29 CFR 1926.350; 29 CFR 1926.351; 29 CFR 1926.352; 29 CFR 1926.353; 29 CFR 1926.354

Legal Deadline: None

Abstract: OSHA proposes to revise and update its existing part 1910 and Part 1926 subparts covering welding, cutting and brazing operations, and to develop performance-oriented standards designed to reduce the number of deaths and injuries due to unsafe equipment and unsafe operations.

There has been no substantial revision to these subparts since their adoption in 1971. A complete and comprehensive revision is needed at this time to bring the standards into line with the current state-of-the-art and updated consensus standards. In developing its proposed revision for for welding provisions in Part 1910 (General Industry), OSHA has determined that similar revisions to the Part 1926 (Construction Industry) welding provisions are warranted.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave. NW., Rm N3605, FP Bldg., Washington, DC 20210, 202 219-8061

RIN: 1218-AA72

2197. HAZARDOUS MATERIALS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910, subpart H

Legal Deadline: Final, Statutory, November 15, 1991.

Abstract: Standards in 29 CFR part 1910, subpart H, which address the storage, handling and use of hazardous materials, such as compressed gases, acetylene, hydrogen, oxygen, liquefied petroleum gases, and flammable and combustible liquids, will be revised. This regulatory action will provide a new approach to the revision of Subpart H and will occur in four phases in an expanded timeframe. The four phases will be: (1) Process Safety Management, (2) Flammable and Compressed Gases, (3) Hazardous Liquids, and (4) Explosives. The first phase of the proposed action is intended to better protect employees from unexpected releases of significant quantities of dangerous substances, and this phase has been completed. The remaining phases are intended to simplify, clarify and consolidate standards on hazardous materials and assist employers and employees in

DOL—OSHA

Proposed Rule Stage

general industry to better understand and better focus on the hazards inherent in the use, handling, and storage of such materials.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Phase I Completed | 02/24/92 | 57 FR 6356 |
| Administrative Stay of Selected Provisions and Request for Comments | 06/01/92 | 57 FR 23060 |
| Effective Date of Stayed Provisions | 08/27/92 | 57 FR 38600 |
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This action includes three previous actions: (a) Hazardous Materials--Flammable and Compressed Gases (Part 1910); (b) Hazardous Materials--Flammable and Combustible Liquids (Part 1910); and (c) Process Safety Management of Highly Hazardous Chemicals (completed), and adds a new action, Explosives, as the fourth phase of this regulatory action.

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210, 202 219-8061

RIN: 1218-AB20

2198. SHIPYARD EMPLOYMENT: PHASE II (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.1 et seq; 29 CFR 1915.31 et seq; 29 CFR 1915.91 et seq; 29 CFR 1915.111 et seq; 29 CFR 1915.131 et seq; 29 CFR 1915.161 et seq; 29 CFR 1915.171 et seq; 29 CFR 1915.181; 29 CFR 1910.13 et seq; 29 CFR 1910.14; 29 CFR 1910.15; 29 CFR 1910.95; 29 CFR 1910.96; 29 CFR 1910.97; 29 CFR 1910.141; ...

Legal Deadline: None

Abstract: This regulatory action will complete the consolidation and updating of Parts 1915 and 1910 by providing shipyard employees with coverage under one comprehensive OSHA standard. This revision effort will involve the promulgation of 20 maritime subparts. Its completion will

be done in stages and will relieve shipyard owners from the burden of having to comply with two sets of rules that are complex, prescriptive, confusing and, in some cases, conflicting. A previously identified project, Surface Preparation and Preservation (RIN 1218-AA96), will be included in this project.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Bldg., Washington, DC 20210, 202 219-8061

RIN: 1218-AB22

2199. RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

Significance: Regulatory Program

Legal Authority: 29 USC 657; 29 USC 673

CFR Citation: 29 CFR 1904.1

Legal Deadline: None

Abstract: Concerns about the reliability and utility of injury and illness data have been raised by Congress, OSHA, NIOSH, BLS, the National Academy of Sciences, OMB, the General Accounting Office and representatives of business and labor. The revision of the regulations, forms, and associated interpretive material are being undertaken to simplify the injury and illness recordkeeping system. OSHA is currently working on this project and has not collected sufficient information to determine the effect on paperwork burden. Benefits will include: (1) A system that is easier for employers, employees and government personnel to use; (2) increased reliability and utility of the records; (3) comprehensive records of the injury and illness experience at a given site will be available; and (4) employee involvement and awareness in safety and health matters will be enhanced.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Sectors Affected: All

Analysis: Regulatory Impact Analysis

Agency Contact: Stephen A. Newell, Director, Office of Statistics, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3507, FP Building, Washington, DC 20210, 202 219-6463

RIN: 1218-AB24

2200. AIR CONTAMINANTS RULE FOR CONSTRUCTION, AGRICULTURE AND MARITIME

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The permissible exposure limits (PELs) promulgated by OSHA in 1971 do not reflect current knowledge of the health effects of many toxic substances. OSHA published a proposal on June 7, 1988 (53 FR 20960) to amend and expand the PELs for general industry. On January 19, 1989 OSHA set new PELs for the toxic substances originally covered in 1971 and covered new substances in a single rulemaking that applied to general industry. On June 12, 1992 (57 FR 26001) OSHA published a proposed rule that would provide more protective PELs on hundreds of toxic airborne substances for workers in construction, agriculture and maritime. On July 10, 1992 the Eleventh Circuit Court of Appeals overturned the PELs update for general industry. Accordingly on August 18, 1992 (57 FR 37125) OSHA published a notice delaying hearings and extending indefinitely the comment period on the Air Contaminants Rule for Construction, Agriculture and Maritime. The Acting Solicitor General determined not to appeal the court's decision. Consequently, OSHA must determine the appropriate action in light of the judicial decision.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 06/12/92 | 57 FR 26001 |

| Action | Date | FR Cite |
|--------------------------------------|----------|-------------|
| Comment Period Extended Indefinitely | 08/18/92 | 57 FR 37125 |
| NPRM Comment Period End | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Agency Contact: Charles Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3718, FP Building, Washington, DC 20210, 202 219-7075

RIN: 1218-AB26

2201. CONTROL OF HAZARDOUS ENERGY (LOCKOUT/TAGOUT)—CONSTRUCTION (PART 1926)

Significance: Regulatory Program
Legal Authority: 29 USC 655(b)
CFR Citation: 29 CFR 1926
Legal Deadline: None

Abstract: Hazards at construction sites resulting from the absence of effective lockout/tagout procedures to control hazardous energy appear to be caused by several factors, all associated with the nature of the construction industry. These factors basically relate to such considerations as the types of machines and equipment found in construction; the makeup of the industry in which employment is relatively "short term," lasting only as long as the length of the current project; the presence of multiple employers having different employer/employee relationships and the temporary nature of the "in-the-field" maintenance activity. The Occupational Safety and Health Administration (OSHA) expects the proposal to address lockout-related hazards in those construction work-site areas in which the available data indicate these hazards to be significant. Regulatory options involve developing a comprehensive standard covering all potentially hazardous energy sources. OSHA will consider the use of the construction advisory committee to assist in the development of this standard.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210, 202 219-8061

RIN: 1218-AB30

2202. POWERED INDUSTRIAL TRUCK OPERATOR TRAINING

Legal Authority: 29 USC 655(b)
CFR Citation: 29 CFR 1910.178
Legal Deadline: None

Abstract: Nationally, fatalities due to unsafe operation of industrial vehicles and equipment account for approximately 12 percent of the private sector fatalities. This is the second leading cause of fatalities in the private sector, behind only highway vehicle fatalities. The present standard has proven to be ineffective in reducing the number of accidents involving powered industrial trucks. OSHA intends to revise the present standard to increase its effectiveness by requiring, in performance language, initial and refresher training as necessary. The frequency of the refresher training will be based upon the ability of the vehicle operator to retain the knowledge, skills and abilities to perform the job safely. OSHA will also give guidance as to what information the instruction should include. There will also be other amendments to the standard to increase its effectiveness.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210, 202 219-8061

RIN: 1218-AB33

2203. LEAD IN CONSTRUCTION

Significance: Regulatory Program

Legal Authority: Not yet determined

CFR Citation: 29 CFR 1926

Legal Deadline: None

Abstract: On November 14, 1978 (43 FR 52952), OSHA promulgated a standard that limited occupational exposures to lead. The standard also contained requirements for exposure monitoring, protective equipment, housekeeping and hygiene practices, medical surveillance, medical removal protection, posted areas and education and training. However, the scope of the standard did not include the construction industry. Lead exposures in the construction industry continued to be regulated by the air contaminants standard for construction (29 CFR 1926.55) which has no protective ancillary provisions such as those contained in the general industry standard. This standard adopted the 1970 American Conference for Governmental Industrial Hygienists (ACGIH) Threshold Limit Value (200 ug/m3) which is four times the current standard for general industry. OSHA recognized that this level represents a potential for material impairment of health and is in the process of developing a proposal.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| Interim Final Rule NPRM | 05/04/93 | 58 FR 26590 |
| | 00/00/00 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Additional Information: The Housing and Community Development Act (title IV, subtitle C, Section 1031) (October 28, 1992) requires the Secretary of Labor to adopt an interim final regulation (within 180 days) on occupational exposure to lead in the construction industry. Therefore, on May 4, 1993 (58 FR 26590), OSHA published an interim final rule for lead exposure in the construction industry. The regulation provides places of employment for employees which are as safe and healthful as those which would prevail under the Department of Housing and Urban Development Guidelines published on September 28, 1990. It is OSHA's intention to promulgate a permanent rule which will supersede the interim final rule.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational

DOL—OSHA

Proposed Rule Stage

Safety and Health Administration, 200 Constitution Avenue NW., Room N3718, FP Building, Washington, DC 20210, 202 219-7075

RIN: 1218-AB34

2204. ERGONOMIC SAFETY AND HEALTH STANDARDS

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1910; 29 CFR 1915; 29 CFR 1917; 29 CFR 1918; 29 CFR 1926; 29 CFR 1928

Legal Deadline: None

Abstract: The Bureau of Labor Statistics (BLS) has reported the number of reported "disorders associated with repeated trauma" have more than tripled since 1984. These serious, potentially crippling disorders account for 60 percent of all occupational illnesses reported to OSHA in 1991. OSHA published an Advance Notice of Proposed Rulemaking (ANPR) on August 3, 1992 (57 FR 34192). A six-month comment period ended February 1, 1993. OSHA received about 266 comments. The Agency is currently in the process of analyzing these submissions, as well as available scientific literature and enforcement data. In addition, OSHA is conducting a telephone survey of firms to collect more information about current programs in industry addressing problems related to ergonomics. All information available to OSHA will be used to determine how to proceed in addressing these issues.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 06/03/92 | 57 FR 34192 |
| ANPRM Comment Period End | 02/01/93 | |
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210, 202 219-8061

RIN: 1218-AB36

2205. CRANE SAFETY

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333; 33 USC 941

CFR Citation: 29 CFR 1926.550; 29 CFR 1926.552; 29 CFR 1926.553; 29 CFR 1926.554; 29 CFR 1926.556; 29 CFR 1910.67; 29 CFR 1910.179; 29 CFR 1910.180; 29 CFR 1919.181

Legal Deadline: None

Abstract: The present crane regulations for construction and general industry have not been revised since being promulgated in 1971. They rely heavily on outdated 1968 ANSI standards. OSHA has received comments that the existing provisions are inadequate and need revision to reflect current conditions and equipment. It has also been suggested that there is need to establish additional crane installation and use provisions, including possible certification programs for crane operators and riggers. OSHA anticipates that this project will come about in several phases due to the magnitude of the project.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 10/19/92 | 57 FR 47746 |
| ANPRM Comment Period End | 02/12/93 | |
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210, 202 219-8061

RIN: 1218-AB38

2206. ABATEMENT VERIFICATION

Significance: Regulatory Program

Legal Authority: 29 USC 657; 29 USC 658; 5 USC 553

CFR Citation: 29 CFR 1903

Legal Deadline: None

Abstract: A critical element of OSHA's comprehensive enforcement strategy under the Occupational Safety and Health act is assurance that employers have abated hazards cited during inspections. Currently, unless an

employer voluntarily complies with OSHA's request to submit documentation, OSHA has no proof of hazard abatement without conducting a followup inspection. From 1972 to the present, OSHA has implemented several administrative measures to induce employers to provide abatement documentation, but some 30 percent of cited employers still do not voluntarily do so. OSHA's internal audits, the Department of Labor's Inspector General, and the General Accounting Office have pointed out this deficiency. The regulation OSHA now proposes will require cited employers to provide hazard abatement documentation. The NPRM will address the kinds of evidence to be required, what notice to employees is needed, potential penalties for non-reporting, possible certification forms for compliance, and other questions. OSHA estimates that the economic impact of this regulation on employer products and product prices will be insignificant.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: State

Sectors Affected: All

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Raymond E. Donnelly, Director, General Industry Compliance Assistance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3119, FP Building, Washington, DC 20210, 202 219-8041

RIN: 1218-AB40

2207. RETENTION OF MARKINGS AND PLACARDS

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910; 29 CFR 1926; 29 CFR 1915; 29 CFR 1917; 29 CFR 1918

Legal Deadline: None

Abstract: Public Law 101-615, the Hazardous Materials Transportation Uniform Safety Act (HMTUSA), mandates that the Secretary of Labor issue regulations regarding the retention of markings and placards in accordance with Section 29 of the Act.

DOL—OSHA

Proposed Rule Stage

The Act clearly conveys the intent of Congress for a collaborative effort by the Secretaries of Labor, Transportation and Treasury to ensure that placards and labels required on packages or containers of hazardous materials and explosives be retained until such materials are removed to the extent they no longer pose a health or safety risk. The Agency has published a proposed rule that would require any employer who receives a package, container, rail car or similar receptacle containing hazardous materials that is required to be marked, placarded or labeled in accordance with regulations issued under the Hazardous Materials Transportation Act, to retain such labels until the hazards are removed. The proposed rule would apply to all employers covered by the OSH Act. Therefore, separate but identical standards are included for (cont)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/10/93 | 58 FR 47690 |
| NPRM Comment Period End | 10/12/93 | 58 FR 47690 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: general industry (including agricultural operations), construction, shipyards, marine terminals, and longshoring. In preparing the proposed rule, OSHA has consulted with delegated representatives of the Secretary of Transportation and the Secretary of Treasury, as required by HMTUSA.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3718, FP Building, Washington, DC 20210, 202 219-7075

RIN: 1218-AB42

2208. HAZARD COMMUNICATION (MSDS)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910; 29 CFR 1915; 29 CFR 1917; 29 CFR 1918; 29 CFR 1926; 29 CFR 1928

Legal Deadline: None

Abstract: The Hazard Communication Standard (HCS) is a generic, performance-oriented rule which provides workers exposed to hazardous chemicals with the right-to-know about their hazards, identities, and ways to prevent exposure. The HCS requires chemical manufacturers and importers to evaluate the hazards of the chemicals they produce or import, and to develop container labels and more detailed technical bulletins called material safety data sheets (MSDSs) regarding those hazards and associated protective measures. On May 17, 1990 (55 FR 20480), OSHA published a request for comments and information (RFI) in the Federal Register to solicit public input on experiences regarding HCS implementation, and suggestions for improving the quality of information provided. Nearly 600 responses were received by OSHA in response to the RFI. By far the issue of greatest concern to the commenters was the standardization of the format or order of information for the MSDSs. Users of MSDSs believe that standardization will allow the MSDSs to be used more effectively; will make training easier; and will facilitate electronic (cont)

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: storage and retrieval of MSDS information. There was also significant support for standardization of label information. In addition to issues related to format, there are concerns regarding the comprehensibility of the MSDS information and international harmonization of chemical safety and health information. OSHA intends to develop a notice of proposed rulemaking (NPRM) to address the issues described above.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3718, FP Building, Washington, DC 20210, 202 219-7075

RIN: 1218-AB43

2209. COKE OVEN EMISSIONS

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Legal Deadline: None

Abstract: On January 28, 1992, the White House imposed a 90-day moratorium on regulations and directed the heads of selected Executive branch, departments, and agencies, including the Department of Labor, to evaluate existing regulations to identify those imposing unnecessary regulatory burdens; those that have failed to keep pace with technological innovations; and those that contain unnecessarily prescriptive requirements. In response to the President's request, the Department of Labor initiated a Request for Public Comment on the moratorium (57 FR 6301, February 24, 1992). As a result, OSHA identified the medical surveillance is to identify health problems caused by occupational exposure when intervention is likely to be of value. In theory, early diagnosis by medical surveillance would lead to increasing rates of cure. However, medical surveillance under the Coke Oven Standard attempts to recognize workers who have already developed severe illness (i.e., cancer of the lung or kidney) that requires extensive medical and/or surgical intervention. It has been brought to OSHA's attention that sputum cytology (cont)

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: monitoring of coke oven workers rarely, if ever, detects lung cancer in early stages. Also, the safety of semi-annual chest x-rays has been questioned. For these reasons, OSHA will initiate 6(b) rulemaking to update the Coke Oven Emissions Standard.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3718, FP Building, Washington, DC 20210, 202 219-7075

RIN: 1218-AB44

DEPARTMENT OF LABOR (DOL)
Occupational Safety and Health Administration (OSHA)

Final Rule Stage

2210. METHODS OF COMPLIANCE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000(e); 29 CFR 1910.134(a)(1)

Legal Deadline: None

Abstract: OSHA's policy concerning the use of engineering controls and respirators was targeted for review by the President's Task Force on Regulatory Relief in 1981. Current OSHA regulations require that employers implement feasible engineering controls to maintain air contaminant concentrations in the workplace at or below the prescribed permissible exposure limits. The use of respirators is permitted only in those cases where engineering controls are not feasible, not yet installed, or not adequate. This policy has been criticized as being inflexible, not cost-effective, and often unnecessary for employee health protection. OSHA believes that any changes to the policy for use of engineering controls must be closely coordinated with revisions in the respiratory protection regulations (29 CFR 1910.134). This rulemaking does not address the assessment and reduction of any absolute existing risks, but rather addresses the possible change in risk abatement associated with the use of respirators instead of engineering controls. OSHA published a proposal on June 5, 1989 (54 FR 23991). Hearings were held on May 30-31, 1990, and continued on July 9-10, 1990. (cont)

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 02/22/83 | 48 FR 7473 |
| ANPRM Comment Period End | 06/22/83 | |
| NPRM | 06/05/89 | 54 FR 23991 |
| NPRM Comment Period End | 10/03/89 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Post-hearing comments were due by October 9, 1990, and responses to post-hearing comments were due by December 10, 1990. In response to oral petitions from participants, the post-hearing comment period was extended to January 14, 1991. OSHA will use the information received in response to the proposal to develop a final rule.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FP Bldg, 200 Constitution Ave. NW., Washington, DC 20210, 202 219-7075

RIN: 1218-AA28

2211. FALL PROTECTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.104; 29 CFR 1926.105; 29 CFR 1926.500; 29 CFR 1926.501; 29 CFR 1926.502; 29 CFR 1926.107(b); 29 CFR 1926.250(b)(2); 29 CFR 1926.651(t); 29 CFR 1926.951(b)(4)(i); 29 CFR 1926.107(c); 29 CFR 1926.107(f); 29 CFR 1926.651(w)

Legal Deadline: None

Abstract: The existing standard has been proposed for revision because it is poorly formatted, contains unnecessary and restrictive provisions, and does not properly address the fall protection needs of certain areas and operations. The proposal raises several significant issues including (1) when fall protection systems must be installed, (2) whether work surface inspections are necessary to insure adequate structural integrity before commencing work, and (3) whether body belt systems or body harness systems are appropriate for use as fall protection. (Subpart M revised)

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 11/25/86 | 51 FR 42680 |
| NPRM Comment Period End | 08/14/87 | 52 FR 20616 |
| Reopening of Rulemaking Record Comment Period Ends 11/3/92 | 08/05/92 | 57 FR 34656 |
| New Reopening of Rulemaking Record: Comment Period Closed 5/28/93 | 03/28/93 | 58 FR 16515 |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FP Bldg, 200 Constitution Ave. NW., Washington, DC 20210, 202 219-8061

RIN: 1218-AA37

2212. SCAFFOLDS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.451; 29 CFR 1926.452; 29 CFR 1910.28; 29 CFR 1910.29; 29 CFR 1926.752(k)

Legal Deadline: None

Abstract: The existing standard has been proposed for revision because it is poorly formatted, contains unnecessary and restrictive provisions, and omits necessary specific coverage for certain types of scaffolds. The proposal raises several significant issues including: (1) the use of crossbraces as guardrails, (2) the use of fall protection during scaffold erection and dismantling operations, and (3) the role of engineers in scaffold design. (Subpart L, revised)

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------------------|-------------|
| NPRM | 11/25/86 | 51 FR 42680 |
| NPRM Comment Period End | 08/14/87 | 52 FR 20616 |
| Record Reopened Final Action | 03/29/93 12/00/94 | 58 FR 16509 |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210, 202 219-8061

RIN: 1218-AA40

2213. FALL PROTECTION SYSTEMS (PERSONAL PROTECTIVE EQUIPMENT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910, subpart I

DOL—OSHA

Final Rule Stage

Legal Deadline: None

Abstract: Existing standards do not contain criteria for personal fall protection systems. Consequently, requirements containing criteria for personal fall protection systems would be added to 29 CFR part 1910; Subpart I, Personal Protection Equipment, to enhance employee protection from injury and death due to falls to different elevations.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 04/10/90 | 55 FR 13423 |
| NPRM Comment Period End | 08/22/90 | 55 FR 13423 |
| Hearing | 09/11/90 | 55 FR 29224 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: 1218-AA48 will be issued concurrently with 1218-AB04.

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Building, Washington, DC 20210, 202 219-8061

RIN: 1218-AA48

2214. LOGGING OPERATIONS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.266 (Revision)

Legal Deadline: None

Abstract: Logging is a very hazardous industry. It has an incidence rate nearly twice that of manufacturing, and reflecting the seriousness of the injuries incurred, a lost workday rate nearly four times as high. The purpose of the standard will be to protect workers from the ever-present hazards of chain saw operation, falling objects (trees, branches), rolling or sliding logs, falls from trees, and materials handling accidents. At present there is no OSHA standard specifically applicable to logging in general. There is a standard, 29 CFR 1910.266, applicable only to pulpwood logging; however, pulpwood logging is estimated to account for less than half of the logging activity in the United States. Development of a national OSHA standard addressing all

types of logging will provide coverage for those loggers not now protected. The new regulation will provide coverage where there is no approved state regulation and will set a minimum safety level for those states that chose to develop a state regulation.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/02/89 | 54 FR 18798 |
| NPRM Comment Period End | 07/31/89 | |
| Public Hearing | 05/11/90 | 55 FR 19745 |
| Final Action | 07/24/90 | |
| Final Action | 06/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: 24 Lumber and Wood Products, Except Furniture

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Building, Washington, DC 20210, 202 219-8061

RIN: 1218-AA52

2215. ELECTRIC POWER GENERATION, TRANSMISSION, AND DISTRIBUTION (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.137; 29 CFR 1910.269

Legal Deadline: None

Abstract: A major area of coverage not addressed in the current OSHA electrical standards for general industry (29 CFR 1910) involves the maintenance and operation practices associated with electrical transmission and distribution lines, substations and generating stations. It is intended that the proposed standard fill this void by establishing minimum requirements for electrical safety work practices for qualified employees working on or near installations whose purpose is the generation and distribution of electricity. The proposal also revises the standards for electrical protective equipment, which is used routinely for electrical power work.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 01/31/89 | 54 FR 4974 |
| NPRM Comment Period End | 06/01/89 | |

| Action | Date | FR Cite |
|--|----------|-------------|
| Public Hearing Scheduled for | 08/03/89 | 54 FR 31970 |
| | 11/28/89 | |
| Reopening of the Record and Request for Public Comment | 11/09/90 | 55 FR 47074 |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Building, Washington, DC 20210, 202 219-8061

RIN: 1218-AA59

2216. FALL PROTECTION IN SHIPYARDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.201; 29 CFR 1915.202; 29 CFR 1915.203; 29 CFR 1915.73; 29 CFR 1915.74; 29 CFR 1915.75; 29 CFR 1915.77

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering fall protection and will consolidate all related and applicable 29 CFR part 1910 provisions into 29 CFR part 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology and eliminate outmoded and redundant provisions.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/29/88 | 53 FR 48166 |
| NPRM Comment Period End | 02/27/89 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Applicable part 1910 provisions under consideration: 29 CFR 1910.21-1910.23.

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200

DOL—OSHA

Final Rule Stage

Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210, 202 219-8061

RIN: 1218-AA66

2217. SCAFFOLDS IN SHIPYARDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.71; 29 CFR 1910.28; 29 CFR 1910.29

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standards covering scaffolds and will consolidate all related and applicable 29 CFR part 1910 provisions into 29 CFR part 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/29/88 | 53 FR 48182 |
| NPRM Comment Period End | 02/27/89 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Applicable part 1910 provisions under consideration: 29 CFR 1910.28 - 1910.29.

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Building, Washington, DC 20210, 202 219-8061

RIN: 1218-AA68

2218. ACCESS AND EGRESS IN SHIPYARDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.72; 29 CFR 1915.74; 29 CFR 1915.75; 29 CFR 1915.76

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standards covering access and egress and will consolidate all related and applicable

29 CFR part 1910 provisions into 29 CFR Part 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/29/88 | 53 FR 48130 |
| NPRM Comment Period End | 02/27/89 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Applicable part 1910 provisions under consideration: 29 CFR 1910.24-1910.27; 29 CFR 1910.36-1910.37.

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Building, Washington, DC 20210, 202 219-8061

RIN: 1218-AA70

2219. FACE, HEAD, EYE, AND FOOT PROTECTION (PERSONAL PROTECTIVE EQUIPMENT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Legal Deadline: None

Abstract: Existing standards for eye, face, head, and foot protection reference outdated national consensus standards which have been updated and improved. Consequently, criteria for personal protective equipment for eye, face, head, and foot would be revised to reflect improved developments in these types of equipment. This would allow the use of better personal protective equipment and would result in improved employee protection from eye, face, head, and foot hazards.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| NPRM | 08/16/89 | 54 FR 33832 |
| NPRM Comment Period End | 10/16/89 | |
| Public Hearing Held April 3, 1990 | 02/01/90 | 55 FR 3412 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Building, Washington, DC 20210, 202 219-8061

RIN: 1218-AA71

2220. WELDING, CUTTING, AND HEATING IN SHIPYARDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.51; 29 CFR 1915.52; 29 CFR 1915.53; 29 CFR 1915.54; 29 CFR 1915.55; 29 CFR 1915.56; 29 CFR 1915.57

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering welding, cutting, and heating. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. In addition, it will consolidate 29 CFR part 1915 standards and applicable 29 CFR part 1910 standards into one set of provisions.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/29/88 | 53 FR 48111 |
| NPRM Comment Period End | 02/27/89 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Applicable part 1910 provisions under consideration: 29 CFR 1910.251-1910.252.

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Building, Washington, DC 20210, 202 219-8061

RIN: 1218-AA73

2221. PERSONAL PROTECTIVE EQUIPMENT IN SHIPYARDS (PART 1915)

Significance: Regulatory Program

DOL—OSHA

Final Rule Stage

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.151; 29 CFR 1915.152; 29 CFR 1915.153; 29 CFR 1915.154; 29 CFR 1915.155; 29 CFR 1915.156; 29 CFR 1915.157; 29 CFR 1915.158; 29 CFR 1915.159

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering personal protective equipment. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. It will consolidate 29 CFR part 1915 standards and applicable 29 CFR part 1910 standards into one set of provisions.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/29/88 | 53 FR 48150 |
| NPRM Comment Period End | 02/27/89 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Applicable part 1910 provisions under consideration: 29 CFR 1910.132-1910.137.

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave. NW., Rm N3605, FP Bldg., Washington, DC 20210, 202 219-8061

RIN: 1218-AA74

2222. 1,3-BUTADIENE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000 (Table Z-1); 29 CFR 1910.1051

Legal Deadline: None

Abstract: On October 10, 1985, EPA referred 1,3-butadiene (BD) to OSHA for possible regulatory action under section 9(a) of the Toxic Substance Control Act. On April 11, 1986, OSHA responded to the EPA referral indicating that the Agency has preliminarily concluded that BD poses risk to the occupationally exposed population at the current OSHA permissible exposure limit and that the risk can be reduced or prevented

through the promulgation of a revised standard. On October 1, 1986 (51 FR 35003), OSHA published an ANPRM initiating regulatory action within the meaning of section 9(a) of TSCA. Comments were submitted to OSHA by December 30, 1986. Based on the comments received in response to the ANPRM OSHA developed a proposal which was published on August 10, 1990. Hearings were held in Washington, D.C. on January 15, 1991, and in New Orleans, Louisiana on February 20, 1991. Submission of the post-hearing comments and briefs were scheduled to end on June 22, and July 22, 1991 respectively; however, OSHA extended the dates to September 27, and October 28, 1991. The post-hearing comments and briefs were again extended and finally closed on (cont)

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| EPA Referral | 10/10/85 | 50 FR 41393 |
| Request for Comments | 12/27/85 | 50 FR 52952 |
| Response to EPA Referral | 04/11/86 | 51 FR 12526 |
| ANPRM | 10/01/86 | 51 FR 35003 |
| ANPRM Comment Period End | 12/30/86 | |
| NPRM | 08/10/90 | 55 FR 32736 |
| NPRM Comment Period End | 10/19/90 | 55 FR 32736 |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: November 26, 1991 and February 10, 1992, respectively.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 219-7075

RIN: 1218-AA83

2223. GLYCOL ETHERS: 2-METHOXYETHANOL, 2-ETHOXYETHANOL, AND THEIR ACETATES

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None

Abstract: On May 20, 1986, the Environmental Protection Agency (EPA) issued a report to OSHA, under Section 9(a) of the Toxic Substances Control Act, stating that EPA has reasonable basis to conclude that the risk of injury to worker health from exposure to four glycol ethers during their manufacture, processing and use is unreasonable, and that this risk may be prevented or reduced to a significant extent by OSHA regulatory action. EPA gave OSHA 180 days in which to respond to its report. OSHA published its response on December 11, 1986, stating that OSHA had preliminarily concluded that occupational exposures to the subject glycol ethers at the current OSHA permissible exposure limits may present significant risks to the health of workers. OSHA published an Advance Notice of Proposed rulemaking (ANPRM) on April 2, 1987, (52 FR 10586). OSHA used the information received in response to the ANPRM, as well as other information and analysis, and published a proposal, March 23, 1993 (58 FR 15526), that would reduce the permissible exposure limits for four glycol ethers and provide protection for approximately 46,000 workers exposed to the substances.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 04/02/87 | 52 FR 10586 |
| ANPRM Comment Period End | 07/31/87 | |
| NPRM | 03/23/93 | 58 FR 15526 |
| NPRM Comment Period End | 06/07/93 | |
| Final Action | 05/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 219-7075

RIN: 1218-AA84

2224. EXPLOSIVE AND OTHER DANGEROUS ATMOSPHERES (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.11; 29 CFR 1915.12; 29 CFR 1915.13; 29 CFR

DOL—OSHA

Final Rule Stage

1915.14; 29 CFR 1915.15; 29 CFR 1915.16

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering explosive and other dangerous atmospheres. This revision will develop, in part, a performance-oriented standard, address any gaps in coverage, recognize new technology, and eliminate outmoded or redundant standards.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 11/29/88 | 53 FR 48092 |
| NPRM Comment Period End | 02/27/89 | |
| NPRM Comment Period Reopened Until 9/22/92 | 06/24/92 | 57 FR 28152 |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Sectors Affected: 373 Ship and Boat Building and Repairing

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Building, Washington, DC 20210, 202 219-8061

RIN: 1218-AA91

2225. METHYLENE CHLORIDE

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None

Abstract: In July 1985, OSHA was petitioned by the United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) to issue a hazard alert; issue an emergency temporary standard; and to begin work on a new permanent standard for methylene chloride (DCM). This request was based on information obtained from the Environmental Protection Agency and the National Toxicology Program indicating that DCM is an animal carcinogen and may have the potential to cause cancer in humans. In November 1986, OSHA notified the UAW that its petition had been granted, in part, and denied, in part.

Specifically, OSHA issued a set of guidelines for controlling occupational exposure to DCM and OSHA denied that portion of the petition requesting the issuance of an emergency temporary standard. OSHA published an Advance Notice of Proposed Rulemaking on November 24, 1986 (51 FR 42257). After reviewing and analyzing the comments received in response to the ANPRM, OSHA published a proposal in the Federal Register on November 7, 1991 (56 FR 57036). The comment period closed on April 6, 1992. On June 9, 1992, OSHA published a notice of informal public hearings to be held in Washington, DC on (cont)

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 11/24/86 | 51 FR 42257 |
| ANPRM Comment Period End | 02/23/87 | 51 FR 42257 |
| NPRM | 11/07/91 | 56 FR 57036 |
| NPRM Comment Period End | 04/06/92 | |
| Final Action | 09/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: September 16, 1992 and in San Francisco, CA on October 14, 1992. The post-hearing comment period for new evidence closed on January 14, 1993, and the final date for submitting post-hearing summations and briefs was March 15, 1993.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave. NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 219-7075

RIN: 1218-AA98

2226. HAZARD COMMUNICATION

Significance: Regulatory Program

Legal Authority: 29 USC 653; 29 USC 655; 29 USC 657; 33 USC 941; 40 USC 333; 5 USC 553

CFR Citation: 29 CFR 1910.1200; 29 CFR 1915.99; 29 CFR 1917.28; 29 CFR 1918.90; 29 CFR 1926.59; 29 CFR 1928.21

Legal Deadline: None

Abstract: OSHA promulgated a final rule on August 24, 1987, that extended

the protections of its Hazard Communication Standard (HCS) from the manufacturing sector to all other workplaces where employees are exposed to hazardous chemicals. The HCS requires covered employers to establish hazard communication programs for their employees, including labels on containers, material safety data sheets, and training programs. On August 8, 1988, OSHA published a NPRM to modify the final rule, and provide an opportunity for public comment. Public comments have been received, hearings have been held, and OSHA will prepare a final rule based on the public record for this standard, including the record developed in earlier rulemakings. OSHA published a request for information (RFI) on May 17, 1990, (55 FR 20580) to improve the quality and representation of the information provided on the MSDS's and labels and to consider a standardized format. OSHA will determine if the rule should be reopened after the comments and other relevant information are analyzed. The comment period for the RFI expired on August 15, 1990. A draft of the final rule for the 1988 proposal is being reviewed.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 11/27/85 | 50 FR 48794 |
| ANPRM Comment Period End | 02/25/86 | |
| NPRM | 08/08/88 | 53 FR 29822 |
| NPRM Comment Period End | 10/28/88 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3718, FP Bldg., Washington, DC 20210, 202 219-7075

RIN: 1218-AB02

2227. WALKING AND WORKING SURFACES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.21; 29 CFR 1910.22; 29 CFR 1910.23; 29 CFR 1910.24; 29 CFR 1910.25; 29 CFR

DOL—OSHA

Final Rule Stage

1910.26; 29 CFR 1910.27; 29 CFR 1910.28; 29 CFR 1910.29; 29 CFR 1910.30; 29 CFR 1910.31; 29 CFR 1910.32

Legal Deadline: None

Abstract: Existing standards for walking and working surfaces need to be revised because they are out of date and restrict technological innovation. The proposed revision is performance-oriented and permits flexibility for compliance.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 04/10/90 | 55 FR 13360 |
| NPRM Comment Period End | 08/22/90 | 55 FR 13360 |
| Hearing | 09/11/90 | 55 FR 29224 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: 1218-AB04 will be issued concurrently with 1218-AA48.

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3605, FP Bldg., Washington, DC 20210, 202 219-8061

RIN: 1218-AB04

2228. ASBESTOS (REMAND)

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR 1910.1001; 29 CFR 1926.58

Legal Deadline: None

Abstract: On June 20, 1986, OSHA published revised standards governing occupational exposure to asbestos, tremolite, anthophyllite and actinolite in general industry and construction. In these standards, OSHA reduced the 8-hour time weighted average (TWA) permissible exposure limit (PEL) to 0.2 f/cc, and established other protective provisions. This standard was legally challenged, and as a result, the Court of Appeals for the District of Columbia upheld the standard except that the court held that OSHA must reconsider several of the standard's provisions to determine if more protective regulatory provisions are available to reduce risk. One of the issues to be reconsidered was the need for a short-term limit for

occupational exposure to asbestos in response to the Court's directive. This limit was established as 1 f/cc averaged over a 30-minute sampling period and a legal notification of this amendment was published on September 14, 1988, at 53 FR 35610. (cont)

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Asbestos Remand - Category I Issues | 12/20/89 | 54 FR 52024 |
| Asbestos Remand - Category II Effective Date | 02/05/90 | 55 FR 3724 |
| Asbestos Remand - Category II Issues | 02/05/90 | 55 FR 3724 |
| Asbestos Remand - Category III | 07/20/90 | 55 FR 29712 |
| Hearing | 10/23/90 | 55 FR 29712 |
| Hearing | 11/09/90 | 55 FR 40676 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: On December 20, 1989 (54 FR 52024) OSHA responded to the first three remand issues. OSHA deleted the ban on spraying asbestos containing materials; amended the regulatory text to clarify when construction employers must resume periodic monitoring; and explained why OSHA is not amending the regulatory text to clarify the limited exemption for "small-scale, short-duration operations" in the construction industry standard. OSHA published a notice of its resolution of Category II remand issues on February 5, 1990, and a notice of proposed rulemaking for Category III on July 20, 1990 (55 FR 29712). On September 20, 1990, the comment period was extended to December 3, 1990, and the public hearing was rescheduled to commence on January 23, 1991. The post-hearing comment period closed on April 26, 1991, and the briefing period was extended to July 24, 1991. On November 3, 1992 (57 FR 49657), OSHA reopened the record for 60 days to receive additional comments. The comment period for supplemental asbestos information closed on January 4, 1993.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room

N3718, FP Bldg, Washington, DC 20210, 202 219-7075

RIN: 1218-AB25

2229. ACCREDITATION OF TRAINING PROGRAMS FOR HAZARDOUS WASTE OPERATIONS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); PL 101-549 (November 15, 1990); 5 USC 552(a); 5 USC 533

CFR Citation: 29 CFR 1910.121, subpart H

Legal Deadline: None

Abstract: Public Law 99-499 established the criteria under which OSHA developed and promulgated 29 CFR 1910.120, Hazardous Waste Operations and Emergency Response (HAZWOPER). 29 CFR 1910.120 was published March 9, 1989, and became effective one year later. Section 126 of Public Law 99-499 was later revised to require OSHA to also develop a training accreditation program for the training programs required in paragraphs (e) and (p) of 1910.120. OSHA has been developing that accreditation program based upon the initial public record of comments on its proposed accreditation program and additional public comments received in response to a limited reopening of the public record in 1992. The limited reopening of the public record allowed additional public comment on an effectiveness of training study conducted by OSHA. OSHA continues to develop and refine the regulatory text for the final rule. We are also developing the logistics necessary for receiving and accrediting the large number of training programs expected to be submitted to the Agency for accreditation.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 01/26/90 | 55 FR 2776 |
| NPRM Comment Period End | 04/26/90 | 55 FR 2776 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room

DOL—OSHA

Final Rule Stage

N3605, FP Bldg, Washington, DC
20210, 202 219-8061

RIN: 1218-AB27

2230. OCCUPANT PROTECTION IN MOTOR VEHICLES

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.140; 29 CFR 1915.99; 29 CFR 1915.100; 29 CFR 1917.44; 29 CFR 1918.73; 29 CFR 1926.33; 29 CFR 1928.58

Legal Deadline: None

Abstract: OSHA has developed the regulatory text for this rule and is developing the preamble portion of the Final Rule. OSHA has slowed the development of this rule as a result of recent Congressional action on the Department of Labor's 1993 appropriation bill. Initial versions of the appropriation bill would have prevented OSHA from enforcing this rule if it were promulgated. Final Congressional action required OSHA to evaluate the impact of the rule on small business. OSHA has completed that evaluation.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/12/90 | 55 FR 28728 |
| NPRM Comment Period End | 11/09/90 | 55 FR 28728 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Thomas J. Shepich, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3605, FP Building, Washington, DC 20210, 202 219-8061

RIN: 1218-AB28

2231. REPORTING OF FATALITY OR MULTIPLE HOSPITALIZATIONS

Significance: Regulatory Program

Legal Authority: 29 USC 657; 29 USC 673

CFR Citation: 29 CFR 1904.8

Legal Deadline: None

Abstract: Concerns have been raised by Congress, OMB, OSHA, NIOSH, BLS, the National Academy of Sciences, GAO and representatives of business and labor about the reporting of fatalities and multiple hospitalizations. These include the procedures employers are required to follow, the length of time employers have to report the fatalities to OSHA, and the number of hospitalizations required before the employer must report the incident to OSHA. In particular, 48 hour reporting may allow too many workplace factors to change before OSHA can reach the

worksite to perform an adequate investigation of the incident. In addition, there are concerns that the current regulation may not adequately inform employers of the need to report all occupational fatalities, including those that occur extended periods of time after the employee was originally injured. Benefits will include more accurate employer reporting of fatalities and multiple hospitalizations, an improved ability for OSHA to respond to serious accidents while evidence is still "fresh," an improved count of fatalities and multiple hospitalizations and an upgraded data base for researchers and policy officials.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/19/92 | 57 FR 21222 |
| NPRM Comment Period End | 08/17/92 | |
| Final Action | 11/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Stephen A. Newell, Director, Office of Statistics, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Rm N3507, FP Building, Washington, DC 20210, 202 219-6463

RIN: 1218-AB35

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Office of the Assistant Secretary for Veterans' Employment & Training (ASVET)

2232. UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS

Significance: Regulatory Program

Legal Authority: 38 USC 2021 to 2027

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The law under the Veterans' Reemployment Rights (VRR) statute, 38 USC sections 2021-2027, with subsequent amendments and judicial constructions, has become confusing and cumbersome. As a result, the Administration introduced legislation

to replace the existing VRR statute, it is expected that the Congress will enact a new law this session. The proposed legislation requires the Secretary of Labor to issue regulations implementing and interpreting the statute. The proposed law would seek to: (1) clarify the law; (2) determine the veteran's entitlement and eligibility requirement on duration of rather than category of service; (3) promote expedited resolution of claims; and sufficient membership in the Armed Forces, and to ensure the availability of citizen-soldiers.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: If and when legislation is enacted.

Agency Contact: Hary P. Puente-Duany, Director, Office of Veterans' Employment, Reemployment, and Training, Department of Labor, Office of the Assistant Secretary for Veterans' Employment & Training, 200 Constitution Avenue NW., Room S1316, FP Building, Washington, DC 20210, 202 219-9110

RIN: 1293-AA05

DEPARTMENT OF LABOR (DOL)**Proposed Rule Stage****Office of the Assistant Secretary for Veterans' Employment & Training (ASVET)****2233. • TITLE IV, PART C, OF THE JOB TRAINING PARTNERSHIP ACT (JTPA)****Significance:** Regulatory Program**Legal Authority:** 29 USC 1501 et seq 1721 Services to Veterans**CFR Citation:** 20 CFR 1005**Legal Deadline:** NPRM, Statutory, December 18, 1992.**Abstract:** The 1992 JTPA amendments changes in the mix and needs of

veterans eligible for Part C programs, and the need to improve resource usage while improving program effectiveness and responsiveness require regulatory changes to 30 CFR 1005. This proposal would amend existing regulations to update them and provide greater flexibility for program administration.

Timetable: Next Action Undetermined**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** State, Federal**Agency Contact:** Hary P. Puente-Duany, Director, Office of Veterans' Employment, Reemployment and Training, Department of Labor, Office of the Assistant Secretary for Veterans' Employment & Training, 200 Constitution Avenue NW., Room S1316, FP Building, Washington, DC 20210, 202 219-9110**RIN:** 1293-AA06**DEPARTMENT OF LABOR (DOL)****Final Rule Stage****Office of the Assistant Secretary for Veterans' Employment & Training (ASVET)****2234. VETERANS' PROGRAMS AND SERVICES ADMINISTERED BY THE OFFICE OF THE ASSISTANT SECRETARY FOR VETERANS' EMPLOYMENT AND TRAINING****Significance:** Regulatory Program**Legal Authority:** 38 USC ch 41; 38 USC ch 42; PL 100-323; 10 USC 1145 (PL 101-510); 29 USC 1721; 29 USC 49k; PL 102-16**CFR Citation:** 20 CFR ch IX**Legal Deadline:** None**Abstract:** To revise new chapter IX of title 20, CFR, titled Office of the Assistant Secretary for Veterans' Employment and Training, to fully describe the authority and responsibilities for provision of services to veterans through administration of programs and activities carried out through the Veterans' Employment and Training Service (VETS). Revisions are to bring regulations into conformity with 38 U.S.C. chapters 41, 42, and 43,

as amended by P.L. 100-323. Previous rulemaking will establish the new 20 CFR Chapter IX, Parts 1000-1099, which are hereby revised. According to PL 100-323, several major provisions must be added to the regulations as follows: (a) expand responsibilities of the Assistant Secretary for Veterans' Employment and Training; (b) establish position of Regional Administrator for Veterans' Employment and Training; (c) expand duties of Disabled Veterans' Outreach Program Specialists; (d) establish assignment formula and duties for local veterans' employment representatives; (cont)

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 02/07/91 | 56 FR 5124 |
| NPRM Comment Period End | 04/08/91 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** State, Federal**Additional Information:** ABSTRACT CONT: (e) expand list of data items to be collected and reported to Congress annually; (f) set requirements for greater coordination with JTPA and OPM. Requires solution since statute requires the Department of Labor to monitor and/or administer affected programs.**Agency Contact:** Hary P. Puente-Duany, Director, Office of Veterans' Employment, Reemployment and Training, Department of Labor, Office of the Assistant Secretary for Veterans' Employment & Training, 200 Constitution Avenue NW., Room S1316, FP Building, Washington, DC 20210, 202 219-9110**RIN:** 1293-AA03

[FR Doc. 93-24284 Filed 10-22-93; 8:45 am]

BILLING CODE 4510-23-F

Federal Register

Monday
October 25, 1993

Part XIII

Department of State

Semiannual Regulatory Agenda

DEPARTMENT OF STATE (STATE)

DEPARTMENT OF STATE

22 CFR Ch. I

[Public Notice 1855]

Unified Agenda of Federal Regulations

AGENCY: Department of State.

ACTION: Semiannual publication of regulatory agenda.

SUMMARY: As required by Executive Order 12291 and the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), the October 1993 agenda of regulations of the Department of State is set forth below. This agenda was prepared under the guidelines of OMB's memorandum of June 14, 1993. The purpose of the agenda is to provide information to the public on the Department's regulatory plans.

FOR FURTHER INFORMATION CONTACT:

Mary Beth West, Assistant Legal Adviser for Legislation and General Management, Department of State, Room 5425, 2201 C Street NW., Washington, DC 20520-6310; telephone (202) 647-5154.

Dated: September 14, 1993.

Richard M. Moose,
Under Secretary for Management.

DEPARTMENT OF STATE (STATE)

Prerule Stage

**2235. VISAS; PART 45
DOCUMENTATION OF IMMIGRANTS
UNDER SECTION 124 OF PUBLIC
LAW 101-649, AS AMENDED BY
PUBLIC LAW 101-232**

Legal Authority: PL 101-232, sec 302(b)(1)(5)

CFR Citation: 22 CFR 45.3(a)

Legal Deadline: None

Abstract: Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, Pub. L. 102-232, was enacted on December 12, 1991, to make necessary technical corrections to the Comprehensive Immigration Act of 1990, Pub. L. 101-649. The Immigration and Nationality Act at section 104 (8 USC 1104) grants the Secretary of State general authority over the issuance and refusal of visas and to promulgate necessary regulations. That statutory provision constitutes the general authority to promulgate these regulations. Section 302(b)(1)(5) amends section 124 of the Immigration Act of 1990, relating to the transition

for employees of U.S. businesses operating in Hong Kong.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|---------|
| ANPRM | 12/00/93 | |
| ANPRM Comment | 00/00/00 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Cornelius D. Scully, III, Office Director, Legislation, Regulations and Advisory Assistance, Department of State, 2401 E Street NW., SA-1, Washington, DC 20522-0113, 202 663-1184

RIN: 1400-AA44

**2236. PASSPORT AND NOTARIAL
ACTIVITIES OVERSEAS**

Legal Authority: 8 USC 1104; 22 USC 2658; 22 USC 3926; 22 USC 4215

CFR Citation: 22 CFR 50.3; 22 CFR 50.5; 22 CFR 50.8; 22 CFR 50.12; 22

CFR 92.1; 22 CFR 92.4; 22 CFR 92.5; 22 CFR 92.6; 22 CFR 92.7

Legal Deadline: None

Abstract: These additions and amendments to the CFR will allow officers other than commissioned Foreign Service Officers to perform notarial acts (excluding authentications), to adjudicate citizenship cases, to administer oaths for passport purposes, and to issue passports. The extension of this responsibility for these administrative acts to these officers will allow Foreign Service consular officers to concentrate on managing the consular functions of the post.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carmen A. DiPlacido, Director, Office of Citizens Consular Services, Department of State, Bureau of Consular Affairs, Washington, DC 20520-4818, 202 647-3675

RIN: 1400-AA46

DEPARTMENT OF STATE (STATE)

Proposed Rule Stage

**2237. ESTABLISHMENT OF A
REGISTRY IN THE DEPARTMENT OF
STATE FOR INFORMATION ABOUT
EXECUTION OF INTERNATIONAL
WILLS**

Legal Authority: See Abstract.

CFR Citation: 22 CFR 92.81(b)(3)

Legal Deadline: None

Abstract: By resolution of the international diplomatic conference that adopted the final text of the

Convention, there was a recommendation that the Department of State establish an internal system to permit the optional registration of information to facilitate the discovery of international wills. The President transmitted the Convention to the Senate on July 2, 1986, with the recommendation that the Senate give its advice and consent to U.S. ratification of the Convention, and information about the intention to

establish the Registry in the Department of State (Senate Treaty Doc. 99-29). The Senate gave advice and consent to ratification on August 2, 1991. The President signed the instrument of ratification on December 2, 1991. The U.S. has not deposited its instrument of ratification pending enactment of implementing legislation, the International Wills Act, required before the United States can take further action to ratify the Convention.

STATE

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| Senate Advice and Consent to Ratification of the 1973 Convention | 08/02/91 | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carmen A. DiPlacido, Director, Office of Citizens Consular Services, Department of State, Bureau of Consular Affairs, Washington, DC 20520-4818, 202 647-3666

RIN: 1400-AA09

2238. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 22 USC 2658

CFR Citation: 22 CFR 135

Legal Deadline: None

Abstract: In August 1992 OMB prepared a revised Circular A-102 (dealing with grants and cooperative agreements to State and local governments). The Department of State has prepared a preamble to the proposed revised circular, endorsing it. When OMB publishes the revised circular as a proposed rule in the Federal Register, the Department's preamble will be published as well. OMB advises that it has discontinued plans to combine Circular A-102 and Circular A-110 (dealing with grants and cooperative agreements with other nonprofit organizations) into a single circular, and that Circular A-110 will follow a similar, but separate, course in revision.

Timetable:

| Action | Date | FR Cite |
|----------------------------------|----------|-------------|
| ANPRM | 06/18/84 | 49 FR 24958 |
| Notice of Proposed Forms | 05/29/87 | 52 FR 20178 |
| NPRM | 06/09/87 | 52 FR 21820 |
| Begin Review | 06/24/87 | 52 FR 23729 |
| Notice Public Comment Period End | 07/28/87 | 52 FR 20178 |
| NPRM Comment Period End | 08/10/87 | 52 FR 21820 |
| Final Rule | 03/11/88 | 53 FR 8034 |
| NPRM | 11/04/88 | 53 FR 44716 |
| NPRM Public Comment Period End | 01/03/89 | 53 FR 44716 |
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Richard Lloyd, Director, Program Development and Management Division, Department of State, Room 603, SA-6, Washington, DC 20522-0602, 703 516-1690

RIN: 1400-AA20

2239. INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR)

Legal Authority: 22 USC 2778; EO 12735; 22 USC 2751 et seq; EO 11958; EO 12735

CFR Citation: 22 CFR 120 to 130

Legal Deadline: NPRM, Statutory, June 1, 1991.

Deadline has been extended to May 1993.

Abstract: The ITAR were first published in their current form in 1955 and have been periodically amended to reflect statutory enactments and to implement foreign policy. The July 1993 revision of the ITAR was the first substantial revision since December 1984. In May 1992, the State Department office which administers the ITAR, the Office of Defense Trade Controls, published a proposed revision of the ITAR. The final rule was published on July 22, 1992. The amended ITAR clarifies and updates these regulations and adds exemptions for certain types of exports.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Published | 10/17/89 | 54 FR 42496 |
| Administrative Changes to the International Traffic in Arms Regulations | | |
| New License Exemptions Under ITAR | 06/26/90 | 53 FR 25981 |
| NPRM | 07/25/91 | 56 FR 34037 |
| NPRM Comment Period End | 08/26/91 | |
| NPRM - Amending the ITAR (Two Rules) | 09/05/91 | 56 FR 43894 |
| NPRM - Two Rule Changes to the ITAR | 09/16/91 | 56 FR 46753 |
| Amend Prohibited Destination List | 10/29/91 | 56 FR 55630 |
| Amend USML | 01/16/92 | 57 FR 1886 |
| Designate Non-Significant Military Equipment | 01/16/92 | 57 FR 1888 |

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM - Amends USML | 04/13/92 | 57 FR 12774 |
| NPRM - Amends USML | 04/22/92 | 57 FR 14671 |
| Final Rule - Amends Section 121 of ITAR | 04/27/92 | 57 FR 15227 |
| NPRM - Revision of ITAR | 05/07/92 | 57 FR 19666 |
| NPRM | 07/20/92 | 57 FR 32148 |
| NPRM - Global Position Systems Receivers | 09/09/92 | 57 FR 41077 |
| Final Rule - Amends USML | 10/23/92 | 57 FR 48315 |
| NPRM - Space | 12/28/92 | 57 FR 61589 |
| Final Rule | 07/22/93 | 58 FR 39280 |
| Continue Proposed Revisions | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal

Agency Contact: Rose Biancaniello, Chief, Arms Licensing Division, Bureau of Politico-Military Affairs, Department of State, PM/DTC, Room 200, Annex 6, Washington, DC 20522-0602, 703 875-6644

RIN: 1400-AA23

2240. ADMINISTRATIVE PRACTICE AND PROCEDURE, CLASSIFIED INFORMATION, FREEDOM OF INFORMATION, PRIVACY

Significance: Agency Priority

Legal Authority: 5 USC 552; 5 USC 552a; 5 USC 551 et seq; 5 USC app 201; EO 12356; EO 12600

CFR Citation: 22 CFR 171

Legal Deadline: None

Abstract: These rules implement the Freedom of Information Act, the Privacy Act, and other information access provisions, and set forth the practices and procedures governing the availability of information and records to the public. The practices and procedures affect: The making of requests; the review of classified and other information in response to such requests; access and denial of access to the requested information; the right to administratively appeal a denial of access; the right to request amendment of personal information; the assessment and waiver of fees in connection with the foregoing; and access to and use of financial disclosure reports. During the next twelve months we anticipate that there will be a need to amend that

STATE

Proposed Rule Stage

section of the rules which covers the Privacy Act resulting from the creation of new systems of records subject to that Act.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| NPRM | 08/26/88 | 53 FR 32626 |
| NPRM Comment Period End | 09/26/88 | 53 FR 32626 |
| Final Action | 02/21/91 | 56 FR 6968 |
| Final Action Effective | 02/21/91 | |
| Continue Proposed Revisions | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Margaret Grafeld, Chief, Privacy, Plans and Appeals Division, Department of State, A/IM/FPC/PPA, Room 1239, Washington, DC 20520-1239, 202 647-6620

RIN: 1400-AA30

2241. AMENDMENT TO DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR CASE 89-011)

Legal Authority: 22 USC 2658; 22 USC 4343; 40 USC 486(c); 5 USC 301

CFR Citation: 48 CFR 601 to 670 (Revision)

Legal Deadline: None

Abstract: The DOSAR will be revised to include all agency acquisition regulations that implement and supplement the FAR. The revision will incorporate agency policy, procedures, contract clauses, solicitation provisions, and forms governing the Department of State contracting process.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Gladys Gines, Analyst, Domestic Policy and Compliance Division, Department of State, A/OPE, Room 603, SA-6, Washington, DC 20522-0602, 703 516-1680

RIN: 1400-AA31

2242. PROCEDURES FOR REVIEW OF ADVERSE ACTIONS

Legal Authority: 22 USC 211a; 22 USC 2705

CFR Citation: 22 CFR 51.80 to 51.89

Legal Deadline: None

Abstract: These rules provide the administrative remedy applicable to persons subject to adverse actions of denial, restriction, revocation, or invalidation of passports under 22 CFR 51.70 to 51.72. The action will amend the regulations to extend the application of the review procedures to actions of denial, restriction, revocation, or invalidation of passports based upon a finding of noncitizenship.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: William B. Wharton, Director, Office of Citizenship Appeals and Legal Assistance, Bureau of Consular Affairs, Department of State, Passport Services, 1425 K Street NW., Room 300, Washington, DC 20522-1705, 202 326-6175

RIN: 1400-AA33

2243. FOREIGN PROHIBITIONS ON LONGSHORE WORK BY U.S. NATIONALS

Legal Authority: 8 USC 1288(d)

CFR Citation: 22 CFR 89

Legal Deadline: Final, Statutory, December 31, 1993.

Legal deadline reflects the statutory requirement that the list be updated on an annual basis.

Abstract: The above-mentioned statute requires the Secretary of State to compile, and update annually through Notice-and-Comment rulemaking procedures, a list, by particular longshore activity, of countries where performance of such activity is prohibited by law, regulation, or in practice in the country concerned. According to the statute cited above, the Attorney General will use this list for enforcing restrictions on work performed by crewmembers of vessels from such countries. Compilation of the list itself does not involve any significant costs and is based upon information being provided to the Department of State by U.S. diplomatic missions overseas as well as by the public. Questions regarding the policy

justification for the list and its use are best directed to the Departments of Labor, Transportation, and Justice.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| Interim Final Rule | 05/30/91 | 56 FR 24338 |
| Final Rule | 12/27/91 | 56 FR 66970 |
| Final Rule Effective | 01/01/92 | |
| Final Rule Correction | 01/04/92 | 57 FR 1384 |
| NPRM | 11/04/92 | 57 FR 52600 |
| NPRM Comment Period End | 12/04/92 | |
| NPRM | 11/00/93 | |
| Final Action | 12/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: In accordance with the mandate to maintain annually the list of countries, the Department will issue Final Rules to amend the list as appropriate.

Agency Contact: Stephen Miller, Office of Maritime and Land Transport, Bureau of Economic and Business Affairs, Department of State, 2201 C Street NW., Washington, DC 20520-5816, 202 647-6961

RIN: 1400-AA34

2244. VISA LOOKOUT SYSTEM

Significance: Regulatory Program

Legal Authority: PL 102-138, sec 128(e)

CFR Citation: 22 CFR 40

Legal Deadline: NPRM, Statutory, October 28, 1991.

Abstract: The Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, Pub. L. 102-138, enacted October 28, 1991, also modified certain provisions of the Immigration Act of 1990. Section 128(e) provides that the Secretary of State may enter into, or retain in, the visa lookout system names of aliens who have not been formally found to be ineligible to receive visas only for specified reasons and directs the Secretary to establish regulations and procedures for this purpose. This regulation would respond to that statutory requirement.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cornelius D. Scully, III, Office Director, Legislation, Regulations and Advisory Assistance,

STATE

Proposed Rule Stage

Department of State, Bureau of Consular Affairs, 2401 E Street NW., SA-1, Washington, DC 20522-0113, 202 663-1184
 RIN: 1400-AA43

2245. • DIVERSITY IMMIGRANTS

Significance: Regulatory Program
Legal Authority: PL 101-649
CFR Citation: 22 CFR 4233 (New)
Legal Deadline: NPRM, Statutory, October 1, 1994.

Abstract: Section 131 of the Immigration Act of 1990, Pub. L. 101-649, amended the INA by adding section 203(c). This section creates a new immigrant visa diversity program which differs from previous diversity

programs. The implementing regulation will have to address: (1) the identification of countries to be included in the program by applying the numbers of aliens granted permanent resident status in the United States as computed by the INS to the statutory equations; (2) the operational scheme that will assess the educational and work experience requirements of the applicant with necessary precautions for the prevention of fraud; (3) the establishment of a mail-in registration program; and (4) the development of an application form for the implementation of the diversity program.

Timetable:

| Action | Date | FR Cite |
|-------------------------------------|----------|---------|
| Begin Review of Existing Regulation | 04/01/93 | |
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 03/00/94 | |
| Notice of Proposed Form | 04/00/94 | |
| Final Action Effective | 06/00/94 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Cornelius D. Scully, III, Office Director, Legislation, Regulations and Advisory Assistance, Department of State, 2401 E Street NW., SA-1, Washington, DC 20522-0113, 202 663-1184
 RIN: 1400-AA50

DEPARTMENT OF STATE (STATE)

Final Rule Stage

2246. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program
Legal Authority: 31 USC 1352; 22 USC 2658
CFR Citation: 22 CFR 138 (New)
Legal Deadline: None

Abstract: This interim final rule establishes a uniform regulation for nonprocurement Federal transactions among 29 Federal agencies. The regulation adopts and implements guidance published by the Office of Management and Budget (see 54 FR 52306, December 20, 1989), pursuant to section 319 of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990. Section 319 added section 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," to title 31, United States Code. The interim final rule, published February 26, 1990, establishes semiannual reporting requirements. There has been no final action on the interim final rule, because new legislation has been proposed by Senator Levin which, if enacted, would rescind the current requirement for semiannual reporting and add a provision requiring registration by all lobbyists with the Department of Justice.

Timetable:

| Action | Date | FR Cite |
|--------------------------------------|--------------|-------------|
| Interim Final Rule | 02/26/90 | 55 FR 6736 |
| OMB Governmentwide Guidance (Notice) | 06/15/90 | 55 FR 24540 |
| Next Action | Undetermined | |

Small Entities Affected: None
Government Levels Affected: Local, State

Agency Contact: Will Zehnder, Analyst, Domestic Policy and Compliance Division, Department of State, A/OPE, Room 603, SA-8, Washington, DC 20522-0602, 703 516-1685

RIN: 1400-AA29

2247. VISAS; PART 41 DOCUMENTATION OF NONIMMIGRANTS UNDER THE INA, AS AMENDED

Significance: Regulatory Program
Legal Authority: PL 101-649, title II; PL 101-649, sec 204; PL 101-649, sec 205; PL 101-649, sec 206; PL 101-649, sec 207; PL 101-649, sec 208; PL 101-649, sec 209; PL 101-649, sec 201
CFR Citation: 22 CFR 41.51; 22 CFR 41.53; 22 CFR 41.54; 22 CFR 41.55; 22 CFR 41.56; 22 CFR 41.57; 22 CFR 41.58; 22 CFR 41.2(1); 22 CFR 41.2(j); 22 CFR 41.31

Legal Deadline: NPRM, Statutory, October 1, 1991.

Abstract: The Immigration Act of 1990 (the Act), Pub. L. 101-649, enacted on November 29, 1990, constitutes a comprehensive revision of the United States immigration law. This law modified certain nonimmigrant visa (NIV) classifications and created others. The Immigration and Nationality Act at section 104 (8 U.S.C. 1104) grants the Secretary of State general authority over the issuance and refusal of visas and to promulgate necessary regulations.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Proposed Rule; Passport and Visa Waiver Requirements (22 CFR 41.2(i)) | 07/30/91 | 56 FR 36029 |
| NPRM - Modification of Nonimmigrant Visa Classifications | 09/03/91 | 56 FR 43565 |
| Interim Rule; Visa Waiver Pilot Program (22 CFR 41.2(i)) | 09/13/91 | 56 FR 46716 |
| Proposed Rule; Creation of New NIV Classification | 01/06/92 | 57 FR 00341 |
| Final Rule; H-L-P-O Visas, 41.11 and 41.12 | 07/16/92 | 57 FR 31446 |
| NPRM | 07/29/93 | 58 FR 40585 |
| Final Rule; E Visas | 12/00/93 | |

STATE

Final Rule Stage

| Action | Date | FR Cite |
|---|----------|---------|
| Final Rule; Visa Waiver Pilot Program (22 CFR 41.2(l)) | 12/00/93 | |
| Second NPRM; Creation of New NIV Classification | 12/00/93 | |
| Second NPRM; Passport and Visa Waiver Requirements (22 CFR 41.2(j)) | 12/00/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Cornelius D. Scully, III, Office Director, Legislation, Regulations and Advisory Assistance, Department of State, Bureau of Consular Affairs, 2401 E Street, NW., SA-1, Washington, DC 20522-0113, 202 663-1184

RIN: 1400-AA36

2248. VISAS; PART 42 DOCUMENTATION OF IMMIGRANTS UNDER THE INA, AS AMENDED

Significance: Regulatory Program

Legal Authority: PL 101-649, title I; PL 101-649, sec 154; PL 101-649, sec 155

CFR Citation: 22 CFR 42; 22 CFR 42.72; 22 CFR 42.54; 22 CFR 42.33

Legal Deadline: NPRM, Statutory, October 1, 1991.

Abstract: The Immigration Act of 1990 (the Act), Pub. L. 101-649, enacted on November 29, 1990, constitutes a comprehensive revision of the United States immigration law. The law partially restructured the immigrant visa system. The Immigration and Nationality Act at section 104 (8 U.S.C. 1104) grants the Secretary of State general authority over the issuance and refusal of visas and to promulgate necessary regulations.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Final Rule - Expedited Issuance of Certain Lebanese Visas | 05/03/91 | 56 FR 20347 |
| Final Rule - Extended Validity of IVs for Hong Kong | 07/16/91 | 56 FR 32322 |

| Action | Date | FR Cite |
|--|--------------|-------------|
| Final Rule - Extended Validity of IVs for Hong Kong | 07/17/91 | 56 FR 52503 |
| Interim Final Rule - Reorganize Immigrant Visa Regulations | 10/01/91 | 56 FR 49678 |
| Interim Final Rule - Various Amendments | 10/01/91 | 56 FR 49675 |
| Interim Final Rule - Reorganize Immigrant Visa Regulations | 10/10/91 | 56 FR 49678 |
| Interim Final Rule Effective | 10/10/91 | 56 FR 51170 |
| Interim Final Rule Comment Period End | 10/31/91 | 56 FR 55077 |
| Final Rule - Reorganize Immigrant Visa Regulations | 09/16/93 | 58 FR 48446 |
| Final Rule - Reorganize Immigrant Visa Regulations | 09/16/93 | 58 FR 48446 |
| Final Rule - Various Amendments | 09/16/93 | 58 FR 48446 |
| Next Action | Undetermined | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Cornelius D. Scully, III, Office Director, Legislation, Regulations and Advisory Assistance, Department of State, Bureau of Consular Affairs, 2401 E Street NW., SA-1, Washington, DC 20522-0113, 202 663-1184

RIN: 1400-AA37

2249. • TRANSIT WITHOUT VISA (TWOV)

Legal Authority: Section 212(d)(4)(C) of the Immigration & Nationality Act (INA)

CFR Citation: 22 CFR 41.2(i)

Legal Deadline: None

Abstract: Under the provision of section 212(d)(4)(C), the Secretary of State and the Attorney General acting jointly have the authority to waive nonimmigrant visa requirements for aliens in continuous and direct transit through the United States.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 08/16/93 | 22 FR 43438 |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Cornelius D. Scully, III, Office Director, Legislation, Regulations and Advisory Assistance, Department of State, 2401 E Street NW., SA-1, Washington, DC 20522-0113, 202 663-1184

RIN: 1400-AA48

2250. • VISA WAIVER PILOT PROGRAM

Significance: Agency Priority

Legal Authority: PL 99-603, sec 313; PL 101-649, sec 201; PL 102-232, sec 303

CFR Citation: 22 CFR 41.2(l)

Legal Deadline: None

Abstract: Section 313 amended the Immigration and Nationality Act by adding section 217 which established the nonimmigrant Visa Waiver Pilot Program (WWPP). This program waives the nonimmigrant visa requirements, to facilitate the admission of certain nonimmigrant alien visitors under the WWPP. Section 217, as amended by PL 101-649 and PL 102-232, revises from time to time the list of countries designated by the Secretary of State and the Attorney General, acting jointly, to participate in the Visa Waiver Pilot Program. Brunei has been added to that list.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 07/29/93 | 22 FR 40585 |
| Final Action | 12/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cornelius D. Scully, III, Office Director, Legislation, Regulations and Advisory Assistance, Department of State, 2401 E Street NW., SA-1, Washington, DC 20522-0113, 202 663-1184

RIN: 1400-AA49

[FR Doc. 93-23535 Filed 10-22-93; 8:45 am]
BILLING CODE 4710-35-F

Federal Register

Monday
October 25, 1993

Part XIV

Department of
Transportation

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION (DOT)

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I-III

23 CFR Chs. I-III

33 CFR Chs. I and IV

46 CFR Chs. I-III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I-VI

[OST Docket No. 59; Notice 93-16]

Department Regulations Agenda;
Semiannual Summary

AGENCY: Office of the Secretary, DOT.

ACTION: Department regulations agenda.

SUMMARY: The regulations agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. The agenda provides the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of and allow it to more effectively participate in the Department's regulatory activity. The public is also invited to submit comments to continuously open regulatory review dockets, suggesting items for consideration as part of the Department's ongoing review of existing regulations.

ADDRESSES: The mailing address for the initiating offices of the Department which appear in the agenda is 400 7th Street SW., Washington, DC 20590; except for the Federal Aviation Administration, which is located at 800 Independence Avenue SW., Washington, DC 20591, and the U.S. Coast Guard, which is located at 2100 2nd Street SW., Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the agenda in general, contact: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street SW., Washington, DC 20590, (202) 366-4723.

Specific

For further information about any particular item on the agenda, contact the individual listed in the column headed "Agency Contact" for that item.

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Agenda

SUPPLEMENTARY INFORMATION:

Background

Improvement of Government regulations is a prime goal of the Clinton Administration. There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed.

To help the Department of Transportation (Department) achieve these goals and in accordance with Executive Order 12291 "Federal Regulation" (46 FR 13193; February 19, 1981) and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), the Department prepares a semiannual regulations agenda for publication in the *Federal Register*. The agenda summarizes all current and projected rulemaking, reviews of existing regulations, and completed actions of the Department. These are matters on which action has

begun or is projected during the succeeding 12 months or such longer period as may be anticipated or for which action has been completed since the last agenda.

The agendas are based on reports submitted by the initiating offices in January and July each year. After these reports are consolidated for and reviewed by the Department Regulations Council, the Department's regulations agenda is prepared and published in the *Federal Register*. The Department's last agenda was published in the *Federal Register* on April 26, 1993 (58 FR 24618). The next one is scheduled for publication in the *Federal Register* in April 1994.

Regulatory Flexibility Act

In 1980, Congress passed the Regulatory Flexibility Act (RFA), Public Law 96-354, which requires the designation of those regulations for which a Regulatory Flexibility Analysis will be prepared; i.e., those regulations that would have a significant economic impact on a substantial number of small entities. A Regulatory Flexibility Analysis is required for a rulemaking which, in the heading "Small Entities Affected," indicates an effect on small businesses, governmental jurisdictions, or organizations. If a Regulatory Flexibility Analysis will be prepared for a particular rulemaking, that fact also will be noted under the heading "Analysis."

The RFA also requires that, each year, the Department publish a list of those regulations that have a significant economic impact on a substantial number of small entities and are to be reviewed under the Act during the succeeding 12 months. The agenda includes those regulations to be reviewed under the RFA or those for which review has been concluded since the last agenda. However, it should be noted that, after a preliminary assessment of the regulations listed for RFA review, it may be found that the regulations, in fact, do not have a significant economic impact on a substantial number of small entities, and a full RFA review will be unnecessary.

Regulatory Impact Analysis

A preliminary and final Regulatory Impact Analysis is required for each proposed and final regulation, respectively, that

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(1) is likely to result in:

(a) An annual effect on the economy of \$100 million or more;

(b) a major effect on the general economy in terms of costs, consumer prices, or production;

(c) a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions;

(d) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets; or

(2) the Secretary or head of the initiating office has determined requires such an analysis.

Definitions

The agenda covers all rules and regulations of the Department, including those that establish conditions for financial assistance. The following definitions are provided for ease in understanding the information in this document.

(1) *Initiating office* means an operating administration or other organizational element within the Department, the head of which is authorized by law or delegation to issue regulations or to formulate regulations for issuance by the Secretary.

(2) *Significant regulation* means a regulation that is not an emergency regulation and that, in the judgment of the head of the initiating office or the Secretary or the Deputy Secretary,

(a) is a major regulation;

(b) concerns a matter on which there is substantial public interest or controversy;

(c) has a major impact on another operating administration or other parts of the Department or other Federal agency;

(d) has a substantial effect on State and local governments;

(e) has a substantial impact on a major transportation safety problem;

(f) initiates a substantial regulatory program or change in policy;

(g) is substantially different from international requirements or standards; or

(h) otherwise involves important Department policy.

(3) *Major regulation* means a significant regulation for which a Regulatory Impact Analysis is required to be prepared.

(4) *Emergency regulation* means a regulation that, (a) in the judgment of the head of the initiating office, circumstances require to be issued without notice and opportunity for public comment or made effective in less than 30 days after publication in the Federal Register or (b) is governed by short-term statutory or judicial deadlines.

(5) *Nonsignificant regulation* means a regulation that, in the judgment of the head of the initiating office, is neither a significant nor an emergency regulation.

Explanation of Information on the Agenda

The format for this agenda is required by Office of Management and Budget memorandum of June 14, 1993.

First, the agenda is divided by initiating offices. Then, in accordance with the OMB memorandum, for each initiating office, the agenda is divided into four categories: (1) Prerule stage, (2) proposed rule stage, (3) final rule stage, and (4) completed actions. For each entry, the agenda provides the following information: (1) The "significance" of the action (i.e., whether it is significant because it is on the Regulatory Program or because of agency priority or whether it is nonsignificant or routine and frequent); (2) a short descriptive title; (3) the legal basis for the action being taken or the regulation being reviewed; (4) the related regulatory citation in the Code of Federal Regulations; (5) an indication of any legal deadline and, if so, for what type of action (e.g., NPRM, final rule); (6) an abstract of the review or the proposed or final regulation; (7) a timetable, including the earliest expected date for a decision, on whether to issue the proposed or final regulation or complete the review and determine the corrective action to be taken. (The action taken can be revocation or revision of the regulation, or it can be a determination that no regulatory action is necessary because the regulation is found to be achieving its goals and the goals and objectives of Executive Order 12291 and the Department's Regulatory Policies and Procedures.); (8) an indication as to whether the rulemaking will affect small entities and/or levels of government and which categories of small entities or governments will be impacted; (9) if

there is information that does not fit in the other categories, it will be included under a separate heading entitled "Additional Information"; (10) a listing, where determined, of any analyses an initiating office will prepare or has prepared for the rulemaking document; e.g., a Regulatory Impact Analysis or Evaluation, an Environmental Impact Statement (EIS), a Regulatory Flexibility Analysis, or an Urban Impact Analysis. (It should be noted that, even though a Regulatory Impact Analysis is not required for some items on the agenda, the Department requires an economic analysis for all of its regulations. This economic analysis is contained in the Regulatory Evaluation, if a Regulatory Impact Analysis is not prepared.); (11) an agency contact office or official who can provide further information, including advice on how to obtain documents referenced in the agenda; and (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the agenda and facilitate tracing further action on the issue in the Federal Register which may occur between agenda publications.

(Departmental rulemaking documents published in the Federal Register now contain RIN numbers.)

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules), to keep those requirements operationally current, only the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations are included; individual regulations are not listed.

If a regulatory docket number has already been established, it may be provided under the "Additional Information" heading. If a member of the public desires further information regarding a particular proposal or regulation, reference should be made to this docket number.

In the "Timetable" column, abbreviations are used to indicate the particular documents being considered for issuance by that date. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, NPRM for Notice of Proposed Rulemaking, and FR for Final Rule. Listing a future date in this column is not an indication that a proposed or a final rule will be issued

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on that date; it is the earliest date on which a decision is expected to be made on whether to issue the document listed. Submittal of any proposed or final rule to the Office of Management and Budget for review under Executive Order 12291 must follow such a decision. For major rules, this review could take 60 days or more. If any document is issued, publication in the *Federal Register* would follow within a few days. In addition, these dates are based on current schedules. Information received subsequent to the issuance of this agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (•) preceding an entry indicates that the entry appears in the agenda for the first time.

Mailing Lists for Regulatory Documents

To assist the public in obtaining regulatory documents issued within the Department of Transportation, an Appendix A has been included in this document. The appendix contains instructions on how to be placed on mailing lists for, or to obtain copies of, specific regulatory documents, including the Department's semiannual regulations agenda issued by the operating administrations of the Department and the Office of the Secretary. There is no charge for this service; however, because of the costs involved, the number of copies of a document forwarded to an individual requestor may be limited. Persons already on mailing lists for particular documents within the Department will remain on those lists and should not reapply.

By following the instructions specified in the appendix, a person can be placed on a mailing list for future copies of the Department's regulations agenda, which will be updated and published in the *Federal Register* every year during April and October. By using the agenda, individuals can determine which notice or advance notice of proposed rulemaking, to be issued by elements of the Department, is of interest to them. Then, using the instructions in the appendix, such persons also can be placed on a mailing list to ensure that, after the document of interest is issued, a copy will be mailed

to them for their review and comment. In this way, individuals will be relieved of the burden of having to review the *Federal Register*, perhaps on a daily basis. The Department expects that this process will ensure that those people placed on mailing lists will receive early notice so that their views on the document can be adequately prepared and presented within the established comment period.

General Rulemaking Contact Persons

To assist persons desiring to obtain general information concerning the rulemaking process within the Department's operating administrations, an Appendix B has been added to the agenda. This appendix sets forth the addresses and the telephone numbers of the persons who can respond quickly to requests for general rulemaking information. Please note, however, that questions related to particular rulemaking actions should still be referred to the contact person listed with the particular rulemaking on the agenda.

Public Rulemaking Dockets

To facilitate the inspection of docket files and the submission of comments by the public, an Appendix C sets forth the addresses and working hours for the Rules Docket for each operating administration.

Request for Comments

Agenda

Our agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information, as well as make the agenda easier to use. We would also like you, the public, to make suggestions or comments on how the agenda could be further improved. For example, do you find the information presented in an easily understandable manner? Do you find it easy to follow a regulation's development from agenda to agenda? Do you find that the format for setting out the information enables you to use the agenda easily? Do you find that the presentation of the information in the agenda is clearly explained in the preamble to the agenda? Your responses to these questions or any other comments or suggestions you may have should be sent to Neil R. Eisner, whose address appears above.

Reviews

In an effort to comply further with the spirit of Executive Order 12291 and the Regulatory Flexibility Act, we are also seeking suggestions on existing regulations that should be included in our review of existing regulations; that is, which existing regulations issued by an operating administration of the Department or the Office of the Secretary do you believe need to be reviewed to determine whether they should be revised or revoked? The Department is particularly interested in obtaining information on requirements that have a "significant economic impact on small entities" and, therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please send them, along with your explanation of why they should be reviewed, to the concerned operating administration or the Office of the Secretary. To ease the process for submission of suggestions of regulations warranting review by departmental entities, each operating administration and the Office of the Secretary maintains a continuously open regulatory review docket. Suggestions should be submitted to the docket section of the relevant modal administration or Office of the Secretary, attention "Regulatory Review Docket," with the following specific rulemaking docket numbers:

Federal Aviation Administration, Docket 26768;

Federal Highway Administration, Docket 92-12;

Federal Railroad Administration, Docket RSS-1-92-1;

Federal Transit Administration, Docket 92A;

Maritime Administration, Docket R-141;

National Highway Traffic Safety Administration, Docket 92-04;

Office of the Secretary, Docket 47978;

Research and Special Programs Administration, Docket RR-1;

Saint Lawrence Seaway Development Corporation, Attn: Marc Owen, Chief Counsel;

United States Coast Guard, Docket 92-005.

The addresses of the docket sections are contained in Appendix C. Multiple copies of the suggestions would be appreciated but are not required.

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In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that are targeted for review under the RFA. Those comments should be addressed to the "contact" person of the operating administration involved.

Purpose

The Department is publishing this regulations agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity. Knowledge of the nature and scope of this activity, as well as the specific proposals and reviews being considered, should result in more effective public participation in the Department's regulatory activity. For example, awareness of the dates when notices may be issued seeking public comment should allow appropriate planning and more efficient use of the comment period. By providing the expected date for a decision on whether to issue a final rule, the Department expects that more appropriate planning by those concerned with the regulation will also be possible. This publication in the **Federal Register** does not impose any binding obligation on the Department or any of the offices within the Department with regard to any specific item on the agenda. Regulatory action, in addition to the items listed, is not precluded. If further information is desired on any of the items listed in the agenda, the public is encouraged to contact the individual listed for the particular item. Additional information concerning the agenda in general or the Department's Regulatory Policies and Procedures may be obtained from Neil R. Eisner, whose address and telephone number appear above.

Issued in Washington, DC, on August 27, 1993.

Federico Peña,

Secretary of Transportation.

Appendix A - Instructions for Obtaining Copies of Regulatory Documents

Some Administrations within the Department differ in procedures or as to inclusion on a mailing list. For the offices listed below, persons desiring to obtain a copy of a specific regulatory document to be issued that is listed in this agenda should communicate, either by telephone or by letter, with the

contact person listed with the regulation at the addresses below.

United States Coast Guard (USCG)

(Name of contact person), United States Coast Guard, 2100 2nd Street SW., Washington, DC 20593.

Federal Highway Administration (FHWA)

(Name of contact person), Federal Highway Administration, 400 7th Street SW., Washington, DC 20590.

Federal Railroad Administration (FRA)

(Name of contact person), Federal Railroad Administration, 400 7th Street SW., Washington, DC 20590.

National Highway Traffic Safety Administration (NHTSA)

(Name of contact person), National Highway Traffic Safety Administration, 400 7th Street SW., Washington, DC 20590.

Federal Transit Administration (FTA)

(Name of contact person), Federal Transit Administration, 400 7th Street SW., Washington, DC 20590.

Saint Lawrence Seaway Development Corporation (SLSDC)

(Name of contact person), Saint Lawrence Seaway Development Corporation, 400 7th Street SW., Room 5424, Washington, DC 20590.

Research and Special Programs Administration (RSPA)

(Name of contact person), Research and Special Programs Administration, 400 7th Street SW., Washington, DC 20590.

Maritime Administration (MARAD)

James Saari, Secretary, Maritime Administration, 400 7th Street SW., Room 7300B, Washington, DC 20590, (202) 366-5746.

Federal Aviation Administration (FAA)

The FAA has a mailing list system for notices and advance notices of proposed rulemaking (NPRMs and ANPRMs). Persons interested in obtaining future copies of all of those documents to be issued by the FAA or only of those concerning certain parts of the Federal Aviation Regulations should request a copy of Advisory Circular No. 11-2, which describes the application procedure, by calling (202) 267-3479 or by writing to: Federal Aviation

Administration, Office of Public Affairs, Attention: Public Information Center, APA-200, 800 Independence Avenue SW., Washington, DC 20591.

Office of the Secretary (OST)

Persons desiring to receive future copies of the Department's regulations agenda should submit their request to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, Washington, DC 20590, (202) 366-4723.

Persons who have an interest in specific regulatory documents to be issued by the Office of the Secretary should forward requests for copies of those documents to the same address. These requests should fully identify the document desired.

Appendix B - General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

USCG - Sherri DeGrom, Marine Safety Council, USCG Headquarters Building, Room 3600, 2100 2nd Street SW., Washington, DC 20593; telephone: (202) 267-6233.

FAA - Donald Byrne, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Avenue SW., Room 915A, Washington, DC 20591; telephone: (202) 267-3491.

FHWA - Thomas Holian, Office of Chief Counsel, 400 7th Street SW., Room 4223, Washington, DC 20590; telephone: (202) 366-1383.

FRA - Nancy Goldman, Office of Chief Counsel, 400 7th Street SW., Room 8128, Washington, DC 20590; telephone: (202) 366-6747.

NHTSA - Steve Kratzke, Office of Chief Counsel, 400 7th Street SW., Room 5219, Washington, DC 20590; telephone: (202) 366-2992.

FTA - Dan Duff, Office of Chief Counsel, 400 7th Street SW., Room 9316, Washington, DC 20590; telephone: (202) 366-4011.

SLSDC - Marc Owen, General Counsel's Office, 400 7th Street SW., Room 5424, Washington, DC 20590; telephone: (202) 366-0108.

RSPA - Mary Crouter, Office of Chief Counsel, 400 7th Street SW., Room

DOT

8405, Washington, DC 20590; telephone: (202) 366-4367.

MARAD - James Saari, Secretary, Maritime Administration, 400 7th Street SW., Room 7300B, Washington, DC 20590; telephone: (202) 366-5746.

OST - Neil Eisner, Office of Regulation and Enforcement, 400 7th Street SW., Room 10424, Washington, DC 20590; telephone: (202) 366-4723.

Appendix C - Public Rulemaking Dockets

The following is a list of Rule Docket locations for the various operating administrations where the public may review regulatory dockets and hand-deliver comments on advance notices and notices of proposed rulemaking:

USCG - Marine Safety Council, 2100 2nd Street SW., Room 3406, Washington, DC 20593. Working Hours: 8:00-3:00 (Monday-Friday).

FAA - Rules Docket (AGC-10), Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Avenue SW., Room 915G, Washington, DC 20591. Working Hours: 8:30-5:00.

FHWA - Docket Room, 400 7th Street SW., Room 4232, Washington, DC 20590. Working Hours: 8:30-3:30.

FRA - Docket Clerk, 400 7th Street SW., Room 8201, Washington, DC 20590. Working Hours: 8:30-5:00.

NHTSA - Docket Room, 400 7th Street SW., Room 5109, Washington, DC 20590. Working Hours: 9:30-4:00.

FTA - Docket Clerk, 400 7th Street SW., Room 9316, Washington, DC 20590. Working Hours: 8:30-5:00.

SLSDC - 400 7th Street SW., Room 5424, Washington, DC 20590. Working Hours: 8:15-4:45.

RSPA - Docket Branch, 400 7th Street SW., Room 8421, Washington, DC 20590. Working Hours: 8:30-5:00.

MARAD - Docket Clerk, 400 7th Street SW., Room 7300, Washington, DC 20590. Working Hours: 8:30-5:00.

OST - Docket Clerk, 400 7th Street SW., Room 4107, Washington, DC 20590. Working Hours: 9:00-5:30.

Office of the Secretary—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2251 | +Transportation for Individuals With Disabilities | 2105-AC00 |
| 2252 | Direct Flights | 2105-AA73 |
| 2253 | Price Advertising | 2105-AB25 |
| 2254 | Implementation of Amendments to the Equal Access to Justice Act | 2105-AB73 |
| 2255 | Transportation Acquisition Regulations; Rewrite | 2105-AB75 |

+ Designates significant regulation.

Office of the Secretary—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2256 | +Commercial Space Transportation: Financial Responsibility Requirements for Licensed Launch Activities | 2105-AA26 |
| 2257 | +Alcohol Misuse Prevention Program for the Transportation Industry | 2105-AB52 |
| 2258 | +Proposed Policy on Peak Period Pricing of Airport Landing Fees | 2105-AB63 |
| 2259 | +Licensing Commercial Space Launch Activities | 2105-AB85 |
| 2260 | +Nondiscrimination on the Basis of Handicap in Air Travel (Air Carrier Access Act) | 2105-AB60 |
| 2261 | +Nondiscrimination on the Basis of Handicap in Federally Assisted Programs | 2105-AB62 |
| 2262 | +Procedures for Transportation Workplace Drug-Testing Programs | 2105-AB71 |
| 2263 | +Passenger Manifest Information | 2105-AB78 |
| 2264 | +Procedures for Transportation Workplace Drug-Testing Programs: Management Information Systems | 2105-AB81 |
| 2265 | +Accessibility of Passenger Vessels to Individuals With Disabilities | 2105-AB87 |
| 2266 | +Random Drug-Testing Program | 2105-AB94 |
| 2267 | +Participation by Disadvantaged Business Enterprises in Airport Concessions | 2105-AB99 |

+ Designates significant regulation.

Office of the Secretary—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2268 | +New Restrictions on Lobbying | 2105-AB57 |
| 2269 | +Statement of Enforcement Policy on Rebating | 2105-AB39 |
| 2270 | +Price Advertising | 2105-AB50 |
| 2271 | +Smoking Aboard Aircraft | 2105-AB58 |
| 2272 | +Nondiscrimination on the Basis of Handicap in Air Travel (Air Carrier Access Act) | 2105-AB61 |
| 2273 | +Aviation Charter Rules | 2105-AB91 |

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Office of the Secretary—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2274 | +Disadvantaged Business Enterprise (DBE) Regulation; General Update | 2105-AB92 |
| 2275 | +Procedures for Transportation Workplace Drug- and Alcohol-Testing Programs | 2105-AB95 |
| 2276 | +Transportation for Individuals with Disabilities | 2105-AB97 |
| 2277 | Nondiscrimination on the Basis of Age in DOT Financial Assistance Programs | 2105-AA09 |
| 2278 | Direct Air Carrier Responsibility for Returning Stranded Charter Passengers | 2105-AA40 |
| 2279 | Air Travelers: Age Discrimination | 2105-AA45 |
| 2280 | Policy Statement on Airline Preemption | 2105-AA46 |
| 2281 | Diversion of Flights Within a Metropolitan Area | 2105-AA78 |
| 2282 | Simplified Aviation Exemption Procedures | 2105-AA82 |
| 2283 | Baggage Liability Notices in International Air Transportation | 2105-AA84 |
| 2284 | Simplified Airline Counter-Sign Notices | 2105-AA88 |
| 2285 | Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments | 2105-AB46 |
| 2286 | Transportation Acquisition Regulations | 2105-AB54 |
| 2287 | Centralization of Formal Hearing Dockets (OST) | 2105-AB69 |
| 2288 | Rules of Conduct in DOT Proceedings | 2105-AB89 |

+ Designates significant regulation.

Office of the Secretary—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2289 | +Antidrug Programs for Department of Transportation Contractors | 2105-AB40 |
| 2290 | +Seismic Safety of DOT Assisted or Regulated New Building Construction | 2105-AB79 |

+ Designates significant regulation.

U.S. Coast Guard—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2291 | Removal of Master or Person in Charge of a Vessel (91-214) | 2115-AD95 |
| 2292 | Alteration of Obstructive Bridges (91-063) | 2115-AE15 |
| 2293 | Amendments to Hull Identification Number Regulations and New Requirements for Certificates of Origin (CGD 92-065) | 2115-AE37 |

U.S. Coast Guard—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2294 | +Structural and Operational Measures To Reduce Oil Spills From Existing Tank Vessels Without Double Hulls (91-045) | 2115-AE01 |
| 2295 | +Security for Passenger Vessels and Passenger Terminals (91-012) | 2115-AD75 |
| 2296 | +Chemical Drug and Alcohol Testing of Commercial Vessel Personnel; Collection of Drug and Alcohol Testing Information (MIS) (CGD 91-019) | 2115-AD84 |
| 2297 | +User Fees for Approvals of Equipment, Laboratories, and Servicing Facilities (92-013) | 2115-AE18 |
| 2298 | +State Access to the Oil Spill Liability Trust Fund (92-014) | 2115-AE19 |
| 2299 | +Drug Testing of Individuals Applying for Issuance or Renewal of Licenses, Certificates of Registry, or Merchant Mariners' Documents (91-223) | 2115-AE29 |
| 2300 | +Great Lakes Pilotage Rate Methodology | 2115-AE45 |
| 2301 | Hybrid Personal Flotation Devices: Establishment of Approval Requirements (78-174) | 2115-AA29 |
| 2302 | Outer Continental Shelf Facilities: Aids to Navigation (82-054) | 2115-AA92 |
| 2303 | Safety Standards for New Self-Propelled Vessels Carrying Bulk Liquefied Gases (82-058) | 2115-AA95 |
| 2304 | Fire Protection Regulations (CGD 83-026) | 2115-AB36 |
| 2305 | Training in the Use of Automatic Radar Plotting Aids (ARPA) (85-089) | 2115-AB99 |
| 2306 | Revisions to the Electrical Engineering Regulations (85-063) | 2115-AC20 |

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U.S. Coast Guard—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2307 | Small Passenger Vessel Inspection and Certification (CGD 85-080) | 2115-AC22 |
| 2308 | Domestic and International Load Lines (86-013) | 2115-AC37 |
| 2309 | Revision to Inflatable Liferaft Approval: SOLAS 74/83 (85-205) | 2115-AC51 |
| 2310 | Posting Requirements on Inspected Vessels (87-031) | 2115-AC68 |
| 2311 | Regattas and Marine Parades (CGD 87-087) | 2115-AC84 |
| 2312 | Marine Transport of Bulk Solid Hazardous Materials (87-069) | 2115-AD02 |
| 2313 | Requirements for Marine Terminals Transferring Bulk Liquefied Hazardous Gases (88-049) | 2115-AD06 |
| 2314 | Written Warnings by Coast Guard Law Enforcement Officers (88-074) | 2115-AD13 |
| 2315 | Controlling the Marine Asbestos Hazard (88-103) | 2115-AD16 |
| 2316 | General Revisions to Stability Regulations (Subchapter S) (89-038) | 2115-AD34 |
| 2317 | Vessel Identification System (89-050) | 2115-AD35 |
| 2318 | Tank Level or Pressure Monitoring Devices (CGD 90-071) | 2115-AD69 |
| 2319 | Alcohol/Drug Abuse Review for License/Certificate of Registry and Merchant Mariner Document Applicants (91-210) | 2115-AD91 |
| 2320 | New Terms of Validity for Certificates of Registry and Merchant Mariners' Documents | 2115-AD92 |
| 2321 | Criminal Record Reviews and Access to the National Driver Register (91-212) | 2115-AD93 |
| 2322 | Suspension and Revocation of Licenses, Certificates of Registry, and Merchant Mariners' Documents (91-213) | 2115-AD94 |
| 2323 | Manning Standards for Foreign Tank Vessels (91-215) | 2115-AD97 |
| 2324 | Reporting Marine Casualties (91-216) | 2115-AD98 |
| 2325 | Escorts for Certain Tankers (91-202a) | 2115-AE10 |
| 2326 | Stability Criteria for Double-Hulled Tank Vessels (91-206) | 2115-AE11 |
| 2327 | Handling of Explosives or Other Dangerous Cargoes Within or Contiguous to Waterfront Facilities (92-026) | 2115-AE22 |
| 2328 | Classifying, Packaging, and Communicating About Explosives | 2115-AE27 |
| 2329 | Federal Agency Access to the Oil Spill Liability Trust Fund (CGD 92-074) | 2115-AE34 |
| 2330 | SOLAS Lifeboats and Rescue Boats (93-021) | 2115-AE40 |
| 2331 | Prince William Sound Automated Dependent Surveillance System Incorporation by Reference (93-022) | 2115-AE41 |
| 2332 | Inspection and Certification Standards for OSRVs | 2115-AE43 |
| 2333 | Implementation of Regulation 26 of Annex 1 of MARPOL 73-78 Relating to the Development of Shipboard Oil Pollution Emergency Plans (93-030) | 2115-AE44 |
| 2334 | Regatta Regulations | 2115-AE46 |
| 2335 | Drawbridge Regulations | 2115-AE47 |
| 2336 | Inland Waterways Navigation Regulation—Ambrose Channel, New York Harbor, New York (93-016) | 2115-AE48 |
| 2337 | Inspection of Great Lakes Barges (93-017) | 2115-AE49 |
| 2338 | Inspection and Entry (91-232) | 2115-AE51 |

+ Designates significant regulation.

U.S. Coast Guard—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2339 | +Offshore Supply Vessel Regulations (82-004 and 86-074) | 2115-AA77 |
| 2340 | +Double Hull Standards for Vessels Carrying Oil in Bulk (CGD 90-051) | 2115-AD81 |
| 2341 | +Discharge-Removal Equipment for Vessels Carrying Oil (CGD 90-068) | 2115-AD66 |
| 2342 | +Financial Responsibility for Water Pollution (Vessels) (CGD 91-005) | 2115-AD76 |
| 2343 | +Direct User Fees for Inspection or Examination of U.S. and Foreign Commercial Vessels (91-030) | 2115-AD78 |
| 2344 | +Tank Vessel Response Plans (91-034) | 2115-AD81 |
| 2345 | +Facility Response Plans (91-036) | 2115-AD82 |
| 2346 | +Licensing of Pilots—Manning of Vessels (84-060) | 2115-AB67 |
| 2347 | +Lifesaving Equipment—Implementation of 1983 Amendments to SOLAS 1974 (84-069) | 2115-AB72 |
| 2348 | +Licensing of Officers and Operators for Mobile Offshore Drilling Units (81-59a) | 2115-AB91 |
| 2349 | +Implementation of the Commercial Fishing-Industry Vessel Safety Act (88-079) | 2115-AD12 |
| 2350 | +Recording of Instruments—Vessel Documentation (89-007) | 2115-AD60 |
| 2351 | Tankermen (79-116) | 2115-AA03 |
| 2352 | Fixed Fire-Extinguishing Systems on Uninspected Vessels (74-284) | 2115-AA08 |
| 2353 | Safety/Security Zone Regulations | 2115-AA97 |
| 2354 | Anchorage Area Regulations | 2115-AA98 |
| 2355 | Traffic Separation Schemes and Shipping Safety Fairways off the Coast of California (83-032) | 2115-AB29 |

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U.S. Coast Guard—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2356 | Incorporation of Amendments to the International Convention for Safety of Life at Sea, 1974 (83-043) | 2115-AB41 |
| 2357 | Oil Pollution Prevention, MARPOL Annex I (85-026) | 2115-AC11 |
| 2358 | Uninspected Vessel Emergency Position Indicating Radio Beacons (EPIRBs) (87-016) | 2115-AC69 |
| 2359 | Anchorage Regulations (86-079) | 2115-AC96 |
| 2360 | Permits for the Transportation of Municipal and Commercial Wastes (89-014) | 2115-AD23 |
| 2361 | Chesapeake Bay Traffic Separation Scheme (90-039) | 2115-AD43 |
| 2362 | National Vessel Traffic Service (VTS) Regulations (90-020) | 2115-AD56 |
| 2363 | Regulated Navigation Area; Puget Sound, Washington (13-90-03) | 2115-AD86 |
| 2364 | Overfill Devices (CGD 90-071a) | 2115-AD87 |
| 2365 | Claims Procedures Under the Oil Pollution Act of 1990 (CGD 91-035) | 2115-AD90 |
| 2366 | Periodic Gauging of Plating Thickness of Commercial Vessels | 2115-AD99 |
| 2367 | Regulated Navigation Area: Puget Sound and Strait of Juan de Fuca, WA; Grays Harbor, WA; Columbia River and Willamette River, OR; Yaquina Bay, OR; Umpqua River, OR; Coos Bay, OR | 2115-AE06 |
| 2368 | Unnecessary Drawbridge Opening (91-050) | 2115-AE14 |
| 2369 | Refuse Recordkeeping for Ships | 2115-AE17 |
| 2370 | Federal Pilotage Requirement for Foreign Trade Vessels (92-061) | 2115-AE28 |
| 2371 | Recreational Vessel Fee Amendments (92-066) | 2115-AE32 |
| 2372 | Federal Water Pollution Control Act Class II Civil Penalties (CGD 91-228) | 2115-AE33 |
| 2373 | Bulk Hazardous Materials (92-100) and Noxious Liquid Substances List (92-100a) | 2115-AE35 |
| 2374 | New York Vessel Traffic Service (CGD 92-052) | 2115-AE36 |
| 2375 | Authorization for NTSB Officials To Be Allowed in the Pilotage or on the Navigation Bridge of Merchant Vessels While Underway (CGD 91-023) | 2115-AE38 |
| 2376 | Class II Civil Penalties (91-228) | 2115-AE39 |
| 2377 | Regulated Navigation Area: King's Bay, Georgia | 2115-AE42 |
| 2378 | Inland Waterways Navigation Regulations; Connecting Waters From Lake Huron to Lake Erie; General Rules (93-024) | 2115-AE50 |

+ Designates significant regulation.

U.S. Coast Guard—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2379 | +Programs for Chemical Drug and Alcohol Testing of Commercial Vessel Personnel (90-053) | 2115-AD63 |
| 2380 | +Drawbridge Operation Regulations; Potomac River, District of Columbia | 2115-AE31 |
| 2381 | Personal Flotation Device Components (84-068) | 2115-AB70 |
| 2382 | Delegation of Authority to Area Commanders When Functioning as Maritime Defense Zone Commanders (CGD 87-065) | 2115-AC88 |
| 2383 | Access Documents to Waterfront Facilities (88-097) | 2115-AD14 |
| 2384 | Regulated Navigation Areas; Brownsville Ship Channel (8-89-01) | 2115-AD21 |
| 2385 | Requirements for Cargo Lightering Operations (CGD 90-052) | 2115-AD68 |
| 2386 | Balast Water Management for Vessels Entering the Great Lakes (91-066) | 2115-AD80 |
| 2387 | Use of Automatic Pilot; Area Restrictions and Performance Requirements (91-204) | 2115-AE00 |
| 2388 | A Second Licensed Officer on Tanker Bridge | 2115-AE03 |
| 2389 | Fixed Red and Green Lateral Lights Structures in the Western Rivers (91-049) | 2115-AE08 |
| 2390 | Gulf Intracoastal Waterway (91-050) | 2115-AE09 |
| 2391 | Unattended Engine Room (91-203) | 2115-AE12 |
| 2392 | Transfer Hose Markings (92-027) | 2115-AE20 |
| 2393 | Safety Equipment Carriage Requirements (92-045) | 2115-AE26 |
| 2394 | Drawbridge Operation Regulations; Temporary Deviations up to 90 Days (92-015b) | 2115-AE30 |

+ Designates significant regulation.

Federal Aviation Administration—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---------------------|------------------------------|
| 2395 | Niagara Falls | 2120-AE95 |

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Federal Aviation Administration—Prerule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2396 | Flight Attendant English Language Proficiency | 2120-AE98 |
| 2397 | Sightseeing Operations | 2120-AF07 |

Federal Aviation Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2398 | +Fatigue Test Requirements for Aging Aircraft | 2120-AD43 |
| 2399 | +Revision of Part 108, Airplane Operator Security | 2120-AD45 |
| 2400 | +Revision of Part 107, Airport Security | 2120-AD46 |
| 2401 | +Aging Aircraft Safety | 2120-AE42 |
| 2402 | +Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules | 2120-AE71 |
| 2403 | +Anti-Drug and Alcohol Misuse Prevention Programs for Employees of Foreign Air Carriers Engaged in Specified Aviation Activities | 2120-AE79 |
| 2404 | +Anti-Drug Program for Personnel Engaged in Specified Aviation Activities | 2120-AE82 |
| 2405 | +Corrosion Control Program | 2120-AE92 |
| 2406 | +Fuel System Vent Fire Protection | 2120-AA49 |
| 2407 | +Revision of Medical Standards and Certification Procedures | 2120-AA70 |
| 2408 | +Improved Standards for Determining Rejected Takeoff and Landing Performance | 2120-AB17 |
| 2409 | +Flight Attendant Requirements | 2120-AC32 |
| 2410 | +Repair Station and Repairmen Certification Rules | 2120-AC38 |
| 2411 | +Parts 121 and 135—Training, Checking, Certification, and Qualifications Requirements | 2120-AC79 |
| 2412 | +Sole Radio Navigation System; Minimum Standards for Certification | 2120-AD26 |
| 2413 | +Allowable Carbon Dioxide Concentration in Transport Category Airplane Cabins | 2120-AD47 |
| 2414 | +Alternative Means of Compliance | 2120-AD66 |
| 2415 | +Anti-Drug Program; Consolidated Amendments | 2120-AD67 |
| 2416 | +Child Restraint Systems | 2120-AD90 |
| 2417 | +Reduced Altitude Separation | 2120-AE51 |
| 2418 | +JAR/FAR Harmonization Initiatives—Systems | 2120-AE59 |
| 2419 | +JAR/FAR Harmonization Initiatives—Propulsion | 2120-AE60 |
| 2420 | +JAR/FAR Harmonization Initiatives—Flight | 2120-AE61 |
| 2421 | +JAR/FAR Harmonization Initiatives—Airframe | 2120-AE62 |
| 2422 | +Airport Land Use Compatibility Planning—Proposed Revisions | 2120-AE64 |
| 2423 | +Relief From Transponder-On Requirement for Aircraft With Limited Electrical Systems | 2120-AE67 |
| 2424 | +Mode S Transponder Requirement for Part 135 Operators | 2120-AE81 |
| 2425 | +Civil Penalty Assessment Procedures | 2120-AE84 |
| 2426 | +Occupant Protection in Normal and Transport Category Rotorcraft | 2120-AE88 |
| 2427 | +Advanced Qualification Program | 2120-AF00 |
| 2428 | +Revised Access to Type III Exits | 2120-AF01 |
| 2429 | +Simulator Instructor—Medical Certificates | 2120-AF08 |
| 2430 | +Training and Checking in Ground Icing Conditions | 2120-AF09 |
| 2431 | Review of Part 47, Aircraft Registration, and Part 49, Recording of Aircraft Titles and Security Documents | 2120-AC17 |
| 2432 | Composite Propellers | 2120-AB05 |
| 2433 | Installation of Crashworthy Fuselage Fuel Tanks and Fuel Lines | 2120-AC87 |
| 2434 | Maintenance Recordkeeping Requirements | 2120-AD25 |
| 2435 | High Intensity Radiated Fields Protection Standards for Aircraft Electrical and Electronic Systems | 2120-AD32 |
| 2436 | 1-G Stalling Speed as a Basis for Compliance With Part 25 of the Federal Aviation Regulations | 2120-AD40 |
| 2437 | Cost of Services and Transfer of Fees to Part 187 from Parts 47, 49, 61, 63, 65, and 143 | 2120-AD91 |
| 2438 | Visual Descent Points | 2120-AE34 |
| 2439 | Access Into the Cockpit | 2120-AE35 |
| 2440 | Airport Runway Incursion | 2120-AE38 |
| 2441 | Type Certificates for Some Surplus Aircraft of the Armed Forces | 2120-AE41 |
| 2442 | Non-Federal Navigation Facilities | 2120-AE54 |
| 2443 | Amend Part 34: Fuel Venting and Exhaust Emission Requirements for Turbine Engine Powered Airplanes | 2120-AE55 |
| 2444 | Persons Authorized to Perform Maintenance; Preventive Maintenance, Rebuilding, and Alterations | 2120-AE57 |
| 2445 | Part 145 Review: Repair Stations | 2120-AE58 |
| 2446 | Part 71 Review: Airspace Designations | 2120-AE65 |

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Federal Aviation Administration—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2447 | Removal of the Fee Provisions of Part 189 | 2120-AE68 |
| 2448 | Fees for Certification Services Performed Outside the United States | 2120-AE72 |
| 2449 | Stage 2 Airplane Operations in Hawaii | 2120-AE83 |
| 2450 | Manned Free Balloons | 2120-AE87 |
| 2451 | State Block Grant Program | 2120-AE90 |
| 2452 | Nashville TCA | 2120-AE93 |
| 2453 | Holiday Give Back Slots | 2120-AE94 |
| 2454 | Cincinnati TCA | 2120-AE97 |
| 2455 | Charlotte TCA | 2120-AF02 |
| 2456 | World Cup SFAR | 2120-AF03 |
| 2457 | Flight Operational Quality Assurance Program | 2120-AF04 |
| 2458 | Special Federal Aviation Regulation No. 36 | 2120-AF05 |
| 2459 | Changes in Type Design of Helicopters | 2120-AF10 |
| 2460 | Extended Overwater Operations With a Single High-Frequency Communication System (HF) and a Single Long-Range Navigation System (LRNS) | 2120-AF12 |
| 2461 | Renewal of Flight Instructor Certificates | 2120-AF13 |

+ Designates significant regulation.

Federal Aviation Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2462 | +Civil Supersonic Aircraft Noise Type Certification Standards and Operating Rules | 2120-AC22 |
| 2463 | +Improved Survival Equipment for Inadvertent Water Landings | 2120-AC72 |
| 2464 | +Retrofit of Improved Seats in Air Carrier Transport Category Airplanes | 2120-AC84 |
| 2465 | +Drug Enforcement Assistance | 2120-AD16 |
| 2466 | +Fatigue Evaluation of Structure | 2120-AD42 |
| 2467 | +Temporary Flight Restrictions | 2120-AD55 |
| 2468 | +Unescorted Access Privilege | 2120-AE14 |
| 2469 | +Alcohol Misuse Prevention Program for Personnel Engaged in Specified Aviation Activities | 2120-AE43 |
| 2470 | +Aircraft Flight Simulator Use in Pilot Training, Testing, and Checking and at Training Centers | 2120-AA83 |
| 2471 | +Elimination of Airport Delays | 2120-AB42 |
| 2472 | +Passenger-Carrying and Cargo Air Operations for Compensation or Hire | 2120-AC08 |
| 2473 | +Type and Number of Passenger Emergency Exits Required in Transport Category Airplanes | 2120-AC43 |
| 2474 | +Emergency Locator Transmitters | 2120-AD19 |
| 2475 | +Airworthiness Standards; Occupant Protection Standards for Commuter Category Airplanes | 2120-AD27 |
| 2476 | +Crew Pairing Requirements | 2120-AD88 |
| 2477 | +Aircraft Ground Deicing and Anti-Icing Program | 2120-AE70 |
| 2478 | +Anti-Drug Program for Personnel Engaged in Specific Aviation Activities | 2120-AE80 |
| 2479 | +Flight Attendant Duty Period Limitations and Rest Requirements | 2120-AE91 |
| 2480 | Objects Affecting Navigable Airspace | 2120-AA09 |
| 2481 | Miscellaneous Amendments | 2120-AA50 |
| 2482 | Airworthiness Standards; Crash Resistant Fuel Systems | 2120-AA57 |
| 2483 | Standards for Approval for High Altitude Operation of Subsonic Transport Airplanes | 2120-AB18 |
| 2484 | Airworthiness Standards; Transport Category Rotorcraft Performance | 2120-AB36 |
| 2485 | Low Fuel Quantity Alerting System | 2120-AB46 |
| 2486 | Aircraft Engines: Fuel and Induction Systems | 2120-AB76 |
| 2487 | Airworthiness Standards; New Rotorcraft 30-Second/2-Minute One-Engine-Inoperative Power Ratings | 2120-AB90 |
| 2488 | Airworthiness Standards; Turbohaft Engine Rotor Burst Protection | 2120-AB91 |
| 2489 | Airworthiness Standards; Crash Resistant Fuel Systems in Normal and Transport Category Rotorcraft | 2120-AC68 |
| 2490 | Electrical and Electronic Systems Lightning Protection | 2120-AC81 |
| 2491 | Airworthiness Standards: Aircraft Engines; Proposal for New One-Engine-Inoperative Ratings, Definitions, and Type Certification Standards | 2120-AD21 |
| 2492 | Improved Flammability Standards for Materials Used in the Interiors of Transport Category Airplane Cabins | 2120-AD28 |
| 2493 | Airworthiness Standards; Emergency Exit Provisions for Normal, Utility, Acrobatic, and Commuter Category Airplanes | 2120-AD33 |
| 2494 | Airplane Engine Cowling Retention | 2120-AD34 |

DOT

Federal Aviation Administration—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2495 | Design Standards for Airplane Jacking and Tie-Down Provisions | 2120-AD38 |
| 2496 | Centralization of Formal Hearing Dockets (FAA) | 2120-AD63 |
| 2497 | Protective Breathing Equipment; Cargo-Only Airplanes | 2120-AD74 |
| 2498 | Temporary Restriction of Instrument Approaches and Certain Visual Flight Rules Operations in High Pressure Weather Conditions | 2120-AD75 |
| 2499 | Model Rocket Operations | 2120-AD84 |
| 2500 | Exit Seating for On-Demand Operations | 2120-AE44 |
| 2501 | Airport Construction, Alteration, Activation, and Deactivation | 2120-AE52 |
| 2502 | Kansas City Terminal Control Area | 2120-AE73 |
| 2503 | Accelerated Stalls in Commuter Category Airplanes | 2120-AE86 |
| 2504 | Part 95 Instrument Flight Rules | 2120-AA63 |
| 2505 | Airworthiness Directives | 2120-AA64 |
| 2506 | Standard Instrument Approach Procedures | 2120-AA65 |
| 2507 | Airspace Actions | 2120-AA66 |

+ Designates significant regulation.

Federal Aviation Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2508 | +Small Airplane Airworthiness Review Program Notice No. 4 | 2120-AD20 |
| 2509 | +Small Airplane Airworthiness Review Program Notice No. 3 | 2120-AD30 |
| 2510 | +Establishment and Discontinuance Criteria for LORAN-C Nonprecision Approach Procedures | 2120-AD68 |
| 2511 | +Protective Breathing Equipment; Fire Drills | 2120-AD76 |
| 2512 | +Biennial Flight Review | 2120-AE11 |
| 2513 | +Proposed Alteration of the Denver Terminal Control Area, Colorado | 2120-AE46 |
| 2514 | +Special Flight Authorizations for Noise-Restricted Aircraft | 2120-AE49 |
| 2515 | +Explosive Detection Systems | 2120-AE77 |
| 2516 | +Operation of Jet Aircraft in Commuter Slots at O'Hare International Airport | 2120-AE78 |
| 2517 | Airworthiness Standards: Aircraft Engine Electrical and Electronic Engine Control Systems | 2120-AB06 |
| 2518 | Miscellaneous Changes to Emergency Evacuation Demonstration Procedures, Exit Handle Illumination, and PA Handsets | 2120-AC45 |
| 2519 | Depressurization Evaluation of Structures | 2120-AD35 |
| 2520 | Airworthiness Standards; Small Airplanes With Stall Speed Greater Than 61 Knots | 2120-AD48 |
| 2521 | Special Visual Flight Rules (SVFR) Operations | 2120-AE85 |

+ Designates significant regulation.

Federal Highway Administration—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2522 | +Commercial Driver Physical Fitness as Part of the CDL Process | 2125-AD20 |
| 2523 | +Qualifications of Drivers: Hearing Deficiencies | 2125-AD22 |
| 2524 | Certification of Size and Weight Enforcement | 2125-AC60 |
| 2525 | Parts and Accessories for Safe Operation: Intermodal Cargo Containers | 2125-AC74 |
| 2526 | Highway Beautification | 2125-AD24 |

+ Designates significant regulation.

Federal Highway Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2527 | +Commercial Driver's License Standards; Biometric Identifier | 2125-AC24 |
| 2528 | +Controlled Substances and Alcohol Use and Testing; Foreign-Based Motor Carriers and Drivers | 2125-AD11 |

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Federal Highway Administration—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2529 | +Weight Threshold Adjustments for Commercial Motor Vehicles | 2125-AC27 |
| 2530 | +Federal Motor Carrier Safety Regulations; General; Motor Vehicle Marking | 2125-AC28 |
| 2531 | +Qualification of Drivers; Vision | 2125-AC62 |
| 2532 | +Training for All Entry-Level Drivers of Commercial Vehicles | 2125-AD05 |
| 2533 | +Federal Motor Carrier Safety Regulations; General; Intermodal Transportation | 2125-AD14 |
| 2534 | Construction Contract Equal Opportunity Compliance Procedures | 2125-AB15 |
| 2535 | Acquisition of Real Property for Rights-of-Way | 2125-AC17 |
| 2536 | Truck Length and Width Exclusive Devices | 2125-AC30 |
| 2537 | Revision of Medical Examination Form and Procedures | 2125-AC63 |
| 2538 | Longer Combination Vehicles—Driver Training | 2125-AC92 |
| 2539 | Forest Highway Portion of Public Lands Highway Program | 2125-AD13 |
| 2540 | Parts and Accessories Necessary for Safe Operation; Protection Against Shifting or Falling Cargo | 2125-AD19 |
| 2541 | State Planning and Research Program Administration | 2125-AD21 |

+ Designates significant regulation.

Federal Highway Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2542 | +Private Motor Carrier of Passengers | 2125-AB62 |
| 2543 | +State Compliance With CDL Program | 2125-AC53 |
| 2544 | +Controlled Substances and Alcohol Use and Testing | 2125-AD06 |
| 2545 | +Safety Fitness Procedures; Safety Ratings | 2125-AC71 |
| 2546 | +Federal Motor Carrier Safety Regulations; General Transportation of Hazardous Materials | 2125-AC78 |
| 2547 | +Radar Detectors in Commercial Motor Vehicles | 2125-AC79 |
| 2548 | +Transportation of Hazardous Materials; Highway Routing | 2125-AC80 |
| 2549 | +Qualifications of Drivers; Controlled Substances Testing, Recordkeeping, and Reporting Requirements | 2125-AC81 |
| 2550 | +Controlled Substances and Alcohol Use and Testing | 2125-AC85 |
| 2551 | +Speed Limit Compliance and Enforcement Requirements | 2125-AC87 |
| 2552 | +Statewide Transportation Planning | 2125-AC94 |
| 2553 | +Metropolitan Planning | 2125-AC95 |
| 2554 | +Management and Monitoring Systems | 2125-AC97 |
| 2555 | Qualification of Drivers; Diabetes | 2125-AB91 |
| 2556 | Public Availability of Information; Freedom of Information Act Regulations; Technical Amendments | 2125-AC20 |
| 2557 | Amendments to the Periodic Inspection Requirements | 2125-AC47 |
| 2558 | Parts and Accessories Necessary for Safe Operation; Front Wheel Brakes on Mexican Commercial Motor Vehicles | 2125-AC49 |
| 2559 | Commercial Driver Instruction Permits | 2125-AC54 |
| 2560 | Centralization of Formal Hearing Dockets (FHWA) | 2125-AC59 |
| 2561 | National Standards for Traffic Control Devices; Manual of Uniform Traffic Control Devices; Work Zone Traffic Control Standards Revision | 2125-AC83 |
| 2562 | Truck Size and Weight; Restrictions on Longer Combination Vehicles and Vehicles With Two or More Cargo-Carrying Units | 2125-AC86 |
| 2563 | Violations of Out-of-Service Orders—CDL Disqualifications | 2125-AC93 |
| 2564 | Transportation of Hazardous Materials; Preemption Determination | 2125-AD00 |
| 2565 | National Bridge Inspection Standards: Frequency of Inspection | 2125-AD01 |
| 2566 | Administration of Engineering and Design-Related Service Contracts; Private Sector Involvement Program | 2125-AD03 |
| 2567 | Erosion and Sediment Control on Highway Construction Projects | 2125-AD08 |
| 2568 | Removal of Obsolete and Redundant Right-of-Way Requirements | 2125-AD09 |
| 2569 | Parts and Accessories Necessary for Safe Operation; Warning Devices for Stopped Vehicles | 2125-AD17 |
| 2570 | Design Standards for Highways; Interim Selected Metric Values for Geometric Design; Design and Construction Criteria | 2125-AD23 |

+ Designates significant regulation.

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Federal Highway Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2571 | +Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs | 2125-AD02 |
| 2572 | Design Standards for Highways; AASHTO Publication; Geometric Design of Highways and Streets | 2125-AC22 |
| 2573 | Design Standards for Highways; Interstate System | 2125-AC34 |
| 2574 | Design Standards for Highways; Requirements for Roadside Barriers and Safety Appurtenances | 2125-AC84 |
| 2575 | Training of Entry-Level Drivers of Commercial Motor Vehicles | 2125-AC91 |
| 2576 | General Material Requirements | 2125-AD12 |
| 2577 | Construction Engineering Costs | 2125-AD16 |

+ Designates significant regulation.

National Highway Traffic Safety Administration—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2578 | +Review: Passenger Car Front Seat Occupant Protection (Federal Motor Vehicle Safety Standard No. 208) | 2127-AD82 |
| 2579 | +Passenger Car Brake Performance | 2127-AE47 |
| 2580 | Review: Lamps, Reflective Devices, and Associated Equipment | 2127-AB76 |
| 2581 | Review: Glass-Plastic Windshields | 2127-AD29 |
| 2582 | Review: Passenger Car Back Seat Occupant Protection | 2127-AE95 |
| 2583 | Brake Lining | 2127-AC66 |
| 2584 | Standard 105; Hydraulic Brake | 2127-AC94 |
| 2585 | Tire Labeling, FMVSS 109, 110, 117, 119, 120; Parts 569, 574, 575 | 2127-AD28 |
| 2586 | Rulemaking To Delete "Due Care" Provisions From the Occupant Crash Protection Standard | 2127-AD54 |
| 2587 | Brake Hoses and Fluids | 2127-AD70 |
| 2588 | Radiator Safety Cap | 2127-AE59 |
| 2589 | Maximum Inflation Pressure | 2127-AE70 |
| 2590 | Standardized Display of Certification Labels | 2127-AE71 |
| 2591 | Upgrade Test Procedures for Brake Fluids | 2127-AE72 |
| 2592 | Automatic Brake Adjustment Limits | 2127-AE76 |
| 2593 | Lateral Performance Requirements for Fuel System Integrity | 2127-AE83 |
| 2594 | Accelerometer Mounting Arrangements | 2127-AE84 |
| 2595 | Center High Mounted Stop Lamps for Light Trucks | 2127-AE98 |
| 2596 | Test Procedures for Transmission and Key Locking Requirements | 2127-AE99 |
| 2597 | Air-Over-Hydraulic Brake System | 2127-AF01 |
| 2598 | Dynamic Testing for Built-In Child Restraint Systems | 2127-AF04 |
| 2599 | Tires on New Trailers | 2127-AF05 |
| 2600 | Requirement for Daytime Running Lamps | 2127-AF06 |
| 2601 | Replaceable Light Source Information | 2127-AF07 |
| 2602 | Driver Impact Protection From the Steering Control System | 2127-AF08 |
| 2603 | Exemption of Vehicles Used by the Handicapped | 2127-AF09 |
| 2604 | Replacement Seat Belt Assemblies Installation Instructions | 2127-AF10 |

+ Designates significant regulation.

National Highway Traffic Safety Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2605 | +Rollover | 2127-AC64 |
| 2606 | +Heavy Duty Vehicle Brake Systems (Formerly Truck and Trailer Brake Systems) | 2127-AA00 |
| 2607 | +Flammability of Interior Materials - School Buses | 2127-AA44 |
| 2608 | +Dynamic Testing of Light Trucks and Vans for Side Impact | 2127-AE49 |
| 2609 | +Highway Safety Programs, Determination of Effectiveness | 2127-AE89 |
| 2610 | Procedures for Considering Environmental Impacts | 2127-AB79 |
| 2611 | Emergency Locking Retractors | 2127-AC57 |
| 2612 | Fuel Spillage | 2127-AC62 |
| 2613 | Seating Systems Performance | 2127-AD08 |
| 2614 | Enforcement of the National Traffic and Motor Vehicle Safety Act | 2127-AD83 |

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National Highway Traffic Safety Administration—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2615 | Child Booster Seats | 2127-AE39 |
| 2616 | Safety Belt Design | 2127-AE48 |
| 2617 | Vehicles Equipped With Long-Stroke Brake Chambers | 2127-AE54 |
| 2618 | Bus Window Emergency Exit | 2127-AE62 |
| 2619 | American Automobile Labeling Act Requirements | 2127-AE63 |
| 2620 | Median Theft Rate | 2127-AE68 |
| 2621 | Data Code Requirements | 2127-AE74 |
| 2622 | Antilock Warning Signals | 2127-AE75 |
| 2623 | Define Major Component Parts of a Vehicle | 2127-AE85 |
| 2624 | Uniform Guidelines for State Highway Safety Programs | 2127-AE90 |
| 2625 | Passenger Motor Vehicle Theft Data for Model Year (MY) 1992 | 2127-AE92 |
| 2626 | Final Listing of High Theft Lines for Model Year (MY) 1994 | 2127-AE93 |
| 2627 | Insurer Reporting Requirements for October 1994 | 2127-AE94 |
| 2628 | Define Designated Seating Position | 2127-AE96 |
| 2629 | Miniature and Nonfilament Light Sources | 2127-AE97 |
| 2630 | Redefine Replaceable Bulb Headlamps | 2127-AF00 |
| 2631 | Test Dummies and Requirements for Testing Child Restraint Systems | 2127-AF02 |
| 2632 | Conversion of Measurements From English Units to Metric Units | 2127-AF03 |

+ Designates significant regulation.

National Highway Traffic Safety Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2633 | +Crashworthiness Ratings | 2127-AA03 |
| 2634 | +Cars and Light Trucks: Padding A-Pillars, Side Rail, Etc | 2127-AB85 |
| 2635 | +Lighting Simplification—Potential Amendments on Long-Term Issues | 2127-AB87 |
| 2636 | +Light Truck Average Fuel Economy Standards for Model Years (MY) 1996 and 1997 | 2127-AE91 |
| 2637 | +Truck Rear Underride Protection | 2127-AA43 |
| 2638 | +School Bus Body Joint Strength | 2127-AC19 |
| 2639 | +Film Transmittance of Glazing Materials | 2127-AC85 |
| 2640 | +Compressed Natural Gas (CNG) and Propane | 2127-AD48 |
| 2641 | +Wheelchair Lifts | 2127-AD50 |
| 2642 | +Certification of Speed Limit Enforcement | 2127-AE52 |
| 2643 | Proposed New Standard 135; Passenger-Car Brake System | 2127-AA13 |
| 2644 | Air Brake Systems, Stopping-Distance Performance | 2127-AD07 |
| 2645 | Seating Systems Test Procedure | 2127-AD09 |
| 2646 | "Lock" Child Safety Systems | 2127-AD39 |
| 2647 | Issuance, Amendment, and Revocation of Rules: Procedural Regulations | 2127-AD78 |
| 2648 | Exclusive Use of Hybrid III Test Dummy in Compliance Testing | 2127-AE19 |
| 2649 | Stopping Distance Performance Requirements | 2127-AE21 |
| 2650 | Seat Adjustment Position | 2127-AE22 |
| 2651 | Emergency Exit Requirements for Non-School Buses | 2127-AE25 |
| 2652 | Certification Requirements of Multistage Vehicles | 2127-AE27 |
| 2653 | Controls and Displays and Windshield Defrosting and Defogging Systems for Electric Vehicles | 2127-AE29 |
| 2654 | Head Injury Criterion and Use of Neck Injury Criterion | 2127-AE34 |
| 2655 | Optical Coatings and Heat Degradations | 2127-AE38 |
| 2656 | Referee Material | 2127-AE58 |
| 2657 | Controlled Motion of Child Restraint Systems | 2127-AE60 |
| 2658 | Consumer Information Regulation - Vehicle Stopping Distance | 2127-AE61 |
| 2659 | Petitions and Plans for Relief Under the Automobile Fuel Efficiency Act of 1980 | 2127-AE65 |
| 2660 | Exemption From Vehicle Theft Prevention Standard | 2127-AE66 |
| 2661 | Procedures for Selecting Lines To Be Covered by the Theft Prevention Standard | 2127-AE67 |
| 2662 | Test Procedures for Parking/Emergency Brakes | 2127-AE77 |
| 2663 | Applicability of Warning Devices | 2127-AE78 |
| 2664 | Belt Labeling Requirements | 2127-AE79 |
| 2665 | Labeling and Printing Instructions for Child Restraint Systems | 2127-AE80 |

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National Highway Traffic Safety Administration—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2666 | Insurer Reporting Requirements for October 1993 | 2127-AE87 |
| 2667 | Exempted Vehicle Certification Labels | 2127-AE88 |
| 2668 | Heavy Vehicle Burnish Procedures | 2127-AF13 |

+ Designates significant regulation.

National Highway Traffic Safety Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2669 | +Light Truck Average Fuel Economy Standards for Model Years Beyond 1994 | 2127-AE42 |
| 2670 | +Mandating Air Bags | 2127-AE46 |
| 2671 | +Use of Safety Belts and Motorcycle Helmets: Compliance and Transfer-of-Funds Procedures | 2127-AE50 |
| 2672 | State Highway Safety Programs | 2127-AD55 |
| 2673 | Side Impact Protection: Anthropomorphic Alternate Test Dummies (BIOSID and EUROSID) | 2127-AD73 |
| 2674 | Impact Protection for the Driver From the Steering Control System | 2127-AD87 |
| 2675 | Adjustment Procedure for Burnish and Recovery | 2127-AE15 |
| 2676 | Built-in Child Restraints | 2127-AE28 |
| 2677 | Dimensions of Bead Unseating Test Fixture | 2127-AE55 |
| 2678 | Test for Brake Hose Tubing Assemblies | 2127-AE56 |
| 2679 | Automatic Brake Adjusters and Brake Adjustment Indicators | 2127-AE69 |
| 2680 | Labeling on Adjustment Positions of Child Restraint Systems | 2127-AE81 |
| 2681 | Quasi-Static Door Strength Requirements | 2127-AE82 |
| 2682 | Commercial Vehicle Conspicuity | 2127-AE86 |
| 2683 | Alcohol Fuels Anti-Siphoning | 2127-AF11 |
| 2684 | Schedule of Fees Authorized by the National Traffic and Motor Vehicle Safety Act | 2127-AF12 |

+ Designates significant regulation.

Federal Railroad Administration—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2685 | +Special Safety Inquiry; Railroad Reporting Requirements | 2130-AA56 |
| 2686 | +Whistle Bans at Highway-Rail Grade Crossings | 2130-AA71 |
| 2687 | +Railroad Workplace Safety; Proposed Silica Exposure Standards | 2130-AA83 |
| 2688 | AMTRAK Waste Disposal | 2130-AA84 |

+ Designates significant regulation.

Federal Railroad Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2689 | +Control of Alcohol and Drug Use | 2130-AA72 |
| 2690 | +International Application: Alcohol/Drug Regulations | 2130-AA82 |
| 2691 | +Railroad Accident Reporting | 2130-AA58 |
| 2692 | +Alcohol/Drug Regulations; Miscellaneous Technical Amendments and Corrections | 2130-AA63 |
| 2693 | +Freight Car Safety Standards: Maintenance-of-Way Equipment | 2130-AA68 |
| 2694 | +Timely Response to Grade Crossing Signal System Malfunctions and Maintenance, Inspection, and Testing of Grade Crossing Signal Systems | 2130-AA70 |
| 2695 | +Power Brake Regulations; Miscellaneous Revisions | 2130-AA73 |
| 2696 | +Qualification and Certification of Locomotive Engineers | 2130-AA74 |
| 2697 | +Track Safety Standards | 2130-AA75 |
| 2698 | +Remedial Actions Reporting | 2130-AA85 |

+ Designates significant regulation.

DOT

Federal Railroad Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2699 | +Alcohol Testing; Amendment to Alcohol/Drug Regulations | 2130-AA81 |
| 2700 | +Annual Reporting Requirements; Amendments to Alcohol/Drug Regulations | 2130-AA64 |
| 2701 | +Railroad Police Officers | 2130-AA69 |
| 2702 | +Railroad Operating Rules and Radio Standards and Procedures | 2130-AA76 |
| 2703 | +Locomotive Conspicuity; Minimum Standards for Auxiliary External Lights | 2130-AA80 |
| 2704 | Centralization of Formal Hearing Dockets (FRA) | 2130-AA59 |
| 2705 | Local Rail Freight Assistance to States | 2130-AA60 |

+ Designates significant regulation.

Federal Railroad Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2706 | +Event Recorders | 2130-AA53 |
| 2707 | +Protection of Utility Employees | 2130-AA77 |

+ Designates significant regulation.

Federal Transit Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2708 | +State Responsibility for Fixed Guideway System Safety | 2132-AA39 |
| 2709 | Major Capital Investment Projects (Environmental) | 2132-AA43 |
| 2710 | Transportation for the Elderly and Persons With Disabilities | 2132-AA46 |

+ Designates significant regulation.

Federal Transit Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2711 | +Prevention of Prohibited Drug Use in Transit Operations | 2132-AA37 |
| 2712 | +Prevention of Alcohol Misuse in Transit Operations | 2132-AA38 |
| 2713 | +Bus Testing | 2132-AA30 |
| 2714 | +Metropolitan Planning | 2132-AA44 |
| 2715 | +Management and Monitoring Systems | 2132-AA47 |
| 2716 | +Statewide Transportation Planning | 2132-AA48 |
| 2717 | +Temporary Local Match Waiver for Sections 9 and 18 | 2132-AA49 |
| 2718 | +New Starts Criteria | 2132-AA50 |
| 2719 | Buy America | 2132-AA42 |

+ Designates significant regulation.

Federal Transit Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2720 | +Major Capital Investment Projects | 2132-AA34 |
| 2721 | +Charter Services | 2132-AA40 |

+ Designates significant regulation.

DOT

Research and Special Programs Administration—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2722 | Consolidation of Specifications for High-Pressure Seamless Cylinders and Rewrite of 49 CFR 173.34 | 2137-AA92 |
| 2723 | Modernizing the Passenger Origin-Destination Survey | 2137-AB92 |
| 2724 | Emergency Flow Restricting Devices | 2137-AC39 |
| 2725 | Approval of Multi-Unit Tank Car Tanks | 2137-AC43 |

Research and Special Programs Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2726 | +Safeguarding Food From Contamination During Transportation | 2137-AC00 |
| 2727 | +Hazardous Materials in Intrastate Commerce | 2137-AB37 |
| 2728 | +Qualification of Pipeline Personnel | 2137-AB38 |
| 2729 | +Maps and Records of Pipeline Location and Characteristics; Notification of State Agencies; Pipe Inventory | 2137-AB48 |
| 2730 | +Improvements to Hazardous Materials Identification Systems | 2137-AB75 |
| 2731 | +Infectious Substances | 2137-AC36 |
| 2732 | Review of Commuter Air Traffic and Market Data Reporting | 2137-AB18 |
| 2733 | Transportation of Hazardous Materials; Miscellaneous Amendments | 2137-AA44 |
| 2734 | Detection and Repair of Cracks, Pits, Corrosion, Lining Flaws, Thermal Detection Flaws, and Other Defects of Tank Car Tanks | 2137-AB40 |
| 2735 | DOT 3AL Aluminum Cylinders; Safety Problems | 2137-AB51 |
| 2736 | Crash Worthiness Protection Requirements for Tank Cars | 2137-AB89 |
| 2737 | Distribution System Definitions | 2137-AC02 |
| 2738 | Updating Confidentiality Rules for International Service Segment Data | 2137-AC07 |
| 2739 | Design and Construction of Welded Breakout Tanks | 2137-AC11 |
| 2740 | Yard Lines | 2137-AC32 |
| 2741 | Underwater Abandoned Pipeline Facilities | 2137-AC33 |
| 2742 | Environmentally Sensitive Areas and High-Density Population Areas | 2137-AC34 |
| 2743 | Increased Inspection Requirements | 2137-AC38 |
| 2744 | Incorporation of Latest United Nations Recommendations on the Transport of Dangerous Goods | 2137-AC42 |
| 2745 | Safety Permits—Shipper's Responsibility | 2137-AC45 |

+ Designates significant regulation.

Research and Special Programs Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2746 | +Hydrostatic Testing of Certain Hazardous Liquid Pipelines | 2137-AB46 |
| 2747 | +Alcohol Misuse Prevention Program | 2137-AC21 |
| 2748 | +Gas Gathering Line Definition | 2137-AB15 |
| 2749 | +Operation and Maintenance Procedures for Pipelines | 2137-AB44 |
| 2750 | +Excavation Damage Prevention Programs for Gas and Hazardous Liquid Pipelines | 2137-AB47 |
| 2751 | +Amendments to the DOT Airline On-Time Disclosure Rule | 2137-AB94 |
| 2752 | +Drug Testing: MIS Standardized Data Collection and Reporting | 2137-AB95 |
| 2753 | +Excess Flow Valves in Service Lines | 2137-AB97 |
| 2754 | +Regulatory Review: Gas Pipeline Safety Standards | 2137-AC25 |
| 2755 | +Response Plans for Onshore Oil Pipelines | 2137-AC30 |
| 2756 | +Oil and Hazardous Substances: Spill Prevention, Containment, and Response Plans | 2137-AC31 |
| 2757 | Quantity Limitations Aboard Aircraft | 2137-AA85 |
| 2758 | Enforcement of Motor Carrier Financial Responsibility Requirements | 2137-AB35 |
| 2759 | Determining the Extent of Corrosion on Exposed Gas Pipelines | 2137-AB50 |
| 2760 | Transportation Regulations; Compatibility with the International Atomic Energy Agency | 2137-AB60 |
| 2761 | Transportation of Hydrogen Sulfide by Pipeline | 2137-AB63 |
| 2762 | Leakage Surveys | 2137-AB64 |
| 2763 | Passage of Internal Inspection Devices | 2137-AB71 |
| 2764 | Transportation of a Hazardous Liquid at 20 Percent or Less of Specified Minimum Yield Strength | 2137-AB86 |
| 2765 | Centralization of Formal Hearing Dockets (RSPA) | 2137-AB91 |

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Research and Special Programs Administration—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2766 | Nomenclature Changes in Rules | 2137-AC19 |
| 2767 | Intermediate Bulk Containers for Hazardous Materials | 2137-AC23 |
| 2768 | Tank Cars and Cargo Tank Motor Vehicles: Attendance Requirements | 2137-AC24 |
| 2769 | Hazardous Materials in COFC/TOFC Service | 2137-AC26 |
| 2770 | Regulatory Review: Hazardous Liquid and Carbon Dioxide Pipeline Safety Standards | 2137-AC27 |
| 2771 | Regulatory Review: Administrative Practices, Reporting Pipeline Incidents, Gas Pipeline Standards, and Liquefied Natural Gas Facility Standards | 2137-AC28 |
| 2772 | International Maritime Dangerous Goods Code and ICAO Technical Instructions; Matter Incorporated by Reference | 2137-AC35 |
| 2773 | Cargo Tanks; Miscellaneous Requirements | 2137-AC37 |
| 2774 | Transportation of Hazardous Materials; Miscellaneous Amendments | 2137-AC41 |
| 2775 | Transportation of Hazardous Materials; Miscellaneous Editorial Corrections | 2137-AC44 |
| 2776 | Hazardous Materials; Miscellaneous Revisions | 2137-AC46 |

+ Designates significant regulation.

Research and Special Programs Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2777 | Gas Detection and Monitoring in Compressor Station Buildings | 2137-AB49 |
| 2778 | Implementation of the ICAO Technical Instructions | 2137-AB99 |
| 2779 | Performance-Oriented Packaging Standards; Miscellaneous Amendments | 2137-AC40 |

Maritime Administration—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2780 | +Cargo Preference—U.S.-Flag Vessels; Uniform Contracting Requirements for Federal Program Participants | 2133-AA95 |
| 2781 | +Determination of Fair and Reasonable Guideline Rates for the Carriage of Bulk and Packaged Preference Cargoes on U.S.-Flag Commercial Vessels | 2133-AA98 |
| 2782 | Values for War Risk Insurance; Review of War Risk Insurance Valuation Methodology | 2133-AA89 |

+ Designates significant regulation.

Maritime Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2783 | Centralization of Formal Hearing Dockets (MARAD) | 2133-AA84 |
| 2784 | Merchant Marine Training | 2133-AA94 |
| 2785 | Seaman's Service Awards | 2133-AB02 |
| 2786 | Federal Port Controllers | 2133-AB03 |
| 2787 | Uniform Financial Reporting Requirements | 2133-AB05 |

Maritime Administration—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2788 | Priority Use and Allocation of Shipping Services, Containers, Chassis, and Port Facilities and Services for National Security and National Defense Related Operations | 2133-AA85 |
| 2789 | Agency Agreements and Appointment of Agents; Authority and Responsibility of the Operator to Undertake to Decommission and Deliver Ships to the Reserve Fleet | 2133-AA91 |

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Maritime Administration—Completed Actions (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2790 | Operating-Differential Subsidy (ODS) on Bulk Cargo Vessels; Calculation of Maintenance and Repair Subsidy Rates | 2133-AA99 |
| 2791 | Claims Against the Maritime Administration Under the Federal Tort Claims Act | 2133-AB04 |

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Prerule Stage

2251. • +TRANSPORTATION FOR INDIVIDUALS WITH DISABILITIES

Significance: Agency Priority

Legal Authority: 49 USC 322

CFR Citation: 49 CFR 27

Legal Deadline: None

Abstract: The Department is seeking responses to questions concerning requirements for accessibility of over-the-road buses (OTRBs). DOT is required to consider the recent report of the Office of Technology Assessment in drafting OTRB access rules. This project is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation

Additional Information: Telephone number for TDD is (202) 755-7687.

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2105-AC00

2252. DIRECT FLIGHTS

Significance: Nonsignificant

Legal Authority: 49 USC 1381

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: Donald L. Pevsner petitioned the CAB to institute a rulemaking proceeding to ban use of the term "direct flight" because it is deceptive, and to declare use of the term to be

a prima facie violation of section 411 of the Federal Aviation Act of 1958. The Department is now considering what action to take in response to the petition.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The petition is filed in Docket 41217.

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2105-AA73

2253. PRICE ADVERTISING

Significance: Nonsignificant

Legal Authority: 49 USC 1371; 49 USC 1381

CFR Citation: 14 CFR 380.30(e); 14 CFR 399.84

Legal Deadline: None

Abstract: The DOT rules cited above state that any price stated for air transportation, a tour or a tour component must be the entire price for that transportation, tour or component. In this petition, Mr. Donald Pevsner complains that some tour operators advertise prices which do not include additional features which must be purchased and which cost extra. He asks that the rules be amended to state that such additional features may only be priced separately if they may be purchased separately, i.e., if they are optional rather than mandatory. The petition is under consideration.

Timetable:

| Action | Date | FR Cite |
|-------------------------------------|----------|---------|
| Petition for Rulemaking (Dkt 43147) | 05/22/85 | |

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2105-AB25

2254. IMPLEMENTATION OF AMENDMENTS TO THE EQUAL ACCESS TO JUSTICE ACT

Significance: Nonsignificant

Legal Authority: 5 USC 504

CFR Citation: 49 CFR 6; 48 CFR 6301; 14 CFR 14

Legal Deadline: None

Abstract: This action would incorporate the latest amendments to the Equal Access to Justice Act (EAJA or "Act"), 5 USC 504, into OST's EAJA regulations, 49 CFR 6. The EAJA provides for the award of attorneys' fees and other expenses to eligible individuals and entities who prevail over the Government in administrative proceedings, unless the position of the Government was substantially justified. The latest amendment made certain technical and substantive amendments to the EAJA, as well as made the Act, as so amended, permanent. This rulemaking is undertaken at the Department's initiative in response to the statutory changes in the EAJA.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

DOT—OST

Prerule Stage

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306
RIN: 2105-AB73

Legal Deadline: None
Abstract: The Department is rewriting 48 CFR chapter 12 in light of recent changes in the Federal Acquisition Regulations.
Timetable: Next Action Undetermined

paperwork burden associated with this action.

Additional Information: Because of this expanded project, the entry under RIN 2105-AB54, which proposed only limited revision, will be withdrawn.

2255. TRANSPORTATION ACQUISITION REGULATIONS; REWRITE

Significance: Nonsignificant
Legal Authority: 40 USC 486C
CFR Citation: 48 CFR 1200 et seq

Small Entities Affected: Businesses, Governmental Jurisdictions
Government Levels Affected: Local, State
Procurement: This is a procurement-related action for which there is no statutory requirement. There is a

Agency Contact: Diane Litman, Chief, Acquisition Policy, Office of Acquisition and Grant Management, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-4271

RIN: 2105-AB75

DEPARTMENT OF TRANSPORTATION (DOT) Office of the Secretary (OST)

Proposed Rule Stage

2256. +COMMERCIAL SPACE TRANSPORTATION: FINANCIAL RESPONSIBILITY REQUIREMENTS FOR LICENSED LAUNCH ACTIVITIES

Significance: Regulatory Program
Legal Authority: PL 98-575; PL 100-656, sec 15(c) to 16 Commercial Space Launch Act
CFR Citation: None
Legal Deadline: None
Abstract: Persons authorized to conduct commercial launch activities by a license issued by the Office of Commercial Space Transportation (OCST) are required to obtain insurance or demonstrate financial responsibility, in amounts and on terms prescribed by OCST, to protect against third-party or government property damage claims resulting from the licensed activities. Licensees and other launch participants are also required to enter into reciprocal waivers of claims arising out of licensed activities. In addition, persons engaged in commercial launch operations must provide proof of financial responsibility, or offer other assurances, adequate to protect the government when its property or personnel are involved in such operations. This rulemaking codifies the procedures by which OCST sets appropriate levels and terms of insurance and financial responsibility required to be carried by persons subject to its authority. This action is significant because of substantial public interest.

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM Comment Period End | 07/08/85 | 50 FR 19280 |
| NPRM | 03/00/94 | |

Small Entities Affected: None
Government Levels Affected: Federal
Analysis: Regulatory Evaluation 03/00/94

Additional Information: The rulemaking entitled Commercial Space Transportation: Reciprocal Waiver of Claims, RIN 2105-AB76, has been consolidated into this rulemaking.

Agency Contact: Elaine David, Attorney Advisor, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9305

RIN: 2105-AA26

the Secretary of Transportation to prescribe regulations establishing alcohol-testing programs for safety-sensitive employees in several transportation industries within 12 months. These rules would respond to the hazards of alcohol use and abuse in transportation and are considered significant because of important departmental policy and substantial public interest.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| ANPRM | 11/02/89 | 54 FR 46326 |
| ANPRM Comment Period End | 01/31/90 | |
| ANPRM Comment Period Extended to | 02/20/90 | 55 FR 5856 |
| Public Meeting Notice Request for Information | 11/08/91 | 56 FR 57480 |
| Common Preamble Comment Period End | 12/15/92 | 57 FR 59382 |
| NPRM | 10/00/93 | |

2257. +ALCOHOL MISUSE PREVENTION PROGRAM FOR THE TRANSPORTATION INDUSTRY

Significance: Regulatory Program
Legal Authority: 49 USC 1672; 49 USC 1674a; 49 USC 1681; 49 USC 1804; 49 USC 1808; 49 USC 2002; 49 USC 1657; The Omnibus Transportation Employee Testing Act of 1991
CFR Citation: 14 CFR 29; 14 CFR 61; 14 CFR 63; 14 CFR 65; 14 CFR 121; 14 CFR 135; 49 CFR 40; 49 CFR 149; 49 CFR 217; 49 CFR 219; 49 CFR 350; 49 CFR 382 to 383; 49 CFR 392; 49 CFR 395; 49 CFR 654

Legal Deadline: Final, Statutory, October 28, 1992.

Abstract: The Omnibus Transportation Employee Testing Act of 1991 directs

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation

Additional Information: This proceeding incorporates several separate rulemakings. The common preamble for the five modal administrations it covered (FAA, FHWA, FRA, FTA, and RSPA) was published 12/15/92. The separate rulemakings followed on subsequent pages.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| ANPRM | 05/07/85 | 50 FR 19280 |

DOT—OST

Proposed Rule Stage

Agency Contact: Gwyneth Radloff, Attorney, Office of Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9305

RIN: 2105-AB52

2258. +PROPOSED POLICY ON PEAK PERIOD PRICING OF AIRPORT LANDING FEES

Significance: Regulatory Program

Legal Authority: 49 USC 1301 et seq

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: The Department proposes to establish a set of guidelines to encourage the voluntary development of peak and off-peak pricing systems for airport landing fees at congested U.S. airports. The guidelines would provide economic incentives to promote more efficient use of existing airport facilities, which would reduce congestion and delays. This policy statement is significant because of substantial public interest.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Martha Langelan, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-5404

RIN: 2105-AB63

2259. +LICENSING COMMERCIAL SPACE LAUNCH ACTIVITIES

Significance: Regulatory Program

Legal Authority: 49 USC app 2601 to 2623

CFR Citation: 14 CFR 400 to 415

Legal Deadline: None

Abstract: The Commercial Space Launch Act of 1984, as amended, grants the Department of Transportation's Office of Commercial Space Transportation authority to license and otherwise regulate commercial launches and the commercial operation of launch sites. The Office must ensure that commercial space launch activities are conducted in a manner that does not jeopardize public health and safety, and the safety of property without,

however, imposing unnecessary regulatory burdens on the commercial launch industry. The industry has grown in size and complexity since the original regulations were published in 1988, and the Office's licensing program continues to evolve to reflect these changes. This rulemaking would modify the current regulations to reflect a streamlined and more mature licensing regime developed over the past few years. Such changes would benefit the industry by reducing regulatory burdens, thus reducing costs.

This rulemaking is significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 10/00/93

Agency Contact: Norman C. Bowles, Assoc. Dir., Licensing and Safety Division, Office of Commercial Space Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-2929

RIN: 2105-AB85

2260. +NONDISCRIMINATION ON THE BASIS OF HANDICAP IN AIR TRAVEL (AIR CARRIER ACCESS ACT)

Significance: Agency Priority

Legal Authority: 49 USC 1374(a); 49 USC 1374(c)

CFR Citation: 14 CFR 382

Legal Deadline: None

Abstract: An ANPRM requested comments on lifts and other boarding equipment for use in regional and commuter aircraft and air taxis, and accessible lavatories for narrowbody and smaller aircraft. It also sought comments on additional accommodations for hearing-impaired persons. This rulemaking is significant because of substantial public interest. An Advisory Committee has been established to determine a feasible specification for accessible lavatories in narrowbody airplanes. The Advisory Committee has held its fourth and final meeting; the Department is awaiting committee members' comments on the draft final report.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| ANPRM | 03/06/90 | 55 FR 8078 |
| ANPRM Comment Period Extended to 07/20/90 | 06/08/90 | 55 FR 23450 |
| ANPRM Comment Period End | 07/05/90 | |
| Workshop Meeting Schedule | 06/04/92 | 57 FR 23555 |
| NPRM | 09/10/93 | 58 FR 47681 |
| NPRM Comment Period End | 12/09/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: ADDITIONAL AGENCY CONTACT: Ira Lester, (202) 366-4859. The telephone number for TDD is (202) 755-7687.

Advisory Committee meetings were held 07/29/92-07/30/92, 09/16-17/92, 12/9-10/92, and 3/21 and 4/01/93. The issue of lifts and other boarding equipment has been consolidated into RIN 2105-AB62.

Agency Contact: Donald Trilling, Director, Office of Transportation Regulatory Affairs, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-4220

RIN: 2105-AB60

2261. +NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS

Significance: Agency Priority

Legal Authority: 29 USC 794

CFR Citation: 49 CFR 27; 14 CFR 382

Legal Deadline: None

Abstract: This action would amend portions of the rule implementing section 504 of the Rehabilitation Act of 1973 concerning federally assisted airport facilities to comport with 14 CFR 382, implementing the Air Carrier Access Act of 1986. The proposed rule would also apply the section 504 rule to air carriers receiving Federal financial assistance under the essential air service program. In addition, this action would amend 14 CFR 382 to implement the Air Carrier Access Act with respect to lifts for small commuter aircraft and airport facility accessibility. This rulemaking is considered significant because of substantial public interest.

DOT—OST

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| NPRM | 03/06/90 | 55 FR 8081 |
| NPRM Comment Period End | 06/04/90 | |
| Second NPRM | 09/10/93 | 58 FR 47681 |
| Second NPRM Comment Period End | 12/09/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/06/90 (55 FR 8081)

Additional Information: The telephone number for TDD is (202) 755-7687; a taped copy of the NPRM is available on request. The issue of lifts for small commuter aircraft was removed from RIN 2105-AB60 and consolidated into this proceeding.

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2105-AB62

2262. +PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG-TESTING PROGRAMS

Significance: Agency Priority

Legal Authority: 49 USC 101; 49 USC 102; 49 USC 301; 49 USC 302; 49 USC 322

CFR Citation: 49 CFR 40

Legal Deadline: None

Abstract: Drug-testing procedures of 49 CFR 40 to conform to the Hollings/Danforth drug-testing provisions in the DOT Appropriations Act for FY 1992 are being proposed in RIN 2105-AB95. The SNPRM herein would propose technical changes in the procedures to improve administration of the drug-testing program. Comments to the earlier NPRM on reporting of negative tests (55 FR 28782, 07/13/90) would also be addressed in the SNPRM. This action is significant because of substantial public and congressional interest.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/13/90 | 55 FR 28782 |
| NPRM Comment Period End | 08/13/90 | |
| SNPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/13/90 (55 FR 28782)

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2105-AB71

2263. +PASSENGER MANIFEST INFORMATION

Significance: Agency Priority

Legal Authority: 49 USC app 1380; PL 101-604, sec 203

CFR Citation: 14 CFR 243

Legal Deadline: Final, Statutory, March 16, 1991.

Abstract: PL 101-604, enacted November 16, 1990, mandates that the Secretary of Transportation require all U.S. airlines to comply with a Passenger Manifest Collection Regulation for international flights. The Department of Transportation is therefore soliciting comments and suggestions from the public on the most cost-effective methods of facilitating the collection of the required information. This rulemaking is considered significant because of substantial public interest and the congressional mandate.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|------------|
| ANPRM | 01/31/91 | 56 FR 3810 |
| ANPRM Correction | 02/12/91 | 56 FR 5665 |
| ANPRM Comment Period End | 02/19/91 | |
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/93

Additional Information: This entry was formerly titled Aviation Security: Passenger Manifest Information.

Agency Contact: Arnold Levine, Director, Office of International Transportation and Trade, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-4368

RIN: 2105-AB78

2264. +PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG-TESTING PROGRAMS: MANAGEMENT INFORMATION SYSTEMS

Significance: Agency Priority

Legal Authority: 49 USC 101; 49 USC 102; 49 USC 301; 49 USC 302; 49 USC 322; 49 USC 16

CFR Citation: 49 CFR 40

Legal Deadline: None

Abstract: This rulemaking would amend the departmentwide drug-testing procedures to require that regulated entities in each of the transportation industries submit reports on their drug-testing results on an annual basis in a standardized, uniform manner. The information is intended to provide compliance and enforcement as well as effectiveness data. Each of the Department's operating administrations will be making appropriate, conforming amendments to its drug-testing regulations. This action is significant because of substantial public interest and because it involves a number of administrations within the Department.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Common Preamble: Alcohol; Modal NPRM Comments Due 04/14/93 | 12/15/92 | 57 FR 59382 |
| Proposed Rule; Drugs and Alcohol | 12/15/92 | 57 FR 59409 |
| Next Action Undetermined | | |

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: A common preamble for several modal administrations affected (FAA, FHWA, FRA, FTA, and RSPA) was published 12/15/92. These modal administrations are issuing their own NPRMs. The Coast Guard NPRM was published 12/15/92 (57 FR 59752).

A Notice was issued 02/08/93 (58 FR 7506) on proposed forms and submission procedures.

Agency Contact: Douglas Lamar Allen, Jr., Program Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-3784

RIN: 2105-AB81

DOT—OST

Proposed Rule Stage

2265. +ACCESSIBILITY OF PASSENGER VESSELS TO INDIVIDUALS WITH DISABILITIES**Significance:** Agency Priority**Legal Authority:** 42 USC 12101 et seq; PL 101-336, Americans with Disabilities Act**CFR Citation:** 49 CFR 37**Legal Deadline:** Final, Statutory, July 26, 1991.

Abstract: The Department's Americans with Disabilities Act (ADA) final rule, published September 8, 1991 (56 FR 45584), reserved portions of the rule concerning passenger vessels. The ADA covers passenger vessels, but issuing accessibility requirements for vessels involves complex issues unlike those affecting land transportation. This action will address these issues and propose feasible requirements to make passenger vessels accessible to, and usable by, individuals with disabilities. This rulemaking is considered significant because of substantial public and congressional interest.

Timetable: Next Action Undetermined**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Analysis:** Regulatory Evaluation

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2105-AB87

2266. +RANDOM DRUG-TESTING PROGRAM**Significance:** Agency Priority

Legal Authority: 45 USC 431; 45 USC 437 to 438; 46 USC 2103; 46 USC 3306; 46 USC 7101; 46 USC 7301; 46 USC 7701; 49 USC 504; 49 USC 3102

CFR Citation: 14 CFR 121; 46 CFR 16; 49 CFR 382; 49 CFR 391; 49 CFR 219; 49 CFR 653; 49 CFR 199

Legal Deadline: None

Abstract: In response to public comments and industry petitions, the operating administrations that are, or are considering, requiring random drug testing have requested public comment and data as to whether there are less costly alternatives to the current random testing program that can maintain an adequate level of deterrence and detection of illegal drug use. This action is significant because of substantial public and congressional interest.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 12/15/92 | 57 FR 59778 |
| Public Meetings Schedule | 12/15/92 | 57 FR 59778 |
| ANPRM Comment Period End | 02/16/93 | |
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** None**Analysis:** Regulatory Evaluation

Additional Information: LEGAL AUTHORITY CONT: 49 USC 106(g); 49 USC app 1354(a); 49 USC app 1355 to 1357; 49 USC app 1401; 49 USC app 1421 to 1430; 49 USC app 1472; 49 USC app 1485; 49 USC app 1502; 49 USC app 1672; 49 USC app 1674a; 49 USC app 1681; 49 USC app 1804; 49 USC app 1808; 49 USC app 2002; 49 USC app 2040; PL 97-449; PL 100-342; PL 102-143.

Agency Contact: Dr. Donna Smith, Department of Transportation, Office of

the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-3784

RIN: 2105-AB94

2267. • +PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN AIRPORT CONCESSIONS**Significance:** Agency Priority**Legal Authority:** PL 102-581; PL 97-248**CFR Citation:** 49 CFR 23**Legal Deadline:** Final, Statutory, April 30, 1993.

Abstract: This action would implement recent changes to the Airport and Airway Improvement Act to allow airport sponsors to count new forms of disadvantaged business enterprise (DBE) participation toward the overall goals of a DBE concession plan. These new forms include purchases from DBEs of goods and services used in operating a concession, as well as management contracts and subcontracts with DBEs. This action is significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 10/06/93 | 58 FR 52050 |
| NPRM Comment Period End | 11/22/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions**Government Levels Affected:** Local**Analysis:** Regulatory Evaluation 10/06/93 (58 FR 52050)

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2105-AB99

**DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)**

Final Rule Stage

2268. +NEW RESTRICTIONS ON LOBBYING**Significance:** Regulatory Program**Legal Authority:** 49 USC 322(a); 31 USC 1352**CFR Citation:** 49 CFR 20**Legal Deadline:** Final, Statutory, March 22, 1990.

Abstract: This regulation will implement the provisions of a new section 1352 to title 31, United States Code, that prohibits the use of appropriated funds to influence certain Federal contracting and financial transactions. Organizations that use their own funds to pay for lobbying activities are required to disclose such

activity. The rule will be issued as a common rule based on guidance issued by the Office of Management and Budget on December 20, 1989 (54 FR 52305). Final action is awaiting OMB resolution of comments received on the interim final rule and possible changes to legislation restricting lobbying activities.

DOT—OST

Final Rule Stage

This action is considered significant because it involves governmentwide agencies or departments.

Timetable:

| Action | Date | FR Cite |
|--------------------|--------------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 6736 |
| Comment Period End | 04/27/90 | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation
00/00/00

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Additional Information: OMB has control of development of the final rule.

Agency Contact: Robert G. Taylor, Chief, Grants Management Division, M-62, Department of Transportation, Office of the Secretary, Office of Acquisition and Grant Management, Room 9401, Washington, DC 20590, 202 366-4289

RIN: 2105-AB57

2269. +STATEMENT OF ENFORCEMENT POLICY ON REBATING

Significance: Agency Priority

Legal Authority: 5 USC 601; 49 USC 1301 to 1302; 49 USC 1305; 49 USC 1324(a); 49 USC 1371 to 1379; 49 USC 1381 to 1382; 49 USC 1384; 49 USC 1386; 49 USC 1461; 49 USC 1481 to 1482; 49 USC 1502; 49 USC 1504

CFR Citation: 14 CFR 399.80; 14 CFR 399.85

Legal Deadline: None

Abstract: The Department is proposing to provide formal notice to the public of its enforcement policy concerning the rebating of international air fares by adopting that policy as a Policy Statement in the regulations. No change in the substance of that policy is intended. The Department also proposes to revoke an existing Policy Statement on the advertising of rebates that is contrary to DOT's current enforcement policy. The proposal responds to a request for such action by the American Society of Travel Agents. The proposed regulation is

significant because it involves important departmental policies and substantial industry interest.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| NPRM | 10/21/88 | 53 FR 41353 |
| NPRM Comment Period End | 12/20/88 | |
| Extension of Comment Period to | 02/03/89 | 54 FR 5497 |
| Correction to Comment Period Document | 02/10/89 | 54 FR 6475 |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
10/21/88 (53 FR 41353)

Agency Contact: Betsy Wolf, Trial Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9342

RIN: 2105-AB39

2270. +PRICE ADVERTISING

Significance: Agency Priority

Legal Authority: 49 USC 1371; 49 USC 1381

CFR Citation: 14 CFR 380; 14 CFR 399

Legal Deadline: None

Abstract: The Department is proposing to amend its rule and policy statement with respect to air transportation price advertising. This rulemaking is significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/26/89 | 54 FR 31052 |
| Comment Period Extended to | 08/23/89 | 54 FR 35005 |
| NPRM Comment Period End | 08/25/89 | |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
07/26/89 (54 FR 31052)

Agency Contact: Steven Farbman, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9307

RIN: 2105-AB50

2271. +SMOKING ABOARD AIRCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1374; 49 USC 1377; 49 USC 1386; PL 101-164

CFR Citation: 14 CFR 252

Legal Deadline: None

Although there is no judicial or statutory deadline for the Department's implementation, the statutory ban was effective 02/25/90.

Abstract: This interim final rule amends the rules governing smoking aboard aircraft to incorporate a statutory ban on smoking aboard most U.S. flight segments. The statutory ban applies to both U.S. and foreign air carriers. This rulemaking proposed to clarify the current rule and make other minor changes. This rulemaking is significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------------------|--------------|------------|
| Interim Final Rule | 02/13/90 | 55 FR 4991 |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
02/13/90 (55 FR 4991)

Additional Information: The interim final rule was effective 02/25/90; the comments were due by 04/16/90.

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2105-AB58

2272. +NONDISCRIMINATION ON THE BASIS OF HANDICAP IN AIR TRAVEL (AIR CARRIER ACCESS ACT)

Significance: Agency Priority

Legal Authority: 49 USC 1374(a); 49 USC 1374(c)

CFR Citation: 14 CFR 382

Legal Deadline: None

Abstract: An SNPRM proposed three additions to part 382 to implement the Air Carrier Access Act of 1986. The additions concern standards for boarding chairs; airport terminal transportation systems; and substitute service for persons denied the opportunity to fly because of inaccessible small aircraft. This

DOT—OST

Final Rule Stage

rulemaking is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| SNPRM: Final Rule Amendments: Comment Period End 06/04/90 | 03/06/90 | 55 FR 8076 |
| Comment Period Extended to 07/20/90 | 06/08/90 | 55 FR 23450 |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/06/90 (55 FR 8076)

Additional Information: The telephone number for TDD is (202) 755-7687; a taped copy of the SNPRM is available on request.

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2105-AB61

2273. +AVIATION CHARTER RULES

Significance: Agency Priority

Legal Authority: PL 85-726, as amended

CFR Citation: 14 CFR 207 to 208; 14 CFR 212; 14 CFR 294; 14 CFR 298; 14 CFR 380; 14 CFR 389

Legal Deadline: None

Abstract: This rule governs the activities of public charter operators, a type of indirect air carrier that sells charter air transportation to consumers, and airlines that perform the direct air transportation. DOT is making major revisions to the rule, to remove unnecessary burdens on charter operators and airlines while updating, restructuring, and simplifying the necessary consumer protection provisions of the rules. The NPRM proposed simplified registration and financial procedures and would allow use of credit cards for payments to charter operators. This rulemaking is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/16/92 | 57 FR 42864 |
| NPRM Comment Period End | 10/16/92 | |

| Action | Date | FR Cite |
|-------------------------------------|----------|-------------|
| Comment Period Extended to 11/16/92 | 10/22/92 | 57 FR 48193 |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/16/92 (57 FR 42864)

Agency Contact: C. W. McGuire, Chief, Regulatory Affairs Division, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-1037

RIN: 2105-AB91

2274. +DISADVANTAGED BUSINESS ENTERPRISE (DBE) REGULATION; GENERAL UPDATE

Significance: Agency Priority

Legal Authority: Intermodal Surface Transportation Efficiency Act (ISTEA); PL 102-240; Airport and Airway Improvement Act, sec 511

CFR Citation: 49 CFR 23

Legal Deadline: None

Abstract: This proposed rule would revise the Department's regulations for the disadvantaged business enterprise program to clarify regulatory provisions and revise program elements in light of experience in administering the program since 1980. This action is significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| NPRM | 12/09/92 | 57 FR 58288 |
| NPRM Comment Period Extended | 03/03/93 | 58 FR 12207 |
| NPRM Comment Period End | 03/09/93 | |
| NPRM Comment Period End | 04/08/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 12/09/92 (57 FR 58288)

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2105-AB92

2275. +PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG- AND ALCOHOL-TESTING PROGRAMS

Significance: Agency Priority

Legal Authority: Omnibus Transportation Employee Testing Act of 1991; 49 USC 1657

CFR Citation: 49 CFR 40

Legal Deadline: None

Abstract: This action proposed uniform testing procedures to be used by all DOT agencies conducting alcohol-testing programs and certain changes in DOT drug-testing procedures pursuant to the Omnibus Transportation Employee Testing Act. A Management Information System (MIS) was also proposed, to gather evaluation and enforcement information for these testing programs. (See RIN 2105-AB81.) This action is considered significant because of substantial public and congressional interest.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/15/92 | 57 FR 59409 |
| NPRM Comment Period End | 04/14/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/15/92 (57 FR 59409)

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2105-AB95

2276. +TRANSPORTATION FOR INDIVIDUALS WITH DISABILITIES

Significance: Agency Priority

Legal Authority: Americans with Disabilities Act of 1990; 49 USC 322

CFR Citation: 49 CFR 37

Legal Deadline: None

Abstract: This action proposed to amend the rules implementing the Americans with Disabilities Act. Among the issues being considered are the use of lifts by standees, equivalent facilitation, seat or wheelchair securement space, rail system detectable warnings, fare vending

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equipment, etc. This rulemaking amendment is significant because of substantial public and congressional interest.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 11/17/92 | 57 FR 54210 |
| NPRM Comment Period End | 01/19/93 | |
| Final Action; Accessible ATM/Fare Vending Machines | 07/15/93 | 58 FR 38204 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/17/92 (57 FR 54210)

Additional Information: The TDD telephone number is (202) 755-7687. The NPRM of 11/17/92 inadvertently used RIN 2105-AB53, which was a completed action. The correct RIN is 2105-AB97.

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306
RIN: 2105-AB97

2277. NONDISCRIMINATION ON THE BASIS OF AGE IN DOT FINANCIAL ASSISTANCE PROGRAMS

Significance: Nonsignificant

Legal Authority: PL 94-135

CFR Citation: 29 CFR 1691

Legal Deadline: None

Abstract: The NPRM proposed to prohibit age discrimination by recipients of DOT financial assistance programs. However, it has been concluded that further analysis is needed to determine the applicability of the age discrimination act to DOT programs.

Timetable:

| Action | Date | FR Cite |
|-------------------------|--------------|-------------|
| NPRM | 10/22/79 | 44 FR 60946 |
| NPRM Comment Period End | 01/21/80 | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/22/79 (44 FR 60946)

Agency Contact: Joseph Austin, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-5992
RIN: 2105-AA09

2278. DIRECT AIR CARRIER RESPONSIBILITY FOR RETURNING STRANDED CHARTER PASSENGERS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371

CFR Citation: 14 CFR 207; 14 CFR 208

Legal Deadline: None

Abstract: This action proposed to make direct air carriers responsible for returning charter passengers stranded by strikes or other service interruptions, by eliminating the force majeure clause from charter contracts. However, the CAB subsequently issued an interpretive rule (ER-1387, 49 FR 33436) which was affirmed in court. (Arrow Air, Inc. v. Dole, 784 F.2d 1118 (1986)). Therefore, this action is now moot; the NPRM will be withdrawn.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 07/11/80 | 45 FR 46812 |
| NPRM Comment Period End | 09/25/80 | |
| Reply Comment Period End | 10/10/80 | |
| To Be Withdrawn | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: EDR 405, Docket 37169.

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306
RIN: 2105-AA40

2279. AIR TRAVELERS: AGE DISCRIMINATION

Significance: Nonsignificant

Legal Authority: 42 USC 6102

CFR Citation: 14 CFR 376 (Proposed)

Legal Deadline: None

Abstract: This rulemaking action was initiated by the Civil Aeronautics Board to implement the Age Discrimination Act of 1975. A draft final rule was submitted to HHS, as required by that

Act, and was approved. However, in view of current airline practices with respect to travel by the elderly, and the absence of complaints of discrimination based on age, there no longer appears to be a need for further rulemaking action, and the NPRM will be withdrawn.

Timetable:

| Action | Date | FR Cite |
|--------------------------------------|----------|-------------|
| NPRM | 09/26/79 | 44 FR 55383 |
| Final Action Adopted by the Board | 04/10/80 | |
| HHS Approved Final Rule With Changes | 07/13/84 | |
| To Be Withdrawn | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SPDR-74, Docket 36639.

Agency Contact: Robert Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2105-AA45

2280. POLICY STATEMENT ON AIRLINE PREEMPTION

Significance: Nonsignificant

Legal Authority: 49 USC 1305

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: The Civil Aeronautics Board in 1979 issued an interim Policy Statement on preemption. It discusses the policy of the Department with respect to three areas in which State law has been preempted by the Airline Deregulation Act of 1978: regulation of commuter air carriers and air taxis, the rights of airport proprietors, and general State authority as it directly or indirectly affects air transportation competition. The Supreme Court has recently ruled that section 105 of the ADA preempts even indirect State regulation that "has a connection with or reference to" airline rates, routes, or services. The Department is considering the effect of this holding on the Policy Statement.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|------------|
| Interim Final Rule | 02/15/79 | 44 FR 9948 |

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| Action | Date | FR Cite |
|--|--------------|------------|
| Request for Comments on Interim Rule (PSDR-56, Docket 34684) | 02/15/79 | 44 FR 9953 |
| Comment Period End | 04/16/79 | |
| Next Action | Undetermined | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Additional Information: PS-83, Docket 34684.

Agency Contact: Paul Smith, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9285

RIN: 2105-AA46

2281. DIVERSION OF FLIGHTS WITHIN A METROPOLITAN AREA

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1305; 49 USC 1324; 49 USC 1371; 49 USC 1375; 49 USC 1377 to 1379; 49 USC 1381; 49 USC 1382; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504

CFR Citation: 14 CFR 253; 14 CFR 399

Legal Deadline: None

Abstract: The CAB proposed to amend its rules requiring notice of contract terms for domestic travel to require that actual notice be given passengers of terms absolving carriers from any responsibility to transport a passenger to the destination named on the ticket, or to reimburse the passenger for expenses in reaching the airport noted on the ticket when a flight is diverted to another airport in the same metropolitan area. Alternatively, the Board proposed to declare it to be an unfair and deceptive practice to divert a passenger without arranging and paying for alternate transportation to the destination airport named on the passenger's ticket. The Board considered a final rule but did not decide what action to take. DOT is now considering what action to take.

Timetable:

| Action | Date | FR Cite |
|-------------------------|--------------|-------------|
| NPRM | 09/23/83 | 48 FR 43343 |
| NPRM Comment Period End | 11/07/83 | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: ADDITIONAL LEGAL AUTHORITIES: PL 96-354; 5 USC 601. Docket 41683, EDR 468/PSDR-81.

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2105-AA78

2282. SIMPLIFIED AVIATION EXEMPTION PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1386

CFR Citation: 14 CFR 302; 14 CFR 389; 14 CFR 399

Legal Deadline: None

Abstract: A Civil Aeronautics Board rulemaking proposed to revise and simplify the requirements and procedures for applying for exemptions under section 416(b) of the Federal Aviation Act. This action has become unnecessary since the Department included most of its provisions in its rule transferring the CAB's rules to DOT. Therefore, the NPRM will be withdrawn.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 10/05/84 | 49 FR 39337 |
| NPRM Comment Period End | 12/04/84 | |
| To Be Withdrawn | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PDR-88/ODR-27/PSDR-83.

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2105-AA82

2283. BAGGAGE LIABILITY NOTICES IN INTERNATIONAL AIR TRANSPORTATION

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371; 49 USC 1372; 49

USC 1373; 49 USC 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Legal Deadline: None

Abstract: In response to a petition by Mr. Howard Boros, the CAB proposed to amend the baggage liability notices provided to passengers in foreign air travel. The NPRM proposed to eliminate the disclaimer of liability for fragile and perishable items because that notice is false and misleading.

Timetable:

| Action | Date | FR Cite |
|-------------------------|--------------|-------------|
| NPRM | 12/18/84 | 49 FR 49111 |
| NPRM Comment Period End | 03/19/85 | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: Docket 41690; EDR-477.

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2105-AA84

2284. SIMPLIFIED AIRLINE COUNTER-SIGN NOTICES

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221; 14 CFR 250; 14 CFR 256

Legal Deadline: None

Abstract: The American Association of Airport Executives, the Airport Operators Council International, and the Air Transport Association of America petitioned the CAB to simplify its counter-sign requirements. Presently, airlines are required to display four different consumer protection notices on their ticket counters. The petitioners alleged that the current notices are hard to read and, therefore, do not provide much notice to passengers. They proposed replacing the four notices with one simplified counter sign. The CAB adopted an NPRM that proposed a

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number of alternatives, such as a long and/or short notice, there the notices would be required to be posted, and whether a smoking notice should be included. DOT is now considering what action to take in response to the notice and comments filed.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| NPRM | 08/01/84 | 49 FR 30742 |
| NPRM Comment Period End | 09/17/84 | |
| Reply Comment Period End | 10/02/84 | |

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation

Additional Information: Docket 41971; EDR-474

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2105-AA88

2285. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 322(a)

CFR Citation: 49 CFR 18

Legal Deadline: None

Abstract: The current rule is being revised to address comments on the NPRM of 11/04/88 and Federal agency concerns on the current rule, and to update deviations from the common rule. OMB has decided not to merge into the existing rule those requirements that apply to universities, hospitals, and other nonprofit organizations. OMB is considering the need for a common rule.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/04/88 | 53 FR 44716 |
| NPRM Comment Period End | 01/03/89 | |
| Final Action | 11/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 11/04/88 (53 FR 44716)

Agency Contact: Robert G. Taylor, Chief, Grants Management Division, M-62, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-4289

RIN: 2105-AB46

2286. TRANSPORTATION ACQUISITION REGULATIONS

Significance: Nonsignificant

Legal Authority: 40 USC 486C

CFR Citation: 48 CFR 1200 et seq

Legal Deadline: None

Abstract: This rule proposed changes to the Department's acquisition regulations (TAR). However, in the light of comments received, and the fact that the proposal has been overtaken by subsequent events, it will be withdrawn. Instead, the Department is rewriting chapter 12. See RIN 2105-AB75.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/15/89 | 54 FR 51426 |
| NPRM Comment Period End | 02/13/90 | |
| To Be Withdrawn | 10/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 12/15/89 (54 FR 51426)

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Lawrence E. Sawler, Procurement Analyst, Office of Acquisition and Grant Management, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-4287

RIN: 2105-AB54

2287. CENTRALIZATION OF FORMAL HEARING DOCKETS (OST)

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1323 to 1324; 49 USC 1371 to 1374; 49 USC 1376; 49 USC 1382; 49 USC

1471; 49 USC 1481 to 1482; 49 USC 1485; 42 USC 4321; 39 USC 5402

CFR Citation: 14 CFR 302

Legal Deadline: None

Abstract: This final rule would provide that evidence and documents in formal hearing cases adjudicated within the Office of the Secretary (OST), and all of the Department of Transportation's modal administrations, except the Coast Guard and the Federal Aviation Administration, be filed and maintained in the OST Office of Documentary Services. The change would streamline operations and consolidate the documents used in formal hearing cases.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2105-AB69

2288. RULES OF CONDUCT IN DOT PROCEEDINGS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371 to 1389; 49 USC 1471; 49 USC 1473; 49 USC 1481 to 1482; 49 USC 1487; 18 USC 20(b) to 20(c); 49 USC subtitle I

CFR Citation: 14 CFR 300

Legal Deadline: None

Abstract: This rulemaking would permit DOT staff to communicate informally with applicants and any objectors in air carrier initial and continuing fitness cases until a show-cause or other order instituting a formal proceeding was issued, at which time the current DOT restrictions on ex parte communications would apply.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-----------|
| NPRM | 01/06/93 | 58 FR 516 |
| NPRM Comment Period End | 02/22/93 | |
| Final Action | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/06/93 (58 FR 516)

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Agency Contact: Patricia T. Szrom,
Chief, Air Carrier Fitness Division,
Department of Transportation, Office of
the Secretary, 400 Seventh Street SW.,
Washington, DC 20590, 202 366-9721
RIN: 2105-AB89

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Completed Actions

**2289. +ANTIDRUG PROGRAMS FOR
DEPARTMENT OF TRANSPORTATION
CONTRACTORS**

Significance: Agency Priority

Legal Authority: 49 USC 322; 40 USC
486(c)

CFR Citation: 48 CFR 1226.7001; 48
CFR 1252.226 to 270; 48 CFR 34; 48
CFR 1.301

Legal Deadline: None

Abstract: Consistent with DOT
antidrug initiatives for DOT employees
and employees of regulated industries,
DOT was considering requiring its
contractors to establish antidrug
programs (including drug testing and
employee assistance programs) for
employees performing safety-sensitive
or security functions under DOT
contracts. Although initially considered
significant because of substantial public
interest, the Department is no longer
contemplating issuing such a rule.
Uniform, governmentwide regulations
to deter drug use among contractor
employees have been issued to
implement the Drug-Free Workplace
Act.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|---------|
| Action Terminated | 07/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert C. Ashby,
Deputy Assistant General Counsel for
Regulation and Enforcement,
Department of Transportation, Office of
the Secretary, 400 Seventh Street SW.,
Room 10424, Washington, DC 20590,
202 366-9306

RIN: 2105-AB40

**2290. +SEISMIC SAFETY OF DOT
ASSISTED OR REGULATED NEW
BUILDING CONSTRUCTION**

Significance: Agency Priority

Legal Authority: PL 95-124 Earthquake
Hazards Reduction Act of 1977; 42 USC
7701 et seq; 91 Stat 1098; EO 12699;
PL 101-614, sec 8(2)(3)

CFR Citation: 49 CFR 41

Legal Deadline: NPRM, Statutory,
January 5, 1993. Final, Statutory,
February 1, 1993.

Abstract: Under EO 12699, each
affected Federal agency had the
responsibility for developing and
implementing its own appropriate cost-
effective regulations governing seismic
safety. For DOT, this included design
and construction of any of its new
buildings for use or ownership, as well

as seismic safety recognition in all
grant and safety programs affecting
federally leased, assisted, or regulated
buildings. The final rules herein may
be further implemented by DOT
Operating Administrations. This
rulemaking was significant because of
substantial public interest and safety
implications.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 01/14/93 | 58 FR 4383 |
| NPRM Comment Period End | 03/01/93 | |
| Final Action | 06/14/93 | 58 FR 32867 |
| Final Action Effective | 07/14/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
06/14/93 (58 FR 32867)

Additional Information: EO 12699 is
titled "Seismic Safety of Federal and
Federally Assisted or Regulated New
Building Construction."

Agency Contact: Donald Trilling,
Director, Office of Transportation
Regulatory Affairs, Department of
Transportation, Office of the Secretary,
400 Seventh Street SW., Washington,
DC 20590, 202 366-2937

RIN: 2105-AB79

DEPARTMENT OF TRANSPORTATION (DOT)
U.S. Coast Guard (USCG)

Prerule Stage

**2291. REMOVAL OF MASTER OR
PERSON IN CHARGE OF A VESSEL
(91-214)**

Significance: Nonsignificant

Legal Authority: 46 USC 8101

CFR Citation: 46 CFR 5; 46 CFR 15

Legal Deadline: None

Abstract: This regulation would
require, under specific conditions, the
relieving of the master or person in

charge by the next most senior master,
mate, or licensed operator.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: LCDR M. Grossetti,
Project Manager, G-MMI, Department of
Transportation, U.S. Coast Guard, 2100

Second Street SW., Washington, DC
20593-0001, 202 267-1430

RIN: 2115-AD95

**2292. ALTERATION OF OBSTRUCTIVE
BRIDGES (91-063)**

Significance: Nonsignificant

Legal Authority: 33 USC 511

CFR Citation: 33 CFR 116

Legal Deadline: None

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Prerule Stage

Abstract: With the upsurge of interest in bridge alterations, it has become necessary to clarify the procedures for declaring a bridge to be an unreasonable obstruction and, most importantly, how a bridge qualifies for alteration under the Truman-Hobbs Act. This rule would clarify and update the procedures contained in 33 CFR 116 to more clearly reflect the procedures currently in use.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Marcia L. Waples, Project Manager, G-NBR-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW.,

Washington, DC 20593-0001, 202 267-0375

RIN: 2115-AE15

2293. AMENDMENTS TO HULL IDENTIFICATION NUMBER REGULATIONS AND NEW REQUIREMENTS FOR CERTIFICATES OF ORIGIN (CGD 92-065)

Significance: Nonsignificant

Legal Authority: 46 USC 12501

CFR Citation: 33 CFR 181

Legal Deadline: None

Abstract: This rulemaking would expand the length of the hull identification number (HIN) to include information about a vessel and function as a vessel identification number. The rulemaking would also require manufacturers to supply a Certificate of

Origin (COO) with each vessel produced to ensure documented certification of this information and establish a chain of ownership. These regulations to provide information identifying vessels and establishing evidence of vessel ownership are needed to help develop a Vessel Identification System (VIDS).

Timetable: Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Alston Colihan, Project Manager, G-NAB-6, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0984

RIN: 2115-AE37

DEPARTMENT OF TRANSPORTATION (DOT)

Proposed Rule Stage

U.S. Coast Guard (USCG)

2294. +STRUCTURAL AND OPERATIONAL MEASURES TO REDUCE OIL SPILLS FROM EXISTING TANK VESSELS WITHOUT DOUBLE HULLS (91-045)

Significance: Regulatory Program

Legal Authority: 46 USC 3703; PL 101-380

CFR Citation: 33 CFR 157

Legal Deadline: Final, Statutory, August 26, 1991.

Abstract: This rulemaking will address the interim measures existing vessels must take to provide substantial protection to the environment. The interim measures will apply to existing vessels until the vessel must comply with the double hull regulations beginning on January 1, 1995. No tank vessel without a double hull may operate after January 15, 2015. Interim measures are to include structural and operational standards to provide substantial protection to the environment that are economically and technologically feasible. This rulemaking is considered significant due to substantial public interest and environmental impact.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 11/01/91 | 56 FR 56284 |
| ANPRM Comment Period End | 12/31/91 | |

| Action | Date | FR Cite |
|---|----------|------------|
| ANPRM Comment Period Extended to 01/30/92 | 01/13/92 | 57 FR 1243 |
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/93

Additional Information: This entry was previously titled Existing Tank Vessel Hull Requirements. The correct docket number is 91-045.

Agency Contact: R. Crenwelge, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6620

RIN: 2115-AE01

2295. +SECURITY FOR PASSENGER VESSELS AND PASSENGER TERMINALS (91-012)

Significance: Agency Priority

Legal Authority: 33 USC 1226

CFR Citation: 33 CFR 120; 33 CFR 128

Legal Deadline: None

Abstract: The purpose of this action is to improve security measures on passenger vessels engaged in international voyages of 24 hours or

more, and on the port facilities serving these vessels. This rulemaking is significant because of substantial public interest and safety implications.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Public Compliance Cost: Initial Cost: \$14,000,000; Yearly Recurring Cost: \$10,000,000; Base Year for Dollar Estimates: 1994

Analysis: Regulatory Evaluation 10/00/93

Agency Contact: Gary W. Chappell, Project Manager, G-MPS-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0491

RIN: 2115-AD75

2296. +CHEMICAL DRUG AND ALCOHOL TESTING OF COMMERCIAL VESSEL PERSONNEL; COLLECTION OF DRUG AND ALCOHOL TESTING INFORMATION (MIS) (CGD 91-019)

Significance: Agency Priority

Legal Authority: 46 USC 2103; 46 USC 3306; 46 USC 7101; 46 USC 7301; 46 USC 7701

DOT-USCG

Proposed Rule Stage

CFR Citation: 46 CFR 16

Legal Deadline: None

Abstract: To provide effective oversight and monitoring of transport industry antidrug programs, DOT would propose to implement a Management Information System (MIS) of standardized drug and alcohol testing data collected from the regulated industries. (See RIN 2105-AB01.) This entry is the Coast Guard's part of the departmental action and is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/15/92 | 57 FR 59752 |
| NPRM Comment Period End | 04/14/93 | |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/15/92 (57 FR 59752)

Agency Contact: LCDR Mark Grossetti, Project Manager, G-MMT-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1421

RIN: 2115-AD84

2297. +USER FEES FOR APPROVALS OF EQUIPMENT, LABORATORIES, AND SERVICING FACILITIES (92-013)

Significance: Agency Priority

Legal Authority: 46 USC 2110; 46 USC 664; 31 USC 9701

CFR Citation: 33 CFR 159

Legal Deadline: None

Abstract: This regulatory project would establish direct user fees for Coast Guard services relating to equipment approvals, factory inspections, acceptance of independent laboratories and acceptance of servicing, repair, and testing facilities. The proposed fees are based on average workload, personnel, and overhead costs. The fees collected will be deposited in the general funds of the U.S. Treasury as offsetting receipts for Coast Guard activities. This rulemaking is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 04/00/94

Agency Contact: LCDR J. J. Kelly, Project Manager, G-MP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0009

RIN: 2115-AE18

2298. +STATE ACCESS TO THE OIL SPILL LIABILITY TRUST FUND (92-014)

Significance: Agency Priority

Legal Authority: 33 USC 2712

CFR Citation: 33 CFR 133

Legal Deadline: NPRM, Statutory, February 18, 1991.

Abstract: Pursuant to the Oil Pollution Act of 1990 (OPA 90), this action will specify how the authority to obligate the pollution trust fund for oil spill response and cleanup efforts and to enter into agreements with the States will be exercised. OPA 90 provides for access to the liability trust fund at the request of a State governor or pursuant to agreement with a State. This project has been split into two rulemakings within this RIN. The interim final rule addresses immediate State access to the trust fund. A separate NPRM will address formal agreements with States to establish administrative procedures, recordkeeping, and auditing requirements. This project is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 11/13/92 | 57 FR 53968 |
| NPRM | 10/00/93 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 11/13/92 (57 FR 53968)

Agency Contact: Donald Taylor, Project Manager, National Pollution Fund Center (clr), Department of Transportation, U.S. Coast Guard, 4200 Wilson Blvd, Suite 1000, Arlington, VA 22203-1804, 703 235-4805

RIN: 2115-AE19

2299. +DRUG TESTING OF INDIVIDUALS APPLYING FOR ISSUANCE OR RENEWAL OF LICENSES, CERTIFICATES OF REGISTRY, OR MERCHANT MARINERS' DOCUMENTS (91-223)

Significance: Agency Priority

Legal Authority: PL 101-380

CFR Citation: 46 CFR 10; 46 CFR 12; 46 CFR 16

Legal Deadline: None

Abstract: The Oil Pollution Act of 1990 requires that merchant marine credential applicants be tested for use of dangerous drugs. This regulation will provide procedures for implementing this requirement. This action is significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/00/94

Agency Contact: Mr. Jim Cratty, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-8742

RIN: 2115-AE28

2300. • +GREAT LAKES PILOTAGE RATE METHODOLOGY

Significance: Agency Priority

Legal Authority: 46 USC 2103; 46 USC 6101; 46 USC 7701; 46 USC 9303; 46 USC 9304; 46 USC 3507

CFR Citation: 46 CFR 401; 46 CFR 403; 46 CFR 404

Legal Deadline: None

Abstract: The Coast Guard would amend the Great Lakes Pilotage Regulations by establishing new procedures for determining Great Lakes pilotage rates and revising the financial reporting requirements mandated for Great Lakes pilot associations. The proposed methodology would adopt methods which have proven effective in ratemaking methodologies used by regulators of other public service industries. This action would not propose a change to the existing Great Lakes pilotage rates and charges, but proposes to standardize the

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methodology by which those rates would be determined in the future. The Coast Guard considers this action to be significant because the setting of pilotage rates is controversial.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/93

Agency Contact: Scott A. Poyer, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6249

RIN: 2115-AE45

2301. HYBRID PERSONAL FLOTATION DEVICES: ESTABLISHMENT OF APPROVAL REQUIREMENTS (78-174)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703; 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This project would establish performance standards for hybrid PFDs and procedures for granting product approval to these devices.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 03/15/79 | 44 FR 15933 |
| NPRM | 05/29/85 | 50 FR 21862 |
| NPRM Comment Period End | 07/15/85 | |
| Interim Final Rule SNPRM | 08/22/85 | 50 FR 33923 |
| | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/22/85 (50 FR 33923)

Additional Information: A related project, CGD 78-174, was completed on 6/27/91 (56 FR 29439).

Agency Contact: Ens. R. Smith, Project Manager, G-MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AA29

2302. OUTER CONTINENTAL SHELF FACILITIES: AIDS TO NAVIGATION (82-054)

Significance: Nonsignificant

Legal Authority: 14 USC 2; 14 USC 83; 14 USC 85; 14 USC 92; 14 USC 633

CFR Citation: 33 CFR 67

Legal Deadline: None

Abstract: This item will modify existing requirements to allow for the following: central approval of aids to navigation lighting equipment, conformance to International Association of Lighthouse Authorities marking recommendations for offshore structures, and realistic light-intensity requirements.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/93

Additional Information: Formerly entitled Aids to Navigation on Outer Continental Shelf.

Agency Contact: Charles Mosher, Project Manager, G-NSR-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1973

RIN: 2115-AA92

2303. SAFETY STANDARDS FOR NEW SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES (82-058)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 154

Legal Deadline: None

Abstract: This proposal would update standards for ships carrying bulk liquefied gases by adopting amendments 1 through 4 of the International Maritime Organization Code for the construction and equipment of ships carrying gases in bulk.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/93

Agency Contact: Mr. T. Felleisen, Project Manager, G-MTH-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1217

RIN: 2115-AA95

2304. FIRE PROTECTION REGULATIONS (CGD 83-026)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306; 46 USC 3503; 46 USC 3703

CFR Citation: 46 CFR 32; 46 CFR 72; 46 CFR 92; 46 CFR 190; 46 CFR 193; 46 CFR 30; 46 CFR 31; 46 CFR 34; 46 CFR 35; 46 CFR 70; 46 CFR 76; 46 CFR 77; 46 CFR 78; 46 CFR 90; 46 CFR 95;

Legal Deadline: None

Abstract: This action is to bring into agreement the international requirements of SOLAS 1974 (Safety of Life at Sea) and its amendments and Coast Guard regulations.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 10/01/84 | 49 FR 38672 |
| ANPRM Comment Period End | 11/30/84 | |
| NPRM | 04/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 04/00/94

Additional Information: Formerly titled Reassessment of Coast Guard Fire Protection Regulations to Incorporate SOLAS 1974.

Agency Contact: Marsha Kupferman, Project Manager, G-MTH-4, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2997

RIN: 2115-AB36

2305. TRAINING IN THE USE OF AUTOMATIC RADAR PLOTTING AIDS (ARPA) (85-089)

Significance: Nonsignificant

Legal Authority: 33 USC 1223; 46 USC 3703

CFR Citation: 33 CFR 164; 46 CFR 10

Legal Deadline: None

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Abstract: Current regulations require installation of ARPA on certain ships to improve vessel and waterway safety. Training in the use of this equipment is necessary to ensure its proper application and maximum benefit. A very small percentage of licensed personnel (those manning vessels of 10,000 GT or larger) would be required to complete an ARPA training course. The course is expected to cost approximately \$500.00 per student.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 10/24/85 | 50 FR 43258 |
| ANPRM Comment Period End | 12/23/85 | |
| NPRM | 03/07/90 | 55 FR 8155 |
| NPRM Comment Period End | 06/05/90 | |
| SNPRM | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
03/07/90 (55 FR 8155)

Agency Contact: Paul Eulitt, Project Manager, G-MVP-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0224

RIN: 2115-AB99

2306. REVISIONS TO THE ELECTRICAL ENGINEERING REGULATIONS (85-063)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 2113; 46 USC 3301; 46 USC 3306; 46 USC 3318; 46 USC 3703; 46 USC 4104

CFR Citation: 46 CFR 110; 46 CFR 111; 46 CFR 112; 46 CFR 113

Legal Deadline: None

Abstract: This rulemaking would generally update and revise 46 CFR subchapter J to address changes in technology, include international conventions (Amendments to SOLAS 1974), clarify requirements, and reflect experience gained as a result of vessel reflaggings.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
10/00/93

Agency Contact: Bob Landman, Project Manager, G-MTH-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2206

RIN: 2115-AC20

2307. SMALL PASSENGER VESSEL INSPECTION AND CERTIFICATION (CGD 85-080)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 170; 46 CFR 171; 46 CFR 173; 46 CFR 175 to 185

Legal Deadline: None

Abstract: This rulemaking would revise subchapters S and T to reflect statutory changes, incorporate new technology, and improve safety requirements. Among the changes contemplated would be a change in inspection intervals, drydocking intervals, lifesaving equipment requirements, and fire protection requirements.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 01/30/89 | 54 FR 4412 |
| Comment Period Extended and Notice of Hearings | 04/26/89 | 54 FR 17997 |
| Notice of Public Hearing Change | 05/25/89 | 54 FR 22608 |
| NPRM Comment Period End | 05/30/89 | |
| Notice of Intent to Issue SNPRM | 09/18/89 | 54 FR 38410 |
| SNPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
01/30/89 (54 FR 4412)

Additional Information: On April 26, 1989, the Coast Guard published notice of six public hearings and extended the comment period to July 31, 1989. Because of extensive substantive public comments, the Coast Guard will issue an SNPRM.

Agency Contact: LCDR M. Cruder, Project Manager, G-MVI-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1181

RIN: 2115-AC22

2308. DOMESTIC AND INTERNATIONAL LOAD LINES (86-013)

Significance: Nonsignificant

Legal Authority: 46 USC 5102; 46 USC 5103; 46 USC 5104; 46 USC 5105; 46 USC 5106; 46 USC 5107; 46 USC 5108

CFR Citation: 46 CFR 41; 46 CFR 42; 46 CFR 43; 46 CFR 44; 46 CFR 45; 46 CFR 46; 46 CFR 47; 46 CFR 48

Legal Deadline: None

Abstract: This proposal will revise 46 CFR parts 42, 44, 45, and 46 and add parts 41, 43, 47, and 48 (subchapter E) to correct errors, replace previous omissions, incorporate new policies which have not been published, and implement provisions of the new Load Line Law enacted on October 21, 1986, and now in effect. This combines CGD 86-013 and 86-013(a).

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| Notice | 12/29/86 | 51 FR 46972 |
| NPRM | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Analysis: Regulatory Evaluation
12/00/93

Agency Contact: Gary E. Larimer, Project Manager, G-MTH-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2988

RIN: 2115-AC37

2309. REVISION TO INFLATABLE LIFERAFT APPROVAL: SOLAS 74/83 (85-205)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This project would establish approval requirements for inflatable liferafts meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| ANPRM RIN 2115- AA50 | 06/29/81 | 46 FR 33341 |
| NPRM RIN 2115- AA50 | 01/11/85 | 50 FR 7558 |
| Comment Period Extended to 10/14/85 RIN 2115- AA50 | 07/05/85 | 50 FR 27628 |
| Comment Period Extended to 01/10/86 RIN 2115- AA50 | 09/09/85 | 50 FR 36639 |

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| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| ANPRM RIN 2115-AA57 | 08/14/86 | 51 FR 29117 |
| Public Meeting RIN 2115-AA57 | 12/22/86 | 51 FR 45783 |
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
12/00/93

Additional Information: Two related projects have been consolidated into this one: Inflatable Liferaft Stability (CGD 80-113), RIN 2115-AA50, and Servicing Inflatable Liferrafts (CGD 81-010), RIN 2115-AA57.

Agency Contact: Mr. Kurt Heinz, Project Manager, MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC51

2310. POSTING REQUIREMENTS ON INSPECTED VESSELS (87-031)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 31; 46 CFR 71; 46 CFR 91; 46 CFR 167; 46 CFR 176; 46 CFR 189

Legal Deadline: None

Abstract: Various laws, international agreements, and Coast Guard regulations require the posting of specific certificates, licenses, plans, operating instructions, and warnings onboard vessels. Some of these contain essential operational data which must be accessible at all times; others are primarily informational. This rulemaking project will seek to reduce posting requirements for nonessential operational data to reduce the burden on the public. Alternatives such as having items readily available rather than being posted are being considered.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 04/24/87 | 52 FR 31786 |
| ANPRM Comment | 11/24/87 | 52 FR 31786 |
| Period End | | |
| NPRM | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
04/00/94

Additional Information: As a result of the ANPRM, a new project was created to remove regulations requiring merchant vessels to post Form 811. A final rule was published under Docket Number 87-031a (RIN 2115-AC91) on 22 July 1988 (53 FR 27686).

Agency Contact: Mr. Allen W. Penn, Project Manager, G-MVI, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1181

RIN: 2115-AC68

2311. REGATTAS AND MARINE PARADES (CGD 87-087)

Significance: Nonsignificant

Legal Authority: 33 USC 1233

CFR Citation: 33 CFR 100.15

Legal Deadline: None

Abstract: This proposal would amend current regatta and marine parade regulations to increase the lead time requirement for submitting regatta permit applications. The rulemaking will allow the Coast Guard adequate time to review regatta permit applications, conduct appropriate coordination, and provide necessary public notice relating to regattas and marine events. In view of comments received, an SNPRM will be issued.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 02/04/88 | 53 FR 3221 |
| NPRM Comment | 04/04/88 | 53 FR 3221 |
| Period End | | |
| SNPRM | 10/00/94 | |

Small Entities Affected: Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation
02/04/88 (53 FR 3221)

Agency Contact: Mr. Carlton Perry, Project Manager, G-NAB, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0979

RIN: 2115-AC84

2312. MARINE TRANSPORT OF BULK SOLID HAZARDOUS MATERIALS (87-069)

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 46 CFR 148

Legal Deadline: None

Abstract: This proposal would incorporate into 46 CFR 148 the requirements for shipping certain frequently carried hazardous bulk solids. Putting these requirements into regulation would eliminate paperwork for both the Coast Guard and the shipping industry. This proposal would also incorporate requirements found in the International Maritime Organization's Code of Safe Practice for Solid Bulk Cargoes.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 04/28/89 | 54 FR 18308 |
| ANPRM Comment | 06/27/89 | |
| Period End | | |
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
12/00/93

Agency Contact: Frank Thompson, Project Manager, G-MTH-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0087

RIN: 2115-AD02

2313. REQUIREMENTS FOR MARINE TERMINALS TRANSFERRING BULK LIQUEFIED HAZARDOUS GASES (88-049)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 126; 33 CFR 127

Legal Deadline: None

Abstract: This project would develop requirements for marine terminals transferring bulk liquefied hazardous gases (petroleum and chemical) and establish comparable levels of safety and contingency measures for these commodities as are now required for liquefied natural gas (LNG).

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 09/28/88 | 53 FR 37792 |
| ANPRM Comment | 11/28/88 | |
| Period End | | |
| NPRM | 10/05/93 | 58 FR 51906 |
| NPRM Comment | 01/03/94 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: None

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Proposed Rule Stage

Public Compliance Cost: Initial Cost: \$12,000,000; Yearly Recurring Cost: \$433,000; Base Year for Dollar Estimates: 1994

Analysis: Regulatory Evaluation
10/05/93 (58 FR 51906)

Agency Contact: Mr. G. W. Chappell, Project Manager, G-MPS-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0491

RIN: 2115-AD06

2314. WRITTEN WARNINGS BY COAST GUARD LAW ENFORCEMENT OFFICERS (88-074)

Significance: Nonsignificant

Legal Authority: 14 USC 633

CFR Citation: 33 CFR 1

Legal Deadline: None

Abstract: This action would authorize Coast Guard law enforcement officers to issue written warnings for violations of statutes and regulations in the field.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
04/00/94

Agency Contact: LT Ralph Hetzel, Project Counsel, G-LRA, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0128

RIN: 2115-AD13

2315. CONTROLLING THE MARINE ASBESTOS HAZARD (88-103)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a); 43 USC 1333

CFR Citation: 46 CFR 197

Legal Deadline: None

Abstract: Asbestos has been identified as a carcinogen for which there are no safe limits of exposure. This regulatory project would limit the hazards posed by asbestos to marine industry personnel aboard Coast Guard inspected vessels, mobile offshore drilling units, Outer Continental Shelf platforms, and deepwater ports.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 10/07/92 | 57 FR 46126 |
| ANPRM Comment | 02/04/93 | |
| Period End | | |
| NPRM | 02/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
02/00/95

Agency Contact: LCDR Barker, Project Manager, G-MVI-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1181

RIN: 2115-AD16

2316. GENERAL REVISIONS TO STABILITY REGULATIONS (SUBCHAPTER S) (89-038)

Significance: Nonsignificant

Legal Authority: 46 USC 1333; 46 USC 3306; 46 USC 3703; 46 USC 5115

CFR Citation: 46 CFR 170 to 174

Legal Deadline: None

Abstract: This project proposes general editorial changes to the stability regulations to correct errors and clarify meaning. No substantive revisions are anticipated.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 08/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
08/00/94

Additional Information: This project was formerly entitled, Stability Regulations -- General Revision of Subchapter S (89-038).

Agency Contact: LT David M. Flaherty, Project Manager, G-MTH-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2988

RIN: 2115-AD34

2317. VESSEL IDENTIFICATION SYSTEM (89-050)

Significance: Nonsignificant

Legal Authority: 46 USC 12501

CFR Citation: 33 CFR 187

Legal Deadline: None

Abstract: 46 USC 125 requires the Secretary of Transportation to establish a Vessel Identification System (VIS). This rulemaking will prescribe the manner and form for participating States to make information available for VIS; to establish guidelines for State vessel titling systems; and to establish procedures for certifying compliance with those guidelines.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 09/15/89 | 54 FR 38358 |
| ANPRM Comment | 12/14/89 | |
| Period End | | |
| NPRM | 10/05/93 | 58 FR 51920 |
| NPRM Comment | 01/03/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
10/05/93 (58 FR 51920)

Agency Contact: LT Dave Fish, Project Manager, G-MIM-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6044

RIN: 2115-AD35

2318. TANK LEVEL OR PRESSURE MONITORING DEVICES (CGD 90-071)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; PL 101-380

CFR Citation: 46 CFR 32

Legal Deadline: Final, Statutory, December 1, 1991.

Abstract: The Oil Pollution Act of 1990 requires the Secretary of Transportation to issue regulations concerning the use of tank level or pressure monitoring devices. This proposal would implement the provisions of the Act.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| ANPRM | 05/07/91 | 56 FR 21116 |
| ANPRM Comment | 10/04/91 | |
| Period End | | |
| Technical Feasibility Study Availability Notice | 02/05/93 | 58 FR 2292 |
| NPRM | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation
01/00/94

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Additional Information: Formerly titled Overfill and Tank Level or Pressure Monitoring Devices.

Agency Contact: R. Crenwelge, Project Manager, G-MS-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6220

RIN: 2115-AD69

2319. ALCOHOL/DRUG ABUSE REVIEW FOR LICENSE/CERTIFICATE OF REGISTRY AND MERCHANT MARINER DOCUMENT APPLICANTS (91-210)

Significance: Nonsignificant

Legal Authority: 46 USC 7101; 46 USC 7302

CFR Citation: 46 CFR 10; 46 CFR 12

Legal Deadline: None

Abstract: This regulation will require that license, certificate of registry, and merchant marine document applicants make available certain national driver registry data and be tested for use of illegal, dangerous drugs. A review of the applicant's criminal record may also be required. (See RIN 2115-AD93.)

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/93

Agency Contact: Jim Cratty, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6758

RIN: 2115-AD91

2320. NEW TERMS OF VALIDITY FOR CERTIFICATES OF REGISTRY AND MERCHANT MARINERS' DOCUMENTS

Significance: Nonsignificant

Legal Authority: 46 USC 7107; 46 USC 7302

CFR Citation: 46 CFR 10; 46 CFR 12

Legal Deadline: None

Abstract: This action would require a 5-year period of validity for certificates of registry and merchant mariners' documents. The expiration of existing papers is also addressed.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/16/93 | 58 FR 48572 |
| NPRM Correction | 10/01/93 | 58 FR 51408 |
| NPRM Comment Period End | 11/15/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/16/93 (58 FR 48572)

Agency Contact: J. Cratty, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6742

RIN: 2115-AD92

2321. CRIMINAL RECORD REVIEWS AND ACCESS TO THE NATIONAL DRIVER REGISTER (91-212)

Significance: Nonsignificant

Legal Authority: 46 USC 7109

CFR Citation: 46 CFR 10; 46 CFR 12

Legal Deadline: None

Abstract: This action would provide the Coast Guard discretionary authority to review the criminal record of each applicant for a merchant mariner credential and require that each merchant mariner credential applicant make available information contained in the National Driver Register (NDR). The regulation would create procedures to allow an applicant or a holder of a license, Certificate of Registry, or merchant mariner document to request and comment upon any data received from the NDR. The data could be used against an individual's merchant mariner credential(s) under administrative procedures.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/93

Additional Information: RIN 2115-AD96, titled Access to National Driver Register, has been consolidated into this project.

Agency Contact: Jim Cratty, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100

Second Street SW., Washington, DC 20593-0001, 202 267-6758

RIN: 2115-AD93

2322. SUSPENSION AND REVOCATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS (91-213)

Significance: Nonsignificant

Legal Authority: 46 USC 2101; 46 USC 7701; 46 USC 7702; 46 USC 7703

CFR Citation: 46 CFR 5; 46 CFR 10; 46 CFR 12

Legal Deadline: None

Abstract: Amendments to 46 CFR 5 would add (1) guidance for prehearing suspension of licenses, certificates of registry, and merchant mariners' documents (credentials); (2) two new provisions under which a merchant mariner's credentials may be suspended or revoked; and (3) a new requirement that must be satisfied before a merchant mariner's credentials can be issued after revocation or surrender.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 04/00/94

Agency Contact: W. Williamson, Project Manager, G-MMI, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0715

RIN: 2115-AD94

2323. MANNING STANDARDS FOR FOREIGN TANK VESSELS (91-215)

Significance: Nonsignificant

Legal Authority: 46 USC 9101

CFR Citation: 46 CFR 30

Legal Deadline: None

Abstract: This regulation would establish the requirements and procedures for the review for equivalency of foreign manning, training, qualification, and watchkeeping standards with respect to comparable United States or accepted international requirements. Enforcement of these standards by each

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respective government will also be reviewed.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 09/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
09/00/94

Agency Contact: Ms. Klein, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6770

RIN: 2115-AD97

2324. REPORTING MARINE CASUALTIES (91-216)

Significance: Nonsignificant

Legal Authority: 46 USC 6101

CFR Citation: 46 CFR 4

Legal Deadline: None

Abstract: This action would add to the definition of a reportable marine casualty "significant harm to the environment." Some casualty reporting requirements are extended to include foreign tank vessels operating in U.S. waters, including the exclusive economic zone.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
04/00/94

Agency Contact: Ms. Spottswood, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6402

RIN: 2115-AD98

2325. ESCORTS FOR CERTAIN TANKERS (91-202A)

Significance: Nonsignificant

Legal Authority: PL 101-380; 46 USC 3703

CFR Citation: 33 CFR 168

Legal Deadline: None

Abstract: This rulemaking is to develop standards which implement section

4116(c) of the Oil Pollution Act of 1990. It will address the areas of Prince William and Puget Sounds where a two-vessel escort will be required. In view of comments received, an ANPRM was issued to solicit further information.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 07/07/92 | 57 FR 30058 |
| NPRM Comment Period End | 09/08/92 | |
| NPRM Comment Period Reopened to 07/24/93 | 03/26/93 | 58 FR 16391 |
| ANPRM Further Comments Due 06/28/93 | 04/27/93 | 58 FR 25766 |
| Public Hearings Notice | 04/29/93 | 58 FR 25959 |
| Public Hearings Notice Correction | 05/19/93 | 58 FR 29157 |
| SNPRM | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
07/07/92 (57 FR 30058)

Additional Information: The Coast Guard, in cooperation with the Prince William Sound Regional Citizens Advisory Council, PWS Tanker Association, Alaska Pipeline, is conducting a disabled tanker towing study. The result of the study will be incorporated into this rulemaking proposal.

Agency Contact: T. Jordan, Project Manager, G-MS-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6751

RIN: 2115-AE10

2326. STABILITY CRITERIA FOR DOUBLE-HULLED TANK VESSELS (91-206)

Significance: Nonsignificant

Legal Authority: PL 101-30

CFR Citation: 33 CFR 157; 46 CFR 172

Legal Deadline: None

Abstract: This rulemaking is intended to regulate stability of tank vessels built under the mandate of section 4115(a) of the Oil Pollution Act of 1990. This section requires vessels constructed or adapted to carry oil in bulk or as cargo residue, for which a contract was placed after 30 June 1990, to be equipped with double hulls.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
10/00/93

Agency Contact: J. Sirkar, Project Manager, G-MTH-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2988

RIN: 2115-AE11

2327. HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES (92-026)

Significance: Nonsignificant

Legal Authority: 33 USC 1231

CFR Citation: 33 CFR 126

Legal Deadline: None

Abstract: This action would update regulations governing the handling of breakbulk, containerized, and dry bulk dangerous cargoes on waterfront facilities.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|------------|
| ANPRM | 01/13/93 | 58 FR 4127 |
| ANPRM Comment Period End | 04/13/93 | |
| NPRM | 07/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation
07/00/94

Additional Information: Independent study will be undertaken and, together with comments from the public, will determine industry and governmental interest in this rulemaking.

Agency Contact: Gary Chappell, Project Manager, G-MPS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0493

RIN: 2115-AE22

2328. CLASSIFYING, PACKAGING, AND COMMUNICATING ABOUT EXPLOSIVES

Significance: Nonsignificant

Legal Authority: 33 USC 1231

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CFR Citation: 33 CFR 6; 33 CFR 110; 33 CFR 126; 33 CFR 160; 46 CFR 38; 46 CFR 78; 46 CFR 194

Legal Deadline: None

Abstract: This action will consolidate and simplify the requirements for classifying, packaging, and labeling explosives and bring the regulations into conformance with International Maritime Organization standards.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/93

Agency Contact: ENS Richard Gonzalez, Project Manager, G-MPS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0514

RIN: 2115-AE27

2329. FEDERAL AGENCY ACCESS TO THE OIL SPILL LIABILITY TRUST FUND (CGD 92-074)

Significance: Nonsignificant

Legal Authority: 33 USC 2712

CFR Citation: 33 CFR 134; 33 CFR 137; 33 CFR 153

Legal Deadline: None

Abstract: This action will implement provisions of OPA 90 which govern payments to Federal agencies for removal costs and to initiate the assessments of natural resources damages. OPA 90 also consolidates into one Oil Spill Liability Trust Fund the 311(k) Fund, the Deepwater Port Liability Fund, and the Trans-Alaska Pipeline Liability Fund. This action was inadvertently classified as significant and has been downgraded.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 01/00/94

Agency Contact: L. E. Burgess, Project Manager, National Pollution Fund

Center, Department of Transportation, U.S. Coast Guard, 4200 Wilson Blvd, Suite 1000, Arlington, VA 22203-1804, 703 235-4796

RIN: 2115-AE34

2330. • SOLAS LIFEBOATS AND RESCUE BOATS (93-021)

Significance: Nonsignificant

Legal Authority: 46 USC 3306a

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This project would establish approval requirements for lifeboats and rescue boats meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/93

Agency Contact: Rajiv Khandpor, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AE40

2331. • PRINCE WILLIAM SOUND AUTOMATED DEPENDENT SURVEILLANCE SYSTEM INCORPORATION BY REFERENCE (93-022)

Significance: Nonsignificant

Legal Authority: 33 USC 1231; 33 USC 2734

CFR Citation: 33 CFR 161

Legal Deadline: None

Abstract: This rulemaking will amend the compliance date for Prince William Sound Automated Dependent Surveillance System and Equipment Carriage Requirement. This rulemaking will also amend the incorporation by reference for 33 CFR 161.376 contained in 33 CFR 161.109.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/00/94

Agency Contact: Irene Hoffman, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6217

RIN: 2115-AE41

2332. • INSPECTION AND CERTIFICATION STANDARDS FOR OSRVs

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 33 USC 1321(j)(6)(A)

CFR Citation: Not yet determined

Legal Deadline: NPRM, Statutory, November 1993. Final, Statutory, June 1994.

Abstract: The Coast Guard proposes to establish inspection and certification standards for oil spill response vessels (OSRVs) of less than 500 gross tons which would otherwise be inspected as tank vessels under 46 CFR subchapter P.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/00/94

Agency Contact: Randy Crenwelge, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6745

RIN: 2115-AE43

2333. • IMPLEMENTATION OF REGULATION 26 OF ANNEX I OF MARPOL 73-78 RELATING TO THE DEVELOPMENT OF SHIPBOARD OIL POLLUTION EMERGENCY PLANS (93-030)

Significance: Nonsignificant

Legal Authority: 33 USC 1321; 33 USC 1903

CFR Citation: 33 CFR 151

Legal Deadline: None

Abstract: This proposal would implement Regulation 26 of Annex I of MARPOL 73-78. MARPOL Regulation requires oil tankers of 150 gross tons and above and other ships of 400 gross

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tons and above to carry on board an approved oil pollution emergency response plan.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
01/00/94

Agency Contact: J. Sullivan, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6404

RIN: 2115-AE44

2334. • REGATTA REGULATIONS

Significance: Nonsignificant

Legal Authority: 33 USC 1233

CFR Citation: 33 CFR 100

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to continue through 10/00/94: 250.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carl Perry, Project Manager, G-NAB, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington DC 20593-0001, 202 267-0979

RIN: 2115-AE46

2335. • DRAWBRIDGE REGULATIONS

Significance: Nonsignificant

Legal Authority: 33 USC 499

CFR Citation: 33 CFR 117

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to continue through 10/00/94: 25.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marcia Waples, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0375

RIN: 2115-AE47

2336. • INLAND WATERWAYS NAVIGATION REGULATION—AMBROSE CHANNEL, NEW YORK HARBOR, NEW YORK (93-016)

Significance: Nonsignificant

Legal Authority: 33 USC 1231

CFR Citation: 33 CFR 162; 49 CFR 1.46

Legal Deadline: None

Abstract: The Coast Guard is proposing to remove the Ambrose Channel lower New York Bay navigation regulations. These navigation regulations have become outdated and they serve no useful vessel safety purpose.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/01/93 | 58 FR 46144 |
| NPRM Comment Period End | 10/18/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
09/01/93 (58 FR 46144)

Agency Contact: Irene Hoffman, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6277

RIN: 2115-AE48

2337. • INSPECTION OF GREAT LAKES BARGES (93-017)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 24; 46 CFR 30; 46 CFR 70; 46 CFR 90; 46 CFR 91; 46 CFR 92; 46 CFR 93; 46 CFR 94; 46 CFR 95; 46 CFR 96; 46 CFR 97; 46 CFR 98; 46 CFR 175; 46 CFR 188

Legal Deadline: Other, Statutory, November 4, 1993.

For barges in operation on November 4, 1992, inspection is required one year after that date.

Abstract: The rulemaking proposes to regulate a new class of vessels, Great Lakes barges. This class consists of non-self-propelled cargo vessels of at least 3,500 gross tons operating on the Great Lakes. This action is mandated by Congress to improve navigation safety on the Great Lakes.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
11/00/93

Agency Contact: LCDR David A. Du Pont, Project Manager, G-MVI-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1181

RIN: 2115-AE49

2338. • INSPECTION AND ENTRY (91-232)

Significance: Nonsignificant

Legal Authority: PL 101-380

CFR Citation: 33 CFR 153

Legal Deadline: None

Abstract: This action would specify the enforcement authority and recordkeeping provisions of the Coast Guard when inspecting and entering vessels and facilities to enforce the Federal Water Pollution Control Act.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation
12/00/93

Agency Contact: LCDR Hunt, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6230

RIN: 2115-AE51

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U.S. Coast Guard (USCG)

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2339. +OFFSHORE SUPPLY VESSEL REGULATIONS (82-004 AND 86-074)

Significance: Regulatory Program

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3308

CFR Citation: 46 CFR 90; 46 CFR 125 to 136; 46 CFR 170; 46 CFR 174; 46 CFR 175

Legal Deadline: None

Abstract: These regulations would consolidate existing Offshore Safety Vessel standards and policy into a single subchapter and make specific revisions to accommodate the unique characteristics and methods of operation and the service in which the vessels are engaged. Rules specifically applicable to liftboats would be included. Because of substantial public interest in certain aspects of this proposal, it has been classified as significant.

Timetable:

| Action | Date | FR Cite |
|-------------------------------------|----------|-------------|
| ANPRM | 02/14/83 | 48 FR 6636 |
| Comment Period Extended to 09/12/83 | 06/09/83 | 48 FR 26631 |
| ANPRM Comment Period End | 06/14/83 | 48 FR 6636 |
| ANPRM of Consolidated RIN AC63 | 04/16/87 | 52 FR 12439 |
| NPRM | 05/09/89 | 54 FR 20006 |
| Comment Period Extended to 12/06/89 | 08/31/89 | 54 FR 36040 |
| NPRM Comment Period End | 09/06/89 | |
| Interim Final Rule | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/09/89 (54 FR 20006)

Additional Information: Coast Guard Docket 86-074 (RIN 2115-AC63) titled Regulations for Self-Elevating Offshore Service and Support Vessels was combined with this project. Public hearing was held in New Orleans 09/13/89 in response to House subcommittee request.

Agency Contact: LCDR Steve Kantz, Project Manager, G-MV1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2307

RIN: 2115-AA77

2340. +DOUBLE HULL STANDARDS FOR VESSELS CARRYING OIL IN BULK (CGD 90-051)

Significance: Regulatory Program

Legal Authority: 33 USC 1903; 46 USC 3703a; PL 101-380

CFR Citation: 33 CFR 155.390; 33 CFR 157.01; 33 CFR 157.03; 33 CFR 157.08; 33 CFR 157.10; 33 CFR 157.10(d); 33 CFR 157.11; 33 CFR 157.24; 33 CFR 157.25; 33 CFR 157.28; 46 CFR 30.01-5; 46 CFR 32.60; 46 CFR 70.05-30; 46 CFR 90.05-35; 46 CFR 172.060; ...

Legal Deadline: None

Abstract: The Oil Pollution Act of 1990 requires a double hull to be fitted on vessels carrying oil in bulk. The Act does not provide technical standards for a double hull. This proposal would implement the requirements of the Act and establish technical standards. This rulemaking is significant because of substantial general, international, and congressional interest.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| ANPRM | 12/05/90 | 55 FR 50192 |
| ANPRM Comment Period End | 04/01/91 | |
| NPRM Comment Period Reopened to 10/07/91 | 09/06/91 | 56 FR 44051 |
| Notice of Availability of Impact Analysis | 01/15/92 | 57 FR 1854 |
| Interim Final Rule | 08/12/92 | 57 FR 36222 |
| Interim Final Rule Correction | 09/03/92 | 57 FR 40494 |
| Interim Final Rule Comment Period End | 10/13/92 | |
| Interim Final Rule Comment Period Reopened 02/26/93 | 12/18/92 | 57 FR 60402 |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/12/92 (57 FR 36222)

Agency Contact: Mr. Robert M. Gavin, Project Manager, G-MVI-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1181

RIN: 2115-AD61

2341. +DISCHARGE-REMOVAL EQUIPMENT FOR VESSELS CARRYING OIL (CGD 90-068)

Significance: Regulatory Program

Legal Authority: 46 USC 4202

CFR Citation: 46 CFR 165

Legal Deadline: Final, Statutory, August 18, 1992.

Abstract: The Oil Pollution Act of 1990 directs the President by August 18, 1992, to (1) require periodic inspection of discharge-removal equipment to ensure that it is available in an emergency, and (2) require carriage of discharge-removal equipment by vessels operating in the navigable waters of the U.S. and carrying oil or hazardous substances. This proposal would implement those provisions. This proposal is considered significant because of expected costs and substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| ANPRM | 08/30/91 | 56 FR 43534 |
| ANPRM Comment Period End | 10/16/91 | |
| NPRM | 08/29/92 | 57 FR 44912 |
| NPRM Comment Period Extended to 11/16/92 | 10/26/92 | 57 FR 48489 |
| NPRM Comment Period End | 10/29/92 | |
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 09/29/92 (57 FR 44912)

Agency Contact: Frank Wood, Project Manager, G-MEP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6603

RIN: 2115-AD66

2342. +FINANCIAL RESPONSIBILITY FOR WATER POLLUTION (VESSELS) (CGD 91-005)

Significance: Regulatory Program

Legal Authority: 33 USC 2716; 42 USC 9608

CFR Citation: 33 CFR 130 to 132; 33 CFR 137

Legal Deadline: None

Abstract: This rulemaking will implement the provisions concerning financial responsibility for vessels in the Oil Pollution Act of 1990 and the Comprehensive Environmental Response Compensation and Liability Act. It will prescribe the means by which owners and operators of vessels establish and maintain evidence of

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insurance or other evidence of financial responsibility sufficient to meet their potential liability under these Acts. This rule is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 09/26/91 | 56 FR 49006 |
| NPRM Comment Period End | 11/25/91 | |
| NPRM Comment Period Extended to 01/24/92 | 12/02/91 | 56 FR 61216 |
| Notice of Availability Draft Regulatory Impact Analysis | 07/21/93 | 58 FR 38993 |
| Next Action Undetermined | | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 09/26/91 (56 FR 49006)

Additional Information: The Oil Pollution Act of 1990 (OPA) repealed or superseded certain oil spill liability provisions under the Federal Water Pollution Control Act (33 USC 1321), title III of the Outer Continental Shelf Lands Act Amendments of 1978 (43 USC 1814), the Trans-Alaska Pipeline Authorization Act (43 USC 1653), and the Deepwater Port Act of 1974 (33 USC 1517). The financial responsibility provisions of those Acts were replaced by a single financial responsibility regime under OPA and keyed to the broader liability of OPA. In addition to financial responsibility requirements under OPA, which is limited to oil, this project would include financial responsibility requirements under the Comprehensive Environmental Response, Compensation, and Liability Act, which concerns hazardous substances. This consolidation would allow the issuance of a single, unified Certificate of Financial Responsibility for vessels, replacing separate certificates and financial responsibility regimes under the previously mentioned Acts.

Agency Contact: Robert M. Skall, Project Manager, Department of Transportation, U.S. Coast Guard, National Pollution Funds Center, 4200 Wilson Blvd, Suite 1000, Arlington, VA 22203-1804, 703 235-4704

RIN: 2115-AD76

2343. +DIRECT USER FEES FOR INSPECTION OR EXAMINATION OF U.S. AND FOREIGN COMMERCIAL VESSELS (91-030)

Significance: Regulatory Program

Legal Authority: 14 USC 633; 14 USC 6641; 31 USC 9701; 46 USC 2103; 46 USC 2104; 46 USC 2110; 46 USC 2111; 46 USC 3303(a); 46 USC 3303(b); 46 USC 3306; 46 USC 3317; 46 USC 3714; 46 USC 5115; 46 USC 8105; 46 USC 3703

CFR Citation: 33 CFR 143; 46 CFR 2

Legal Deadline: None

Abstract: The Omnibus Budget Reconciliation Act of 1990 requires the Coast Guard to establish user fees for Coast Guard services related to the inspection and examination of U.S. and foreign vessels and issuance of Certificates of Inspection, Certificates of Compliance, and related documents. The proposed fees are based on the way the Coast Guard presently conducts vessel inspection activities. This proposal is intended to recover costs of providing certain vessel inspection services. This rulemaking is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 12/18/91 | 56 FR 65786 |
| NPRM; Correction To Add Appendix A | 12/24/91 | 56 FR 66766 |
| NPRM Comment Period End | 02/18/92 | |
| NPRM Comment Period Reopened to 05/18/92 | 03/24/92 | 57 FR 10149 |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 12/18/91 (56 FR 65786)

Agency Contact: LCDR J. J. Kelly, Project Manager, G-MP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0009

RIN: 2115-AD78

2344. +TANK VESSEL RESPONSE PLANS (91-034)

Significance: Regulatory Program

Legal Authority: 46 USC 4202; 46 USC 5005; PL 101-30

CFR Citation: 46 CFR 165

Legal Deadline: Final, Statutory, August 18, 1992.

Abstract: This rulemaking partially implements sections 4202(b)(4) and 5005 of the Oil Pollution Act of 1990, P.L. 101-30 (OPA-90), concerning tank vessel and facility response plans. Section 4202(b)(4) of the OPA-90 amends section 311(j)(5) of the Federal Water Pollution Control Act (FWPCA), which requires owners and operators of tank vessels and facilities to develop response plans for responding to worst-case discharges (or substantial threat thereof) of oil or hazardous substances. Section 5005 requires that response plans for tank vessels operating in Prince William Sound, Alaska, and facilities permitted under the Trans-Alaska Pipeline Authorization Act provide for additional measures of oil spill preparedness. This action is considered significant because of substantial public interest and environmental considerations. This rulemaking covers tank vessel requirements. Facility requirements is a separate rulemaking under RIN 2155-AD82.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| ANPRM | 08/30/91 | 56 FR 43534 |
| ANPRM Comment Period End | 10/16/91 | |
| NPRM | 06/19/92 | 57 FR 27514 |
| NPRM Correction | 07/01/92 | 57 FR 29354 |
| Schedule of Open Meetings | 07/28/92 | 57 FR 33287 |
| NPRM Comment Period End | 08/03/92 | |
| Interim Final Rule Comment Period End 04/06/93 | 02/05/93 | 58 FR 7376 |
| Interim Final Rule Correction | 03/15/93 | 58 FR 13708 |
| Final Action | 08/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; Regulatory Evaluation 02/05/93 (58 FR 7376)

Additional Information: The status of development of response plans was published 08/21/92 (57 FR 37920). A workshop notice was published 07/16/93 (58 FR 38450), and an additional day added 07/22/93 (58 FR 39272).

Agency Contact: Ms. Klein, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100

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Second Street SW., Washington, DC
20593-0001, 202 267-6770

RIN: 2115-AD81

2345. +FACILITY RESPONSE PLANS (91-036)

Significance: Regulatory Program

Legal Authority: 46 USC 4202; 46 USC 5005; PL 101-30

CFR Citation: 46 CFR 165

Legal Deadline: Final, Statutory, August 18, 1992.

Abstract: This rulemaking partially implements sections 4202(b)(4) and 5005 of the Oil Pollution Act of 1990, P.L. 101-30 (OPA 90), concerning tank vessel and facility response plans. Section 4202(b)(4) of OPA-90 amends section 311(j)(5) of the Federal Water Pollution Control Act (FWPCA), which requires owners and operators of tank vessels and facilities to develop response plans for responding to worst-case discharges (or substantial threat thereof) of oil or hazardous substances. Section 5005 requires that response plans for tank vessels operating in Prince William Sound, Alaska, and facilities permitted under the Trans-Alaska Pipeline Authorization Act provide for additional measures of oil spill preparedness. This action is considered significant because of substantial public interest and environmental considerations. This rulemaking covers facility requirements. Tank vessel requirements is a separate rulemaking under RIN 2115-AD81.

Timetable:

| Action | Date | FR Cite |
|----------------------------------|----------|-------------|
| ANPRM | 03/11/92 | 57 FR 8708 |
| ANPRM Comment Period End | 04/27/92 | |
| Interim Final Rule | 02/05/93 | 58 FR 7330 |
| Interim Final Rule Correction | 03/12/93 | 58 FR 13550 |
| Comment Period End | 04/06/93 | |
| Final Action | 03/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/05/93 (58 FR 7330)

Additional Information: A workshop notice was published 07/16/93 (58 FR 38450), and an additional day added 07/22/93 (58 FR 39272).

Agency Contact: LCDR Hunt, Project Manager, G-MS, Department of

Transportation, U.S. Coast Guard, 2100
Second Street SW., Washington, DC
20593-0001, 202 267-6230

RIN: 2115-AD82

2346. +LICENSING OF PILOTS—MANNING OF VESSELS (84-060)

Significance: Agency Priority

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 7101; 46 USC 7109; 46 USC 7112; 46 USC 8101; 46 USC 8502; 46 USC 2103; 46 USC 3703; 46 USC 8901 to 8904

CFR Citation: 46 CFR 15.812; 46 CFR 10.700; 49 CFR 1.46

Legal Deadline: None

Abstract: An interim final rule will: (1) define "coastwise seagoing vessel" for pilotage purposes; (2) describe first class pilotage areas where local pilotage expertise is warranted; (3) allow licensed individuals to serve as pilots in areas not identified as first class pilotage areas on vessels that they are otherwise qualified to control; and (4) provide quick reference tables for pilotage requirements. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 06/24/85 | 50 FR 26117 |
| NPRM Comment Period End | 12/23/85 | |
| SNPRM | 06/06/88 | 53 FR 20654 |
| Supplemental SNPRM Notice of Public Hearing | 08/11/89 | 54 FR 33045 |
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/27/85 (50 FR 26117)

Additional Information: This regulatory project has been split from a previously published action identified by the same title with Coast Guard Docket number 77-084 and RIN 2115-AA04, completed in 50 FR 26106. The Coast Guard initiated a comprehensive study of pilotage issues and requested public comment in 54 FR 31136.

Agency Contact: Mr. J. Hartke, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0217

RIN: 2115-AB67

2347. +LIFESAVING EQUIPMENT—IMPLEMENTATION OF 1983 AMENDMENTS TO SOLAS 1974 (84-069)

Significance: Agency Priority

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 199; 46 CFR 31; 46 CFR 33; 46 CFR 35; 46 CFR 71; 46 CFR 75; 46 CFR 78; 46 CFR 91; 46 CFR 94; 46 CFR 97; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 154; 46 CFR 160; ...

Legal Deadline: None

Abstract: This project would implement the provisions of the 1983 amendments to SOLAS 1974 (Safety of Life at Sea) which came into force in July of 1986. It would also reorganize the lifesaving equipment regulations in order to simplify, clarify, and reduce redundancy. This rulemaking is significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| ANPRM | 12/31/84 | 49 FR 50745 |
| ANPRM Comment Period End | 03/01/85 | |
| NPRM | 04/21/89 | 54 FR 16198 |
| NPRM Comment Period End | 08/21/89 | |
| Comment Period Reopened to 01/03/90 | 10/05/89 | 54 FR 41124 |
| Public Hearing in Seattle 10/17/89 | 10/05/89 | 54 FR 41124 |
| Final Action | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/21/89 (54 FR 16198)

Additional Information: CFR CITATION CONT: 46 CFR 30; 46 CFR 90; 46 CFR 112; 46 CFR 113; 46 CFR 167; 46 CFR 189; 46 CFR 192; 46 CFR 196; 46 CFR 199.

Agency Contact: Mr. B. Berringer, Project Manager, G-MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AB72

2348. +LICENSING OF OFFICERS AND OPERATORS FOR MOBILE OFFSHORE DRILLING UNITS (81-59A)

Significance: Agency Priority

Legal Authority: 46 USC 2103; 46 USC 3703; 46 USC 8105

DOT-USCG

Final Rule Stage

CFR Citation: 46 CFR 10; 46 CFR 15

Legal Deadline: None

Abstract: This project makes provision for the licensing of officers on mobile offshore drilling units and establishes manning standards for these vessels. This action is considered significant because of substantial public interest. Based on comments received, two SNPRMs were issued and the interim final rule revised.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 08/08/83 | 48 FR 35920 |
| SNPRM | 10/24/85 | 50 FR 43316 |
| Interim Final Rule | 10/16/87 | 52 FR 38660 |
| Suspended Effective Date of Interim Final Rule | 02/28/89 | 54 FR 8334 |
| SNPRM Comment Period End | 05/17/89 | 54 FR 21246 |
| Extension of Comment Period to | 06/20/89 | 54 FR 25881 |
| Interim Final Rule | 04/18/90 | 55 FR 14792 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
04/18/90 (55 FR 14792)

Additional Information: This project was split from Coast Guard Docket 81-059, Licensing of Maritime Personnel, which was completed under RIN 2115-AA64 (54 FR 125). The interim final rule effective date was suspended because the comments received indicated substantive revisions to the rule were necessary. The refined interim final rule of 04/18/90 withdrew the notice suspending the effective date and invited public comment through 06/18/90.

Agency Contact: Paul Eulitt, Project Manager, G-MVP-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0224

RIN: 2115-AB91

Legal Deadline: Final, Statutory, January 1, 1993.

Abstract: The Commercial Fishing Industry Act of 1988 requires the Secretary of Transportation to prescribe regulations for certain safety equipment and vessel operating procedures. Subjects addressed by the rulemaking include: navigation, radio, firefighting, and lifesaving equipment, as well as fuel, ventilation, and electrical systems. This rulemaking is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| ANPRM of Consolidated RIN 2115-AC34 | 07/09/87 | 52 FR 25890 |
| ANPRM Correction of Consolidated RIN 2115-AC34 | 08/10/87 | 52 FR 29556 |
| ANPRM | 12/29/88 | 53 FR 52735 |
| ANPRM Comment Period End | 02/27/89 | 53 FR 52735 |
| ANPRM Extension of Comment Period | 03/02/89 | 54 FR 8765 |
| NPRM | 04/19/90 | 55 FR 14924 |
| NPRM Comment Period End | 08/20/90 | |
| Notice of Intent to Publish SNPRM | 08/31/90 | 55 FR 35694 |
| Final Action Except SNPRM Issues; Final Action Effective 09/15/91 | 08/14/91 | 56 FR 40364 |
| Final Rule Correction | 09/20/91 | 56 FR 47679 |
| Correcting Amendments to Final Action of 08/14/91 | 01/06/92 | 57 FR 363 |
| Interim Final Rule Immersion Suits | 08/03/92 | 57 FR 34188 |
| SNPRM To Address Stability and Other Small Fishing Vessel Issues | 10/27/92 | 57 FR 48670 |
| SNPRM Correction | 12/03/92 | 57 FR 57129 |
| SNPRM Comment Period Extended to 02/28/93 | 12/18/92 | 57 FR 60158 |
| SNPRM Correction | 01/06/93 | 58 FR 630 |
| NPRM Seasonally Cold Waters | 05/20/93 | 58 FR 29502 |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
10/27/92 (57 FR 48670)

Additional Information: While the final rule addressed most areas of the NPRM, the SNPRM addressed stability for vessels less than 79 feet in length,

survival craft for vessels operating near shore with less than four persons on board, and exemptions for fisheries having high vessel density or of limited durations.

Coast Guard docket 86-024 titled Uninspected Fish-Processing Vessels (RIN 2115-AC34) has been incorporated into this project.

Agency Contact: Tim Farley, Project Manager, G-MVI-4, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2307

RIN: 2115-AD12

2350. +RECORDING OF INSTRUMENTS—VESSEL DOCUMENTATION (89-007)

Significance: Agency Priority

Legal Authority: 46 USC 121; 46 USC 313

CFR Citation: 46 CFR 67

Legal Deadline: None

Abstract: This project would streamline the documentation process by eliminating unnecessary forms, merging forms, and simplifying procedures. In addition, the proposal would establish a fee system such that vessel owners would pay only for those services actually received and necessary. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 03/26/92 | 57 FR 10544 |
| NPRM; Fees | 05/20/92 | 57 FR 21546 |
| NPRM Comment Period End | 06/24/92 | |
| Final Rule; Citizenship | 09/24/92 | 57 FR 44126 |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
03/26/92 (57 FR 10544)

Additional Information: The Coast Guard has combined two related dockets, CGD 89-007 and CGD 89-008a. They will be carried under docket number CGD 89-007 and RIN 2115-AD60. This action should help to avoid confusion. RIN 2115-AD30, the first phase of this project, was a completed action in the April 1991 Agenda. Coast Guard published two separate NPRMs,

2349. +IMPLEMENTATION OF THE COMMERCIAL FISHING-INDUSTRY VESSEL SAFETY ACT (88-079)

Significance: Agency Priority

Legal Authority: 46 USC 4502; 46 USC 4506; 46 USC 6104(c); 46 USC 10603(b)

CFR Citation: 46 CFR 27; 46 CFR 28; 46 CFR 29

one dealing with forms and procedures (CGD 89-007a) and one dealing with proposed fees (CGD 89-007b). These will be combined at the final action as 89-007. In addition, the Coast Guard published a final rule reducing the need to submit declarations of citizenship, in order to provide immediate relief from this burden.

Agency Contact: Mr. T. Willis, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1492

RIN: 2115-AD60

2351. TANKERMEN (79-116)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 46 USC 7317; 46 USC 8703; 46 USC 9101; 46 USC 9102

CFR Citation: 33 CFR 154; 33 CFR 155; 46 CFR 7; 46 CFR 12; 46 CFR 13; 46 CFR 30; 46 CFR 31; 46 CFR 35; 46 CFR 78; 46 CFR 90; 46 CFR 97; 46 CFR 98; 46 CFR 105; 46 CFR 151; 46 CFR 153;

...

Legal Deadline: None

Abstract: Rulemaking would redefine and establish more stringent qualifying criteria for individuals engaged in transporting and transferring various categories of oil and dangerous liquid cargoes. The Port and Tanker Safety Act of 1978 mandated the establishment of personnel qualification and manning standards for tank vessels. In addition, the International Convention on the Standards for Training, Certification, and Watchkeeping for Seafarers 1978 (STCW) has entered into effect and establishes international standards for tank vessel personnel qualifications. In view of the length of time since publication of the NPRM, a supplemental NPRM was issued.

Timetable:

| Action | Date | FR Cite |
|---------------------------|----------|-------------|
| NPRM | 12/18/80 | 45 FR 83268 |
| NPRM Comment Period End | 03/18/81 | |
| SNPRM; Comment Period End | 10/17/89 | 54 FR 42624 |
| Interim Final Rule | 01/16/90 | |
| | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/18/80 (45 FR 83268)

Additional Information: Former title: Qualifications of the Person in Charge of Oil Transfer Operations: Tankerman Requirements (79-116). Public meetings were held during January and February of 1981. Docket 79-116a (RIN 2115-AD18) has been included in this project and will no longer be listed as a separate Regulatory Agenda item.

Agency Contact: CDR Mike De Cesare, Project Manager, G-MVP-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0224

RIN: 2115-AA03

2352. FIXED FIRE-EXTINGUISHING SYSTEMS ON UNINSPECTED VESSELS (74-284)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 4104; 46 USC 4105; 46 USC 4302; 49 USC 108

CFR Citation: 46 CFR 162.029

Legal Deadline: None

Abstract: This action would establish standards for Halon 1301 and other fixed fire extinguishing systems as optional systems for compliance with existing regulations. SNPRM addressed new comments received requesting that industry specifications be used and incorporated by reference.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 04/19/82 | 47 FR 16648 |
| NPRM Comment Period End | 06/03/82 | |
| SNPRM Comment Period End | 01/09/91 | 56 FR 829 |
| Final Action | 03/11/91 | |
| | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/09/91 (56 FR 829)

Additional Information: Final rule will need to be made more general to account for future use of alternatives in place of halons now subject to strict production limits.

Agency Contact: Mr. K. Wahle, Project Manager, G-MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AA08

2353. SAFETY/SECURITY ZONE REGULATIONS

Significance: Nonsignificant

Legal Authority: 33 USC 1233; 33 USC 1225

CFR Citation: 33 CFR 100; 33 CFR 165

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to continue through 10/00/93: 300.

Timetable:

| Action | Date | FR Cite |
|-------------------------------|----------|---------|
| Total Actions Expected to End | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margie Hegy, Project Manager, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0415

RIN: 2115-AA97

2354. ANCHORAGE AREA REGULATIONS

Significance: Nonsignificant

Legal Authority: 33 USC 471; 33 USC 2030; 33 USC 2035; 33 USC 2071

CFR Citation: 33 CFR 110

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to continue through 10/00/93: 6.

Timetable:

| Action | Date | FR Cite |
|-------------------------------|----------|---------|
| Total Actions Expected to End | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margie Hegy, Project Manager, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0415

RIN: 2115-AA98

DOT-USCG

Final Rule Stage

2355. TRAFFIC SEPARATION SCHEMES AND SHIPPING SAFETY FAIRWAYS OFF THE COAST OF CALIFORNIA (83-032)

Significance: Nonsignificant

Legal Authority: 33 USC 1223; 33 USC 1224

CFR Citation: 33 CFR 166; 33 CFR 167

Legal Deadline: None

Abstract: The Coast Guard has conducted the Port Access Route Study mandated by the Ports and Waterways Safety Act. As a result of the study, the Coast Guard will establish traffic separation schemes off the California coast. These schemes have been in use for some time, and were adopted by the International Maritime Organization (IMO). The proposed shipping safety fairways connecting the San Francisco and the Santa Barbara traffic separation schemes are no longer necessary since creation of the Monterey Bay National Marine Sanctuary in September 1992, and that portion of this rulemaking will be withdrawn. Due to this reduced scope, the rulemaking is no longer considered significant.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| NPRM | 04/27/89 | 54 FR 18258 |
| Correction Notice | 05/10/89 | 54 FR 20235 |
| Announcement of Public Hearings | 06/01/89 | 54 FR 23493 |
| NPRM Comment Period End | 07/26/89 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 04/27/89 (54 FR 18258); Environmental Assessment 04/27/89 (54 FR 18258)

Additional Information: Results of the Port Access Study for California were published in the Federal Register on June 24, 1982 (47 FR 27430), on October 14, 1982 (47 FR 46043), and on December 5, 1985 (50 FR 49861). This rulemaking involves coordination with the Minerals Management Service of the Department of the Interior. This project was formerly titled California Offshore Routing System.

Agency Contact: Margie Hegy, Project Manager, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100

Second Street SW., Washington, DC 20593-0001, 202 267-0415

RIN: 2115-AB29

2356. INCORPORATION OF AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR SAFETY OF LIFE AT SEA, 1974 (83-043)

Significance: Nonsignificant

Legal Authority: 33 USC 1223; 46 USC 3703

CFR Citation: 46 CFR 50; 46 CFR 52; 46 CFR 56; 46 CFR 58; 46 CFR 51; 46 CFR 111

Legal Deadline: None

Abstract: This project would incorporate the provisions of chapters II-1, II-2, and V of the Safety of Life at Sea, 1974 International Convention (SOLAS 74). These provisions generally provide for acceptance of technology which is standard industry practice, such as use of plastic pipe in some places and common-rail bilge and ballast systems.

Timetable:

| Action | Date | FR Cite |
|-------------------------|--------------|-------------|
| NPRM | 09/28/90 | 55 FR 39638 |
| NPRM Comment Period End | 12/27/90 | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/28/90 (55 FR 39638)

Additional Information: Formerly titled "Reassessment of Coast Guard Marine Engineering Regulations - Incorporation of SOLAS 74 Amendments"

Agency Contact: LCDR R. Dent, Project Manager, G-MTH-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-2997

RIN: 2115-AB41

2357. OIL POLLUTION PREVENTION, MARPOL ANNEX I (85-026)

Significance: Nonsignificant

Legal Authority: 33 USC 1321; 33 USC 1902; 33 USC 1903

CFR Citation: 33 CFR 155; 33 CFR 151

Legal Deadline: None

Abstract: This rulemaking would implement various provisions of the

International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 Relating Thereto (MARPOL 73/78). These proposed changes are largely editorial.

Timetable:

| Action | Date | FR Cite |
|-------------------------|--------------|------------|
| NPRM | 02/07/86 | 51 FR 4768 |
| NPRM Comment Period End | 03/24/86 | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/07/86 (51 FR 4768)

Additional Information: Formerly entitled MARPOL Pollution Prevention Regulations.

Agency Contact: LCDR M. McEwen, Project Manager, G-MER-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0421

RIN: 2115-AC11

2358. UNINSPECTED VESSEL EMERGENCY POSITION INDICATING RADIO BEACONS (EPIRBs) (87-016)

Significance: Nonsignificant

Legal Authority: 46 USC 4102; PL 100-540

CFR Citation: 46 CFR 25; 46 CFR 26

Legal Deadline: None

Abstract: As a result of the passage of Public Law 100-540, EPIRBs will be required on each manned uninspected vessel operating on the high seas or beyond three miles from the coast line of the Great Lakes. On August 17, 1988, the Coast Guard published a rule to require EPIRBs on certain fishing vessels. This action extended the requirements of the August 1988 rule as required by PL 100-540.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 04/19/90 | 55 FR 14922 |
| NPRM Comment Period End | 06/18/90 | |
| Partial Final Action Effective 04/26/93 | 03/10/93 | 58 FR 13364 |
| Partial Final Action Correction | 05/11/93 | 58 FR 27658 |
| SNPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

DOT-USCG

Final Rule Stage

Analysis: Regulatory Evaluation
03/10/93 (58 FR 13364)

Additional Information: Although this action extended the requirements of the August 17 rule for most of this class of vessels, in a separate action the Coast Guard suspended the effective date for owners of small vessels so as to avoid the cost of a Category 1 EPIRB while alternatives are considered for them (04/19/90, 55 FR 14920). This project was divided into two parts. A final rule covered the noncontroversial aspects. An SNPRM will make alternative proposals for other vessels not covered by the final rule.

Agency Contact: ENS Steve Ober, Project Manager, G-MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC69

2359. ANCHORAGE REGULATIONS (86-079)

Significance: Nonsignificant

Legal Authority: 33 USC 471; 33 USC 2030; 33 USC 2035

CFR Citation: 33 CFR 165; 33 CFR 110

Legal Deadline: None

Abstract: This proposal would update the anchorage regulations by removing nonregulatory, obsolete, or duplicative language; by standardizing the anchorage description format; by publishing subparts A and B as two parts: Part 110--Special Anchorage Areas and Part 111--Anchorage Grounds.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 03/11/88 | 53 FR 7949 |
| NPRM Comment Period End | 05/11/88 | |
| SNPRM Expanding Revisions - Comments by | 12/05/88 | 53 FR 48935 |
| | 02/03/89 | |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
03/11/88 (53 FR 7949)

Agency Contact: Margie Hegy, Project Manager, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0415

RIN: 2115-AC96

2360. PERMITS FOR THE TRANSPORTATION OF MUNICIPAL AND COMMERCIAL WASTES (89-014)

Significance: Nonsignificant

Legal Authority: 33 USC 2602

CFR Citation: 33 CFR 151

Legal Deadline: Final, Statutory, June 15, 1989.

See discussion in the Abstract.

Abstract: The Shore Protection Act of 1988 (33 USC 2501 et seq.) prohibits vessels from transporting municipal and commercial waste unless they have a permit and display a number. The Act requires the permit and number 240 days after enactment. This interim rule implemented these provisions of the Act and requested comments.

Timetable:

| Action | Date | FR Cite |
|-------------------------------------|----------|-------------|
| Interim Final Rule | 05/24/89 | 54 FR 22546 |
| Correction to Interim Final Rule | 06/05/89 | 54 FR 24078 |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
05/24/89 (54 FR 22546)

Additional Information: Further action pends Environmental Protection Agency's regulatory decisions and/or legislation to define classes of vessels to be permitted and the appeal process for denial or revocation. This project was formerly known as Implementation of the Shore Protection Act of 1988.

Agency Contact: Janice Jackson, Project Manager, G-MEP-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6714

RIN: 2115-AD23

2361. CHESAPEAKE BAY TRAFFIC SEPARATION SCHEME (90-039)

Significance: Nonsignificant

Legal Authority: 33 USC 1223(c)

CFR Citation: 33 CFR 167

Legal Deadline: None

Abstract: The Coast Guard conducted a study of the need for port access routes for the approaches to Chesapeake Bay, Virginia. (Notice of study results published July 13, 1989, 54 FR 29627.) The study concluded that the southern approach part of the traffic separation scheme should be

reconfigured to incorporate a proposed deep-water route for inbound and outbound vessel traffic. This proposal would implement that recommendation.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/06/90 | 55 FR 36666 |
| NPRM Comment Period End | 11/06/90 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
09/06/90 (55 FR 36666)

Agency Contact: Margie Hegy, Project Manager, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0415

RIN: 2115-AD43

2362. NATIONAL VESSEL TRAFFIC SERVICE (VTS) REGULATIONS (90-020)

Significance: Nonsignificant

Legal Authority: 33 USC 1231

CFR Citation: 33 CFR 26; 33 CFR 160; 33 CFR 161; 33 CFR 162; 33 CFR 164; 33 CFR 165

Legal Deadline: None

Abstract: This proposal would draw all the Vessel Traffic Service (VTS) regulations into one part in the Code of Federal Regulations (33 CFR Part 161) and redesignate regulations not pertaining to all VTS users to other parts of title 33 CFR. It would require certain classes of vessels operating in any U.S. port or harbor to comply with VTS measures prior to entry and while navigating in a VTS area.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/01/91 | 56 FR 36910 |
| NPRM Correction | 08/16/91 | 56 FR 40946 |
| NPRM Comment Period End | 09/30/91 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
08/01/91 (56 FR 36910)

Agency Contact: Irene Hoffman, Project Manager, G-NVT, Department of Transportation, U.S. Coast Guard, 2100

DOT-USCG

Final Rule Stage

Second Street SW., Washington, DC
20593-0001, 202 267-6277

RIN: 2115-AD56

**2363. REGULATED NAVIGATION
AREA; PUGET SOUND, WASHINGTON
(13-90-03)**

Significance: Nonsignificant

Legal Authority: 33 USC 1225; 33 USC
1231; 50 USC 191

CFR Citation: 33 CFR 165

Legal Deadline: None

Abstract: The Coast Guard has proposed to amend the regulations for the Regulated Navigation Area (RNA) of Puget Sound. An SNPRM addressed changes subsequent to the NPRM.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| NPRM | 10/01/90 | 55 FR 39986 |
| NPRM Comment Period End | 11/15/90 | |
| SNPRM; Comment Period End | 07/31/91 | 56 FR 36121 |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
07/31/91 (56 FR 36121)

Agency Contact: CDR Michael J. Haucke, Project Manager, USCG Puget Sound Vessel Traffic Service, Department of Transportation, U.S. Coast Guard, 1519 Alaskan Way South, Seattle, Washington 98134, 206 286-5640

RIN: 2115-AD86

2364. OVERFILL DEVICES (CGD 90-071A)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 33 CFR 155 to 156

Legal Deadline: Final, Statutory,
August 18, 1991.

Abstract: The Oil Pollution Act of 1990 requires the Secretary of Transportation to issue regulations concerning the use of overfill devices. This proposal would implement the provisions of this Act.

Timetable:

| Action | Date | FR Cite |
|--------|----------|------------|
| NPRM | 01/12/93 | 58 FR 4040 |

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM Comment Period End | 03/15/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
01/12/93 (58 FR 4040)

Agency Contact: R. Crenwelge, Project Manager, G-MS-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6220

RIN: 2115-AD87

**2365. CLAIMS PROCEDURES UNDER
THE OIL POLLUTION ACT OF 1990
(CGD 91-035)**

Significance: Nonsignificant

Legal Authority: 33 USC 2713; 33 USC
2714

CFR Citation: 33 CFR 136

Legal Deadline: None

Abstract: This rulemaking will implement section 1013 (Claims Procedures) and section 1014 (Designation of Source and Advertisement) of the Oil Pollution Act of 1990. This rulemaking was designated significant because of anticipated public interest. However, few comments were received on the interim final rule and there has been limited claims activity. Since the final rule will consist of minor clarifications and editorial corrections, this action is now considered nonsignificant.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Interim Final Rule | 08/12/92 | 57 FR 36314 |
| Interim Final Rule Correction | 09/09/92 | 57 FR 41104 |
| Interim Final Rule Comment Period End | 12/10/92 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
08/12/92 (57 FR 36314)

Agency Contact: L. E. Burgess, Project Manager, National Pollution Fund Center, Department of Transportation, U.S. Coast Guard, 4200 Wilson Blvd, Suite 1000, Arlington, VA 22203-1804, 703 235-4796

RIN: 2115-AD90

**2366. PERIODIC GAUGING OF
PLATING THICKNESS OF
COMMERCIAL VESSELS**

Significance: Nonsignificant

Legal Authority: PL 101-380

CFR Citation: 46 CFR 30; 46 CFR 32

Legal Deadline: Final, Statutory,
August 18, 1991.

Abstract: This rulemaking applies to vessels constructed or adapted to carry oil in bulk or as cargo residue and requires that minimum standards for plating thickness be established. It also requires periodic gauging of the applicable vessels that are more than 30 years old. The purpose of these regulations is to prevent oil leaks from cracks in hull plating.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 03/23/93 | 58 FR 15740 |
| NPRM Comment Period End | 05/07/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation
03/23/93 (58 FR 15740)

Agency Contact: Mr. Jordan, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6751

RIN: 2115-AD99

**2367. REGULATED NAVIGATION
AREA: PUGET SOUND AND STRAIT
OF JUAN DE FUCA, WA; GRAYS
HARBOR, WA; COLUMBIA RIVER AND
WILLAMETTE RIVER, OR; YAQUINA
BAY, OR; UMQUA RIVER, OR; COOS
BAY, OR**

Significance: Nonsignificant

Legal Authority: 33 USC 1225; 33 USC
1231; 50 USC 191

CFR Citation: 33 CFR 165

Legal Deadline: None

Abstract: This action would require an emergency towline on tank barges while transiting certain port areas of the Pacific Northwest, to prevent discharges of oil or other hazardous substances during transport.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 10/24/91 | 56 FR 55104 |

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| Action | Date | FR Cite |
|--------------|--------------|---------|
| NPRM Comment | 01/07/92 | |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: None
Government Levels Affected: None
Analysis: Regulatory Evaluation 10/24/91 (56 FR 55104)
Agency Contact: CDR W. O. Harper, Project Officer, Department of Transportation, U.S. Coast Guard, Thirteenth Coast Guard District, 915 Second Avenue, Seattle, WA 98174-1067, 206 553-1711
RIN: 2115-AE06

2368. UNNECESSARY DRAWBRIDGE OPENING (91-059)
Significance: Nonsignificant
Legal Authority: 33 USC 499
CFR Citation: 33 CFR 117
Legal Deadline: None
Abstract: This rulemaking would revise 33 CFR 117.11 to prevent unnecessary drawbridge openings and add a definitions section. This revision would prohibit a vessel owner or operator from signaling a drawbridge to open when sufficient clearance is provided for the vessel to pass safely. It would also prohibit signaling for the bridge to open when there is no intention to pass through.
Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/08/93 | 58 FR 36629 |
| NPRM Comment | 08/23/93 | |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Analysis: Regulatory Evaluation 07/08/93 (58 FR 36629)
Agency Contact: Larry Tyssens, Project Manager, G-NBR-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0376
RIN: 2115-AE14

2369. REFUSE RECORDKEEPING FOR SHIPS
Significance: Nonsignificant
Legal Authority: 33 USC 1903(b)
CFR Citation: 33 CFR 151.55

Legal Deadline: Final, Statutory, December 29, 1988.
Abstract: This regulation would require certain U.S. vessels and fixed or floating platforms to keep records of refuse discharges. This record is mandated by the Marine Plastic Pollution Research and Control Act of 1987. The regulation would require that certain information be recorded and kept on board the vessel. The regulation does not prescribe what format should be used or that a standard book be purchased to log entries. The action's potential costs should be minimal and result from recordkeeping. This rulemaking action should reduce the number of illegal discharges of garbage, provide information for enforcement, and assist the Coast Guard in its studies of the methods of disposal being used, the problems encountered in port, and the amounts of garbage being generated at sea.
Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-------------|
| NPRM | 05/20/93 | 58 FR 29482 |
| NPRM Comment | 07/06/93 | |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: None
Government Levels Affected: None
Analysis: Regulatory Evaluation 05/20/93 (58 FR 29482)
Agency Contact: LT Jonathan C. Burton, Project Manager, G-MEP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6714
RIN: 2115-AE17

2370. FEDERAL PILOTAGE REQUIREMENT FOR FOREIGN TRADE VESSELS (92-061)
Significance: Nonsignificant
Legal Authority: 46 USC 2103; 46 USC 3703; 46 USC 8105; 46 USC 8502; 46 USC 8503
CFR Citation: 46 CFR 1.45; 46 CFR 1.46; 46 CFR 1001
Legal Deadline: None
Abstract: The Coast Guard is proposing to require Federal pilots for foreign trade vessels navigating at certain offshore marine oil terminals located within the U.S. navigable waters of the States of California and Hawaii, or

while making intraport transits within certain designated waters of the States of New York and New Jersey, or while transiting certain designated waters of the State of Massachusetts.
Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| NPRM | 07/09/93 | 58 FR 36914 |
| NPRM Correction | 07/28/93 | 58 FR 40468 |
| NPRM Comment | 09/07/93 | |
| Period End | | |
| Interim Final Rule | 01/00/94 | |

Small Entities Affected: None
Government Levels Affected: None
Analysis: Regulatory Evaluation 07/09/93 (58 FR 36914)
Agency Contact: J. Bennett, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6102
RIN: 2115-AE28

2371. RECREATIONAL VESSEL FEE AMENDMENTS (92-066)
Significance: Nonsignificant
Legal Authority: 46 USC 2110
CFR Citation: 33 CFR 1.30
Legal Deadline: None
 Statute enacted 11/05/92 made changes in the statutory applicability of the RVF, effective 10/01/92.
Abstract: The Coast Guard is changing the categories of recreational vessels subject to the recreational vessel fee (RVF). A recent legislative amendment reduces the number of recreational vessels subject to the annual fee by changing the vessel length categories in fiscal years 1993 and 1994 and by repealing the fee entirely for fiscal year 1995. This rulemaking amends the RVF regulations to reflect this phased-out repeal of the annual fee.
Timetable:

| Action | Date | FR Cite |
|--------------------|----------|------------|
| Interim Final Rule | 02/17/93 | 58 FR 8884 |
| Interim Final Rule | 05/18/93 | |
| Comment Period | | |
| End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Analysis: Regulatory Evaluation 02/17/93 (58 FR 8884)
Agency Contact: Carlton Perry, Project Manager, G-NAB, Department of

DOT-USCG

Final Rule Stage

Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0979

RIN: 2115-AE32

2372. FEDERAL WATER POLLUTION CONTROL ACT CLASS II CIVIL PENALTIES (CGD 91-228)

Significance: Nonsignificant

Legal Authority: PL 101-380

CFR Citation: 33 CFR 20

Legal Deadline: None

Abstract: The action would promulgate rules of procedures for cases in which the Coast Guard seeks to assess Class II civil penalties in accordance with section 4301 of the Oil Pollution Act of 1990.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 04/06/93 | 58 FR 17926 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/06/93 (58 FR 17926)

Agency Contact: Pam Pelcovits, Project Manager, G-MS-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6823

RIN: 2115-AE33

2373. BULK HAZARDOUS MATERIALS (92-100) AND NOXIOUS LIQUID SUBSTANCES LIST (92-100A)

Significance: Nonsignificant

Legal Authority: 33 USC 1321; 46 USC 3507

CFR Citation: 33 CFR 151; 46 CFR 30; 46 CFR 98; 46 CFR 147; 46 CFR 150; 46 CFR 151; 46 CFR 153

Legal Deadline: None

Abstract: These actions would add new bulk hazardous liquids and noxious liquid substances to the Code of Federal Regulations and make minor technical changes and corrections.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 05/24/93 | 58 FR 29890 |
| NPRM Comment | 07/08/93 | |
| Period End | | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/24/93 (58 FR 29890)

Additional Information: The NPRMs of 5/24/93 inadvertently used RIN 2115-AC35, a previously completed action. There were two NPRMs published consecutively on 5/24/93 for action: Bulk Hazardous Materials started on page 29890 and Noxious Liquid Substances on page 29940.

Agency Contact: Curtis Payne, Project Manager, G-MTH, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1577

RIN: 2115-AE35

2374. NEW YORK VESSEL TRAFFIC SERVICE (CGD 92-052)

Significance: Nonsignificant

Legal Authority: 33 USC 1231

CFR Citation: 33 CFR 161

Legal Deadline: None

Abstract: This action will expand the boundaries of Vessel Traffic Service New York (VTSNY) to incorporate expanded surveillance capability as it becomes operational.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| NPRM | 05/25/93 | 58 FR 30099 |
| NPRM Comment | 07/09/93 | |
| Period End | | |
| Interim Final Rule | 09/01/93 | 58 FR 46081 |
| Interim Final Rule | 10/18/93 | |
| Effective | | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/01/93 (58 FR 46081)

Agency Contact: Irene Hoffman, Project Manager, G-NVT, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6277

RIN: 2115-AE36

2375. AUTHORIZATION FOR NTSB OFFICIALS TO BE ALLOWED IN THE PILOTHOUSE OR ON THE NAVIGATION BRIDGE OF MERCHANT VESSELS WHILE UNDERWAY (CGD 91-023)

Significance: Nonsignificant

Legal Authority: 33 USC 1321(j); 46 USC 3306; 46 USC 6101

CFR Citation: 46 CFR 78; 46 CFR 97

Legal Deadline: None

Abstract: This action would amend regulations prescribing the type of officials that may be allowed in the pilothouse or on the navigation bridge of vessels while underway to include National Transportation Safety Board (NTSB) personnel. This access is necessary for marine accident investigations and familiarization of vessels, navigation procedures, and waterways.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/05/92 | 57 FR 52748 |
| NPRM Comment | 12/21/92 | |
| Period End | | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/05/92 (57 FR 52748)

Additional Information: The NPRM was inadvertently published under RIN 2115-AD85, a completed action. The correct RIN is 2115-AE38.

Agency Contact: Justine Bunnell, Project Manager, G-MVP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0238

RIN: 2115-AE38

2376. CLASS II CIVIL PENALTIES (91-228)

Significance: Nonsignificant

Legal Authority: 33 USC 1321; 42 USC 9609

CFR Citation: 33 CFR 20

Legal Deadline: None

Abstract: The Oil Pollution Act of 1990 amended the Federal Water Pollution Control Act to create three classes of civil penalties: class I, class II, and judicial. This project establishes the administrative procedures for assessing class II civil penalties.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 04/06/93 | 58 FR 17926 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/06/93 (58 FR 17926)

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Final Rule Stage

Agency Contact: George Jordan, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6823

RIN: 2115-AE39

2377. • REGULATED NAVIGATION AREA: KING'S BAY, GEORGIA

Significance: Nonsignificant

Legal Authority: 33 USC 1225; 33 USC 1231; 50 USC 191

CFR Citation: 33 CFR 165

Legal Deadline: None

Abstract: The Coast Guard established a regulated navigation area in 1984 to minimize the effects of wakes on the drydock ARDM 1 OAKRIDGE. Since then, the construction of the Magnetic Silencing Facility and the related activities associated with it have increased the size of the regulated navigation area which is necessary to protect workers. The rule extends by approximately 700 yards the southern boundary of the bare steerageway regulated navigation area in the vicinity of the entrance to King's Bay, Georgia.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 10/00/93

Agency Contact: LT E. Gray, Project Manager, Department of Transportation, U.S. Coast Guard, Seventh Coast Guard District, 909 SE First Avenue, Miami, FL 33131-3050, 305 536-5621

RIN: 2115-AE42

2378. • INLAND WATERWAYS NAVIGATION REGULATIONS; CONNECTING WATERS FROM LAKE HURON TO LAKE ERIE; GENERAL RULES (93-024)

Significance: Nonsignificant

Legal Authority: 33 USC 1231

CFR Citation: 33 CFR 162

Legal Deadline: None

Abstract: The Coast Guard is proposing to amend the class of vessels to which navigation restrictions are applicable in the Blue Water Bridge area of the St. Clair River. Under these restrictions

vessels of 20 meters or more in length and commercial vessels more than 8 meters in length engaged in towing (33 CFR 162.130(b)(3)) may not overtake, come about, or meet within the traffic zone. This proposal would lift these restrictions from sailing vessels 20 meters or less in length and power-driven vessels of 55 meters or less in length without a tow. This proposal would also impose the navigation restrictions on all commercial vessels engaged in towing another vessel astern, alongside, or by pushing ahead, regardless of size.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/12/93 | 58 FR 42913 |
| NPRM Comment | 09/27/93 | |
| Period End | | |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/12/93 (58 FR 42913)

Agency Contact: Irene Hoffman, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6277

RIN: 2115-AE50

**DEPARTMENT OF TRANSPORTATION (DOT)
U.S. Coast Guard (USCG)**

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2379. +PROGRAMS FOR CHEMICAL DRUG AND ALCOHOL TESTING OF COMMERCIAL VESSEL PERSONNEL (90-053)

Significance: Agency Priority

Legal Authority: 46 USC 2103; 46 USC 3306; 46 USC 7101; 46 USC 7301; 46 USC 7701

CFR Citation: 46 CFR 16

Legal Deadline: None

Abstract: This action revised the conditions under which commercial vessel personnel may be exempted from pre-employment and periodic chemical testing for dangerous drugs, to provide relief from the unnecessary, repetitive testing required by the current rules. It also made technical amendments to correct errors in certain references to the Department of Transportation's drug testing procedures regulations. This action was considered significant because of controversy surrounding

chemical drug testing, substantial public interest, and litigation.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 02/19/91 | 56 FR 6778 |
| NPRM Correction | 04/04/91 | 56 FR 13854 |
| NPRM Comment | 04/05/91 | |
| Period End | | |
| Final Action | 05/28/93 | 58 FR 31104 |
| Final Action Effective | 06/28/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 05/28/93 (58 FR 31104)

Agency Contact: LCDR Mark Grossetti, Project Manager, G-MMI, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1421

RIN: 2115-AD63

2380. +DRAWBRIDGE OPERATION REGULATIONS; POTOMAC RIVER, DISTRICT OF COLUMBIA

Significance: Agency Priority

Legal Authority: PL 102-587

CFR Citation: 33 CFR 117

Legal Deadline: Other, Statutory, May 5, 1993. Coast Guard Authorization Act of 1992 required issuance of ANPRM by 05/05/93.

Abstract: Pursuant to the Coast Guard Authorization Act, an ANPRM was published, soliciting comments on whether to require 24 hours' advance notice by owners and operators of commercial vessels of a requested opening of the Woodrow Wilson Bridge. The action was considered significant because of substantial public interest. In view of comments received, the Coast Guard determined that this

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rulemaking was not necessary and the proposal was withdrawn.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 02/02/93 | 58 FR 6766 |
| ANPRM Comment Period End | 04/05/93 | |
| Withdrawn | 09/07/93 | 58 FR 47068 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ann B. Deaton, Project Manager, Fifth Coast Guard District, Department of Transportation, U.S. Coast Guard, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23704-5004, 804 398-6222

RIN: 2115-AE31

2381. PERSONAL FLOTATION DEVICE COMPONENTS (84-068)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a); 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 164; 46 CFR 160

Legal Deadline: None

Abstract: This project added state-of-the-art synthetic materials as standard components, added performance requirements for nonstandard components, and upgraded outdated requirements.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/13/89 | 54 FR 47234 |
| NPRM Comment Period End | 01/12/90 | 54 FR 47234 |
| Final Action | 05/20/93 | 58 FR 29488 |
| Final Rule Correction | 06/09/93 | 58 FR 32416 |
| Final Action Effective | 11/16/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/20/93 (58 FR 29488)

Agency Contact: Ens. J. Johnson, Project Manager, G-MVI-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AB70

2382. DELEGATION OF AUTHORITY TO AREA COMMANDERS WHEN FUNCTIONING AS MARITIME DEFENSE ZONE COMMANDERS (CGD 87-065)

Significance: Nonsignificant

Legal Authority: 50 USC 191; 33 USC 1231

CFR Citation: 33 CFR 6

Legal Deadline: None

Abstract: Following the 1986 reorganization of the Coast Guard, Area Commanders do not have authority to establish security zones, control vessels, or perform other necessary actions. This rule was to delegate that authority to the Area Commanders. Since the role of Maritime Defense Zone Commanders is undergoing review, this project has been terminated.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|---------|
| Action Terminated | 08/09/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Chappell, Project Manager, G-MPS-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0491

RIN: 2115-AC88

2383. ACCESS DOCUMENTS TO WATERFRONT FACILITIES (88-097)

Significance: Nonsignificant

Legal Authority: EO 10277

CFR Citation: 33 CFR 125

Legal Deadline: None

Abstract: This action would have reemphasized the Port Security Card as an access control document rather than a personal identification document. However, the Coast Guard encourages the facility/vessel owner-operators to implement their own identification card system which the Commandant of the Coast Guard could accept under 33 CFR 6.10-7 in lieu of the requirements under 33 CFR 125.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|---------|
| Action Terminated | 07/14/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. Lyons, Project Manager, G-MPS-2, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0475

RIN: 2115-AD14

2384. REGULATED NAVIGATION AREAS; BROWNSVILLE SHIP CHANNEL (8-89-01)

Significance: Nonsignificant

Legal Authority: 33 USC 1225; 33 USC 1231; 50 USC 191

CFR Citation: 33 CFR 165

Legal Deadline: None

Abstract: In recent years the port of Brownsville, Texas, has experienced several casualties involving vessels to be scrapped. This proposal was to limit the possibility of future casualties by requiring advance notice of arrival and inspection for watertight integrity and the presence of hazardous gas. The proposed regulated navigation area is being considered for incorporation into a larger RNA. Therefore, this project was terminated.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|---------|
| Action Terminated | 07/14/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LT Kelly Roberts, Project Manager, Department of Transportation, U.S. Coast Guard, U.S.C.G. Marine Safety Office, P.O. Box 1621, Corpus Christi, TX 78403-1621, 512 888-3192

RIN: 2115-AD21

2385. REQUIREMENTS FOR CARGO LIGHTERING OPERATIONS (CGD 90-052)

Significance: Nonsignificant

Legal Authority: 33 USC 1312(j)

CFR Citation: 33 CFR 156

Legal Deadline: None

Abstract: This rulemaking action requires that lightering operations conducted from 12 to 200 nautical miles off the coast be conducted in accordance with applicable portions of the pollution prevention requirements in 33 CFR subchapter O. Lightering operations past 12 miles have increased in frequency and there is reason to believe the trend will continue. This action requires that these offshore lightering operations be conducted with at least minimal safety standards.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-----------|
| NPRM | 01/05/93 | 58 FR 452 |

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| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM Comment | 02/19/93 | |
| Period End | | |
| Final Action | 09/15/93 | 58 FR 48434 |
| Final Action Effective | 10/15/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/15/93 (58 FR 48434)

Additional Information: Formerly titled Lightering of Oil and Hazardous Material Cargo.

Agency Contact: Joan Tilghman, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6401

RIN: 2115-AD68

2386. BALLAST WATER MANAGEMENT FOR VESSELS ENTERING THE GREAT LAKES (91-066)

Significance: Nonsignificant

Legal Authority: PL 101-646

CFR Citation: 33 CFR 151

Legal Deadline: Final, Statutory, November 29, 1992.

Abstract: This action adopted regulations to control ballast-water discharges in the Great Lakes as required by the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, which charged the Coast Guard to issue voluntary guidelines and then regulations within 24 months of enactment.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 10/02/92 | 57 FR 45591 |
| NPRM Comment | 11/17/92 | |
| Period End | | |
| Final Action | 04/08/93 | 58 FR 18330 |
| Final Action Effective | 05/10/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/08/93 (58 FR 18330)

Additional Information: Joint U.S.-Canadian voluntary guidelines were published on 03/15/91 (56 FR 11330). This project was formerly entitled, Control of Discharge of Ballast Water Containing Harmful Marine Organisms.

Agency Contact: LT Jon Burton, Project Manager, G-MEP-1, Department

of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0426

RIN: 2115-AD80

2387. USE OF AUTOMATIC PILOT; AREA RESTRICTIONS AND PERFORMANCE REQUIREMENTS (91-204)

Significance: Nonsignificant

Legal Authority: PL 101-380

CFR Citation: 33 CFR 165

Legal Deadline: Other, Statutory, February 18, 1991. USCG was to initiate rulemaking by February 1991.

Abstract: This action requires tankers of 1,600 or more gross tons, when operating in U.S. navigable waters, to navigate with two officers on the bridge and an adequate engineering watch, including a licensed engineer in the machinery spaces. Restrictions are also imposed on use of an auto pilot by these tankers.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| NPRM | 01/06/92 | 57 FR 514 |
| NPRM Comment | 03/06/92 | |
| Period End | | |
| SNPRM; Comment | 10/02/92 | 57 FR 45667 |
| Period End | 12/01/92 | |
| Final Action | 05/10/93 | 58 FR 27628 |
| Final Rule; Partial | 07/06/93 | 58 FR 36141 |
| Suspension of Effectiveness | | |
| Final Action Effective | 07/09/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/10/93 (58 FR 27628)

Additional Information: The issues of unattended engine rooms (RIN 2115-AE12) and a second licensed officer on the bridge (RIN 2115-AE03) were consolidated into this action. Further rulemaking on integrated navigation systems will be initiated under a new RIN.

Agency Contact: LCDR Paul Jewell, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6746

RIN: 2115-AE00

2388. A SECOND LICENSED OFFICER ON TANKER BRIDGE

Significance: Nonsignificant

Legal Authority: PL 101-380; 46 USC 8502

CFR Citation: Not yet determined

Legal Deadline: Other, Statutory, February 18, 1991.

US Coast Guard was to initiate rulemaking by February 1991.

Abstract: This regulation designates the waters on which certain tankers must have on the bridge a master or mate licensed to direct and control their vessel who is separate and distinct from the required pilot. This project was consolidated into RIN 2115-AE00 for final action in the completed portion of this agenda.

Timetable:

| Action | Date | FR Cite |
|-----------------------|----------|-------------|
| NPRM | 10/02/92 | 57 FR 45664 |
| NPRM Comment | 12/01/92 | |
| Period End | | |
| Consolidated Into RIN | 05/10/93 | 58 FR 27628 |
| 2115-AE00 | | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/10/93 (58 FR 27628)

Agency Contact: LCDR Paul Jewell, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-6742

RIN: 2115-AE03

2389. FIXED RED AND GREEN LATERAL LIGHTS STRUCTURES IN THE WESTERN RIVERS (91-049)

Significance: Nonsignificant

Legal Authority: 14 USC 85; 33 USC 1233; 43 USC 1333

CFR Citation: 33 CFR 62; 33 CFR 64

Legal Deadline: None

Abstract: This action was to amend 33 CFR 62.51 to allow for fixed red and green lateral lights on structures (mainly wharves and piers) in the Western Rivers Marking System. This project was terminated. This issue will be addressed in a different manner in a forthcoming regulatory project.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|---------|
| Action Terminated | 07/14/93 | |

DOT-USCG

Completed Actions

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: LTJG Guyon, Project Manager, G-NSR-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0411
RIN: 2115-AE08

2390. GULF INTRACOASTAL WATERWAY (91-050)

Significance: Nonsignificant
Legal Authority: 33 USC 2071
CFR Citation: 33 CFR 89
Legal Deadline: None
Abstract: This rulemaking action relieves tow operators on the Gulf Intracoastal Waterway of the requirement to show a masthead light, except when crossing major waterways, by making the Gulf Intracoastal Waterway subject to Inland Rule 24(i).

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/18/92 | 57 FR 43169 |
| NPRM Comment Period End | 11/17/92 | |
| Final Action | 05/10/93 | 58 FR 27624 |
| Final Action Effective | 07/09/93 | |

Small Entities Affected: None
Government Levels Affected: None
Analysis: Regulatory Evaluation 05/10/93 (58 FR 27624)
Agency Contact: Jon Epstein, Project Manager, G-NSR-3, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0352
RIN: 2115-AE09

2391. UNATTENDED ENGINE ROOM (91-203)

Significance: Nonsignificant
Legal Authority: PL 101-380
CFR Citation: 33 CFR 165
Legal Deadline: None
Abstract: This regulation project defines the conditions and designates the waters upon which tankers may operate with an unattended engine room. The SNPRM revised the NPRM by proposing to require the machinery spaces of integrated tug/barge combinations and tankers over 1,600 tons to be attended when underway in

navigable U.S. waters. This action was consolidated into RIN 2115-AE00 for final action in the completed portion of this agenda.

Timetable:

| Action | Date | FR Cite |
|---------------------------|----------|-------------|
| NPRM | 04/09/92 | 57 FR 12378 |
| NPRM Comment Period End | 06/08/92 | |
| SNPRM; Comment Period End | 10/02/92 | 57 FR 45662 |
| Consolidated Into RIN | 05/10/93 | 58 FR 27628 |
| | | 2115-AE00 |

Small Entities Affected: None
Government Levels Affected: None
Analysis: Regulatory Evaluation 05/10/93 (58 FR 27628)

Agency Contact: LCDR Paul Jewell, Project Manager, G-MS, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20592-0001, 202 267-6401

RIN: 2115-AE12

2392. TRANSFER HOSE MARKINGS (92-027)

Significance: Nonsignificant
Legal Authority: 33 USC 1903(b)
CFR Citation: 33 CFR 154; 33 CFR 155
Legal Deadline: None
Abstract: This action revised the transfer hose marking regulations for hazardous materials to allow hoses to be marked with a unique identifying symbol to indicate the types of materials which may be transferred through the hose. A list in the facility's manual or vessel's documents must explain the hose symbols and compatible cargoes which may be transferred through a hose bearing a given symbol.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 02/18/93 | 58 FR 8918 |
| NPRM Comment Period End | 04/05/93 | |
| Final Action | 07/26/93 | 58 FR 39660 |
| Final Action Effective | 08/25/93 | |

Small Entities Affected: None
Government Levels Affected: None
Analysis: Regulatory Evaluation 07/26/93 (58 FR 39660)
Additional Information: This proposed change in hose marking regulations was recommended by the Towing Safety Advisory Committee (TSAC).

Agency Contact: LT Jon Burton, Project Manager, G-MEP, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0426

RIN: 2115-AE20

2393. SAFETY EQUIPMENT CARRIAGE REQUIREMENTS (92-045)

Significance: Nonsignificant
Legal Authority: 46 USC 4302; 46 USC 4305; 46 USC 4306

CFR Citation: 33 CFR 175

Legal Deadline: None

Abstract: This action amended Federal regulations as to carriage of personal flotation devices (PFDs) on recreational vessels, to require carriage of a wearable PFD for each person on board a recreational vessel under 16 feet in length; formally allow States to establish local PFD wearing or carriage requirements concerning children, recreational use of hand-powered racing vessels, kayaks, sailboards, and personal watercraft; and revise or add PFD carriage exemptions for seaplanes, racing shells/rowing sculls/racing kayaks, recreational submersibles, sailboards, and foreign competitors using U.S. vessels. The rule will provide clearer, more appropriate PFD carriage requirements and promote a safer recreational boating safety environment.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 11/09/92 | 57 FR 53410 |
| NPRM Comment Period End | 01/08/93 | 57 FR 53410 |
| Final Action | 08/04/93 | 58 FR 41602 |
| Final Action Effective | 09/03/93 | |
| Final Rule; Correction Section 175.15(a) | 10/04/93 | 58 FR 51576 |
| Effective | 05/01/95 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/04/93 (58 FR 41602)

Agency Contact: Carlton Perry, Project Manager, G-NAB, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0979

RIN: 2115-AE26

DOT—USCG

Completed Actions

2394. DRAWBRIDGE OPERATION REGULATIONS; TEMPORARY DEVIATIONS UP TO 90 DAYS (92-015B)

Significance: Nonsignificant
Legal Authority: 33 USC 499
CFR Citation: 33 CFR 117.43
Legal Deadline: None
Abstract: This action allows more time to test a drawbridge regulation to make

it possible to capture the major portion of a boating season and provide an extended period during which the regulation is tested before comments are due.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 01/04/93 | 58 FR 47 |
| NPRM Comment Period End | 03/05/93 | |
| Final Action | 09/01/93 | 58 FR 46080 |
| Final Action Effective | 10/01/93 | |

Small Entities Affected: None
Government Levels Affected: None

Analysis: Regulatory Evaluation 09/01/93 (58 FR 46080)

Agency Contact: Marcia L. Waples, Project Manager, G-NBR-1, Department of Transportation, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 202 267-0378

RIN: 2115-AE30

**DEPARTMENT OF TRANSPORTATION (DOT)
 Federal Aviation Administration (FAA)**

Prerule Stage

2395. • NIAGARA FALLS

Significance: Nonsignificant
Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 2451 et seq; 49 USC 106(g)
CFR Citation: 14 CFR 93
Legal Deadline: None

Abstract: The FAA is evaluating comments from a public meeting to determine whether to propose rulemaking to implement special flight rules in the vicinity of Niagara Falls, New York.

Timetable: Next Action Undetermined

Small Entities Affected: None
Government Levels Affected: None
Additional Information: Project Number: ATP-93-155R

Agency Contact: Melodie M. DeMarr, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9247

RIN: 2120-AE95

49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); 42 USC 4321 et seq; EO 11514; ...

CFR Citation: 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135

Legal Deadline: None

Abstract: This notice would seek information on a variety of issues related to flight attendant English language proficiency. The FAA is considering whether to require air operators to establish a program to ensure that flight attendants are able to communicate effectively in English and understand enough English so as to be able to perform safety-related duties.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 04/00/94 | |

Small Entities Affected: None
Government Levels Affected: None

Additional Information: Project Number: AFS-93-745A

Agency Contact: Donell Pollard, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3735

RIN: 2120-AE98

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); 42 USC 4321 et seq; EO 11514

CFR Citation: 14 CFR 91; 14 CFR 135

Legal Deadline: None

Abstract: This notice would seek information on air tour and sightseeing operations that are currently allowed to operate under less stringent regulations than those applied to other types of commercial operations. Over the past decade the number of these operations and the number of accidents and incidents associated with these operations have increased.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: None

Additional Information: Project Number: AFS-91-012R

Agency Contact: Dan Meier, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3749

RIN: 2120-AF07

2396. • FLIGHT ATTENDANT ENGLISH LANGUAGE PROFICIENCY

Significance: Nonsignificant
Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401 to 1431; 49 USC 1471; 49 USC 1472;

2397. • SIGHTSEEING OPERATIONS

Significance: Nonsignificant

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Proposed Rule Stage

2398. +FATIGUE TEST REQUIREMENTS FOR AGING AIRCRAFT
Significance: Regulatory Program

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: The FAA established an aviation rulemaking advisory committee (56 FR 20492, May 3, 1991), to provide advice and recommendations to the FAA on the full range of aviation-related issues. The committee has been tasked to provide advice and recommendations regarding the airworthiness standards for transport category airplanes and engines in parts 25, 33, and 35 of the Federal Aviation Regulations (FAR) and parallel provisions in parts 121 and 135 of the FAR. This rulemaking is considered significant because of substantial public interest.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. ANM-90-004R.

Agency Contact: Dick Kirsch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9565

RIN: 2120-AD43

2399. +REVISION OF PART 108, AIRPLANE OPERATOR SECURITY
Significance: Regulatory Program

Legal Authority: 49 USC 1354; 49 USC 1356; 49 USC 1357; 49 USC 1421; 49 USC 1424; 49 USC 1511; 49 USC 106(g)

CFR Citation: 14 CFR 108

Legal Deadline: None

Abstract: This notice would propose to amend part 108 of the Federal Aviation Regulations to incorporate new requirements in response to worldwide terrorist activity. This rulemaking is considered significant because of its safety implications and substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/00/94

Additional Information: Project Number ACS-87-107R.

Agency Contact: Karl Shrum, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3946

RIN: 2120-AD45

2400. +REVISION OF PART 107, AIRPORT SECURITY
Significance: Regulatory Program

Legal Authority: 49 USC 1354; 49 USC 1356; 49 USC 1357; 49 USC 1358; 49 USC 1421; 49 USC 106(g)

CFR Citation: 14 CFR 107

Legal Deadline: None

Abstract: This notice would propose to amend part 107 of the Federal Aviation Regulations to incorporate new requirements in response to the worldwide terrorist activity. This rulemaking is considered significant because of its safety implications and substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/00/94

Additional Information: Project Number ACS-87-106R.

Agency Contact: Robert Cammaroto, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-7723

RIN: 2120-AD46

2401. +AGING AIRCRAFT SAFETY
Significance: Regulatory Program

Legal Authority: 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49

USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1501; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); EO 11514

CFR Citation: 14 CFR 39; 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 129; 14 CFR 135

Legal Deadline: Other, Statutory, April 24, 1992.

Aging Aircraft Safety Act of 1991; action must be initiated by 04/24/92.

Abstract: This action would require air carriers of certain aircraft used in air transportation to demonstrate that the aircraft's maintenance has been adequate to ensure the highest degree of safety. This action would require air carriers of 15-year-old or older aircraft with a maximum certificated takeoff weight of 75,000 pounds or more to demonstrate that certain specified maintenance actions have been performed and to make the aircraft available to the Administrator of the FAA for inspection. This rulemaking is considered significant because of substantial public and congressional interest.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/05/93 | 58 FR 51944 |
| NPRM Comment | 02/02/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 10/05/93 (58 FR 51944)

Additional Information: Project Number AFS-92-029R.

Agency Contact: Frederick Sobeck, Aircraft Maintenance Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-7355

RIN: 2120-AE42

2402. +PILOT, FLIGHT INSTRUCTOR, GROUND INSTRUCTOR, AND PILOT SCHOOL CERTIFICATION RULES
Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61

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Proposed Rule Stage

Legal Deadline: None

Abstract: This action would update and revise part 61, Certification: Pilots and Flight Instructors; part 141, Pilots Schools; and part 143, Ground Instructors. In order to be more compatible with the current operating environment and evolving demands of the national airspace system, this action would update training, certification, and recency-of-experience requirements. It is considered significant because of substantial public interest in pilot and instructor certification and training issues.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
01/00/94

Additional Information: Project No.: AFS-90-025R. RIN 2120-AD59 entitled, "Operations Over the High Seas and Within the North Atlantic Minimum Navigation Performance Specification Airspace," has been incorporated into this document (previous Project No.: AFS-89-175R). The present action was formerly entitled "Part 61 - Phase II."

Agency Contact: John Lynch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3841

RIN: 2120-AE71

2403. +ANTI-DRUG AND ALCOHOL MISUSE PREVENTION PROGRAMS FOR EMPLOYEES OF FOREIGN AIR CARRIERS ENGAGED IN SPECIFIED AVIATION ACTIVITIES

Significance: Regulatory Program

Legal Authority: 49 USC 1346; 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1485; 49 USC 1502; 49 USC 1511; 49 USC 1522; 49 USC 106(g)

CFR Citation: 14 CFR 121; 14 CFR 129

Legal Deadline: Final, Statutory, October 28, 1992.

Omnibus Transportation Employee Act of 1991

Abstract: The Omnibus Transportation Employee Testing Act of 1991 directs the FAA Administrator to prescribe

regulations that require foreign air carriers to establish drug and alcohol testing programs for employees performing safety-sensitive aviation functions. These regulations must be consistent with the international obligations of the United States and take into consideration any applicable laws and regulations of foreign countries. This notice invites comments on a variety of issues related to the application of drug and alcohol testing requirements to employees of foreign air carriers operating within the territory of the United States. This action is being taken in lieu of a notice of proposed rulemaking to seek the public's view on a variety of issues and to obtain responses to questions that may arise in addressing drug and alcohol testing by foreign air carriers. This action is considered significant because of substantial public and congressional interest.

Timetable:

| Action | Date | FR Cite |
|----------------------------------|----------|-------------|
| ANPRM | 12/15/92 | 57 FR 59473 |
| ANPRM Comment Period End | 02/16/93 | |
| ANPRM Comment Period Extended to | 02/18/93 | 58 FR 8917 |
| | 04/01/93 | |

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Project Number: AAM-93-173R

Agency Contact: Julie B. Murdoch, Drug Abatement Division, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-6584

RIN: 2120-AE79

2404. +ANTI-DRUG PROGRAM FOR PERSONNEL ENGAGED IN SPECIFIED AVIATION ACTIVITIES

Significance: Regulatory Program

Legal Authority: 49 USC 1346; 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1485; 49 USC 1502; 49 USC 1511; 49 USC 1522; 49 USC 106(g)

CFR Citation: 14 CFR 65; 14 CFR 121; 14 CFR 129; 14 CFR 135

Legal Deadline: Final, Statutory, October 28, 1992.

Omnibus Transportation Employee Testing Act of 1991

Abstract: This rulemaking would implement certain provisions of the Omnibus Transportation Employee Testing Act of 1991. Also, it would clarify employer and Medical Review Officer responsibilities and address other issues that have been identified since the antidrug rule was promulgated. This action is significant because of substantial public and congressional interest.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
10/00/93

Additional Information: Project Number: AAM-92-319R

Agency Contact: Julie B. Murdoch, Drug Abatement Division, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-6584

RIN: 2120-AE82

2405. • +CORROSION CONTROL PROGRAM

Significance: Regulatory Program

Legal Authority: 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1501; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

CFR Citation: 14 CFR 121; 14 CFR 125; 14 CFR 129; 14 CFR 135

Legal Deadline: None

Abstract: This notice would ensure that airplanes used or not used in common carriage in air transportation have a comprehensive corrosion prevention program within their maintenance or inspection program. In April 1988, a commercial transport airplane experienced an in-flight decompression and separation of approximately 18 feet of the fuselage skin and structure at the top of the airplane. The airplane had been in service for 19 years and had flown almost 90,000 flights. The National Transportation Safety Board concluded that the failure of the airline to detect

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Proposed Rule Stage

skin disbonding resulted in corrosion and metal fatigue leading to separation of the airplane's skin structure. This rulemaking is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 09/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
09/00/94

Additional Information: Project Number: AFS-93-382R

Agency Contact: Frederick Soback, Aircraft Maintenance Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-7355

RIN: 2120-AE92

2406. +FUEL SYSTEM VENT FIRE PROTECTION

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action would amend the airworthiness standards for transport category airplanes to require fuel vent system protection during post-crash ground fires. This proposed rule would apply to air carriers, air taxi operators, and commercial operators of transport category airplanes, as well as the manufacturers of such airplanes. This action is considered significant because of substantial public interest and the safety implications.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 09/26/84 | 49 FR 38078 |
| ANPRM Comment Period End | 01/25/85 | |
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation
10/00/93

Additional Information: Docket 24251. Formerly entitled Implementation of SAFER Propulsion System Recommendations. Project No. ANM-82-050R.

Agency Contact: Mike McRae, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2116

RIN: 2120-AA49

2407. +REVISION OF MEDICAL STANDARDS AND CERTIFICATION PROCEDURES

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427

CFR Citation: 14 CFR 67

Legal Deadline: None

Abstract: This notice would revise the medical standards and the medical certification procedures of the Federal Aviation Regulations. This action follows the completion of a comprehensive review of the medical standards which was announced in previous notices. If adopted, these revised standards for airman medical certification and associated administrative procedures will better provide for safety in the aviation system and reflect current medical knowledge, practice, and terminology. This rulemaking is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
10/00/93

Additional Information: The FAA contracted with the American Medical Association (AMA) on August 29, 1983, to develop a comprehensive report which was used by the FAA as part of its evaluation of Part 67 standards. AMA completed a professional review of the medical standards for civil airmen. The FAA announced the availability of the AMA report in the Federal Register on May 23, 1986 (51 FR 19040). RIN 2120-AB13 has been

combined into this review. Project No. AAM-82-288R.

Agency Contact: Dennis P. McEachem, Special Projects Officer, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3428

RIN: 2120-AA70

2408. +IMPROVED STANDARDS FOR DETERMINING REJECTED TAKEOFF AND LANDING PERFORMANCE

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a) to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135; 14 CFR 1; 14 CFR 91

Legal Deadline: None

Abstract: This notice proposed to amend parts 25, 121, and 135 of the Federal Aviation Regulations to add new standards for transport category airplanes which would provide for approval of a reduced takeoff decision speed (V1) methodology for takeoff on wet and contaminated runways. As a result of extensive review and due to the increasing emphasis on harmonizing certification standards with the Joint Aviation Authorities (JAA) of Europe, the NPRM of 11/30/87 was withdrawn and a revised one published. This rulemaking is significant because of substantial public interest in both the United States and Europe.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| NPRM | 11/30/87 | 52 FR 45578 |
| NPRM Comment Period End | 03/30/88 | |
| NPRM Withdrawn | 07/02/93 | 58 FR 36116 |
| Second NPRM | 07/08/93 | 58 FR 36738 |
| Second NPRM Comment Period End | 11/05/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
07/08/93 (58 FR 36738)

Additional Information: This project was formerly entitled "Standards for Approval of a Wet Runway Reduced V1 Methodology and Improved Takeoff

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Proposed Rule Stage

and Landing Braking Performance.”
Project Number ANM-83-030R.

Agency Contact: Don Stimson, Flight Test and Systems Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-1129

RIN: 2120-AB17

2409. +FLIGHT ATTENDANT REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421; 49 USC 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: The current regulations need to be revised to account for the changed operational practices stemming from airline economic deregulation. This proposal would clarify or change the number of flight attendants required when passengers are on board an airplane, including at stops. This proposal includes two new requirements: (1) a revision of the reduced number of flight attendants which, under certain conditions, a carrier is permitted to have on board a passenger-carrying airplane during stops; and (2) a requirement for a demonstration of competency by the other authorized persons who may be permitted to be substituted for required flight attendants when passengers are on board the airplane during stops. This proposal would change the current rule by clarifying and specifying the training required to be completed by these other authorized persons. This rulemaking is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 04/14/89 | 54 FR 15134 |
| NPRM Comment Period End | 07/13/89 | |
| SNPRM | 08/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/14/89 (54 FR 15134)

Additional Information: Project No. AFS-86-077R.

Agency Contact: Donell Pollard, Air Transportation Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3735

RIN: 2120-AC32

2410. +REPAIR STATION AND REPAIRMEN CERTIFICATION RULES

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1355; 49 USC 1421; 49 USC 1427

CFR Citation: 14 CFR 43; 14 CFR 65; 14 CFR 145

Legal Deadline: None

Abstract: Current repair station rules were developed during the infancy of the aviation industry. Very few changes were made to those rules since they were adopted in 1952. This rulemaking project proposes to review foreign repair station requirements and update the rules to reflect the current international and domestic environment and needs. The FAA has held four public meetings to solicit information and views to review the existing regulations and to explore alternatives in revising the rules of this part. This rulemaking is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|---------------------------|----------------------|-------------|
| Notice of Public Meetings | 07/24/89 | 54 FR 30866 |
| Notice Correction NPRM | 08/08/89 06/00/94 | 54 FR 32563 |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/00/94

Additional Information: Project No. AFS-87-045R. This project was formerly entitled Review and Revision of Repair Station Requirements.

Agency Contact: Leonard Colp, Aircraft Maintenance Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8283

RIN: 2120-AC38

2411. +PARTS 121 AND 135—TRAINING, CHECKING, CERTIFICATION, AND QUALIFICATIONS REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61; 14 CFR 63; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action would revise and upgrade the parts 121 and 135 training, checking, certification, and qualification requirements, including cockpit resource management. In addition, commuter air carriers conducting part 135 commuter operations in airplanes that require two pilots would be required to meet the proposed upgraded part 121 requirements. This action is in response to recommendations of the joint Government/Industry Task Force on Flight Crew Performance and is significant because of its safety implications.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/00/94

Additional Information: Project No. AFS-88-301R.

Agency Contact: Gary Davis, Regulations Branch, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3747

RIN: 2120-AC79

2412. +SOLE RADIO NAVIGATION SYSTEM; MINIMUM STANDARDS FOR CERTIFICATION

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1353; 49 USC 1354; 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; ...

CFR Citation: 14 CFR 91

Legal Deadline: Final, Statutory, September 30, 1989.

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Proposed Rule Stage

Airway Safety and Capacity Expansion Act of 1987 (PL 100-223)

Abstract: This notice proposed to establish minimum standards under which a radio navigation system may be certified as the sole radio navigation system required in an aircraft conducting Instrument Flight Rules en route and terminal area operations, including nonprecision approach, in controlled airspace in the United States. This notice was developed in response to the Airport and Airway Safety and Capacity Expansion Act of 1987. This rulemaking is considered significant because of a congressional mandate.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|------------|
| ANPRM | 01/22/90 | 55 FR 2206 |
| ANPRM Comment Period End | 05/22/90 | |
| NPRM | 07/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/00/94

Additional Information: Project No. AFS-89-215R. This project was formerly entitled Sole Means Radio Navigation System.

Agency Contact: James Crowling, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-5215

RIN: 2120-AD26

2413. • +ALLOWABLE CARBON DIOXIDE CONCENTRATION IN TRANSPORT CATEGORY AIRPLANE CABINS

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423 to 1425; 49 USC 1428 to 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action has been reestablished to review part 25 to determine if the current allowable concentration of carbon dioxide in the airplane cabin and flight deck is appropriate in light of standards established for air quality in buildings occupied by the general public and

with workplace exposure limits adopted by other regulatory agencies. This rulemaking is considered significant because of substantial public and congressional interest, and the safety implications.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/93

Additional Information: This project was formerly entitled "Carbon Dioxide Concentration." Project ANM-87-017R. This entry was temporarily removed from the Agenda and is now reactivated to resume rulemaking.

Agency Contact: Bob McCracken, Flight Test and Systems Branch, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, WA 98055-4056, 206 227-2118

RIN: 2120-AD47

2414. +ALTERNATIVE MEANS OF COMPLIANCE

Significance: Agency Priority

Legal Authority: 49 USC 1341(a); 49 USC 1343(d); 49 USC 1348; 49 USC 1354(a); 49 USC 1401 to 1405; 49 USC 1421 to 1431; 49 USC 1481; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 11

Legal Deadline: None

Abstract: This action would revise the Federal Aviation Regulations to provide for the granting of relief from the literal compliance with certain rules provided the applicant justifies this relief and that the FAA finds that the provisions not complied with are compensated for by factors that have an equivalent level of safety or that there will be no adverse effect on safety. This action is considered significant because of a substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/93

Additional Information: Project Number ARM-90-045R. Formerly titled "Exemption Process."

Agency Contact: Linda Williams, Office of Rulemaking, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9685

RIN: 2120-AD66

2415. +ANTI-DRUG PROGRAM; CONSOLIDATED AMENDMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421; 49 USC 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This notice would propose revisions to certain provisions of the FAA's anti-drug rule in order to clarify the responsibilities of the employer and the medical review officer under the rule. This rulemaking is considered significant because of substantial public interest.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number AAM-90-302R.

Agency Contact: Julie B. Murdoch, Drug Abatement Branch, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-6584

RIN: 2120-AD67

2416. +CHILD RESTRAINT SYSTEMS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121; 14 CFR 125; 14 CFR 135

Legal Deadline: None

Abstract: This notice would propose to amend several sections of the Federal Aviation Regulations related to the seating and restraint of children in

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child restraint systems. This notice would propose to facilitate the use of more child restraint systems in aircraft, which would increase the safety of children aboard aircraft. This rulemaking is considered significant because of substantial public interest.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number AFS-90-323R.

Agency Contact: Donell Pollard, Air Transportation Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8096

RIN: 2120-AD90

2417. +REDUCED ALTITUDE SEPARATION

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471 to 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; EO 11514; 49 USC 106(g); 49 USC 1321 et seq

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: In the 1950's, a vertical separation minimum of 2,000 feet was established for use between aircraft operating above flight level 290. Reducing the 2,000-foot separation requirement to 1,000 feet would increase flight level availability, increase en route airspace capacity, enable aircraft to fly at more fuel efficient altitudes, and increase air traffic controller flexibility. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|-----------------------|----------|-------------|
| Public Meeting Notice | 07/22/93 | 58 FR 39273 |
| NPRM | 09/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/00/94

Additional Information: Project Number: AFS-92-279R

Agency Contact: Roy Grimes, Technical Programs Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3755

RIN: 2120-AE51

2418. +JAR/FAR HARMONIZATION INITIATIVES—SYSTEMS

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(c); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: The FAA established an aviation rulemaking advisory committee (56 FR 20492, May 3, 1991), to provide advice and recommendations to the FAA on the full range of aviation-related issues. The committee has been tasked to provide advice and recommendations to the Director, Aircraft Certification Service, regarding the airworthiness standards for standard and commuter category airplanes and engines in part 23 of the Federal Aviation Regulations. This action is considered significant because it would endeavor to harmonize the various regulations currently existing worldwide, in order to reduce the burden of the differences between FAA's and other nations' requirements on U.S. aircraft manufacturers and operators.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No.: ACE-93-703A.

Agency Contact: John Colomy, Aircraft Certification Service, Small Planes Directorate, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 426-6930

RIN: 2120-AE59

2419. +JAR/FAR HARMONIZATION INITIATIVES—PROPULSION

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421;

49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: The FAA established an aviation rulemaking advisory committee (56 FR 20492, May 3, 1991), to provide advice and recommendations to the FAA on the full range of aviation-related issues. The committee has been tasked to provide advice and recommendations to the Director, Aircraft Certification Service, regarding the Airworthiness standards for standard and commuter category airplanes and engines in part 23 of the Federal Aviation Regulations. This rulemaking is significant because it would propose to harmonize the various regulations currently existing worldwide, in order to reduce the burden of the differences between FAA's and other nations' requirements on U.S. aircraft manufacturers and operators.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No.: ACE-93-705A.

Agency Contact: John Colomy, Aircraft Certification Service, Small Planes Directorate, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64016, 816 426-6930

RIN: 2120-AE60

2420. +JAR/FAR HARMONIZATION INITIATIVES—FLIGHT

Significance: Agency Priority

Legal Authority: 49 USC 134; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: The FAA established an aviation rulemaking advisory committee (56 FR 20492, May 3, 1991), to provide advice and recommendations to the FAA on the full range of aviation-related issues. The committee has been tasked to provide advice and recommendations to the Director, Aircraft Certification Service, regarding the airworthiness

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standards for standard and commuter category airplanes and engines in part 23 of the Federal Aviation Regulations. This rulemaking is significant because it would endeavor to harmonize the various regulations existing worldwide, in order to reduce the burden of the differences between FAA's and other nations' requirements on U.S. aircraft manufacturers and operators.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No.: ACE-93-705A.

Agency Contact: John Colomy, Aircraft Certification Service, Small Planes Directorate, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 426-6930

RIN: 2120-AE61

2421. +JAR/FAR HARMONIZATION INITIATIVES—AIRFRAME

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: The FAA established an aviation rulemaking advisory committee (56 FR 20492, May 3, 1991), to provide advice and recommendations to the FAA on the full range of aviation-related issues. The committee has been tasked to provide advice and recommendations to the Director, Aircraft Certification Service, regarding the airworthiness standards for standard and commuter category airplanes and engines in part 23 of the Federal Aviation Regulations. This rulemaking is significant because it would propose to harmonize the various regulations currently existing worldwide, in order to reduce the burden of the differences between FAA's and other nations' requirements on U.S. aircraft manufacturers and operators.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number: ACE-93-706A.

Agency Contact: John Colomy, Aircraft Certification Service, Small Planes Directorate, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 426-6930

RIN: 2120-AE62

2422. +AIRPORT LAND USE COMPATIBILITY PLANNING—PROPOSED REVISIONS

Significance: Agency Priority

Legal Authority: 49 USC 1348; 49 USC 1354(a); 49 USC 1421; 49 USC 1431; 49 USC 2101 to 2103(a); 49 USC 2104(a); 49 USC 2104(b); 49 USC 2201 et seq; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 150

Legal Deadline: None

Abstract: This notice would propose revisions to the requirements for developing noise exposure maps and noise compatibility programs and submitting them for FAA approval. The revisions are intended to expedite and simplify the part 150 process. Under the revised process, the mandatory set of noise abatement measures which are presently required to be considered by each airport sponsor would be limited in scope depending on the characteristics of each airport and its surrounding community. The new process would be supported by appropriate guidance, training, review, standardization, and consultation requirements. This project is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/93

Additional Information: Project Number: AEE-90-410R.

Agency Contact: Allen Trickey, Policy and Regulations Division, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3496

RIN: 2120-AE64

2423. +RELIEF FROM TRANSPONDER-ON REQUIREMENT FOR AIRCRAFT WITH LIMITED ELECTRICAL SYSTEMS

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471 to 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); 42 USC 4321 et seq; EO 11514

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This notice would propose to revise the authorization allowing operation of an aircraft with transponder-off under certain conditions. This revision would eliminate the need to request an exemption. This action would exclude older aircraft gliders from transponder-on requirements when operated outside certain areas. This action is considered significant because of substantial public interest and safety implications.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number: ATP-90-341R.

Agency Contact: Aaron Boxer, Air Traffic Rules and Procedure Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8793

RIN: 2120-AE67

2424. +MODE S TRANSPONDER REQUIREMENT FOR PART 135 OPERATORS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action would revise the Mode S transponder requirement for all aircraft operating under part 135 and certain aircraft operating under part 121 based on the expected availability of operational capabilities of Mode S ground sensors. For part 121 operators, the action would affect only those aircraft not required to have Traffic Alert and Collision Avoidance System

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II. An aviation rulemaking advisory committee has recommended that the FAA conduct a study of the installed Mode S ground sensor to determine the extent of the benefits derived and the costs involved in equipage. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/93

Additional Information: Project Number: AFS-92-297R

Agency Contact: Daniel V. Meier, Jr., Airplane Rules and Aeronautical Information Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3749

RIN: 2120-AE81

2425. +CIVIL PENALTY ASSESSMENT PROCEDURES

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1354(c); 49 USC 1374(d); 49 USC 1401 to 1406; 49 USC 1421 to 1432; 49 USC 1471 to 1473; 49 USC 1481; 49 USC 1482; 49 USC 1484 to 1489; 49 USC 1523; 49 USC 1655(c); 49 USC 1808 to 1810; 49 USC 2157(e); 49 USC 2157(f); 49 USC 2216; ...

CFR Citation: 14 CFR 13

Legal Deadline: None

Abstract: This notice proposes to revise the procedures for the assessment of civil penalties for violations of the Federal Aviation Regulations and other provisions. The procedures proposed in this notice implement the requirements of the FAA Civil Penalty Administrative Assessment Act of 1992, as they modify the procedures for adjudicating a civil penalty against a person acting in the capacity of a pilot, flight engineer, mechanic, or repairman. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/93

Additional Information: Project Number: AGC-93-076R

Agency Contact: Mardi Ruth Thompson, Regulations Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3073

RIN: 2120-AE84

2426. • +OCCUPANT PROTECTION IN NORMAL AND TRANSPORT CATEGORY ROTORCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1426; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: The Federal Aviation Administration (FAA) established an aviation rulemaking advisory committee (56 FR 20492, May 3, 1991) to provide advice and recommendations to the FAA on the full range of aviation-related issues. The committee has been tasked to provide advice and recommendations to the Director, Aircraft Certification Service, regarding the airworthiness standards for occupant protection in normal and transport category rotorcraft in parts 27 and 29 of the Federal Aviation Regulations. Any rulemaking action will depend on the committee's report and will be considered significant because of substantial public interest and safety implications.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/93

Additional Information: Project Number: ASW-92-722A

Agency Contact: James H. Major, Regulations Group, ASW-111, Rotorcraft Directorate, Department of Transportation, Federal Aviation Administration, Southwest Region, Fort Worth, Texas 76193-0111, 817 624-5117

RIN: 2120-AE88

2427. • +ADVANCED QUALIFICATION PROGRAM

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1354(a); 49 USC 1303; 49 USC 1344; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2126; 49 USC 106(g)

CFR Citation: 14 CFR 61; 14 CFR 91; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action would codify SFAR 58, which established a voluntary, alternative method for the training, evaluation, certification, and qualification requirements of flight crewmembers, flight attendants, aircraft dispatchers, instructors, evaluators and other operations personnel subject to the training and qualification requirements of 14 CFR 121 and 135. The FAA developed this alternative method in response to recommendations made by representatives from the Government, airlines, aircrew professional organizations, and airline industry organizations. The SFAR is designed to improve aircrew performance and allows certificate holders to develop innovative training programs that incorporate the most recent advances in training methods and techniques. This rulemaking is significant because it would codify a new concept in air carrier training programs. There is substantial interest in this rulemaking in the air carrier industry.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 09/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/00/94

Additional Information: Project Number: AFS-93-120R

Agency Contact: John Allen, Air Carrier Training Office, Department of Transportation, Federal Aviation Administration, P. O. Box 20034, Dulles International Airport, 703 661-0273

RIN: 2120-AF00

DOT—FAA

Proposed Rule Stage

2428. • +REVISED ACCESS TO TYPE III EXITS**Significance:** Agency Priority**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)**CFR Citation:** 14 CFR 25; 14 CFR 121**Legal Deadline:** None

Abstract: This action would adjust recently adopted requirements for access to type III emergency exits in transport category airplanes with 60 or more passenger seats. The adjustments would reflect new data from tests conducted at the FAA's Civil Aeromedical Institute and are intended to improve the ability of occupants to evacuate an airplane under emergency conditions. This rulemaking is considered significant because of its substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 12/00/93**Additional Information:** Project Number: ANM-93-005R

Agency Contact: Gary Killion, Transport Airplane and Engine Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2114

RIN: 2120-AF01

2429. • +SIMULATOR INSTRUCTOR—MEDICAL CERTIFICATES**Significance:** Agency Priority**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)**CFR Citation:** 14 CFR 121; 14 CFR 135**Legal Deadline:** None

Abstract: This rule would amend the training and testing requirements for check airmen and flight instructors who perform their functions in training programs conducted by part 121 and

part 135 certificate holders. The proposed amendments are needed to allow check airmen and flight instructors who perform their functions only in flight simulators and flight training devices to do so without having to possess a current medical certificate. The proposed amendments are also needed to make these regulations compatible with proposed regulations for simulator training centers and with the regulations for advanced qualification training programs. This rulemaking is significant because of substantial public interest in this relieving proposal.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 05/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 05/00/94**Additional Information:** Project Number: AFS-92-747A

Agency Contact: Tom Toula, Air Carrier Training Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3718

RIN: 2120-AF08

2430. • +TRAINING AND CHECKING IN GROUND ICING CONDITIONS**Significance:** Agency Priority**Legal Authority:** 49 USC 1354(a); 49 USC 1355(a); 49 USC 1421 to 1431; 49 USC 1502; 49 USC 106(g)**CFR Citation:** 14 CFR 125; 14 CFR 135**Legal Deadline:** None

Abstract: This proposed amendment would require parts 125 and 135 certificate holders to provide pilot training or testing in ground deicing/anti-icing procedures and to check the airplane for contamination by frost, ice, or snow during ground icing conditions. The proposal is intended to provide an added level of safety to flight operations in adverse weather conditions under parts 125 and 135. This rulemaking is significant because it affects a substantial portion of the aviation industry.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/21/93 | 58 FR 49164 |
| NPRM Comment Period End | 10/06/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Flexibility Analysis; Regulatory Evaluation 09/21/93 (58 FR 49164)**Additional Information:** Project Number: AFS-93-459R

Agency Contact: Larry Youngblut, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3755

RIN: 2120-AF09

2431. REVIEW OF PART 47, AIRCRAFT REGISTRATION, AND PART 49, RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS**Significance:** Nonsignificant**Legal Authority:** 49 USC 1354; 49 USC 1401; 49 USC 1403; 49 USC 1405; 49 USC 1406; 49 USC 1502; 49 USC 106(g)**CFR Citation:** 14 CFR 47; 14 CFR 49**Legal Deadline:** None

Abstract: This notice would propose to update parts 47 and 49 of the Federal Aviation Regulations to reflect changes in the law, legal interpretations, other recent rulemaking actions, and the FAA's current aircraft registry practices. The intent of these proposed changes is to articulate, modernize, and simplify the existing regulations rather than alter established procedures.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 04/00/94**Additional Information:** Project Number AVN-89-201R.

Agency Contact: Agnes Jones, Aviation Standards National Field Office, Department of Transportation, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500

DOT—FAA

Proposed Rule Stage

South MacArthur Boulevard, Oklahoma City, Oklahoma 73125, 405 680-7357

RIN: 2120-AC17

2432. COMPOSITE PROPELLERS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1421; 49 USC 1423; 49 USC 106(g)

CFR Citation: 14 CFR 35

Legal Deadline: None

Abstract: This notice would revise part 35 of the Federal Aviation Regulations to add requirements for composite propellers to include environmental effects in fatigue evaluation, bird impact, and lightning protection.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/00/94

Additional Information: Formerly entitled "Fatigue Evaluation, Bird Impact, and Lightning Protection for Propellers of Composite Construction." Project No. ANE-83-002R.

Agency Contact: Marty Buckman, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7079

RIN: 2120-AB05

2433. INSTALLATION OF CRASHWORTHY FUSELAGE FUEL TANKS AND FUEL LINES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449; PL 100-591

CFR Citation: 14 CFR 25

Legal Deadline: NPRM, Statutory, February 3, 1989. Public Law 100-591, Aviation Safety Research Act of 1988.

Abstract: This preliminary action was initiated to determine the feasibility of installing, in all air carrier aircraft, crashworthy fuselage fuel tanks and fuselage fuel lines which are rupture

resistant and which disconnect and seal in the event of an accident. This notice solicited public participation in identifying and selecting a regulatory course of action by inviting interested persons to submit specific comments and arguments concerning this proposed regulatory action. Originally this rulemaking was considered significant. However, because there is no substantial public interest, this rulemaking is no longer significant.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 05/02/89 | 54 FR 18824 |
| ANPRM Comment Period End | 10/30/89 | |
| NPRM | 07/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/00/94

Additional Information: Project No. ANM-89-005R.

Agency Contact: Mike McRae, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, WA 98055-4056, 206 227-2133

RIN: 2120-AC87

2434. MAINTENANCE RECORDKEEPING REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1421 to 1430; 49 USC 1502

CFR Citation: 14 CFR 91; 14 CFR 121

Legal Deadline: None

Abstract: The FAA established an aviation rulemaking advisory committee (56 FR 20492, May 3, 1991), to provide advice and recommendations to the FAA on the full range of aviation-related issues. The committee has been tasked to provide advice and recommendations regarding the airworthiness standards for transport category airplanes and engines in parts 25, 33, and 35 of the Federal Aviation Regulations (FAR) and parallel provisions in parts 121 and 135 of the FAR.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number AFS-92-625R.

Agency Contact: Bill Henry, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3804

RIN: 2120-AD25

2435. HIGH INTENSITY RADIATED FIELDS PROTECTION STANDARDS FOR AIRCRAFT ELECTRICAL AND ELECTRONIC SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23; 14 CFR 25; 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: The FAA established an aviation rulemaking advisory committee (56 FR 20492, May 3, 1991), to provide advice and recommendations to the FAA on the full range of aviation-related issues. The committee has been tasked to provide advice and recommendations regarding the airworthiness standards for transport category airplanes and engines in parts 25, 33, and 35 of the Federal Aviation Regulations (FAR) and parallel provisions in parts 121 and 135 of the FAR.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number AIR-89-180R. This project was formerly entitled "Requirements for Aircraft Protection in High Energy Radiated Electromagnetic Fields."

Agency Contact: William J. (Joe) Sullivan, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9554

RIN: 2120-AD32

2436. 1-G STALLING SPEED AS A BASIS FOR COMPLIANCE WITH PART 25 OF THE FEDERAL AVIATION REGULATIONS

Significance: Nonsignificant

DOT—FAA

Proposed Rule Stage

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 36

Legal Deadline: None

Abstract: This notice would propose to amend the Federal Aviation Regulations to redefine the airplane reference stalling speed as the 1-g stalling speed in lieu of the minimum stalling speed. This notice would: (1) provide for a consistent, repeatable reference stalling speed; (2) ensure consistent and dependable maneuvering margins; (3) clarify the requirement for the use of 1-g stalling speeds in determining structural design speeds; (4) increase the head-on gust structural design requirement; and (5) provide for adjusted multiplying factors to maintain essentially equivalent requirements in areas where the use of minimum stalling speed has proven adequate. These changes are needed since the stalling characteristics of modern jet transports as determined by current methods can result in inconsistent reference stalling speeds. These changes may result in a higher level of safety where current methods have resulted in artificially low reference stalling speeds.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
04/00/94

Additional Information: Project No. ANM-86-041R.

Agency Contact: James Haynes, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2131

RIN: 2120-AD40

2437. COST OF SERVICES AND TRANSFER OF FEES TO PART 187 FROM PARTS 47, 49, 61, 63, 65, AND 143

Significance: Nonsignificant

Legal Authority: 49 USC 1341; 49 USC 1343; 49 USC 1344; 49 USC 1346; 49 USC 1348; 49 USC 1354; 49 USC 1355; 49 USC 106(g)

CFR Citation: 14 CFR 47; 14 CFR 49; 14 CFR 61; 14 CFR 63; 14 CFR 65; 14 CFR 143; 14 CFR 187

Legal Deadline: None

Abstract: This notice would propose to assess reasonable charges for certain services provided by the FAA. The charges would be set at a level approximating the cost to the Government to provide these services and would be adjusted periodically as the cost of these services change or as prescribed in the Anti-Drug Abuse Act of 1988. The cost of providing services for aircraft registration and recording and replacement of airmen certificates is not being fully recouped in accordance with the changes reflected in the Consumer Price Index of All Urban Consumers which was published by the Bureau of Labor Statistics of the Department of Labor or as set by the Anti-Drug Abuse Act of 1988. This notice also would propose to consolidate all service fees by placing them in part 187 of the Federal Aviation Regulations.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number AVN-90-347R.

Agency Contact: Earl F. Mahoney, Registry Modernization Staff, Mike Monroney Aeronautical Center, Department of Transportation, Federal Aviation Administration, 6500 South MacArthur Boulevard, Oklahoma City, Oklahoma 73125-4939, 405 680-7357

RIN: 2120-AD91

2438. VISUAL DESCENT POINTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This notice would propose to incorporate visual descent point (VDP) requirements into Part 135 of the Federal Aviation Regulations (FAR). In addition, this notice would amend the

VDP requirements in Part 121 of the FAR to be consistent with the VDP requirements in Part 135 of the FAR.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 07/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
07/00/94

Additional Information: Project Number AFS-91-206R.

Agency Contact: Larry Youngblut, Regulations Branch, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3755

RIN: 2120-AE34

2439. ACCESS INTO THE COCKPIT

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This notice would propose to revise part 121 of the Federal Aviation Regulations by allowing air traffic control specialists to ride on the cockpit jumpseat in nonpassenger-carrying air carrier operations. Originally this rulemaking was considered significant. However, because there is no substantial public interest, this rulemaking is no longer significant.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
10/00/94

Additional Information: Project Number AFS-91-207R.

Agency Contact: Donell Pollard, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8096

RIN: 2120-AE35

DOT—FAA

Proposed Rule Stage

2440. AIRPORT RUNWAY INCURSION**Significance:** Nonsignificant**Legal Authority:** 49 USC 1354(a); 49 USC 1432; 49 USC 106(g)**CFR Citation:** 14 CFR 139**Legal Deadline:** None**Abstract:** This notice would propose to amend part 139 of the Federal Aviation Regulations by incorporating additional requirements regarding distance remaining markers and other signs at airports.**Timetable:**

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 11/00/94**Additional Information:** Project Number AAS-91-205R.**Agency Contact:** William Deloach, Airport Safety and Compliance Branch, Office of Aviation Safety and Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8723

RIN: 2120-AE38

2441. TYPE CERTIFICATES FOR SOME SURPLUS AIRCRAFT OF THE ARMED FORCES**Significance:** Nonsignificant**Legal Authority:** 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 1651(b)(2); 49 USC 106(g); EO 11514**CFR Citation:** 14 CFR 21**Legal Deadline:** None**Abstract:** Following World War II, a substantial number of surplus military airplanes were offered for sale to the public in order to meet an increased demand for civilian-use aircraft not being met by the civil aircraft industry. The current regulation permits both type and airworthiness certification for surplus military aircraft based on the particular aircraft's safety record and condition. As military aircraft have become increasingly complex and sophisticated, that practice is no longer acceptable. This action would remove

the regulations for issuing type certificates for these surplus aircraft and eliminate references to obsolete standards. Surplus military aircraft would still be certificated in the normal, utility, acrobatic, commuter, transport, and restricted categories upon compliance with the applicable regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 10/00/93**Additional Information:** Project Number AIR-91-354R.**Agency Contact:** George Kaseote, Policy and Procedures Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8541

RIN: 2120-AE41

2442. NON-FEDERAL NAVIGATION FACILITIES**Significance:** Nonsignificant**Legal Authority:** 49 USC 1343; 49 USC 1346; 49 USC 1348; 49 USC 1354(a); 49 USC 1355; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472(c); 49 USC 1502; 49 USC 1522; 49 USC 106(g); PL 97-449**CFR Citation:** 14 CFR 171**Legal Deadline:** None**Abstract:** This notice proposes to amend part 171 to require the same specifications for non-Federal facilities as are required for FAA facilities. The amendment would consolidate subparts which would allow for easier use and access.**Timetable:**

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 06/00/94**Additional Information:** Project Number: ASM-92-254R**Agency Contact:** Ronald Jennings, Technical Standards Branch, Systems

Maintenance Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-7911

RIN: 2120-AE54

2443. AMEND PART 34: FUEL VENTING AND EXHAUST EMISSION REQUIREMENTS FOR TURBINE ENGINE POWERED AIRPLANES**Significance:** Nonsignificant**Legal Authority:** 42 USC 1857(f); 49 USC 106(g); 49 USC 1348(c); 49 USC 1354(a); 49 USC 1421; 49 USC 1423**CFR Citation:** 14 CFR 34; 14 CFR 89**Legal Deadline:** None**Abstract:** This action would amend part 34 of the Federal Aviation Regulations to make corrections to sections 34.71 and 34.89 which were published incorrectly.**Timetable:**

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 10/00/93**Additional Information:** Project No.: AEE-92-185R.**Agency Contact:** Laurie Fisher, Policy and Regulatory Division, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3561

RIN: 2120-AE55

2444. PERSONS AUTHORIZED TO PERFORM MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATIONS**Significance:** Nonsignificant**Legal Authority:** 49 USC 1354; 49 USC 1421 to 1430; 49 USC 106(g); PL 97-449**CFR Citation:** 14 CFR 43**Legal Deadline:** None**Abstract:** This notice would propose to amend the maintenance rules to allow, under certain conditions, properly trained pilots of rotorcraft and small (nine passengers or less) airplanes that are used in on-demand types of air

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carrier or commercial operations to perform certain preventive maintenance tasks on their aircraft. It also proposes to add to the definition of preventive maintenance the removal and installation of approved seats, litters, and doors, and the removal and replacement of medical oxygen bottles under certain conditions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
02/00/94

Additional Information: Project No.: AFS-92-070R.

Agency Contact: Bill O'Brien, Aircraft Maintenance Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3796

RIN: 2120—AE57

2445. PART 145 REVIEW: REPAIR STATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1427

CFR Citation: 14 CFR 145

Legal Deadline: None

Abstract: This action would review Federal Aviation Regulation Part 145 to determine whether it is compatible with present safety, regulatory, and industry needs and practices. The Federal Aviation Administration has determined the following to be specific areas of the repair stations rules that may need revision: organization and format; types of ratings and classes; operations and inspection procedures, as well as other areas. This review would also include subpart D which concerns the Manufacturers Maintenance Facility.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No.: AFS-87-045R.

Agency Contact: Roger Phaneuf, General Aviation and Commercial

Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8203

RIN: 2120—AE58

2446. PART 71 REVIEW: AIRSPACE DESIGNATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: The Federal Aviation Administration will review the various types of airspace designations under part 71 to determine which types can be processed under an informal and streamlined process, yet in concert with the Administrative Procedure Act.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project Number: ATP-92-286R

Agency Contact: Bill Mosley, Air Traffic Rules and Procedures Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9251

RIN: 2120—AE65

2447. REMOVAL OF THE FEE PROVISIONS OF PART 189

Significance: Nonsignificant

Legal Authority: 49 USC 1341(c); 49 USC 1346; 49 USC 1348(b); 49 USC 1354(a); 49 USC 1355; 31 USC 483(a)

CFR Citation: 14 CFR 189

Legal Deadline: None

Abstract: This action would modify part 189 of the Federal Aviation Regulations to remove the outdated fee provision.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
12/00/93

Additional Information: Project Number: ATP-92-292R.

Agency Contact: Ellen Crum, Air Traffic Rules and Procedure Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9859

RIN: 2120—AE68

2448. FEES FOR CERTIFICATION SERVICES PERFORMED OUTSIDE THE UNITED STATES

Significance: Nonsignificant

Legal Authority: 49 USC 1341; 49 USC 1343; 49 USC 1344; 49 USC 1346; 49 USC 1348; 49 USC 1354; 49 USC 1355; 31 USC 483(a)

CFR Citation: 14 CFR 189

Legal Deadline: None

Abstract: This action would amend the existing fee schedule appearing in part 187 for certification of airmen and air agencies performed outside the U.S., e.g., certification of pilots, flight engineers, and mechanics. This action intends to provide fees for all activities authorized by statute and to estimate fees that permit full recovery of the Federal Aviation Administration's costs.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
04/00/94

Additional Information: Project No.: AFS-92-262R. This action was previously titled Part 187--Fees.

Agency Contact: Emily White, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3651

RIN: 2120—AE72

2449. STAGE 2 AIRPLANE OPERATIONS IN HAWAII

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1356; 49 USC 1401; 49 USC 1421 to 1432; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2126; 49 USC 2157; 49 USC 2158

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CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This notice proposes revisions to the airplane operating rules to provide reporting requirements for operators of Stage 2 airplanes in Hawaii. These revisions would require any U.S. operator or foreign air carrier that operated Stage 2 airplanes in Hawaii on November 5, 1990, to include certain information in its annual progress reports to the FAA.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 08/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/00/94

Additional Information: Project Number: AEE-92-265R

Agency Contact: Alan V. Trickey, Policy and Regulatory Division, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3496

RIN: 2120-AE83

2450. • MANNED FREE BALLOONS

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 31

Legal Deadline: None

Abstract: This action would amend the test requirements for burners used on manned free balloons. The current test requirements do not test the burner's most critical operating conditions. This amendment reduces the costs to balloon manufacturers seeking certification, and increases the current level of safety by requiring more realistic tests.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/93

Additional Information: Project Number: ACE-92-021R

Agency Contact: J. Lowell Foster, Central Region Headquarters, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 426-5688

RIN: 2120-AE87

2451. • STATE BLOCK GRANT PROGRAM

Significance: Nonsignificant

Legal Authority: 49 USC 2201; 49 USC 2227

CFR Citation: 14 CFR 156

Legal Deadline: None

Abstract: This action would amend the regulations which implement the recent reauthorization by Congress of the State block grant pilot program under the Airport Improvement Program. The amendment to the regulations provides guidance to the participating States regarding administrative procedures for the 4-year extension of the pilot program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/00/94

Additional Information: Project Number: APP-93-513R

Agency Contact: Mark Beisse, Office of Airport Planning and Programming, Airports Financial Assistance Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8826

RIN: 2120-AE90

2452. • NASHVILLE TCA

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1510; 49 USC 106(g); EO 10854

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This notice proposes to establish Nashville Class B Airspace and revoke Nashville Class C airspace in Tennessee. The Nashville Class B Airspace would consist of an area up to and including 8,000 feet mean sea level from the surface or higher within

a 27 mile radius of the Nashville International Airport. This action is intended to increase the capability of the air traffic control system to separate aircraft in the terminal airspace around the Nashville International Airport.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/93

Additional Information: Project Number: ATP-93-361T

Agency Contact: Patricia Crawford, Airspace and Obstruction Evaluation Branch, Air Traffic Rules and Procedures Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9255

RIN: 2120-AE93

2453. • HOLIDAY GIVE BACK SLOTS

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 2451 et seq; 49 USC 106(g)

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: This notice proposes to amend the use-or-lose provisions in section 93.227 to exempt certain holidays from the use-or-lose requirements for air carrier and commuter slot holders.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/93

Additional Information: Project Number: AGC-93-464R

Agency Contact: Lorelei Dinges, Regulations Division, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3491

RIN: 2120-AE94

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2454. • CINCINNATI TCA**Significance:** Nonsignificant**Legal Authority:** 49 USC 1354(a); 49 USC 1510; 49 USC 106(g); EO 10854**CFR Citation:** 14 CFR 11**Legal Deadline:** None

Abstract: This action would alter the Cincinnati, OH, Terminal Control Area (TCA) to redefine the airspace around the Cincinnati/Northern International Airport. The objective of this proposal is to substantially increase safety while accommodating the legitimate concerns of airspace users.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 04/00/94**Additional Information:** Project Number: ATP-93-476T

Agency Contact: Norman W. Thomas, Airspace and Obstruction Evaluation Branch, Airspace Rules and Aeronautical InfoDivision, Department of Transportation, Federal Aviation Administration, 80 Independence Avenue SW., Washington, DC 20591, 202 267-9230

RIN: 2120-AE97**2455. • CHARLOTTE TCA****Significance:** Nonsignificant**Legal Authority:** 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; 49 USC 106(g); EO 10854**CFR Citation:** 14 CFR 71**Legal Deadline:** None

Abstract: This action would alter the Charlotte Terminal Control Area (TCA) by maintaining the upper limit of the TCA at 10,000 feet mean sea level and redefining several existing subareas to improve the capability of the air traffic control system to separate aircraft in the terminal airspace around the Charlotte/Douglas International Airport.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 10/00/93**Additional Information:** Project Number: ATP-93-399T

Agency Contact: Lewis Still, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9250

RIN: 2120-AF02**2456. • WORLD CUP SFAR****Significance:** Nonsignificant**Legal Authority:** 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; 49 USC 1522; 49 USC 106(g); EO 10854**CFR Citation:** 14 CFR 73**Legal Deadline:** None

Abstract: This action would issue a Special Federal Aviation Regulation (SFAR) for the period June 17, 1994, through July 17, 1994, to establish temporary prohibited areas overlying competition sites at specified times during the 1994 World Cup Soccer Tournament in nine locations throughout the United States. The FAA, based on the recommendations of the State Department and the 1994 World Cup Organizing Committee, believes these prohibited areas are necessary for the protection of security and law enforcement aircraft operating in these areas; and to prevent any unsafe congestion of sightseeing and other aircraft over these locations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 11/00/93**Additional Information:** Project Number: ATP-93-404R

Agency Contact: Aaron Boxer, Airspace Rules Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9241

RIN: 2120-AF03**2457. • FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM****Significance:** Nonsignificant**Legal Authority:** 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); EO 114514**CFR Citation:** 14 CFR 121; 14 CFR 125; 14 CFR 135**Legal Deadline:** None

Abstract: This action would codify the Federal Aviation Administration's policy not to use information from voluntary Flight Operational Quality Assurance programs in any enforcement actions taken against operators or pilots. The proposed amendment responds to industry groups that have been reluctant to participate. These programs benefit aviation safety by providing information that can lead to improvements in training and operations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 01/00/94**Additional Information:** Project Number: AFS-93-154R

Agency Contact: Dan Meier, Flight Standards Service, Regulations Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3789

RIN: 2120-AF04**2458. • SPECIAL FEDERAL AVIATION REGULATION NO. 36****Significance:** Nonsignificant**Legal Authority:** 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)**CFR Citation:** 14 CFR 121; 14 CFR 127; 14 CFR 135; 14 CFR 145**Legal Deadline:** None

Abstract: This action proposes to amend and extend the termination date of Special Federal Aviation Regulation (SFAR) No. 36, which provides that repair stations, air carriers, air taxis,

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and commercial operators of large aircraft who have the authority to return product service may accomplish major repairs using self-developed repair data that have not been directly approved by the Federal Aviation Administration (FAA). Amendments would include clarification of conditions under which the SFAR authorization could be used. Extension of the regulation would continue to provide, for those who qualify, an alternative from the requirement to obtain direct FAA approval of repair data on a case-by-case basis, and would allow additional time for the FAA to incorporate the SFAR provisions into the regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/93

Additional Information: Project Number: AIR-93-418R

Agency Contact: Todd Thompson, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-7218

RIN: 2120-AF05

2459. • CHANGES IN TYPE DESIGN OF HELICOPTERS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1432; 49 USC 1502; 49 USC 1651(b)(2); 49 USC 7272; 49 USC 106(g); EO 11514

CFR Citation: 14 CFR 21

Legal Deadline: None

Abstract: This notice proposes to provide an exclusion for the attachment, or removal, of external equipment for specific purposes from the existing noise certification requirements for changes in type design of helicopters.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 09/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/00/94

Additional Information: Project Number: AEE-93-558R

Agency Contact: Kenneth Jones, Technical Division, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 10592, 202 267-3554

RIN: 2120-AF10

2460. • EXTENDED OVERWATER OPERATIONS WITH A SINGLE HIGH-FREQUENCY COMMUNICATION SYSTEM (HF) AND A SINGLE LONG-RANGE NAVIGATION SYSTEM (LRNS)

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355(a); 49 USC 1421 to 1431; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135

Legal Deadline: None

Abstract: This action would revise the Federal Aviation Regulations for certain overwater operations for air carriers, commercial operators, and general aviation operators of large and turbine-powered multiengine airplanes. This action would authorize air carriers and commercial operators to use a single high-frequency communication system (HF) and a single LRNS for extended overwater routes detailed in their operation specifications. This proposal is needed to give the FAA greater flexibility in responding to advances in aviation technology and changes in the operational environment and to allow operators to conduct extended overwater operations without carrying unnecessary communication and navigation equipment.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/05/93 | 58 FR 51938 |
| NPRM Comment | 10/20/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/05/93 (58 FR 51938)

Additional Information: Project Number: AFS-93-130R

Agency Contact: Dan Meier, Project Development Branch, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3749

RIN: 2120-AF12

2461. • RENEWAL OF FLIGHT INSTRUCTOR CERTIFICATES

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61

Legal Deadline: None

Abstract: This action would amend the Federal Aviation Regulations governing the renewal of flight instructor certificates. Specifically, it would permit holders of flight instructor certificates to renew by completing an approved number of hours of ground or flight instruction, or both, in an approved flight instructor refresher course.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/17/93 | 58 FR 48748 |
| NPRM Comment | 10/18/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/17/93 (58 FR 48748)

Additional Information: Project Number: AFS 93-360R.

Agency Contact: John Lynch, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3844

RIN: 2120-AF13

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Final Rule Stage

2462. +CIVIL SUPERSONIC AIRCRAFT NOISE TYPE CERTIFICATION STANDARDS AND OPERATING RULES

Significance: Regulatory Program

Legal Authority: 49 USC 1344; 49 USC 1348; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431(b); 49 USC 1651(b)(2); 49 USC 2121 to 2125; 49 USC 106(g)

CFR Citation: 14 CFR 36; 14 CFR 91

Legal Deadline: None

Abstract: This notice proposed revisions to the aircraft type certification standards and operating rules to require that future supersonic aircraft meet noise limits consistent with those required for future subsonic aircraft. Although considered significant due to substantial public interest, this project will be withdrawn from the Agenda until FAA's Regulatory Review Board reestablishes a timetable for a rulemaking procedure.

Timetable:

| Action | Date | FR Cite |
|-------------------------------|----------|-------------|
| ANPRM | 10/30/86 | 51 FR 39663 |
| ANPRM Comment Period End | 02/27/87 | |
| Comment Period Reopened Until | 03/12/87 | 52 FR 7618 |
| 07/01/87 | | |
| NPRM | 05/30/90 | 55 FR 22020 |
| NPRM Comment Period End | 11/26/90 | |
| To Be Withdrawn | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/30/90 (55 FR 22020)

Additional Information: Docket 25109. Formerly entitled "SST Stage 3 Compliance." Project No. AEE-86-012R.

Agency Contact: Richard N. Tedrick, Policy and Regulatory Division, Office of Environment, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3556

RIN: 2120-AC22

2463. +IMPROVED SURVIVAL EQUIPMENT FOR INADVERTENT WATER LANDINGS

Significance: Regulatory Program

Legal Authority: 49 USC 106(g); 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1374(d); 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: NPRM, Statutory, June 28, 1988.

PL 100-223, Section 303, Airport and Airway Safety and Capacity Enhancement Act of 1987.

Abstract: This notice proposed new requirements for water survival equipment carried aboard airplanes and rotorcraft. The requirements would apply, after specified dates, to U.S.-certificate holders that conduct common-carriage operations with airplanes and rotorcraft. This proposal is in response to the Airport and Airway Safety and Capacity Enhancement Act of 1987 (PL 100-223) and relates to safety recommendations by the National Transportation Safety Board. The proposed requirements are intended to increase the likelihood of aircraft passengers surviving a crash landing in water and, thus, this rulemaking is significant because of the safety implications.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/30/88 | 53 FR 24890 |
| NPRM Comment Period End | 11/28/88 | |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/30/88 (53 FR 24890)

Additional Information: Project No. AIR-85-265R.

Agency Contact: John Petrakis, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9574

RIN: 2120-AC72

2464. +RETROFIT OF IMPROVED SEATS IN AIR CARRIER TRANSPORT CATEGORY AIRPLANES

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49

USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: NPRM, Statutory, April 28, 1988.

PL 100-223 Sec 303

Abstract: This notice proposed to require that all seats of transport category airplanes used in air carrier operations and transport category airplanes used in scheduled intrastate service comply with improved crashworthiness standards. The Airport and Airways Safety and Capacity Expansion Act of 1987 directs the Secretary of Transportation to initiate a rulemaking proceeding to consider requiring all seats onboard all air carrier aircraft to meet improved crashworthiness standards based upon the best available testing standards. The intended effect of this action is to increase passenger protection and survivability in survivable impact accidents. This rulemaking is considered significant because of its safety implications and statutory requirements.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/17/88 | 53 FR 17650 |
| NPRM Comment Period End | 10/14/88 | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/17/88 (53 FR 17650)

Additional Information: Docket 25611. Project No. AIR-88-136R.

Agency Contact: Arthur Hayes, Aircraft Engineering Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9937

RIN: 2120-AC84

2465. +DRUG ENFORCEMENT ASSISTANCE

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1354(c); 49 USC 1374(d); 49 USC 1401; 49 USC 1402; 49 USC 1403; 49 USC 1404; 49 USC 1405; 49 USC 1406; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; ...

CFR Citation: 14 CFR 13; 14 CFR 47
Legal Deadline: Final, Statutory, September 18, 1989.
FAA Drug Enforcement Assistance Act of 1988.

Abstract: This notice proposed to revise certain requirements concerning registration of aircraft, certification of pilots, and penalties associated with registration and certification violations. This notice also announced new procedures for processing major repair and alteration forms which pertain to fuel system modifications. Actions announced in this notice respond to the FAA Drug Enforcement Assistance Act. The proposed requirements and adopted procedures are intended to assist law enforcement agencies in their efforts to stop drug trafficking in general aviation aircraft. This rulemaking is significant because of congressional and public interest.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 03/12/90 | 55 FR 9270 |
| NPRM Comment Period End | 05/11/90 | |
| Comment Period Extended to 07/11/90 | 05/16/90 | 55 FR 20394 |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/12/90 (55 FR 9270)

Additional Information: Project No. AVN-89-035R.

Agency Contact: Earl F. Mahoney, Aviation Standards National Field Office, Department of Transportation, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 MacArthur Boulevard, Oklahoma City, Oklahoma 73125, 405 680-7357

RIN: 2120-AD16

2466. +FATIGUE EVALUATION OF STRUCTURE

Significance: Regulatory Program

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposed to revise the fatigue requirements for

damage-tolerant structures on transport category airplanes to require full-scale fatigue testing and to require that the thresholds for inspections be based on crack growth from initial flaws in the structure. These proposed changes are based on the service history of airplanes evaluated to the current damage tolerance requirements and are intended to ensure that, should serious fatigue damage occur within the operational life of the airplane, the remaining structure can withstand reasonable loads without failure until the damage is detected. This rulemaking is considered significant because of its safety implications and substantial public interest.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/19/93 | 58 FR 38642 |
| Final Action | 10/00/93 | |
| NPRM Comment Period End | 11/16/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/19/93 (58 FR 38642)

Additional Information: Project Number ANM-88-013R.

Agency Contact: Iven Connally, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2120

RIN: 2120-AD42

2467. +TEMPORARY FLIGHT RESTRICTIONS

Significance: Regulatory Program

Legal Authority: 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); EO 11514

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This action proposed to revise the Federal Aviation Regulations to require the operator of an aircraft used in conducting authorized news-gathering operations in an area covered by temporary flight restrictions to be under the direction of the official in

charge of the on-scene emergency response activities. Adoption of this proposal would reduce the potential for traffic conflicts and disruption of relief operations and would increase the level of safety afforded aircraft used in conducting rescue or disaster relief operations. This action is considered significant because of substantial public interest and safety considerations.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/24/91 | 56 FR 34000 |
| NPRM Comment Period End | 09/23/91 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/24/91 (56 FR 34000)

Additional Information: Project Number ATP-87-009R.

Agency Contact: William M. Mosley, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9251

RIN: 2120-AD55

2468. +UNESCORTED ACCESS PRIVILEGE

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1356; 49 USC 1357; 49 USC 1358 to 1421; 49 USC 106(g)

CFR Citation: 14 CFR 107; 14 CFR 108

Legal Deadline: Final, Statutory, April 24, 1992.

Aviation Security Improvement Act of 1990

Abstract: This action proposed to establish regulations to implement criminal history records checks for air carrier and airport security employees. This rulemaking is considered significant because of substantial congressional and public interest.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 02/13/92 | 57 FR 5352 |
| NPRM Comment Period Extended to 05/15/92 | 03/12/92 | 57 FR 8834 |
| NPRM Comment Period End | 03/16/92 | |
| Public Meetings Notice | 04/09/92 | 57 FR 12396 |

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Final Rule Stage

| Action | Date | FR Cite |
|---------------|----------|-------------|
| SNPRM Comment | 09/18/92 | 57 FR 43294 |
| Period End | 12/17/92 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Analysis: Regulatory Flexibility
Analysis; Regulatory Evaluation
09/18/92 (57 FR 43294)

Additional Information: Project Number
ACS-91-076R.

Agency Contact: Andrew V. Cebula,
Office of Civil Aviation Security,
Department of Transportation, Federal
Aviation Administration, 800
Independence Avenue SW.,
Washington, DC 20591, 202 267-8293

RIN: 2120—AE14

2469. +ALCOHOL MISUSE PREVENTION PROGRAM FOR PERSONNEL ENGAGED IN SPECIFIED AVIATION ACTIVITIES

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49
USC 1355; 49 USC 1356; 49 USC 1357;
49 USC 1401; 49 USC 1421 to 1430;
49 USC 1472; 49 USC 1485; 49 USC
1502; 49 USC 106(g)

CFR Citation: 14 CFR 61; 14 CFR 121;
14 CFR 135; 14 CFR 63; 14 CFR 65

Legal Deadline: Final, Statutory,
October 28, 1992.
Omnibus Transportation Employee Act
of 1991

Abstract: This action would implement
the FAA-related provisions of the
Omnibus Transportation Employee
Testing Act of 1991, which was enacted
on October 28, 1991. By amending the
Federal Aviation Act of 1958, Congress
has imposed a statutory obligation on
the Administrator of the FAA to
prescribe regulations that, among other
things, establish an alcohol testing
program for air carrier employees who
perform safety-sensitive duties.

This action would also propose to
prohibit certain alcohol-related conduct
by covered air carrier employees and
would require pre-employment,
random, reasonable suspicion, post-
accident, and follow-up testing to
detect and deter such conduct. This
rulemaking is considered significant
because of substantial public and
congressional interest.

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/15/92 | 57 FR 59458 |
| NPRM Comment | 04/14/93 | |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Analysis: Regulatory Evaluation
12/05/92 (57 FR 59458)

Additional Information: Project Number
AAM-92-028R. A common preamble for
five modal administrations affected
(FAA, FHWA, FRA, FTA, and RSPA)
was published 12/15/92 (57 FR 59382).

Agency Contact: Julie B. Murdoch,
Drug Abatement Division, Office of
Aviation Medicine, Department of
Transportation, Federal Aviation
Administration, 800 Independence
Avenue SW., Washington, DC 20591,
202 366-6584

RIN: 2120—AE43

2470. +AIRCRAFT FLIGHT SIMULATOR USE IN PILOT TRAINING, TESTING, AND CHECKING AND AT TRAINING CENTERS

Significance: Agency Priority

Legal Authority: 49 USC 1301; 49 USC
1303; 49 USC 1344; 49 USC 1348; 49
USC 1352; 49 USC 1355; 49 USC 1401;
49 USC 1421 to 1431; 49 USC 1471;
49 USC 1472; 49 USC 1502; 49 USC
1510; 49 USC 1522; 49 USC 2121 to
2125; 49 USC 106(g); ...

CFR Citation: 14 CFR 61; 14 CFR 91;
14 CFR 121; 14 CFR 125; 14 CFR 135;
14 CFR 141; 14 CFR 142

Legal Deadline: None

Abstract: This action would amend the
pilot and flight instructor certification
rules to include additional use of
aircraft, aircraft flight simulators and
flight training devices for pilot training,
testing, and checking. This notice also
would propose a new part 142 that
would govern a new concept called
training centers. This new concept will
emphasize the use of flight simulators
in training applicants for pilot
certificates. This rulemaking is
considered significant because of
substantial public interest; it involves
a major change in the way industry
trains applicants.

| Action | Date | FR Cite |
|---------------|----------|-------------|
| NPRM | 08/11/92 | 57 FR 35888 |
| NPRM Comment | 12/09/92 | |
| Period End | | |
| SNPRM Comment | 02/19/93 | 58 FR 9514 |
| Period End | 03/22/93 | |
| Final Action | 03/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Analysis: Regulatory Evaluation
08/11/92 (57 FR 35888)

Additional Information: This project
was formerly entitled "Aircraft
Simulator Use in Airman Training and
Certification." Project Number AFS-83-
105R.

The SNPRM clarified or eliminated
certain provisions found to be unclear
or inappropriate for present
consideration.

Agency Contact: Warren Robbins,
Manager, Regulations Branch, Office of
Flight Standards, Department of
Transportation, Federal Aviation
Administration, 800 Independence
Avenue SW., Washington, DC 20591,
202 267-8150

RIN: 2120—AA83

2471. +ELIMINATION OF AIRPORT DELAYS

Significance: Agency Priority

Legal Authority: 49 USC 1302; 49 USC
1303; 49 USC 1348; 49 USC 1354(a);
49 USC 1421(a); 49 USC 1424; 49 USC
2402; 49 USC 2424; 49 USC 106(g)

CFR Citation: 14 CFR 93**Legal Deadline:** None

Abstract: This proposed rule is
designed to alleviate increased delays
throughout the air traffic system and
is considered significant because of its
involvement with important
Department of Transportation policies.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 08/20/84 | 49 FR 33082 |
| NPRM Comment | 09/04/84 | |
| Period End | | |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** Undetermined

Analysis: Regulatory Evaluation
08/20/84 (49 FR 33082)

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Final Rule Stage

Additional Information: Docket No. 24206.

Agency Contact: David L. Bennett, Manager, Airspace and Air Traffic Law Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3491
RIN: 2120-AB42

2472. +PASSENGER-CARRYING AND CARGO AIR OPERATIONS FOR COMPENSATION OR HIRE

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

CFR Citation: 14 CFR 119; 14 CFR 121; 14 CFR 125; 14 CFR 127; 14 CFR 135

Legal Deadline: None

Abstract: This action proposed to amend the Federal Aviation Regulations to update, clarify, and consolidate into one part, new part 119, the certification and operations specifications requirements for persons who conduct passenger-carrying or cargo-carrying air operations for compensation or hire. Significant changes included defining what must be included in operations specifications; defining "scheduled" and "domestic" operations; increasing the lead-time period for application for a certificate; defining a "wet lease" operation; including in the regulations criteria to determine who has operational control of an operation; and standardizing the requirements and qualifications for management personnel. This action is needed to establish permanent minimum safety standards following the "sunset" of the Civil Aeronautics Board on December 31, 1984, and the enactment of the Airline Deregulation Act of 1978. This action would also replace SFAR 38, as amended, which has provided interim certification and operations specifications regulation. This rulemaking is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 10/12/88 | 53 FR 39852 |
| NPRM Comment Period End | 01/10/89 | |

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| Comment Period Reopened To | 04/17/90 | 55 FR 14404 |
| | 05/17/90 | |
| SNPRM Comment Period End | 06/08/93 | 58 FR 32248 |
| | 07/23/93 | |
| Final Action | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 06/08/93 (58 FR 32248)

Additional Information: Project No. AFS-84-190R. The FAA determined that the SNPRM propose a different definition for "scheduled operation."

Agency Contact: Gary Davis, Air Transportation Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3750

RIN: 2120-AC08

2473. +TYPE AND NUMBER OF PASSENGER EMERGENCY EXITS REQUIRED IN TRANSPORT CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposed to revise the current requirements for passenger emergency exits and to adopt two new exit types into the regulations. These proposals are intended to provide more consistent standards with respect to passenger seating allowed for each exit type, and the type and number of exits required for passenger seating configurations. This notice proposed to reduce the maximum inflation time of an escape slide to reflect the current state of the art. These proposals resulted from the Public Technical Conference on Emergency Evacuation of Transport Airplanes held in Seattle, Washington, on September 3-6, 1985. This rulemaking is considered significant because it involves an important cabin-safety issue.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 02/22/90 | 55 FR 6344 |
| NPRM Comment Period End | 08/21/90 | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/22/90 (55 FR 6344)

Additional Information: Project No. ANM-87-006R.

Agency Contact: Franklin Tiangsing, Regulations Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2121

RIN: 2120-AC43

2474. +EMERGENCY LOCATOR TRANSMITTERS

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1471; 49 USC 1485; 49 USC 1502; 49 USC 1522; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 29; 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135

Legal Deadline: None

Abstract: This notice proposed to require installation of an improved emergency locator transmitter (ELT) that meets the requirements of a revised Technical Standards Order (TSO) on U.S.-registered airplanes and to terminate approval to use ELTs authorized under the original TSO issued for this equipment. The new equipment would be required for future installations. This proposal was prompted by unsatisfactory performance experienced with ELTs that are manufactured under the original TSO and relates to safety recommendations by the National Transportation Safety Board and the search-and-rescue community. Although most of the unsatisfactory field experience has been with automatic ELTs, the FAA is also proposing improved standards for survival ELTs. This proposal would

DOT—FAA

Final Rule Stage

save lives by increasing the number of survivors rescued after aircraft accidents. This rulemaking is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 04/02/90 | 55 FR 12316 |
| NPRM Comment Period End | 07/31/90 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/02/90 (55 FR 12316)

Additional Information: Project No. AIR-85-348R.

Agency Contact: Phil Akers, Aircraft Engineering Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9571

RIN: 2120-AD19

2475. +AIRWORTHINESS STANDARDS; OCCUPANT PROTECTION STANDARDS FOR COMMUTER CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This notice proposed to amend the airworthiness standards for normal, utility, acrobatic, and commuter category airplanes by upgrading the requirements for both seat/restraint systems and for flammability standards for seat cushions used in commuter category airplanes. These amendments are needed to improve the occupant protection provisions for these types of airplanes. These new requirements would result in a level of safety commensurate with that provided by the seat/restraint requirements and the flammability standards for transport category airplanes. This rulemaking is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/14/93 | 58 FR 38028 |
| NPRM Correction | 07/28/93 | 58 FR 40389 |
| Final Action | 10/00/93 | |
| NPRM Comment Period End | 11/12/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/14/93 (58 FR 38028)

Additional Information: Project No. ACE-87-014R. This project was formerly entitled "Improved Seat Safety Standards for Commuter Category Airplanes."

Agency Contact: Joseph Snitkoff, Standards Office, Small Airplane Directorate, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 426-5688

RIN: 2120-AD27

2476. +CREW PAIRING REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This action would establish minimum experience levels for cockpit crew pairing. It would propose guidelines for initial operating experience and specify operating restrictions when the second in command has fewer than 100 hours of flight time. This rulemaking is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 03/23/93 | 58 FR 15730 |
| NPRM Comment Period End | 06/21/93 | |
| Final Action | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/23/93 (58 FR 15730)

Additional Information: Project Number AFS-91-004R.

Agency Contact: Larry Youngblut, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8096

RIN: 2120-AD88

2477. +AIRCRAFT GROUND DEICING AND ANTI-ICING PROGRAM

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1422; 49 USC 1427; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This proposed amendment would establish a requirement for part 121 certificate holders to develop an FAA-approved ground deicing/anti-icing program and to comply with that program any time conditions are such that frost, ice, or snow could adhere to the aircraft's wings, control surfaces, or propellers. This action is necessary because several accidents and the recent International Conference on Airplane Ground Deicing indicate that, under present procedures, the pilot in command may be unable to effectively determine whether critical airplane components are free of all frost, ice, or snow prior to attempting a takeoff. The proposal is intended to provide an added level of safety to flight operations in adverse weather conditions, and is considered significant because of its safety implications.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 07/23/92 | 57 FR 32846 |
| NPRM Comment Period End | 08/07/92 | |
| Interim Final Rule | 09/29/92 | 57 FR 44924 |
| Interim Final Rule Effective | 11/01/92 | |
| Interim Final Rule Correction | 11/09/92 | 57 FR 53385 |
| Interim Final Rule Comment Period End | 04/15/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/29/92 (57 FR 44924)

Additional Information: Project Number: AFS-92-280-R.

A proposed advisory circular providing guidance on the program elements that should be included in an air carrier's approved ground deicing and anti-icing program was published September 29, 1992, requesting comments (57 FR 44944).

Various documents of this proceeding were erroneously published under RIN 2120-AE51.

Agency Contact: Larry Youngblut, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3755
RIN: 2120-AE70

2478. +ANTI-DRUG PROGRAM FOR PERSONNEL ENGAGED IN SPECIFIC AVIATION ACTIVITIES

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121 -

Legal Deadline: None

Abstract: On November 21, 1988, the Federal Aviation Administration (FAA) published a final rule requiring specified aviation employers to implement anti-drug programs for personnel performing sensitive safety- and security-related functions. That final rule includes recordkeeping and reporting requirements. In response to a Department of Transportation (DOT) Notice of Proposed Rulemaking (NPRM) that would establish a standard Management Information System for the Department's drug testing programs, this action would modify the FAA's recordkeeping and reporting requirements. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 12/15/92 | 57 FR 59477 |
| NPRM Comment Period End | 04/14/93 | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/15/92 (57 FR 59477)

Additional Information: Project No. AAM 91-314R.

The NPRM inadvertently indicated RIN 2120-AC33, rather than the correct RIN 2120-AE80.

Agency Contact: Carol Daugherty, Drug Abatement Division, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 366-6710

RIN: 2120-AE80

2479. • +FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS AND REST REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1365; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121; 14 CFR 125; 14 CFR 106(g)

Legal Deadline: None

Abstract: This final rule would establish duty period scheduling limitations and rest requirements for flight attendants engaged in air transportation and air commerce. The objective of this rulemaking action is to contribute to an improved aviation safety system by ensuring that flight attendants are sufficiently rested to perform their routine and emergency safety duties. This rulemaking is significant because there is substantial public interest, and because, if adopted, it would constitute a major change in policy.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 03/31/93 | 58 FR 17024 |
| NPRM Comment Period End | 06/01/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/31/93 (58 FR 17024)

Additional Information: Project Number: AFS-90-114R The NPRM inadvertently used RIN 2120-AD50, which was a terminated action in the October 1991 Agenda.

Agency Contact: Donell Pollard, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8166

RIN: 2120-AE91

2480. OBJECTS AFFECTING NAVIGABLE AIRSPACE

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1421 to 1430; 49 USC 1501; 49 USC 106(g)

CFR Citation: 14 CFR 77

Legal Deadline: None

Abstract: This notice proposed amendments to the standards, aeronautical studies, scope, and notice provisions concerning objects affecting navigable airspace. The notice consisted primarily of changes required by recent legislation or recommended by a government/industry task group of the National Airspace Review Advisory Committee. This notice also introduced language to cover electromagnetic interference phenomenon that could create a hazard to air navigation.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| Notice of Review | 06/19/78 | 43 FR 26322 |
| Review Conference | 12/08/80 | |
| National Airspace Review Begins | 07/09/84 | |
| NPRM | 08/03/90 | 55 FR 31722 |
| NPRM Correction | 08/13/90 | 55 FR 32999 |
| NPRM Correction | 08/16/90 | 55 FR 33577 |
| NPRM Correction | 08/28/90 | 55 FR 35152 |
| NPRM Correction | 09/10/90 | 55 FR 37287 |
| NPRM Comment Period End | 12/31/90 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 08/03/90 (55 FR 31722)

Additional Information: Project ATP-85-015R.

Agency Contact: Richard Kagehiro, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8783

RIN: 2120-AA09

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2481. MISCELLANEOUS AMENDMENTS**Significance:** Nonsignificant**Legal Authority:** 49 USC 1352 Federal Aviation Act of 1958, Sec. 311; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421 to 1430 Federal Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102**CFR Citation:** 14 CFR 21; 14 CFR 65; 14 CFR 107; 14 CFR 121; 14 CFR 135; 14 CFR 145**Legal Deadline:** None**Abstract:** This action would amend various sections of the regulations. Some of the amendments are clarifying or editorial in nature or correct improper or obsolete references. Others relax certain existing requirements. Others allow issuance of special flight permits for an additional purpose, relax a requirement for passenger information signs, and eliminate the bulk erasure device on cockpit voice recorders. This action is in response to numerous complaints, suggestions, and petitions for exemption concerning several regulatory requirements received from users of the National Airspace System. These users state that these sections contain obsolete references and vague, complex, and inadequate language and that, in some instances, the cost of compliance is not justified by the benefits derived.**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/03/83 | 48 FR 45214 |
| NPRM Comment | 12/02/83 | |
| Period End | | |

Next Action Undetermined

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 10/03/83 (48 FR 45214)**Additional Information:** Docket No. 23781. Project No. ARM-81-128R.**Agency Contact:** Jean Casciano, Office of Rulemaking, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9683

RIN: 2120-AA50

2482. AIRWORTHINESS STANDARDS; CRASH RESISTANT FUEL SYSTEMS**Significance:** Nonsignificant**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)**CFR Citation:** 14 CFR 23**Legal Deadline:** None**Abstract:** This action proposed changes to the airworthiness standards to improve the crash resistance of fuel systems on normal, utility, acrobatic, and commuter category airplanes. The FAA has determined that improved crash resistance of these fuel systems is necessary to prevent deaths and injuries due to fire in survivable crashes. The proposed design changes would limit fuel spillage near ignition sources and would provide additional time for the survivors to evacuate the airplane.**Timetable:**

| Action | Date | FR Cite |
|---------------|----------|------------|
| ANPRM | 03/05/85 | 50 FR 8948 |
| ANPRM Comment | 07/03/85 | |
| Period End | | |
| NPRM | 02/28/90 | 55 FR 7280 |
| NPRM Comment | 06/28/90 | |
| Period End | | |

Next Action Undetermined

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 02/28/90 (55 FR 7280)**Additional Information:** Formerly titled "Amend part 23 To Include Requirements for Crash-Resistant Fuel Systems." Project No. ACE-82-005R.**Agency Contact:** Norman Vetter, Standards Office, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, 816 426-5688

RIN: 2120-AA57

2483. STANDARDS FOR APPROVAL FOR HIGH ALTITUDE OPERATION OF SUBSONIC TRANSPORT AIRPLANES**Significance:** Nonsignificant**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449**CFR Citation:** 14 CFR 25**Legal Deadline:** None**Abstract:** This notice proposed to amend the Federal Aviation Regulations to specify airplane and equipment airworthiness standards for subsonic transport airplanes to be operated up to an altitude of 51,000 feet. This proposal was prompted by an increase in the number of applications received to raise the maximum certificated operating altitude for transport category airplanes. This action is intended to ensure an acceptable level of safety for airplanes operated at high altitudes.**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/22/89 | 54 FR 48538 |
| NPRM Comment | 05/21/90 | |
| Period End | | |
| Final Action | 04/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None**Sectors Affected:** Multiple**Analysis:** Regulatory Evaluation 11/22/89 (54 FR 48538)**Additional Information:** Project No. ANM-83-022R.**Agency Contact:** Bob McCracken, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2118

RIN: 2120-AB18

2484. AIRWORTHINESS STANDARDS; TRANSPORT CATEGORY ROTORCRAFT PERFORMANCE**Significance:** Nonsignificant**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449**CFR Citation:** 14 CFR 29**Legal Deadline:** None**Abstract:** This notice proposed to revise the performance requirements for transport category rotorcraft. The proposed changes are needed to define more clearly the factors for determining takeoff distances for transport category rotorcraft and to add several other

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relevant standards. If adopted, these changes would provide for an improved level of safety achievable because of recent technological advances in turboshaft engine design and associated rotorcraft design.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 10/17/85 | 50 FR 42126 |
| ANPRM Comment Period End | 06/06/86 | |
| NPRM | 01/08/90 | 55 FR 698 |
| NPRM Comment Period End | 07/09/90 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/08/90 (55 FR 698)

Additional Information: Project No. ASW-83-006R.

Agency Contact: Jim S. Honaker, Regulations Group, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76193, 817 624-5109

RIN: 2120-AB36

2485. LOW FUEL QUANTITY ALERTING SYSTEM

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposed to amend the airworthiness standards for transport category airplanes to require a means to alert the flight crew of potentially unsafe low fuel quantities. There have been several fuel depletion incidents involving loss of power or thrust on all engines that could have resulted in forced landings and injury or loss of life. Most of these incidents resulted from improper fuel management techniques. This proposed amendment would require new transport category airplane designs to incorporate a low fuel quantity alert system that would allow for correction of certain fuel management errors or provide the flightcrew the opportunity

to make a safe landing prior to engine fuel starvation.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/12/87 | 52 FR 17890 |
| NPRM Comment Period End | 09/09/87 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/12/87 (52 FR 17890)

Additional Information: Docket No. 25213. Project No. ANM-83-039R.

Agency Contact: Neil Schalekamp, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2135

RIN: 2120-AB46

2486. AIRCRAFT ENGINES: FUEL AND INDUCTION SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 106(g)

CFR Citation: 14 CFR 33

Legal Deadline: None

Abstract: This notice would propose to add a new section 33.35(f) to the Federal Aviation Regulations which would incorporate a requirement for the fuel mixture and throttle controls to automatically move to a position allowing continued safe flight if either control becomes disconnected.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 02/28/86 | 51 FR 7224 |
| ANPRM Comment Period End | 04/29/86 | |
| NPRM | 10/20/92 | 57 FR 47934 |
| NPRM Comment Period End | 02/17/93 | |
| Final Action | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/20/92 (57 FR 47934)

Additional Information: Project No. ANE-85-002R.

Former title: Engine Fuel and Induction Systems.

Agency Contact: Locke Easton, Engine and Propeller Standards Staff, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7088

RIN: 2120-AB76

2487. AIRWORTHINESS STANDARDS; NEW ROTORCRAFT 30-SECOND/2-MINUTE ONE-ENGINE-INOPERATIVE POWER RATINGS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1523; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This notice responded to a petition for rulemaking from Aerospace Industries Association of America, Inc., and proposed to amend the Federal Aviation Regulations to incorporate new one-engine-inoperative (OEI) power ratings for multiengine, turbine-powered rotorcraft. If adopted, this proposal would enhance rotorcraft safety after an engine failure or precautionary shutdown by providing OEI power, when required, with the assurance that the drive system would maintain its structural integrity and allow continued safe flight while operating at the new OEI power ratings with the operable engine(s).

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| NPRM | 09/22/89 | 54 FR 39086 |
| Notice of Public Hearing | 10/13/89 | 54 FR 41986 |
| NPRM Comment Period End | 03/27/90 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/22/89 (54 FR 39086)

Additional Information: Formerly entitled New Rotorcraft Emergency Power Ratings.

Project No. ASW-85-469P.

Agency Contact: Ray Twa, Rotorcraft Standards Staff, Department of Transportation, Federal Aviation

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Administration, Southwest Region,
4400 Blue Mound Road, Fort Worth,
Texas 76193, 817 624-5158

RIN: 2120-AB90

2488. AIRWORTHINESS STANDARDS; TURBOSHAFT ENGINE ROTOR BURST PROTECTION

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 29**Legal Deadline:** None

Abstract: This notice proposed to amend the Federal Aviation Regulations to minimize the failure hazards of high speed powerplant rotor systems used in turboshaft engines in newly designed transport category rotorcraft. Engine rotor failures have occurred resulting in the release of high energy rotor fragments or other engine component fragments. These fragments have impacted and damaged critical rotorcraft structures, systems, controls, and adjacent engines, as well as caused serious or fatal injuries to passengers and crewmembers. This proposal, if adopted, is intended to eliminate these hazards.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 10/17/89 | 54 FR 42716 |
| Comment Period Extended to 10/16/90 | 03/08/90 | 55 FR 8474 |
| NPRM Comment Period End | 04/16/90 | |
| NPRM Comment Period Reopened to 3/15/93 | 01/14/93 | 58 FR 4566 |
| Final Action | 08/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Analysis: Regulatory Evaluation
10/17/89 (54 FR 42716)

Additional Information: Formerly entitled "Turbine Burst Protection for Transport Category Helicopters." Project No. ASW-84-002.

Agency Contact: Mike Mathias, Regulations Group, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Southwest Region,

4400 Blue Mound Road, Fort Worth,
Texas 76193, 817 624-5123

RIN: 2120-AB91

2489. AIRWORTHINESS STANDARDS; CRASH RESISTANT FUEL SYSTEMS IN NORMAL AND TRANSPORT CATEGORY ROTORCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29**Legal Deadline:** None

Abstract: This notice proposed to add comprehensive crash resistant fuel system design and test criteria to the airworthiness standards for normal and transport category rotorcraft. The proposed standards would minimize fuel (and other flammable fluid) spillage near ignition sources, minimize potential ignition sources and, therefore, improve the evacuation time needed for crew and passengers to escape a postcrash fire. These proposals, if adopted, would minimize the postcrash fire hazard, save lives, and substantially reduce the severe physiological and psychological injuries sustained from postcrash fires in otherwise survivable accidents.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/05/90 | 55 FR 41000 |
| NPRM Correction | 12/11/90 | 55 FR 50931 |
| NPRM Comment Period End | 04/03/91 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Analysis: Regulatory Evaluation
10/05/90 (55 FR 41000)

Additional Information: This project was formerly entitled "Rotorcraft Crash Resistant Fuel Systems."

Project Number ASW-85-006R.

Agency Contact: Mike Mathias, Regulations Group, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76193, 817 624-5123

RIN: 2120-AC68

2490. ELECTRICAL AND ELECTRONIC SYSTEMS LIGHTNING PROTECTION

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25**Legal Deadline:** None

Abstract: This notice proposed to amend the Federal Aviation Regulations to add a new standard for transport category airplanes which would provide lightning protection requirements for installed electrical and electronic systems. This proposal was the result of increasing concern for the vulnerability of these systems to the indirect effects of lightning. This notice was issued in order to promulgate specific lightning protection requirements for electrical systems which perform essential or critical functions.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/30/89 | 54 FR 23164 |
| NPRM Comment Period End | 09/27/89 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Analysis: Regulatory Evaluation
05/30/89 (54 FR 23164)

Additional Information: Project No. ANM-86-014R.

Agency Contact: Gene Vandermolten, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2157

RIN: 2120-AC81

2491. AIRWORTHINESS STANDARDS; AIRCRAFT ENGINES; PROPOSAL FOR NEW ONE-ENGINE-INOPERATIVE RATINGS, DEFINITIONS, AND TYPE CERTIFICATION STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 1347; 49 USC 1348; 49 USC 1354(a); 49 USC 1357(d)(2); 49 USC 1372; 49 USC 1421 to 1430; 49 USC 1432; 49 USC 1442; 49 USC 1443; 49 USC 1472; 49 USC

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1510; 49 USC 1522; 49 USC 1652(e); 49 USC 1655(c); 49 USC 106(g)

CFR Citation: 14 CFR 1; 14 CFR 33

Legal Deadline: None

Abstract: The Aerospace Industries Association of America, Inc., petitioned the FAA to provide new one-engine-inoperative ratings for rotorcraft engines and their application to rotorcraft. This notice responded to that petition and proposed to define and establish type certification standards for new one-engine-inoperative ratings for rotorcraft engines.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 09/22/89 | 54 FR 39080 |
| Notice of Public Hearing | 10/13/89 | 54 FR 41986 |
| NPRM Comment Period End | 03/27/90 | |
| Final Action | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/22/89 (54 FR 39080)

Additional Information: Project No. ANE-85-001R.

Agency Contact: Donald F. Perrault, Engine and Propeller Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803, 617 273-7081

RIN: 2120-AD21

2492. IMPROVED FLAMMABILITY STANDARDS FOR MATERIALS USED IN THE INTERIORS OF TRANSPORT CATEGORY AIRPLANE CABINS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1472; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This notice proposed to clarify the recently adopted standards concerning the flammability of components used in the cabins of certain transport category airplanes. These clarifications would be

applicable to air carriers, air taxi operators and commercial operators, as well as manufacturers of such airplanes.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 04/12/90 | 55 FR 13886 |
| NPRM Comment Period End | 10/09/90 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/12/90 (55 FR 13886)

Additional Information: Project No. ANM-88-024R.

Agency Contact: Gary Killion, Manager, Regulations Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2112

RIN: 2120-AD28

2493. AIRWORTHINESS STANDARDS; EMERGENCY EXIT PROVISIONS FOR NORMAL, UTILITY, ACROBATIC, AND COMMUTER CATEGORY AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This notice proposed to amend emergency egress requirements of the airworthiness standards for normal, utility, acrobatic, and commuter category airplanes. These proposed rules are necessary to improve the compatibility of the requirements for emergency exit provisions of commuter category airplanes with the corresponding requirements for similar sized transport category airplanes. These proposals provide alternative emergency exit requirements, applicable to commuter category airplanes, when additional bin safety features are included in the airplane design, and include specific requirements for flight crew emergency exits, emergency exit ditching provisions, and the size requirement of the passenger entry door for commuter

category airplanes. Originally this rulemaking was considered significant. However, because this rule would impact relatively few aircraft and would provide options in some cases, this rulemaking is no longer significant.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/30/90 | 55 FR 35544 |
| NPRM Correction | 10/04/90 | 55 FR 40755 |
| NPRM Comment Period End | 02/26/91 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/30/90 (55 FR 35544)

Additional Information: Project No. ACE-88-001R. This project was formerly entitled Exit Requirements for Part 23 Airplanes.

Agency Contact: Norman R. Vetter, Standards Office, Small Airplane Directorate, Department of Transportation, Federal Aviation Administration, 610 East 12th Street, Kansas City, MO 64106, 816 426-5688

RIN: 2120-AD33

2494. AIRPLANE ENGINE COWLING RETENTION

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposed to amend the airworthiness standards for transport category airplanes to require improved cowling retention devices. A review of a number of inflight incidents where engine cowlings were lost revealed that the largest single cause of such losses was improper latching of the cowlings. If adopted, this proposal would provide additional design standards to detect improperly latched cowlings and ensure the integrity of the latching system.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/19/89 | 54 FR 38610 |
| NPRM Comment Period End | 03/19/90 | |
| Final Action | 07/00/94 | |

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Small Entities Affected: None
Government Levels Affected: None
Analysis: Regulatory Evaluation
 09/19/89 (54 FR 38610)

Additional Information: Project No.
 ANM-87-004R.

Agency Contact: Mike McRae,
 Airframe and Propulsion Branch,
 Aircraft Certification Service,
 Department of Transportation, Federal
 Aviation Administration, Northwest
 Mountain Region, 1601 Lind Avenue
 SW., Renton, Washington 98055-4056,
 206 227-2133

RIN: 2120-AD34

2495. DESIGN STANDARDS FOR AIRPLANE JACKING AND TIE-DOWN PROVISIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposed new design standards for airplane jacking and tie-down provisions for transport category airplanes. This proposal is needed to provide manufacturers of transport category airplanes with design standards for jacking conditions and is intended to provide protection of the airplane primary structure during wind gust conditions, during jacking operations, and while tied down.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 02/09/90 | 55 FR 4790 |
| NPRM Comment Period End | 08/08/90 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
 02/09/90 (55 FR 4790)

Additional Information: Project No.
 ANM-84-006R. This project was
 formerly entitled "Airplane Jacking
 Loads."

Agency Contact: Iven Connally,
 Airframe and Propulsion Branch,
 Aircraft Certification Service,
 Department of Transportation, Federal
 Aviation Administration, Northwest

Mountain Region, 1601 Lind Avenue
 SW., Renton, Washington 98055-4056,
 206 227-2120

RIN: 2120-AD38

2496. CENTRALIZATION OF FORMAL HEARING DOCKETS (FAA)

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1354(c); 49 USC 1374(d); 49 USC 1401 to 1406; 49 USC 1421 to 1428; 49 USC 1471; 49 USC 1475; 49 USC 1481; 49 USC 1482(a) to 1482(c); 49 USC 1484 to 1489; 49 USC 1655(c); 49 USC 1808 to 1810; 49 USC 2218 to 2219; 49 USC 106(g)

CFR Citation: 14 CFR 13

Legal Deadline: None

Abstract: This final action would provide that documents and evidence in formal hearing cases adjudicated within the Federal Aviation Administration would be filed and maintained in the Office of the Secretary's Office of Documentary Services. The change would be made in order to streamline operations and to consolidate the documents used in formal hearing cases.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Denise Daniels Ross,
 Special Assistant to the Chief Counsel,
 Office of the Chief Counsel, Department
 of Transportation, Federal Aviation
 Administration, 800 Independence
 Avenue SW., Washington, DC 20591,
 202 267-3773

RIN: 2120-AD63

2497. PROTECTIVE BREATHING EQUIPMENT; CARGO-ONLY AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This action proposed to revise the Federal Aviation Regulations governing portable protective breathing equipment (PBE) required for crewmembers' use in combatting in-

flight fires. This action addresses concerns and issues identified by the Air Transport Association and several operators regarding required portable PBE for cargo-only operations. This action also would clarify the Federal Aviation Regulations governing required portable PBE in passenger compartments. Originally this rulemaking was considered significant. However, because there is no substantial public interest, this rulemaking is no longer significant.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 03/29/93 | 58 FR 16584 |
| NPRM Comment Period End | 05/28/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
 03/29/93 (58 FR 16584)

Additional Information: Project Number
 AFS-90-324R.

Agency Contact: Donell Pollard, Air
 Transportation Division, Office of
 Flight Standards, Department of
 Transportation, Federal Aviation
 Administration, 800 Independence
 Avenue SW., Washington, DC 20591,
 202 267-8096

RIN: 2120-AD74

2498. TEMPORARY RESTRICTION OF INSTRUMENT APPROACHES AND CERTAIN VISUAL FLIGHT RULES OPERATIONS IN HIGH PRESSURE WEATHER CONDITIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); EO 11514

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This notice would propose to amend the Federal Aviation Regulations to authorize the issuance of temporary flight restrictions to certain operations when accurate altitude information is not available.

Timetable:

| Action | Date | FR Cite |
|--------|----------|------------|
| NPRM | 03/12/92 | 57 FR 8830 |

DOT—FAA

Final Rule Stage

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM Comment | 05/11/92 | |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/12/92 (57 FR 8830)

Additional Information: Project Number AFS-90-183R.

Agency Contact: Donell Pollard, Regulations Branch, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8096

RIN: 2120-AD75

2499. MODEL ROCKET OPERATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1372; 49 USC 1421; 49 USC 1442; 49 USC 1443; 49 USC 1472; 49 USC 1510; 49 USC 1522

CFR Citation: 14 CFR 101

Legal Deadline: None

Abstract: This notice would propose to extend the inapplicability of part 101 to heavier model rockets.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/10/92 | 57 FR 41628 |
| NPRM Comment | 12/09/92 | |
| Period End | | |
| Final Action | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/10/92 (57 FR 41628)

Additional Information: This project was formerly entitled "Part 101 Review Program." Project Number ATP-84-020R. The NPRM herein was inadvertently published under RIN 2120-AB75, a completed action.

Agency Contact: Joseph White, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9246

RIN: 2120-AD84

2500. EXIT SEATING FOR ON-DEMAND OPERATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 135

Legal Deadline: None

Abstract: This action would amend the exit seating rule to exclude from its applicability commuter air carrier aircraft having 9 or fewer passenger seats and on-demand air taxi aircraft having 19 or fewer passenger seats. These proposed amendments are intended to relieve air carriers and persons with disabling conditions of unnecessary burdens by allowing, on a commuter-carrier aircraft, seating in an exit-row seat a passenger who is not able, or willing without assistance, to activate an emergency exit. The revisions would eliminate unnecessary requirements for safe evacuation in an emergency, as seating configurations in such aircraft tend to differ from standard aisle-and-row seating and frequently include single units around a central open space in the cabin, couch seats, and club seating, which provide undefined, unrestricted paths to the exits.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/28/92 | 57 FR 48666 |
| NPRM Comment | 11/27/92 | |
| Period End | | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/28/92 (57 FR 48666)

Additional Information: Project Number AFS-91-332R.

Agency Contact: Donell Pollard, Air Transportation Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8096

RIN: 2120-AE44

2501. AIRPORT CONSTRUCTION, ALTERATION, ACTIVATION, AND DEACTIVATION

Significance: Nonsignificant

Legal Authority: 49 USC 1350; 49 USC 1354(a); 49 USC 1355

CFR Citation: 14 CFR 157

Legal Deadline: None

Abstract: This action will respond to comments invited on the final rule of 07/24/91 (56 FR 33994) concerning construction, alteration, activation, and deactivation of airports.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No.: ATP-91-204R.

Agency Contact: Richard Kagehiro, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-7667

RIN: 2120-AE52

2502. KANSAS CITY TERMINAL CONTROL AREA

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This action would alter the Kansas City, MO, Terminal Control Area (TCA) to redefine several existing subareas to improve air traffic procedures and simplify visual flight rules operations outside the TCA. The primary goal of this modification to the TCA is to improve the degree of safety while providing the most efficient use of the terminal airspace.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/21/93 | 58 FR 33878 |
| NPRM Comment | 08/20/93 | |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 06/21/93 (58 FR 33878)

Additional Information: Project Number: ATP-92-285R

Agency Contact: Lewis Still, Air Traffic Rules Branch, Air Traffic Rules and Procedures Services, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9250

RIN: 2120-AE73

DOT-FAA

Final Rule Stage

2503. ACCELERATED STALLS IN COMMUTER CATEGORY AIRPLANES**Significance:** Nonsignificant**Legal Authority:** 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1430; 49 USC 106(g)**CFR Citation:** 14 CFR 23**Legal Deadline:** None

Abstract: This action would eliminate the certification requirement to demonstrate an accelerated entry stall for commuter category airplanes. Such aircraft typically have high power-to-weight ratios that require the airplane to achieve extremely high angles of attack (excessive nose-high attitudes) during stall demonstrations. Recovery from accelerated entry stalls is less certain for airplanes that attain these extreme nose-high angles. The proposed change would remove a potential hazard during flight demonstrations required for type certification without compromising passenger safety. Originally this rulemaking was considered significant. However, since there is no substantial public interest or cost, this rulemaking is no longer considered significant.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/07/93 | 58 FR 32034 |
| NPRM Comment Period End | 09/07/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 06/07/93 (58 FR 32034)**Additional Information:** Project No. ACE-92-683A.

Agency Contact: J. Lowell Foster, Small Airplane Directorate, ACE-112, Department of Transportation, Federal Aviation Administration, 601 East Twelfth Street, Room 1544, Kansas City, MO 64106, 816 426-5688

RIN: 2120-AE86

2504. PART 95 INSTRUMENT FLIGHT RULES**Significance:** Routine and Frequent**Legal Authority:** 49 USC 1348; 49 USC 1354; 49 USC 1510; 49 USC 106(g)**CFR Citation:** 14 CFR 95**Legal Deadline:** None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2500. 10/00/92 - 10/00/93.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Louis C. Cusimano, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8212

RIN: 2120-AA63

2505. AIRWORTHINESS DIRECTIVES**Significance:** Routine and Frequent**Legal Authority:** 49 USC 1421; 49 USC 1423; 49 USC 106(g)**CFR Citation:** 14 CFR 39**Legal Deadline:** None

Abstract: Nonsignificant regulations issued routinely and frequently in order to correct known or expected safety problems on type certificated products. Total actions expected--400. 10/00/92 - 10/00/93.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** None

Agency Contact: Jack McGrath, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9580

RIN: 2120-AA64

2506. STANDARD INSTRUMENT APPROACH PROCEDURES**Significance:** Routine and Frequent**Legal Authority:** 49 USC 1348; 49 USC 1354(a); 49 USC 1421; 49 USC 1510; 49 USC 106(g)**CFR Citation:** 14 CFR 97**Legal Deadline:** None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2,800. 10/00/92 - 10/00/93.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Louis C. Cusimano, General Aviation and Commercial Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8212

RIN: 2120-AA65

2507. AIRSPACE ACTIONS**Significance:** Routine and Frequent**Legal Authority:** 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; 49 USC 1522**CFR Citation:** 14 CFR 71; 14 CFR 73; 14 CFR 75**Legal Deadline:** None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--240 through 10/00/93

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Richard Huff, Manager, Airspace Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3075

RIN: 2120-AA66

**DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)**

Completed Actions

**2508. +SMALL AIRPLANE
AIRWORTHINESS REVIEW PROGRAM
NOTICE NO. 4**

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This amendment changed the airframe and flight airworthiness standards for normal, utility, acrobatic, and commuter category airplanes based on a number of recommendations discussed at the Small Airplane Airworthiness Review Conference held on October 22-26, 1984. This action arose from the recognition that updated safety standards are needed for an acceptable level of safety in the design requirements for small airplanes used in both private and commercial operations. This action included design requirements applicable to advancements in technology being incorporated in current designs and will reduce the regulatory burden in showing compliance with some requirements while maintaining an acceptable level of safety. This action was considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 06/28/90 | 55 FR 26534 |
| Correction To NPRM | 08/24/90 | 55 FR 34797 |
| NPRM Comment Period Extended to 12/14/90 | 10/24/90 | 55 FR 42942 |
| NPRM Comment Period End | 10/25/90 | |
| Final Action | 08/06/93 | 58 FR 42136 |
| Final Action Effective | 09/07/93 | |
| Final Action; Correction | 10/05/93 | 58 FR 51970 |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/06/93 (58 FR 42136)

Additional Information: Project No. ACE-84-012R.

Agency Contact: Victor F. Sokoloski, Standards Office, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 610 East 12th Street, Kansas City, MO. 64106, 816 426-5688

RIN: 2120-AD20

**2509. +SMALL AIRPLANE
AIRWORTHINESS REVIEW PROGRAM
NOTICE NO. 3**

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This final rule amends the powerplant and equipment airworthiness standards for normal, utility, acrobatic, and commuter category airplanes that were based on certain proposals and recommendations discussed at the Small Airplane Airworthiness Review Conference held in St. Louis, Missouri, on October 22-26, 1984. These proposals arose from the recognition, by both government and industry, that updated safety standards are needed to maintain an acceptable level of safety in the design requirements for small airplanes that are used in both private and commercial operations. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 10/03/90 | 55 FR 40598 |
| NPRM Comment Period End | 04/01/91 | |
| NPRM Comment Period Extended To 07/02/91 | 05/24/91 | 56 FR 23813 |
| NPRM Comment Period Extended To 08/21/91 | 07/22/91 | 56 FR 33688 |
| Final Action | 04/09/93 | 58 FR 18958 |
| Final Rule Correction | 05/06/93 | 58 FR 27060 |
| Final Action Effective | 05/10/93 | 58 FR 18958 |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 10/03/90 (55 FR 40598); Regulatory Evaluation 04/09/93 (58 FR 18958)

Additional Information: Project No. ACE-84-011R.

Agency Contact: Ervin E. Dvorak, Standards Office, Small Airplane Directorate, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, 816 426-5688

RIN: 2120-AD30

**2510. +ESTABLISHMENT AND
DISCONTINUANCE CRITERIA FOR
LORAN-C NONPRECISION
APPROACH PROCEDURES**

Significance: Agency Priority

Legal Authority: 49 USC 1343; 49 USC 1346; 49 USC 1348; 49 USC 1354(a); 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422 to 1430; 49 USC 1472(c); 49 USC 1502; 49 USC 1522; 49 USC 106(g)

CFR Citation: 14 CFR 170

Legal Deadline: None

Abstract: This action prescribed benefit-cost-based criteria for establishment and discontinuance of LORAN-C nonprecision approach procedures at airports. FAA will consider traffic density, passengers served, and aircraft operating efficiencies along with the cost of establishing and maintaining an approach. The criteria will provide a guide for FAA management to assure the cost-effective placement of LORAN-C approaches. This rulemaking was considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 01/31/92 | 57 FR 3830 |
| NPRM Comment Period End | 04/30/92 | |
| Final Action | 08/11/93 | 58 FR 42814 |
| Final Action Effective | 09/10/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/11/93 (58 FR 42814)

Additional Information: Project Number APO-90-340R.

Agency Contact: Norman Elrod, Office of Aviation Policy and Plans, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3292

RIN: 2120-AD68

**2511. +PROTECTIVE BREATHING
EQUIPMENT; FIRE DRILLS**

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

DOT-FAA

Completed Actions

Legal Deadline: None

Abstract: This action amended the current regulations requiring part 121 crewmembers to perform an approved firefighting drill using protective breathing equipment. The objective of this amendment is to ensure that each crewmember accomplishes a firefighting drill in which the crewmember combats an actual fire in addition to, or combined with, a protective breathing equipment drill. This action was considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/26/92 | 57 FR 38718 |
| NPRM Comment Period End | 10/26/92 | |
| Final Action | 09/01/93 | 58 FR 46500 |

Small Entities Affected: None**Government Levels Affected:** None

Analysis: Regulatory Evaluation 09/01/93 (58 FR 46500)

Additional Information: Project Number AFS-90-325R.

Agency Contact: Donell Pollard, Regulations Branch, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8096

RIN: 2120-AD76

2512. +BIENNIAL FLIGHT REVIEW

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61

Legal Deadline: None

Abstract: This action amended part 61 of the Federal Aviation Regulations to require that the biennial flight review consist of a minimum of one hour of ground training and one hour of flight training. This action was significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/22/92 | 57 FR 32680 |
| NPRM Correction | 09/14/92 | 57 FR 41974 |
| NPRM Comment Period End | 09/21/92 | |
| Final Action | 07/28/93 | 58 FR 40562 |
| Final Action Effective | 08/31/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Analysis: Regulatory Evaluation 07/28/93 (58 FR 40562)

Additional Information: Project Number AFS-90-431R.

A final rule published 09/05/91 (56 FR 43970) extended the compliance date for recreational pilots and non-instrument-rated private pilots with less than 400 hours of flight time to receive an annual flight review of a minimum of one hour each of flight and ground instruction. This action was necessary to allow the agency adequate time to complete the rulemaking herein. (A correction to the final rule was published 11/06/91, 56 FR 56571.)

Agency Contact: Tom Glista, Regulations Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-8150
RIN: 2120-AE11

2513. +PROPOSED ALTERATION OF THE DENVER TERMINAL CONTROL AREA, COLORADO

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This action altered the Denver, Colorado, terminal control area to coincide with the relocation of the new Denver International Airport. It also raised the upper limits of the terminal control area to 12,500 feet mean sea level to enable air traffic control to provide terminal air traffic control service to arriving and departing turbojet aircraft in a terminal control environment throughout transition to and from the en route structure. This rulemaking was considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/26/92 | 57 FR 38724 |
| NPRM Comment Period End | 10/26/92 | |
| Final Action | 09/17/93 | 58 FR 48722 |
| Final Rule; Correction | 10/06/93 | 58 FR 52140 |
| Final Action Effective | 12/19/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/17/93 (58 FR 48722)

Additional Information: Project Number ATP-91-310T.

Agency Contact: Alton D. Scott, Airspace and Obstruction Evaluation Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-9252
RIN: 2120-AE46

2514. +SPECIAL FLIGHT AUTHORIZATIONS FOR NOISE-RESTRICTED AIRCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471 to 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 4321 et seq; 49 USC 106(g); EO 11514

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This final rule establishes a new Special Federal Aviation Regulation (SFAR) that will allow persons to bring a noise-restricted aircraft into the United States under certain conditions without requesting an exemption. This SFAR is necessary because the former one (SFAR 47-3) expired on December 31, 1991. The new SFAR is also necessary because the Airport Noise and Capacity Act of 1990 provides for the operation of otherwise restricted Stage 2 aircraft in the United States if the aircraft are modified to meet Stage 3 noise levels. This action was significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/03/93 | 58 FR 31640 |
| Final Action Effective | 06/03/93 | |
| Final Rule Correction | 06/16/93 | 58 FR 33189 |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/03/93 (58 FR 31640)

Additional Information: Project Number: AEE-92-153R. Comments to the final rule were accepted until 10/01/93.

DOT—FAA

Completed Actions

Agency Contact: Laurie Fisher, Policy and Regulatory Division, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3561

RIN: 2120-AE49

2515. +EXPLOSIVE DETECTION SYSTEMS

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1356 to 1357; 49 USC 1358(a); 49 USC 1358(c); 49 USC 1421; 49 USC 1424; 49 USC 1511; 49 USC 106(g)

CFR Citation: 14 CFR 108

Legal Deadline: None

Abstract: This action established criteria for the certification of explosive detection systems to screen checked baggage for international flights. These criteria establish minimum performance requirements for explosive detection systems. This action was taken to implement section 108 of the Aviation Security Improvement Act of 1990, which requires the Administrator to certify such systems prior to mandating their deployment. The 11/04/92 notice included those portions of the criteria that do not contain sensitive security information. This action was considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Notice of Proposed Criteria for Certification of Explosive Detection System | 11/04/92 | 57 FR 52698 |
| Criteria Notice; Comment Period Extended to 02/04/93 | 01/07/93 | 58 FR 3192 |
| Notice of Final Criteria | 09/10/93 | 58 FR 47804 |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/10/93 (58 FR 47804)

Additional Information: Project Number: ACS-92-314R

Agency Contact: Bruce Butterworth, Director, Office of Civil Aviation Security, Policy and Planning, Department of Transportation, Federal Aviation Administration, 800

Independence Avenue SW., Washington, DC 20591, 202 267-8058
RIN: 2120-AE77

2516. +OPERATION OF JET AIRCRAFT IN COMMUTER SLOTS AT O'HARE INTERNATIONAL AIRPORT

Significance: Agency Priority

Legal Authority: 49 USC 106(g); 49 USC 1302 to 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1424; 49 USC 2451 et seq

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: This action eliminated the limits on the use of larger aircraft in commuter slots at O'Hare Airport for a temporary 2-year trial period. It also permits an air carrier to use larger aircraft in up to 50 percent of its commuter slot holdings, expands the category of aircraft that may be used in those slots, and removes restrictions on the maximum number of larger aircraft operations in commuter slots per half-hour periods. This action was significant because of substantial public and industry interest.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 01/05/93 | 58 FR 280 |
| NPRM Comment Period End | 03/08/93 | |
| Final Action | 07/23/93 | 58 FR 39610 |
| Final Action Effective | 08/25/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/23/93 (58 FR 39610)

Agency Contact: Patricia R. Lane, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 202 267-3491

RIN: 2120-AE78

2517. AIRWORTHINESS STANDARDS: AIRCRAFT ENGINE ELECTRICAL AND ELECTRONIC ENGINE CONTROL SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 33

Legal Deadline: None

Abstract: This final rule establishes requirements for the certification of

electrical and electronic engine control systems. These control systems range from simple power or thrust trimming devices with full hydromechanical backup to full authority digital electronic controls with no mechanical backup. Although these types of control systems have been certificated under existing regulations, those regulations do not address specific requirements related to electrical and electronic engine controls such as engine supplied power and data, lightning protection, high energy radio frequency protection, and software verification/validation.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 02/14/85 | 50 FR 6186 |
| NPRM Comment Period End | 07/29/85 | |
| Final Action | 05/18/93 | 58 FR 29088 |
| Final Action Effective | 08/16/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/14/85 (50 FR 6186); Regulatory Evaluation 05/18/93 (58 FR 29088)

Additional Information: Project No. ANE-83-001R.

Agency Contact: Cosimo J. Bosco, Engine and Propeller Standards Staff, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7068

RIN: 2120-AB06

2518. MISCELLANEOUS CHANGES TO EMERGENCY EVACUATION DEMONSTRATION PROCEDURES, EXIT HANDLE ILLUMINATION, AND PA HANDSETS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None

Abstract: This action modified the procedures for conducting an emergency evacuation demonstration by requiring that the flight crew take no active role in the demonstration and by changing the age/sex distribution requirement for demonstration

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Completed Actions

participants. This action also standardized the illumination requirements for the handles of the various types of passenger emergency exits. In addition, it added a requirement for a "push to talk" switch to the public address system. These actions are intended to enhance the provisions of transport category airplanes for egress of occupants during emergency conditions.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/08/89 | 54 FR 37414 |
| NPRM Comment Period End | 01/08/90 | |
| Final Action | 08/26/93 | 58 FR 45224 |
| Final Action Effective | 09/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/26/93 (58 FR 45224)

Additional Information: Project No. ANM-87-010R.

Agency Contact: Frank Tiangsing, Regulations Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 227-2121

RIN: 2120-AC45

2519. DEPRESSURIZATION EVALUATION OF STRUCTURES

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action was to develop a retroactive requirement for transport category airplanes that would require that normally unpressurized areas and compartments be able to withstand the effects of the required depressurization failure conditions that have been applied to the pressurized compartments. However, as action has been effectuated through an Airworthiness Directive, this entry was terminated.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|---------|
| Action Terminated | 08/09/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. ANM-88-008R.

Agency Contact: James Haynes, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056, 206 431-2131

RIN: 2120-AD35

2520. AIRWORTHINESS STANDARDS; SMALL AIRPLANES WITH STALL SPEED GREATER THAN 61 KNOTS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This final rule amends the 61-knot stall speed limitation requirement applicable to normal, utility, and acrobatic category single-engine and certain multiengine small airplanes of less than 6,000 pounds maximum weight. The amendment would require additional occupant protection requirements for those airplanes with a stall speed exceeding 61 knots. This action retains the current level of airplane occupant protection and permits the design and type certification of higher performance, single-engine airplanes capable of attaining an increase in cruise speeds with better specific fuel consumption. This improvement in performance and operating economies cannot be achieved without substantial increased cost and complexity if these designs are constrained by the present 61-knot stall speed limitation.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/13/91 | 56 FR 22070 |
| NPRM Comment Period End | 09/10/91 | |
| Final Action | 07/19/93 | 58 FR 38634 |
| Final Action Effective | 08/18/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 07/19/93 (58 FR 38634)

Additional Information: This project was formerly entitled "61-Knot Stall Speed; Stall Speeds for Single-Engine Airplanes." Project Number ACE-83-006R.

Agency Contact: Victor F. Sokoloski, Standards Office, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 426-6941

RIN: 2120-AD48

2521. SPECIAL VISUAL FLIGHT RULES (SVFR) OPERATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471 to 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 4321 et seq; 49 USC 106(g)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This rule amended certain regulations governing special visual flight rules (SVFR) operations. By omission of certain words and phrases, the Airspace Reclassification final rule inadvertently altered the applicability and scope of part 91 SVFR provisions. This action restored the applicability and scope of the SVFR provisions and reestablished airspace for SVFR operations essentially equivalent to that which existed prior to those amendments.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/08/93 | 58 FR 32244 |
| NPRM Comment Period End | 07/08/93 | |
| Final Action | 10/05/93 | 58 FR 51966 |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/05/93 (58 FR 51966)

Additional Information: Project No. ATP 93-135R.

Although originally designated significant, this action was deemed nonsignificant upon reanalysis, as none of the eight criteria for significant status was met.

DOT—FAA

Completed Actions

Agency Contact: Melodie M. DeMarr,
Air Traffic Rules Branch, ATP-230,
Department of Transportation, Federal
Aviation Administration, 800
Independence Avenue SW.,
Washington, DC 20591, 202 267-8783
RIN: 2120—AE85

**DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)**

Prerule Stage

**2522. • +COMMERCIAL DRIVER
PHYSICAL FITNESS AS PART OF THE
CDL PROCESS**

Significance: Agency Priority

Legal Authority: 49 USC app
2704(a)(8); 49 USC app 2505; 49 USC
app 3102

CFR Citation: 49 CFR 391; 49 CFR 383;
49 CFR 1.48; 49 CFR 391.11; 49 CFR
391.45

Legal Deadline: None

Abstract: The FHWA is proposing to include the certification of fitness to operate a CMV in the commercial driver's license (CDL) process. Incorporating the commercial driver fitness determination into State administered CDL procedures could allow elimination of the requirement that CMV drivers carry a separate medical certificate. The CDL would be evidence that the CMV driver is physically fit as well as operationally qualified to operate CMVs safely. This action addresses the driver's physical qualifications as they relate to the CDL process; it does not address whether those standards are correct or should be changed.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: The FHWA considers this a significant action due to anticipated substantial public interest.

Agency Contact: Carol Harbaugh,
Department of Transportation, Federal
Highway Administration, 400 Seventh
Street SW., Washington, DC 20590, 202
366-4001

RIN: 2125—AD20

**2523. • +QUALIFICATIONS OF
DRIVERS: HEARING DEFICIENCIES**

Significance: Agency Priority

Legal Authority: 49 USC 3102; 49 USC
app 2505

CFR Citation: 49 CFR 391; 49 CFR 1.48

Legal Deadline: None

Abstract: FHWA is considering amending its driver qualification requirements relating to the hearing standard found at 49 CFR 391.41(b)(11). FHWA believes that a review of the standard is necessary to assess the effect advances in medical science and technology may have on the standard. Such advances may lead to amending the current standard. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation
10/00/93

Additional Information: A related notice of intent to accept waivers will be published shortly.

Agency Contact: Sandra Zywockarte,
Department of Transportation, Federal
Highway Administration, 400 Seventh
Street SW., Washington, DC 20590, 202
366-2987

RIN: 2125—AD22

**2524. CERTIFICATION OF SIZE AND
WEIGHT ENFORCEMENT**

Significance: Nonsignificant

Legal Authority: 23 USC 127; 23 USC
141; 23 USC 315

CFR Citation: 23 CFR 657

Legal Deadline: None

Abstract: This rulemaking action proposes to amend existing regulations contained in 23 CFR 657 by changing the requirements for State enforcement plans and certifications as well as the FHWA evaluation of State operations under the enforcement plans. The revised requirements will be determined through the rulemaking process. The revisions will result in evaluations and certifications being based more closely on the approved plans.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Dennis Miller,
Department of Transportation, Federal
Highway Administration, 400 Seventh
Street SW., Washington, DC 20590, 202
366-4026

RIN: 2125—AC60

**2525. PARTS AND ACCESSORIES
FOR SAFE OPERATION:
INTERMODAL CARGO CONTAINERS**

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC
app 2505; 49 USC 1.48

CFR Citation: 49 CFR 393

Legal Deadline: None

Abstract: The purpose of this ANPRM is to gather information and views regarding the need, if any, to amend the requirements of the Federal Motor Carrier Safety Regulations for securing intermodal cargo containers to trailers.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 08/23/93 | 58 FR 44485 |
| ANPRM Comment Period End | 11/22/93 | |

Small Entities Affected: Undetermined

DOT—FHWA

Prerule Stage

Government Levels Affected: None

Agency Contact: Deborah M. Freund, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

RIN: 2125-AC74

2526. • HIGHWAY BEAUTIFICATION

Significance: Nonsignificant

Legal Authority: 23 USC 131; 23 USC 315; 49 USC 1651

CFR Citation: 23 CFR 750, subpart B; 23 CFR 750, subpart E; 23 CFR 750, subpart G

Legal Deadline: None

Abstract: The revision of these subparts will reduce their complexity, recognize the existence of State laws, regulations, and organizations implementing 23 USC 131, and emphasize the position of the State as the initial, primary, and principal focal point regarding the requirement of effective control. Potential costs should be reduced, albeit minimally. The principal benefit will be to give the States greater ability, in the context of the broad requirements of 23 USC 131, to respond to concepts and issues relevant to the States.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
10/00/93

Agency Contact: Roger C. Kezar, Chief, Special Programs and Evaluations Branch, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington DC 20590, 202 366-2021

RIN: 2125-AD24

**DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)**

Proposed Rule Stage

2527. +COMMERCIAL DRIVER'S LICENSE STANDARDS; BIOMETRIC IDENTIFIER

Significance: Regulatory Program

Legal Authority: PL 100-690, sec 9105

CFR Citation: 49 CFR 383

Legal Deadline: Final, Statutory, December 31, 1990.

Abstract: This action was initiated to improve identification systems for truck and bus drivers as identified by the Congress in the Truck and Bus Regulatory Reform Act of 1988. Alternatives that were considered included retinal eye scans and advanced fingerprint technologies. After (1) further review, (2) a careful analysis of public comments submitted to the ANPRM, and (3) a review of demonstration project results, the FHWA has determined that current technology has not progressed to the point where an identification system could be established nationwide in a cost-effective manner and still provide the benefits for which a system was intended. Therefore, the FHWA has published an informational notice to summarize the results of the pilot study and the comments to the ANPRM to demonstrate how the technologies studied fall short of the demands in a commercial licensing environment. When information is available that the technologies would be beneficial to the CDL program and after completing additional studies on the accuracy of the current systems, the FHWA will propose standards for the biometric

identifier. This project is considered significant because of substantial (cont)

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| ANPRM | 05/15/89 | 54 FR 20875 |
| ANPRM Comment | 07/14/89 | 54 FR 20875 |
| Period End | | |
| Information Notice | 03/08/91 | 56 FR 9925 |
| Published | | |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation

Additional Information: ABSTRACT
CONT: public interest.

Agency Contact: Phil Roke, Transportation Specialist, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4001

RIN: 2125-AC24

2528. +CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING; FOREIGN-BASED MOTOR CARRIERS AND DRIVERS

Significance: Regulatory Program

Legal Authority: 23 USC 315; 49 USC 2505; 49 USC 3102; 49 USC app 2717

CFR Citation: 49 CFR 382

Legal Deadline: Final, Statutory, October 28, 1992.

Abstract: This action requests comments on the applicability of

alcohol and controlled substances testing requirements for foreign-based drivers of motor carriers under the Omnibus Transportation Employee Testing Act of 1991. The FHWA has published two notices of proposed rulemaking regarding controlled substances testing of CMV drivers. The FHWA needs information concerning foreign government laws and regulations that may conflict with the proposed rules. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 12/15/92 | 57 FR 59536 |
| ANPRM Comment | 02/16/93 | |
| Period End | | |
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Miller, Transportation Specialist, Standards Development Division, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

RIN: 2125-AD11

2529. +WEIGHT THRESHOLD ADJUSTMENTS FOR COMMERCIAL MOTOR VEHICLES

Significance: Agency Priority

DOT—FHWA

Proposed Rule Stage

Legal Authority: 49 USC app 2505; 49 USC 504; 49 USC 3102; 49 CFR 1.48
CFR Citation: 49 CFR 390; 49 CFR 391; 49 CFR 392; 49 CFR 396

Legal Deadline: None

Abstract: As a result of both a petition by the Delaware Department of Public Safety and an FHWA review of its regulations, the FHWA is considering an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) of vehicles with a gross vehicle weight rating (GVWR) of less than 26,001 pounds. The FHWA is also involved in a zero-base review of the FMCSRs, which is much broader in scope than the potential exemption. Because the regulatory review and the zero-base project are similar exercises, and because there is a lack of conclusive data about the relative safety risks of commercial motor vehicles in various weight categories, the FHWA will consider the proposed exemption in the broader context of the zero-base project. This action is considered significant because of its potential impact on the motor-carrier industry.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| ANPRM | 02/17/89 | 54 FR 7224 |
| ANPRM Comment | 04/03/89 | 54 FR 13391 |
| Period Extended to | 06/19/89 | |
| ANPRM Comment | 04/18/89 | 54 FR 7224 |
| Period End | | |
| ANPRM Comment | 06/15/89 | 54 FR 25484 |
| Period Extended to | 11/03/89 | |
| NPRM | 10/00/95 | |

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 10/00/95

Additional Information: This action was originally titled "Federal Motor Carrier Safety Regulations; General; Commercial Motor Vehicle Definition"; it was later titled "Simplifying Revisions and Weight Threshold Adjustments to the Federal Motor Carrier Safety Regulations."

Agency Contact: James Scapellato, Director, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1790

RIN: 2125-AC27

2530. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; MOTOR VEHICLE MARKING

Significance: Agency Priority

Legal Authority: 49 USC 3102; 49 USC app 2503; 49 USC app 2505

CFR Citation: 49 CFR 390

Legal Deadline: None

Abstract: This rulemaking would revise 49 CFR 390.21 concerning the marking of motor vehicles. The marking requirement was promulgated in part to identify the motor-carrier population subject to the regulations and to assist in maintaining a current, up-to-date census file of all those motor carriers. This action would consider the possible use of a postcard-type form for annual census purposes in lieu of Forms MCS-137 and MCS-150 and is considered significant because of substantial public and industry interest.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 07/17/89 | 54 FR 29912 |
| ANPRM Comment | 09/15/89 | |
| Period End | | |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The action with reference to marking treatment of rental vehicles was removed from this rulemaking and completed 02/28/90 (55 FR 6991) under RIN 2125-AC51. The issue of marking requirements for all commercial motor vehicles operated in interstate commerce was designated RIN 2125-AC82 and was a completed action in the April 1992 Agenda.

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

RIN: 2125-AC28

2531. +QUALIFICATION OF DRIVERS; VISION

Significance: Agency Priority

Legal Authority: 49 USC 2505; 49 USC 3102

CFR Citation: 49 CFR 391

Legal Deadline: None

Abstract: The FHWA published a notice of final disposition (Docket No. MC-92-27) announcing its decision to

issue waivers of the vision requirements to drivers who meet certain preconditions. The purpose of this action is to gather empirical data which will be used as the basis for future rulemaking. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|------------|
| ANPRM | 02/28/92 | 57 FR 6793 |
| ANPRM Comment | 04/28/92 | |
| Period End | | |
| NPRM | 07/00/95 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: The decision to issue waivers of the vision requirements was finalized 07/16/92 (57 FR 31458) and waiver applications were accepted through 09/21/92. The waiver application period was extended 09/30/92 (57 FR 45002) to 12/31/92. Further rulemaking on vision is deferred until completion of the waiver study. Issues regarding hearing and epilepsy will be handled hereafter under separate RINs.

Agency Contact: Sandra L. Zywokarte, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

RIN: 2125-AC62

2532. +TRAINING FOR ALL ENTRY-LEVEL DRIVERS OF COMMERCIAL VEHICLES

Significance: Agency Priority

Legal Authority: PL 102-240, sec 4007

CFR Citation: 49 CFR 383

Legal Deadline: NPRM, Statutory, December 18, 1992. Final, Statutory, December 18, 1993. Other, Statutory, January 18, 1994.

Other deadline is for a report to Congress.

Abstract: This action is in response to section 4007 of the Motor Carrier Act of 1991 (title IV of the Intermodal Surface Transportation Efficiency Act of 1991). The Department must undertake a rulemaking on the need to require training of all entry-level drivers of commercial motor vehicles. If FHWA determines it is not in the public interest to issue a rule requiring such training, the Agency must submit

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Proposed Rule Stage

a report to Congress, along with results of a cost-benefit analysis, as part of the rulemaking proceeding. FHWA is also required to submit a report to Congress on the effectiveness of private-sector efforts to ensure adequate training of all entry-level drivers. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 06/21/93 | 58 FR 33874 |
| ANPRM Comment Period End | 08/20/93 | |
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
12/00/93

Agency Contact: Jerry L. Robin, Driver Standards Division, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4001

RIN: 2125-AD05

2533. • +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; INTERMODAL TRANSPORTATION

Significance: Agency Priority

Legal Authority: PL 102-548

CFR Citation: 49 CFR 390

Legal Deadline: NPRM, Statutory, April 28, 1993. Final, Statutory, July 28, 1993.

Abstract: This rulemaking action is being initiated to implement the requirements of the Intermodal Safe Container Transportation Act of 1992. Motor carriers would be prohibited from accepting a loaded intermodal container or trailer having a gross cargo weight of more than 10,000 lbs. prior to receiving written certification of the gross cargo weight and a reasonable description of the contents of the container or trailer. The certification must be provided by the person tendering the container or trailer for transportation. Carriers and intermediaries would be required to forward such written certification to any subsequent carrier. It would be illegal to coerce motor carriers to transport an intermodal container or trailer covered by the Act without the certification or with a weight that would cause the tractor-trailer

combination to exceed applicable State law.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 07/14/93 | 58 FR 37895 |
| NPRM Comment Period End | 09/13/93 | |
| NPRM Comment Period Reopened to 10/28/93 | 10/05/93 | 58 FR 51800 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
07/14/93 (58 FR 37895)

Additional Information: This rulemaking is considered to be a significant regulation under DOT regulatory policies and procedures because it affects other modal administrations of the Department and because of substantial public interest.

Agency Contact: Peter C. Chandler, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5763

RIN: 2125-AD14

2534. CONSTRUCTION CONTRACT EQUAL OPPORTUNITY COMPLIANCE PROCEDURES

Significance: Nonsignificant

Legal Authority: 23 USC 101; 23 USC 112; 23 USC 117; 23 USC 140; 23 USC 315

CFR Citation: 23 CFR 230

Legal Deadline: None

Abstract: This proposed rulemaking is being evaluated in light of FHWA's recent comprehensive regulatory review. Consideration is being given to: (1) deleting unnecessary implementing procedures from the regulation and (2) consolidating the policy requirements with 23 CFR subpart C. Proposed revisions are expected to provide a more streamlined regulatory process.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/22/82 | 47 FR 52470 |
| NPRM Comment Period End | 12/22/82 | |
| SNPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation
11/22/82 (47 FR 52470)

Additional Information: An SNPRM will be issued in order to propose updated revisions. The SNPRM will address all procedures and provisions contained in 23 CFR 230. Therefore, the related entry (RIN 2125-AB27) has been consolidated into this proceeding.

Agency Contact: Linda Brown, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1593

RIN: 2125-AB15

2535. ACQUISITION OF REAL PROPERTY FOR RIGHTS-OF-WAY

Significance: Nonsignificant

Legal Authority: 23 USC 315; PL 100-17, sec 126; PL 100-17, sec 146; 42 USC 4601 et seq

CFR Citation: 23 CFR 172; 23 CFR 710; 23 CFR 712; 23 CFR 713; 23 CFR 720; 23 CFR 740; 23 CFR 620; 23 CFR 635; 23 CFR 645

Legal Deadline: None

Abstract: The Federal Highway Administration (FHWA) is proposing to revise and consolidate several right-of-way regulations to improve the organization of the subject matter and update the content. This action will also implement sections 126 and 146 (airspace and donations) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation

Additional Information: Two related rulemaking actions are: (1) a proposed rule entitled "Right-of-Way" which appeared in a prior Agenda under RIN 2125-AB58 and (2) a proposed rule entitled "Property Management; Disposals and Airspace" which appeared in a prior Agenda under RIN 2125-AB60. Those entries have been consolidated into this rulemaking.

Agency Contact: Marshall Schy, Chief, Policy Development Branch, Department of Transportation, Federal Highway Administration, 400 Seventh

DOT—FHWA

Proposed Rule Stage

Street SW., Washington, DC 20590, 202 366-2021

RIN: 2125-AC17

2536. TRUCK LENGTH AND WIDTH EXCLUSIVE DEVICES

Significance: Nonsignificant

Legal Authority: 23 USC 315; PL 97-424, sec 411; PL 97-424, sec 416

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: The FHWA requested public comment on how, under section 411(h) and 416(b) of the Surface Transportation Act of 1982 (STA) (PL 97-424, 96 Stat. 2097), the Secretary may determine which safety or efficiency-enhancing devices are to be excluded when measuring the length and width of vehicles for compliance with federally mandated dimensions. The present system of employing rulemaking proceedings is too time-consuming and cumbersome to meet the needs of industry and is needlessly burdensome for FHWA. Therefore, a new approach will be proposed.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| ANPRM | 12/26/89 | 54 FR 52951 |
| ANPRM Comment Period Extended to 06/01/90 | 03/21/90 | 55 FR 10468 |
| ANPRM Comment Period End | 03/26/90 | |
| ANPRM Docket Reopened; Comment Period Extended to 08/21/90 | 06/22/90 | 55 FR 25673 |
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation
10/00/93

Agency Contact: Max Pieper, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4029

RIN: 2125-AC30

2537. REVISION OF MEDICAL EXAMINATION FORM AND PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 2505; 49 USC 3102

CFR Citation: 49 CFR 391

Legal Deadline: None

Abstract: This rulemaking action will seek information for the redesign of the existing medical examination form as well as amend the examination procedures to reflect the latest medical and technological advances.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: State

Additional Information: This action was formerly titled "Qualification of Drivers; Medical Examination Form."

Agency Contact: Sandra L. Zywokarte, Health and Welfare Specialist, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

RIN: 2125-AC63

2538. LONGER COMBINATION VEHICLES—DRIVER TRAINING

Significance: Nonsignificant

Legal Authority: PL 102-240, sec 4007(b)(2); Intermodal Surface Transportation Efficiency Act (ISTEA)

CFR Citation: 49 CFR 383

Legal Deadline: Final, Statutory, December 18, 1993.

Abstract: This action would consider the need to establish minimum training requirements for operators of longer combination vehicles. The training would include certification of an operator's proficiency by a certified inspector.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|------------|
| ANPRM | 01/15/93 | 58 FR 4638 |
| ANPRM Comment Period End | 03/16/93 | |
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
10/00/93

Agency Contact: Jerry Robin, Transportation Specialist, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street

SW., Washington, DC 20590, 202 366-4001

RIN: 2125-AC92

2539. • FOREST HIGHWAY PORTION OF PUBLIC LANDS HIGHWAY PROGRAM

Significance: Nonsignificant

Legal Authority: PL 102-240, sec 1032

CFR Citation: 23 CFR 660

Legal Deadline: None

Abstract: This action would revise the Forest Highway Program regulations to conform to the requirements of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). Section 1032 of the ISTEA amends 23 U.S.C. 202 and 204 to combine the forest highway category with the public lands highway category. The revision would assure expeditious and proper allocation of funds to provide public road access to the National Forest System.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/05/93 | 58 FR 51794 |
| NPRM Comment Period End | 12/06/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
10/05/93 (58 FR 51794)

Additional Information: Supplementary information in the NPRM for this action contains a section-by-section analysis of 23 CFR part 660. The analysis includes six new definitions which would be added to the regulation due to the ISTEA amendments: jurisdiction, metropolitan planning organization, public authority, public lands highway, public road, and statewide transportation planning.

Agency Contact: Allen W. Burden, Chief, Program Planning, Development, and Administration Division, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-9488

RIN: 2125-AD13

2540. • PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; PROTECTION AGAINST SHIFTING OR FALLING CARGO

Significance: Nonsignificant

DOT—FHWA

Proposed Rule Stage

Legal Authority: 49 USC 3102; 49 USC app 2505

CFR Citation: 49 CFR 393

Legal Deadline: None

Abstract: The Commercial Vehicle Safety Alliance (CVSA) has petitioned the FHWA to replace the current static breaking strength requirement for cargo tiedown assemblies with a working load limit requirement. The FHWA is proposing to amend section 393.102(b), Securement Systems, of the Federal Motor Carrier Safety Regulations (FMCSRs). The proposed amendment would require the aggregate working load limit of the tiedown assemblies used to secure an article against movement in any direction to be at least 1/2 the weight of the article secured. In addition, a table of working load limits would be added to provide motor carriers with a means of determining the number of tiedown assemblies required.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/17/93 | 58 FR 48624 |
| NPRM Comment Period End | 11/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/17/93 (58 FR 48624)

Agency Contact: Larry Minor, Office of Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

RIN: 2125-AD18

2541. • STATE PLANNING AND RESEARCH PROGRAM ADMINISTRATION

Significance: Nonsignificant

Legal Authority: PL 102-240, sec 6001

CFR Citation: 23 CFR 420

Legal Deadline: None

Abstract: In light of the ISTEA, this action would revise 23 CFR 420 to incorporate new/amended administrative requirements and to create a new subpart pertaining to research, development, and technology (RD&T) transfer activities. Existing research program requirements in 23

CFR 511 would be eliminated or incorporated into the new subpart. Consistent with the ISTEA, States would be given greater responsibility and flexibility for the management and oversight of their RD&T initiatives funded with FHWA planning and research funds.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/93

Agency Contact: Tony Solury, Community Planner, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5003

RIN: 2125-AD21

DEPARTMENT OF TRANSPORTATION (DOT)

Final Rule Stage

Federal Highway Administration (FHWA)

2542. +PRIVATE MOTOR CARRIER OF PASSENGERS

Significance: Regulatory Program

Legal Authority: 49 USC 104; 49 USC app 2503; 49 USC app 2505

CFR Citation: 49 CFR 383; 49 CFR 390; 49 CFR 391; 49 CFR 392; 49 CFR 393; 49 CFR 395; 49 CFR 396

Legal Deadline: None

Abstract: The FHWA is amending the Federal Motor Carrier Safety Regulations (FMCSRs) to make private motor carriers of passengers involved in interstate commerce subject to certain minimum safety requirements. This rulemaking is significant in that it is controversial, involving bringing new carriers under the regulatory scheme.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|------------|
| ANPRM | 01/23/85 | 50 FR 2998 |
| ANPRM Comment Period End | 03/11/85 | 50 FR 2998 |
| NPRM | 02/17/89 | 54 FR 7362 |

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM Comment Period End | 06/19/89 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/17/89 (54 FR 7362)

Additional Information: This action was formerly entitled Minimum Requirements for Private Motor Carriers of Passengers and Drivers of Private Motor Vehicles of Passengers.

Agency Contact: Dan Hartman, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

RIN: 2125-AB62

2543. +STATE COMPLIANCE WITH CDL PROGRAM

Significance: Regulatory Program

Legal Authority: PL 99-570; 49 USC 3102; 49 USC app 2505

CFR Citation: 49 CFR 383 to 384

Legal Deadline: None

Abstract: Section 12009 of the Commercial Motor Vehicle Safety Act of 1986 establishes 22 requirements under the Commercial Driver's License (CDL) program which States must meet before October 1, 1993, to avoid losing a portion of their Federal-aid highway funds. This regulation will delineate the criteria and standards which the FHWA will use in determining whether a State is substantially in compliance with the 22 requirements. In addition, the rule will include a procedure governing initial and subsequent reviews of State compliance with these requirements. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 06/24/93 | 58 FR 34344 |

DOT—FHWA

Final Rule Stage

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM Comment | 08/23/93 | 58 FR 34344 |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/24/93 (58 FR 34344)

Agency Contact: Robert Redmond, Transportation Specialist, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4001

RIN: 2125-AC53

2544. +CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING

Significance: Regulatory Program

Legal Authority: 49 USC 2505; 49 USC 3102; 49 USC app 2717

CFR Citation: 49 CFR 382; 49 CFR 391

Legal Deadline: Final, Statutory, October 28, 1992.

Abstract: This action would create a new 49 CFR part 382 addressing controlled substances and alcohol testing. This new part would conform to the requirements of the Omnibus Transportation Employee Testing Act of 1991 by encompassing intrastate and interstate commercial vehicle operators, including governmental employees, for uniform controlled substances testing. Any resultant final rule, however, would not preempt provisions of State criminal law. This action deals with controlled substances testing only. Alcohol testing is dealt with in RIN 2125-AC85. This action is significant because of substantial public and congressional interest.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/15/92 | 57 FR 59567 |
| NPRM Comment | 04/14/93 | |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 12/15/92 (57 FR 59567)

Additional Information: Under a pilot program announced 04/09/93 (58 FR

18441), FHWA is funding random roadside alcohol and controlled substances testing of commercial motor vehicle operators, for 1 year, by State officials in Minnesota, Nebraska, New Jersey, and Utah.

Agency Contact: David Miller, Transportation Specialist, Standards Development Division, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

RIN: 2125-AD06

2545. +SAFETY FITNESS PROCEDURES; SAFETY RATINGS

Significance: Agency Priority

Legal Authority: 49 USC app 2512; 49 USC 104; 49 USC 504; 49 USC 521(b)(5)(A); 49 USC 3102; 49 USC app 1814; PL 101-500

CFR Citation: 49 CFR 385

Legal Deadline: None

Abstract: This action will amend the Federal Motor Carrier Safety Regulations to implement provisions of the Motor Carrier Safety Act of 1990 (section 15 of PL 101-500). This enactment prohibits a motor carrier that receives an "unsatisfactory" safety rating from operating commercial motor vehicles to transport hazardous materials in quantities for which vehicle placarding is required or to transport more than 15 passengers, including the driver. The prohibition is effective 45 days after receipt of an unsatisfactory rating and remains in effect until a satisfactory rating is secured. This action is considered significant because of substantial public and congressional interest.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 08/16/91 | 56 FR 40801 |
| Final Action | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 08/16/91 (56 FR 40801)

Additional Information: The interim final rule was effective upon publication 08/16/91. Statutory prohibition became effective January 1, 1991.

Agency Contact: Neill L. Thomas, Office of Motor Carrier Standards,

Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

RIN: 2125-AC71

2546. +FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL TRANSPORTATION OF HAZARDOUS MATERIALS

Significance: Agency Priority

Legal Authority: 49 USC app 2503; 49 USC app 2505; 49 USC 3102; 49 USC 3104

CFR Citation: 49 CFR 390.3; 49 CFR 397

Legal Deadline: Final, Statutory, November 15, 1991.

Abstract: This rulemaking will implement the statutory requirements of sections 8 and 15 of the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) of 1990. Section 8 addresses the establishment of motor carrier safety permit regulations for motor carriers transporting Class A or B explosives, liquefied natural gases, hazardous materials designated as extremely toxic by inhalation, or highway route controlled quantity radioactive materials. Section 15 of the HMTUSA requires inspection of vehicles transporting those radioactive materials before each trip. The proposed rule will incorporate those provisions into the safety permit regulations. This action is considered significant because of substantial public and congressional interest and safety implications.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/17/93 | 58 FR 33418 |
| NPRM Comment | 08/16/93 | |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/17/93 (58 FR 33418)

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2983

RIN: 2125-AC78

DOT—FHWA

Final Rule Stage

2547. +RADAR DETECTORS IN COMMERCIAL MOTOR VEHICLES**Significance:** Agency Priority**Legal Authority:** 49 USC app 2503; 49 USC app 2505; 49 USC 3102; 49 USC 3104; PL 102-143, sec 342**CFR Citation:** 49 CFR 390.5; 49 CFR 392.71; 49 CFR 1.48**Legal Deadline:** NPRM, Statutory, January 15, 1992.

Abstract: This action would ban radar detectors from all commercial vehicles as defined in the Federal Motor Carrier Safety Regulations in 49 CFR 390. The proposal responds to the congressional mandate in section 342 of PL 102-143 and to a petition filed jointly on July 18, 1990, by the Insurance Institute for Highway Safety and seven other organizations. FHWA is considering whether such a ban would further highway safety by enhancing commercial motor vehicle driver compliance with speed laws. This action is considered significant because of anticipated substantial public interest and controversy involving the use of radar detectors.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 01/24/92 | 57 FR 2885 |
| NPRM Comment Period End | 05/26/92 | |
| Final Action | 10/00/97 | |

Small Entities Affected: None**Government Levels Affected:** Undetermined**Analysis:** Regulatory Evaluation 01/24/92 (57 FR 2885)**Additional Information:** The NPRM of 01/24/92 inadvertently used RIN 2125-AC69; the correct RIN is 2125-AC79.**Agency Contact:** Robert Redmond, Acting Chief, Driver Standards Division, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4001

RIN: 2125-AC79

2548. +TRANSPORTATION OF HAZARDOUS MATERIALS; HIGHWAY ROUTING**Significance:** Agency Priority**Legal Authority:** 49 USC 1801; 49 USC 1804; 49 USC 1811; PL 101-615**CFR Citation:** 49 CFR 397**Legal Deadline:** Final, Statutory, May 16, 1992.

Abstract: Currently, except for certain radioactive materials, DOT has not promulgated uniform, national standards for the highway routing of hazardous materials. The proposal would establish such standards and provide guidance to States and localities to minimize the promulgation of State and local routing requirements that are inconsistent with the Hazardous Materials Transportation Act. This rulemaking is significant because of the safety implications and possible federalism implications. The Hazardous Materials Uniform Safety Act of 1990 amended the HMTA to require the Secretary to issue Federal standards for highway routing.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| ANPRM | 04/07/88 | 53 FR 11618 |
| ANPRM Comment Period Extended to 12/13/88 | 10/05/88 | 53 FR 39114 |
| ANPRM Comment Period End | 10/11/88 | |
| NPRM | 08/31/92 | 57 FR 39522 |
| NPRM Comment Period End | 10/30/92 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** Local, State, Federal**Analysis:** Regulatory Evaluation 08/31/92 (57 FR 39522)

Additional Information: Docket No. HM-203. Public hearings were held on June 14, 1988, in Sacramento, California, and on September 15, 1988, in Washington, DC. Further public hearing schedules were published 08/31/92 (57 FR 39533). This rulemaking has been transferred to the Federal Highway Administration from the Research and Special Programs Administration. It was reported in the April 1991 Agenda under RIN 2137-AB42. The 08/31/92 NPRM docket number was MC-92-6. Public hearings were held in October 1992.

Agency Contact: Henry Sandhusen, Chief, Hazardous Materials Routing and Special Studies Branch, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-8788

RIN: 2125-AC80

2549. +QUALIFICATIONS OF DRIVERS; CONTROLLED SUBSTANCES TESTING, RECORDKEEPING, AND REPORTING REQUIREMENTS**Significance:** Agency Priority**Legal Authority:** 49 USC app 2505; 49 USC 504; 49 USC 3102**CFR Citation:** 49 CFR 391**Legal Deadline:** None

Abstract: The FHWA is proposing to amend the recordkeeping and reporting requirements of its controlled substances testing regulation. This notice is intended to implement a DOT-wide plan to measure the effectiveness of drug testing programs of the various DOT operating administrations. The NPRM would require motor carriers to keep certain information and to report that information to the FHWA upon request. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/15/92 | 57 FR 59539 |
| NPRM Comment Period End | 04/14/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 12/15/92 (57 FR 59539)**Agency Contact:** David Miller, Transportation Specialist, Standards Development Division, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

RIN: 2125-AC81

2550. +CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING**Significance:** Agency Priority**Legal Authority:** 49 USC 2505; 49 USC 3102; 49 USC app 2717**CFR Citation:** 49 CFR 382**Legal Deadline:** Final, Statutory, October 28, 1992.

Abstract: This action would create a new part 382 involving controlled substances and alcohol testing. The new part would conform to the requirements of the Omnibus Transportation Employees Testing Act

of 1991 by encompassing intrastate and interstate commercial operators, and governmental employees, for uniform treatment. Any resultant regulation, however, would not preempt provisions of State criminal law. This action is significant because of substantial public and congressional interest. It deals with alcohol testing only; controlled substances testing is dealt with in RIN 2125-AD06.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/15/92 | 57 FR 59516 |
| NPRM Comment Period End | 04/14/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 12/15/92 (57 FR 59516)

Additional Information: A common preamble for five modal administrations affected (FAA, FHWA, FRA, FTA, and RSPA) was published on 12/15/92 at 57 FR 59382. Under a pilot program announced 04/09/93 (58 FR 18441), FHWA is funding random roadside alcohol and controlled substances testing of commercial motor vehicle operators, for 1 year, by State officials in Minnesota, Nebraska, New Jersey, and Utah.

Agency Contact: David Miller, Transportation Specialist, Standards Development Division, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 368-2981

RIN: 2125-AC85

2551. +SPEED LIMIT COMPLIANCE AND ENFORCEMENT REQUIREMENTS

Significance: Agency Priority

Legal Authority: PL 102-240, sec 1029; Intermodal Surface Trans. Efficiency Act of 1991 (ISTEA)

CFR Citation: 23 CFR 659

Legal Deadline: NPRM, Statutory, December 18, 1992. Final, Statutory, February 18, 1993.

Abstract: As a result of section 1029 of ISTEA, speed compliance and enforcement data will have to be collected on highways with speed

limits up to 65 mph, in addition to data currently being collected on 55 mph highways. New regulations will be issued that ensure uniform monitoring programs by States, so that reliable data is submitted for use by the Secretary in determining compliance by each State with the speed limits. A compliance formula must be included which takes into account the amount by which speed limits are exceeded and differentiates between types of road on which the violations occur. Enforcement efforts and accident information must be considered in development of the compliance formula. This action is considered significant because of substantial public, State, and congressional interest.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-----------|
| NPRM | 01/04/93 | 58 FR 186 |
| NPRM Comment Period End | 02/03/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/04/93 (58 FR 186)

Additional Information: This action is a joint FHWA/NHTSA rulemaking.

Agency Contact: Julie Anna Cirillo, Chief, Information Management Analysis Branch, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 368-2170

RIN: 2125-AC87

2552. +STATEWIDE TRANSPORTATION PLANNING

Significance: Agency Priority

Legal Authority: PL 102-240, sec 1025

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Section 1025 of the Intermodal Surface Transportation Efficiency Act of 1991 amended 23 USC 135 to establish a requirement for statewide transportation planning to be coordinated with metropolitan transportation planning.

Implementation of this mandate is considered significant because of substantial State and local government, congressional, and public interest.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 03/02/93 | 58 FR 12084 |
| Request for Comments | 03/24/93 | 58 FR 15816 |
| NPRM Comment Period End | 05/03/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/02/93 (58 FR 12084)

Additional Information: This is a joint rulemaking with the Federal Transit Administration, whose RIN for this action is 2132-AA48.

Agency Contact: Thomas Weeks, Chief, Planning and Programming, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 368-5002

RIN: 2125-AC94

2553. +METROPOLITAN PLANNING

Significance: Agency Priority

Legal Authority: 23 USC 134; PL 102-240, sec 1024

CFR Citation: 23 CFR 450

Legal Deadline: None

Abstract: Section 1024 of the Intermodal Surface Transportation Efficiency Act of 1991 amends 23 USC 134 to strengthen the planning process and the role of metropolitan planning organizations in transportation decisionmaking. FHWA and FTA will coordinate revisions to 23 CFR 450 and 49 CFR 613 to implement the revisions of sections 1024 and 3012 (Federal Highway and Federal Transit metropolitan planning sections, respectively). This action is considered significant due to substantial State and local government, congressional, and public interest.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 03/02/93 | 58 FR 12064 |
| Request for Comments | 03/24/93 | 58 FR 15816 |
| NPRM Comment Period End | 05/03/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/02/93 (58 FR 12064)

DOT—FHWA

Final Rule Stage

Additional Information: The RIN for the matching Federal Transit Administration rulemaking is 2132-AA44.

Agency Contact: Dean Smeins, Chief, Planning Operations Branch, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-9227

RIN: 2125-AC95

2554. +MANAGEMENT AND MONITORING SYSTEMS

Significance: Agency Priority

Legal Authority: 23 USC 303; 23 USC 315; 49 USC app 1607; 23 USC 135; 23 USC 134

CFR Citation: 23 CFR 500; 23 CFR 511; 23 CFR 626; 49 CFR 614

Legal Deadline: Final, Statutory, December 18, 1992.

Abstract: 23 U.S.C. 303 requires the Secretary of Transportation to issue regulations for State development, establishment, and implementation of systems for managing: highway pavement of Federal-aid highways; bridges on and off Federal-aid highways; highway safety; traffic congestion; public transportation facilities and equipment; and intermodal transportation facilities and systems. The Secretary also must issue guidelines and requirements for the State development, establishment, and implementation of a traffic monitoring system for highways and public transportation facilities and equipment. States must be implementing each management system in Federal fiscal year 1995, or the Secretary may withhold up to 10 percent of funds apportioned under title 23, U.S.C., or under the Federal Transit Act for any fiscal year beginning after September 30, 1995. The primary purpose of these systems is to improve the efficiency of, and protect the investment in, existing and future transportation infrastructure. The systems will provide additional information needed to make informed decision for optimum utilization of limited resources. (cont)

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 06/03/92 | 57 FR 23460 |
| ANPRM Comment Period End | 08/03/92 | |
| NPRM | 03/02/93 | 58 FR 12096 |

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| Request for Comments | 03/24/93 | 58 FR 15816 |
| NPRM Comment Period End | 05/03/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation, 03/02/93 (58 FR 12096)

Additional Information: ABSTRACT CONT: The economic impact of the regulations is expected to be minimal. The regulations will be issued jointly with the Federal Transit Administration (RIN 2132-AA47). This regulation is considered significant because of substantial State and local government, congressional, and public interest.

Agency Contact: Tony Solury, Community Planner, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5003

RIN: 2125-AC97

2555. QUALIFICATION OF DRIVERS; DIABETES

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC app 2505; 23 USC 315

CFR Citation: 49 CFR 391.41(b)(3)

Legal Deadline: None

Abstract: FHWA is considering revising the driver qualification requirements to allow certain insulin-using diabetics to operate commercial motor vehicles in interstate commerce. Upon consideration of comments received to a Notice of Intent, FHWA has issued a disposition wherein it determined to accept waiver applications under certain conditions. The waiver program is being instituted to permit FHWA to compare the driving experience of a group of insulin-using drivers with a control group of drivers who do not have diabetes. The agency will use the findings as a basis to amend the diabetes requirement, if warranted.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 11/25/87 | 52 FR 45204 |
| ANPRM Comment Period End | 12/28/87 | 52 FR 45204 |

| Action | Date | FR Cite |
|--|----------|-------------|
| ANPRM Comment Period Extended to 02/01/88 | 01/04/88 | 53 FR 42 |
| NPRM | 10/05/90 | 55 FR 41028 |
| NPRM Comment Period Extended to 01/03/91 | 11/01/90 | 55 FR 46080 |
| NPRM Comment Period End | 12/04/90 | |
| Notice of Intent to Issue Waivers; Comment Request | 10/21/92 | 57 FR 48011 |
| Final Action To Accept Waivers | 07/29/93 | 58 FR 40690 |
| Final Action | 03/00/96 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation, 10/05/90 (55 FR 41028)

Agency Contact: Sandra L. Zywokarte, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

RIN: 2125-AB91

2556. PUBLIC AVAILABILITY OF INFORMATION; FREEDOM OF INFORMATION ACT REGULATIONS; TECHNICAL AMENDMENTS

Significance: Nonsignificant

Legal Authority: 5 USC 552; 31 USC 9701; 49 USC 322

CFR Citation: 49 CFR 7

Legal Deadline: None

Abstract: This action amends appendix D of the final rule published on 8/11/88 at 53 FR 30265 regarding implementation of the Freedom of Information Act by FHWA. The technical amendments are necessary in order to revise the listing of publicly available materials, in order to correct a typographical error, to remove unnecessary explanatory language, to add a paragraph on determinations to disclose records and grant or deny requests for fee waivers or reductions, and to conform paragraph designations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation, 10/00/93

DOT—FHWA

Final Rule Stage

Additional Information: Pursuant to 5 USC 553(b), requirements for notice and public comment are not applicable since this action involves a matter of agency practice and procedure.

Agency Contact: John H. Schnackenberg, Chief, Organization and Management Programs Division, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0534

RIN: 2125-AC20

2557. AMENDMENTS TO THE PERIODIC INSPECTION REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC app 2509; 49 USC 3102

CFR Citation: 49 CFR 396

Legal Deadline: None

Abstract: This action proposes amendments to the periodic inspection requirements for commercial motor vehicles contained in 49 CFR part 396. The periodic inspection final rule was published on December 7, 1988, at 53 FR 49402, and amended on December 8, 1989, at 54 FR 50722. The December 8, 1989, amendment included a request for comments. In response to the comments received and requests for interpretations from the industry, the FHWA has determined that the rule should be amended to clarify the requirements for periodic inspection decals; evidence of the inspector's qualifications; the response time for a motor carrier to transmit a copy of a self-inspection report to an authorized Federal, State, or local enforcement official; identity of the motor carrier or other entity offering a vehicle for inspection; and documentation of a State periodic inspection, including proof of inspection on vehicles. The FHWA also proposes to amend the inspection criteria to make the requirements of appendix G to subchapter B consistent with part 393 and the North American Uniform Vehicle Out-of-Service Criteria. These proposed amendments concern inspection standards for brake (cont)

Timetable:

| Action | Date | FR Cite |
|--------------------------------------|----------|-------------|
| Notice; Request for Comments | 03/16/89 | 54 FR 11020 |
| Final Rule; Delay in Compliance Date | 12/08/89 | 54 FR 50722 |

| Action | Date | FR Cite |
|---|----------|-------------|
| Notice: State Inspection Programs | 12/08/89 | 54 FR 50726 |
| Petition: Comments Invited Through 07/02/90 | 05/02/90 | 55 FR 18355 |
| Notice: State Inspection Programs | 09/23/91 | 56 FR 47982 |
| Denial of Petition Final Action | 07/02/92 | 57 FR 29457 |
| | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 12/07/88 (53 FR 49402)

Additional Information: ABSTRACT CONT: adjustment limits, brake lining thickness, coupling devices, steering mechanism, tires marked "Not for Highway Use," and regrooved tires on steering axles. This action was formerly titled "Inspection, Repair and Maintenance; Periodic Inspections."

Agency Contact: Larry W. Minor, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2981

RIN: 2125-AC47

2558. PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; FRONT WHEEL BRAKES ON MEXICAN COMMERCIAL MOTOR VEHICLES

Significance: Nonsignificant

Legal Authority: 49 USC app 2505; 49 USC 3102

CFR Citation: 49 CFR 393

Legal Deadline: None

Abstract: This final rule is a follow-up to the interim final rule on front-wheel brakes on Mexican vehicles. By an interim final rule published on 11/24/89, the FHWA amended 49 CFR 393, Parts and Accessories Necessary for Safe Operation, of the Federal Motor Carrier Safety Regulations (FMCSRs). The amendment allowed Mexican motor carriers operating commercial motor vehicles in border commercial zones time to comply with the requirement that every commercial motor vehicle be equipped with brakes acting on all wheels.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 11/24/89 | 54 FR 48616 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 11/24/89 (54 FR 48616)

Additional Information: This rulemaking action originally appeared under RIN 2125-AC21. In order to clarify the many actions being taken in this area, the subject of this rulemaking action was assigned a separate RIN.

Agency Contact: Deborah M. Freund, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2983

RIN: 2125-AC49

2559. COMMERCIAL DRIVER INSTRUCTION PERMITS

Significance: Nonsignificant

Legal Authority: PL 99-570; 49 USC 3102; 49 USC app 2505; 49 CFR 1.48

CFR Citation: 49 CFR 383

Legal Deadline: None

Abstract: To reconcile the training needs of the motor carrier industry with the requirements of the Commercial Driver's License (CDL) program and the Commercial Motor Vehicle Safety Act of 1986, the FHWA is proposing additional minimum Federal standards for State-issued learner's permits that allow drivers to be trained in the operation of commercial motor vehicles (CMVs). Among the alternatives under consideration: Applicants for Commercial Driver Instruction Permits (CDIPs) might need to possess drivers' licenses and undergo record checks analogous to those now required for CDLs; CDIP transactions might be entered in the Commercial Driver's License Information System (CDLIS); and CDIP holders might be explicitly subject to the same disqualifications as CDL holders. Since driver training is nationwide in scope, the FHWA is proposing options that would allow a State to issue a CDIP to a driver trainee.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 08/22/90 | 55 FR 34478 |

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| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM Comment Period End | 10/22/90 | |
| NPRM Comment Period Extended to | 10/23/90 | 55 FR 42741 |
| 11/30/90 | | |
| Next Action Undetermined | | |
| Small Entities Affected: None | | |
| Government Levels Affected: None | | |
| Analysis: Regulatory Evaluation 08/22/90 (55 FR 34478) | | |
| Agency Contact: Robert Redmond, Acting Chief, Driver Standards Division, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4001 | | |
| RIN: 2125-AC54 | | |

2560. CENTRALIZATION OF FORMAL HEARING DOCKETS (FHWA)**Significance:** Nonsignificant**Legal Authority:** 49 USC 104(c)(2); 49 USC 501; 49 USC 1801; 49 USC 2501; 49 USC 2701; 49 USC 3101; 49 USC 10927**CFR Citation:** 49 CFR 386**Legal Deadline:** None**Abstract:** This final rule provides that documents and evidence in formal hearing cases adjudicated within the Federal Highway Administration (FHWA) will be filed and maintained in the OST Documentary Services Division. The change is being made in order to streamline operations and to consolidate the documents used in formal hearing cases.**Timetable:** Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation**Agency Contact:** Joanne Petrie,
Attorney, Department of
Transportation, Federal Highway
Administration, 400 Seventh Street
SW., Washington, DC 20590, 202 366-
9306

RIN: 2125-AC59

2561. NATIONAL STANDARDS FOR TRAFFIC CONTROL DEVICES; MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES; WORK ZONE TRAFFIC CONTROL STANDARDS REVISION**Significance:** Nonsignificant**Legal Authority:** 23 USC 109(d); 23 USC 315**CFR Citation:** 23 CFR 655**Legal Deadline:** None**Abstract:** Based on a consultant's findings, public comments, and the agency's knowledge of work zone traffic control devices standards and applications, FHWA has proposed amendments for reformatting the Manual of Uniform Traffic Control Devices.**Timetable:**

| Action | Date | FR Cite |
|-----------------------------|----------|------------|
| ANPRM | 01/10/92 | 57 FR 1134 |
| ANPRM Comment Period End | 07/30/92 | |
| NPRM | 01/05/93 | 58 FR 288 |
| NPRM Comment Period End | 03/08/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation
01/05/93 (58 FR 288)**Agency Contact:** Rudolph M. Umbs,
Office of Highway Safety, Department
of Transportation, Federal Highway
Administration, 400 Seventh Street
SW., Washington, DC 20590, 202 366-
0411

RIN: 2125-AC83

2562. TRUCK SIZE AND WEIGHT; RESTRICTIONS ON LONGER COMBINATION VEHICLES AND VEHICLES WITH TWO OR MORE CARGO-CARRYING UNITS**Significance:** Nonsignificant**Legal Authority:** PL 102-240, sec 1023; PL 102-240, sec 4006**CFR Citation:** 23 CFR 658**Legal Deadline:** Final, Statutory, June 18, 1992.**Abstract:** The FHWA will list the States where LCVs and extra-length multi-unit combination vehicles could operate as of June 1, 1991, and the applicable operational conditions, routes, and legal citations. Future operation of these vehicles is limited to the States, routes, and conditions in effect as of June 1, 1991. The Federal Highway Administration will also (1) establish criteria for States to make minor adjustments to the list of States' weight and length limitations and requirements, (2) define loads which

cannot be easily dismantled or divided, and (3) make other regulatory changes required by the Intermodal Surface Transportation Efficiency Act of 1991, PL 102-240. In view of comments received, an SNPRM was issued.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 03/20/92 | 57 FR 9900 |
| NPRM Comment Period End | 05/04/92 | |
| SNPRM | 02/25/93 | 58 FR 11450 |
| SNPRM Comment Period Extension to May 27, 1993 | 04/14/93 | 58 FR 19367 |
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation
02/25/93 (58 FR 11450)**Additional Information:** RIN 2125-AC65, "Truck Size and Weight; Maxi-Cube Vehicles," and RIN 2125-AC57, "Truck Size and Weight; Beverage Semitrailers," are being combined with this action. Actions amending 23 CFR part 658 are being combined to avoid multiple, closely spaced amendments and lessen possible confusion. This action was formerly titled "Weight and Length Limitations--Longer Combination Vehicles."**Agency Contact:** Tom Klimek,
Department of Transportation, Federal
Highway Administration, 400 Seventh
Street SW., Washington, DC 20590, 202
366-2212

RIN: 2125-AC86

2563. VIOLATIONS OF OUT-OF-SERVICE ORDERS—CDL DISQUALIFICATIONS**Significance:** Nonsignificant**Legal Authority:** PL 102-240, sec 4009(c); Intermodal Surface
Transportation Efficiency Act (ISTEA)**CFR Citation:** 49 CFR 383; 49 CFR 391.15; 49 CFR 390**Legal Deadline:** Final, Statutory,
December 18, 1992.**Abstract:** The action would establish the sanctions and penalties for drivers violating out-of-service orders. Drivers convicted of violating an out-of-service order for the first time would be disqualified for at least 90 days; for convictions of subsequent violations of an out-of-service order, the driver would be disqualified for a period of

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5 years. An employer who knowingly permitted or required a driver to violate an out-of-service order would be subject to a civil penalty. Civil penalties would also be prescribed for employees who were convicted of violating an out-of-service order.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 01/15/93 | 58 FR 4640 |
| NPRM Comment Period End | 03/16/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/15/93 (58 FR 4640)

Agency Contact: Teresa Doggett, Transportation Specialist, Office of Motor Carrier Standards, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4001

RIN: 2125-AC93

2564. TRANSPORTATION OF HAZARDOUS MATERIALS; PREEMPTION DETERMINATION

Significance: Nonsignificant

Legal Authority: 49 USC 1801 et seq; PL 101-615

CFR Citation: 49 CFR 397; 49 CFR 1.48

Legal Deadline: Final, Statutory, May 16, 1992.

Abstract: The FHWA is incorporating, without substantive change, the preemption determination and waiver of preemption procedures currently contained in the Research and Special Programs Administration's (RSPA) regulation 49 CFR 107.201-107.227 into the FHWA's regulation at 49 CFR 397, subpart E. This final rule also incorporates, without substantive change, the routing requirements for radioactive materials currently contained in RSPA's regulation 49 CFR 177.825 into FHWA's regulation 49 CFR 397, subpart D. This final rule is necessary due to a redelegation of authority of highway routing from RSPA to FHWA.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| Interim Final Rule | 09/24/92 | 57 FR 44129 |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/24/92 (57 FR 44129)

Additional Information: Pursuant to 5 U.S.C. 553(b), requirements for notice and public comment are not applicable since this action involves a matter of agency practice and procedure.

Agency Contact: Henry Sandhusen, Chief, Hazardous Materials Routing and Special Studies Branch, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-8788

RIN: 2125-AD00

2565. NATIONAL BRIDGE INSPECTION STANDARDS: FREQUENCY OF INSPECTION

Significance: Nonsignificant

Legal Authority: 23 USC 144; 23 USC 151

CFR Citation: 23 CFR 650.305

Legal Deadline: None

Abstract: This action would permit certain types or groups of bridges to be inspected every 4 years rather than every 2 years, where past inspection reports and favorable experience and analysis justify increasing the inspection interval to a maximum of 4 years.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 11/09/92 | 57 FR 53278 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/09/92 (57 FR 53278)

Additional Information: The interim final rule with request for comments was effective 12/09/92. Comment period ended 01/08/93.

Agency Contact: Stanley Gordon, Chief, Bridge Division, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4589

RIN: 2125-AD01

2566. ADMINISTRATION OF ENGINEERING AND DESIGN-RELATED SERVICE CONTRACTS; PRIVATE SECTOR INVOLVEMENT PROGRAM

Significance: Nonsignificant

Legal Authority: PL 102-240, sec 1060

CFR Citation: 23 CFR 172

Legal Deadline: Final, Statutory, June 18, 1992.

Abstract: A revision to 23 CFR part 172 shall establish a new private sector involvement program, under which the FHWA will make funds available when appropriated to States, to encourage contracting with private sector consulting firms for engineering and design services on Federal-aid highway projects.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/12/92 | 57 FR 53631 |
| NPRM Comment Period End | 01/11/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/12/92 (57 FR 53631)

Agency Contact: Donald J. Marttila, Chief, Interstate & Program Support Branch, Office of Engineering, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4637

RIN: 2125-AD03

2567. EROSION AND SEDIMENT CONTROL ON HIGHWAY CONSTRUCTION PROJECTS

Significance: Nonsignificant

Legal Authority: PL 102-240

CFR Citation: 23 CFR 650; 23 CFR 1.32; 49 CFR 1.48(b)

Legal Deadline: None

Abstract: Section 1057 of the Intermodal Surface Transportation Efficiency Act of 1991 requires the Secretary to develop erosion control guidelines for States to follow when carrying out Federal-aid construction projects. This action would propose updating and modifying the existing regulation, issued in 1974, to reflect current practices and techniques.

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Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/01/93 | 58 FR 11814 |
| NPRM Comment | 06/28/93 | |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation
03/01/93 (58 FR 11814)**Agency Contact:** Robin L. Schreeder,
Construction and Maintenance
Division, Department of Transportation,
Federal Highway Administration, 400
Seventh Street SW., Washington, DC
20590, 202 366-1266

RIN: 2125-AD08

**2568. REMOVAL OF OBSOLETE AND
REDUNDANT RIGHT-OF-WAY
REQUIREMENTS****Significance:** Nonsignificant**Legal Authority:** PL 102-240; 23 USC
101(a); 23 USC 107; 23 USC 108; 23
USC 111; 23 USC 114; 23 USC 204;
23 USC 210; 23 USC 308; 23 USC 315;
23 USC 317; 23 USC 323; 42 USC
2000d-1; 42 USC 4633; 42 USC 4651
to 4655**CFR Citation:** 23 CFR 710; 23 CFR 712
to 713; 23 CFR 720**Legal Deadline:** None**Abstract:** The Intermodal Surface
Transportation Efficiency Act of 1991
encourages greater flexibility in Federal
involvement in the development of
highway projects. Certain required
Federal approvals limit this flexibility.
These proposals will eliminate certain
of the required approvals considered
unnecessary and thus encourage greater
flexibility.**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/21/93 | 58 FR 38987 |
| NPRM Comment | 09/20/93 | |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation
07/21/93 (58 FR 38987)**Agency Contact:** Gerald B. Saunders,
Chief, Operations Division, Department
of Transportation, Federal Highway
Administration, 400 Seventh StreetSW., Washington, DC 20590, 202 366-
0142

RIN: 2125-AD09

**2569. • PARTS AND ACCESSORIES
NECESSARY FOR SAFE OPERATION;
WARNING DEVICES FOR STOPPED
VEHICLES****Significance:** Nonsignificant**Legal Authority:** PL 102-240, sec
1041(b)**CFR Citation:** 49 CFR 392; 49 CFR 393;
49 CFR 393.95**Legal Deadline:** None**Abstract:** The FHWA is proposing to
amend the requirements for warning
devices for stopped vehicles to allow
the use of fuses and liquid-burning
flares in lieu of bidirectional reflective
triangles, unless the vehicle is
transporting certain hazardous
materials or is powered by compressed
natural gas. This action is required by
section 1041(b) of the Intermodal
Surface Transportation Efficiency Act
of 1991.**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/14/93 | 58 FR 37900 |
| NPRM Comment | 09/13/93 | |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation
07/14/93 (58 FR 37900)**Agency Contact:** Larry Minor, Office
of Carrier Standards, Department of
Transportation, Federal Highway
Administration, 400 Seventh Street
SW., Washington, DC 20590, 202 366-
2981

RIN: 2125-AD17

**2570. • DESIGN STANDARDS FOR
HIGHWAYS; INTERIM SELECTED
METRIC VALUES FOR GEOMETRIC
DESIGN; DESIGN AND
CONSTRUCTION CRITERIA****Significance:** Nonsignificant**Legal Authority:** 23 USC 109; 23 USC
315; 23 USC 402**CFR Citation:** 23 CFR 625**Legal Deadline:** NoneExcept for requirement in the Omnibus
Trade and Competitiveness Act of 1988
to begin to use the metric system.**Abstract:** The Omnibus Trade and
Competitiveness Act of 1988 requires
Federal Government agencies, by
September 30, 1992, to begin using the
International System of [metric] Units
(SI) in procurements, grants, and other
business-related activities unless to do
so is impractical or would likely cause
significant inefficiencies or loss of
markets to United States firms. In
response to the FHWA's announced
schedule for compliance with the Act,
which calls for all Federal-aid highway
projects authorized after September 30,
1996, to employ SI units, the American
Association of State and Highway
Transportation Officials (AASHTO) has
published "Interim Selected Metric
Values for Geometric Design - An
Addendum to A Policy on Geometric
Design of Highways and Streets, 1990,"
dated 1993. Through this rulemaking
the FHWA is proposing to incorporate
this AASHTO publication in its
regulations on design standards for
highways, thus adopting controlling SI
values for use in the design of projects
on the National Highway System.**Timetable:**

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation
10/00/93**Additional Information:** The FHWA has
determined that the publication of a
notice of proposed rulemaking would
be contrary to the public interest. It has
been determined that prior notice to the
public on this action is unnecessary
because the effect of this rule is to
adopt an AASHTO interim guide which
essentially sets forth metric values
which are functionally equivalent to
English measures already adopted by
the FHWA in a final rule published
following prior notice and opportunity
for comment (58 FR 25939). The FHWA
is soliciting public comment which will
be considered in evaluating whether
any change to this action is needed.**Agency Contact:** Seppo I. Sillan, Chief,
Geometric and Roadside Design Branch,
Department of Transportation, Federal
Highway Administration, 400 Seventh
Street SW., Washington, DC 20590, 202
366-1327

RIN: 2125-AD23

**DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)**

Completed Actions

2571. +UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Significance: Agency Priority

Legal Authority: 42 USC 4601 et seq; 49 CFR 1.48(cc)

CFR Citation: 49 CFR 24.2(g)(2)(x); 49 CFR 24.2(t); 49 CFR 304(a); 49 CFR 304(a)(3); 49 CFR 304(a)(8); 49 CFR 304(a)(10); 49 CFR 304(a)(13); 49 CFR 304(b)(3); 49 CFR 304(b)(4); 49 CFR 602; 49 CFR 603(d)

Legal Deadline: None

Abstract: In response to the President's memorandum of January 28, 1992, "Reducing the Burden of Government Regulation," the FHWA, as lead agency for implementing the Uniform Act, has made several amendments to the Governmentwide rule implementing the Uniform Act. The amendments enhanced the relocation benefits available to displaced businesses and replaced the language in subpart G, relating to the application for certification, with a simplified provision. Also, a technical amendment conformed the language of one paragraph to the two statutes cited therein. The monetary relocation assistance benefits provided in the regulation are primarily established by the Uniform Act. This action was significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/27/92 | 57 FR 33164 |
| NPRM Comment Period End | 09/10/92 | |
| Final Action | 04/30/93 | 58 FR 26070 |
| Final Action Effective | 06/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/30/93 (58 FR 26070)

Agency Contact: Roger C. Kezar, Chief, Policy Development Branch, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2021

RIN: 2125-AD02

2572. DESIGN STANDARDS FOR HIGHWAYS; AASHTO PUBLICATION; GEOMETRIC DESIGN OF HIGHWAYS AND STREETS

Significance: Nonsignificant.

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Legal Deadline: None

Abstract: The American Association of State Highway and Transportation Officials (AASHTO) is revising and updating the publication entitled "Policy on Geometric Design of Highways and Streets, AASHTO 1984." This action designates the revised AASHTO publication as being acceptable to the FHWA for application in the geometric design of highways and removes the out-of-date version from the acceptable list.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/03/90 | 55 FR 49903 |
| NPRM Comment Period End | 04/02/91 | |
| Final Action | 04/29/93 | 58 FR 25939 |
| Final Action Effective | 06/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/29/93 (58 FR 25939)

Additional Information: The initial appearance of this entry in the agenda (4/89) made reference to another AASHTO publication entitled "A Policy on Design--Interstate System." This publication is being addressed in a separate rulemaking action under RIN 2125-AC34 entitled "Design Standards for Highways; Interstate System" and is located under the completed action section.

Agency Contact: Seppo I. Sillan, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1327

RIN: 2125-AC22

2573. DESIGN STANDARDS FOR HIGHWAYS; INTERSTATE SYSTEM

Significance: Nonsignificant

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Legal Deadline: None

Abstract: This action involved amendment to the design standards which apply to interstate highway construction and reconstruction projects eligible to receive funding under the Federal-aid highway program. A revised publication approved by the American Association of State Highway and Transportation Officials (AASHTO) entitled "A Policy on Design Standards -- Interstate System, AASHTO 1991" is being substituted for the previous version of these standards last revised June 20, 1967. The Federal Highway Administration is adopting the 1991 document, and the new AASHTO publication constitutes the FHWA's policy on geometric design for all federally assisted construction and reconstruction projects on the interstate highway system.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| NPRM | 07/18/89 | 54 FR 30095 |
| NPRM Comment Period End | 09/18/89 | |
| NPRM Comment Period Extended to | 09/18/89 | 54 FR 38387 |
| Final Action | 04/29/93 | 58 FR 25934 |
| Final Action Effective | 06/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/29/93 (58 FR 25934)

Additional Information: A related rulemaking involving projects in the National Highway System (RIN 2125-AC22) is also located in the completed portion of this Agenda.

Agency Contact: Seppo I. Sillan, Department of Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1327

RIN: 2125-AC34

2574. DESIGN STANDARDS FOR HIGHWAYS; REQUIREMENTS FOR ROADSIDE BARRIERS AND SAFETY APPURTENANCES

Significance: Nonsignificant

Legal Authority: PL 102-240, sec 1073

CFR Citation: 23 CFR 625

Legal Deadline: Final, Statutory, December 18, 1992.

Abstract: This action amended the guides and references section of design

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Completed Actions

standards for the installation of roadside barriers and other safety appurtenances, including longitudinal barriers, end terminals, and crash cushions, that provide an enhanced level of crashworthy performance to accommodate vans, minivans, pickup trucks, and four-wheel drive vehicles.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 02/11/92 | 57 FR 4941 |
| ANPRM Comment Period End | 04/17/92 | |
| NPRM | 02/03/93 | 58 FR 6914 |
| NPRM Comment Period End | 03/29/93 | |
| Final Action | 07/16/93 | 58 FR 38293 |
| Final Action Effective | 08/16/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
07/16/93 (58 FR 38293)

Agency Contact: James H. Hatton, Jr.,
Highway Engineer, Department of
Transportation, Federal Highway
Administration, 400 Seventh Street
SW., Washington, DC 20590, 202 366-
1329

RIN: 2125-AC84

2575. TRAINING OF ENTRY-LEVEL DRIVERS OF COMMERCIAL MOTOR VEHICLES

Completed:

| Reason | Date | FR Cite |
|----------------------------|----------|---------|
| Duplicate of RIN 2125-AD05 | 07/19/93 | |

RIN: 2125-AC91

2576. • GENERAL MATERIAL REQUIREMENTS

Significance: Nonsignificant

Legal Authority: PL 102-240, sec 1041(a); PL 102-240, sec 1048; PL 102-240, sec 1019

CFR Citation: 23 CFR 635; 23 CFR 635.410

Legal Deadline: None

Abstract: The FHWA is amending its regulations on the Buy America provisions and the use of convict-produced materials to comply with the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). Sections 1041(a) and 1048 of the ISTEA amended and clarified the Buy America provisions. Section 1019 of the ISTEA clarifies the intent of Congress regarding convict-produced materials. Materials produced by convict labor after July 1, 1991, may not be used for Federal-aid highway construction projects unless produced at a prison facility producing convict-made materials for Federal-aid construction projects prior to July 1, 1987. This action reaffirms the requirements previously placed on the use of materials produced by convict labor on Federal-aid highway projects.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 07/21/93 | 58 FR 38973 |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
07/21/93 (58 FR 38973)

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Additional Information: Because the revisions in this rulemaking action substantially reflect statutory language mandated by the ISTEA, the FHWA for good cause finds that public comment is unnecessary under section 553(b)(3)(B) of the Administrative Procedure Act.

Agency Contact: William A. Weseman,
Chief, Construction and Maintenance,
Office of Engineering, Department of

Transportation, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0392

RIN: 2125-AD12

2577. • CONSTRUCTION ENGINEERING COSTS

Significance: Nonsignificant

Legal Authority: PL 102-240; PL 102-240, sec 1018

CFR Citation: 23 CFR 140

Legal Deadline: None

Abstract: This action amended the regulations on reimbursement for construction engineering (CE) costs to comply with the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), which established that a State highway agency's (SHA's) obligations for CE costs will be limited, per fiscal year, to 15 percent of the total estimated costs of all projects financed within the State with Federal-aid highway funds, excluding the estimated costs of right-of-way, preliminary engineering, and construction engineering. This regulation established a uniform process for controlling the CE limitation.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 07/22/93 | 58 FR 39142 |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
07/22/93 (58 FR 39142)

Agency Contact: William A. Weseman,
Chief, Construction and Maintenance,
Office of Engineering, Department of
Transportation, Federal Highway
Administration, 400 Seventh Street
SW., Washington, DC 20590, 202 366-
0392

RIN: 2125-AD16

DEPARTMENT OF TRANSPORTATION (DOT)

Prerule Stage

National Highway Traffic Safety Administration (NHTSA)

2578. +REVIEW: PASSENGER CAR FRONT SEAT OCCUPANT PROTECTION (FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 208)

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: This standard requires the provision of automatic occupant

protection in the front outboard seats of passenger cars after September 1, 1989. Air bags and automatic safety seat belts are being installed to meet the standard. The agency will analyze the actual road experience of vehicles equipped with automatic occupant

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Prerule Stage

protection to measure the reduction of fatalities and injuries, observe operational performance, and assess public acceptance and costs. The regulation was selected for review because of its costs, potential benefits, and public interest; this review is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|---------------------------|----------|-------------|
| Begin Review | 01/17/90 | 55 FR 1586 |
| Interim Evaluation Report | 07/08/92 | 57 FR 30293 |
| End Review | 12/31/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Automatic occupant protection, State belt laws, and greater voluntary belt use amount to a winning combination that saves lives and reduces injury severity. Fatality risk of occupants in cars with air bags plus manual belts (at 1991 use rates) is 23 percent lower than in "baseline" cars with manual belts at 1983 use rates. Interim Evaluation Report comments reviewed and docketed 10/28/92.

Agency Contact: Frank Ephraim, Chief, Standards Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1574

RIN: 2127-AD82

2579. +PASSENGER CAR BRAKE PERFORMANCE

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.105; 49 CFR 571.135

Legal Deadline: Other, Statutory, December 31, 1993.

Deadline is for an ANPRM.

Abstract: The NHTSA Authorization Act of 1991 directs the agency to publish an ANPRM to consider the need for additional brake performance standards for passenger cars, including antilock brake systems (ABS). The ANPRM will lay out the issues that the agency needs to resolve in order to determine whether to proceed with rulemaking on light vehicle ABS. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE47

2580. REVIEW: LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Standard 108 requires passenger cars sold after October 1, 1985, to be equipped with center high-mounted stop lamps (CHMSLs). NHTSA undertook a staff evaluation of the safety effectiveness, benefits, and cost of CHMSLs. A preliminary report was published in March 1987 and an interim report in August 1989.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Begin Review | 10/01/85 | |
| Preliminary Evaluation Report Published | 03/20/87 | 52 FR 9609 |
| Interim Evaluation Report Published | 08/04/89 | 54 FR 32153 |
| Interim Evaluation Report Comments Reviewed and Docketed | 02/21/90 | |
| End Review | 12/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The evaluation report indicated that cars equipped with center high-mounted stop lamps were 17 percent less likely to be struck in the rear while braking than cars without the lamps.

Agency Contact: Frank G. Ephraim, Chief, Standards Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400

Seventh Street SW., Washington, DC 20590, 202 366-1574

RIN: 2127-AB76

2581. REVIEW: GLASS-PLASTIC WINDSHIELDS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.205

Legal Deadline: None

Abstract: This review involves analysis of the costs, benefits, and operational performance of glass-plastic windshields regulated by Federal Motor Vehicle Safety Standard No. 205. This program was selected because of public interest and potential benefits.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Begin Review | 08/01/89 | |
| End Review | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Chief, Standards Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1574

RIN: 2127-AD29

2582. • REVIEW: PASSENGER CAR BACK SEAT OCCUPANT PROTECTION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard No. 208 requires passenger cars manufactured after December 11, 1989, to have Type 2 (lap-and-shoulder) belts at the rear outboard seats. The agency will analyze the actual on-the-road experience of vehicles equipped with lap-and-shoulder belts in the rear seats to measure the reduction of fatalities and injuries relative to cars equipped only with lap belts. The regulation was selected for review because of public interest.

DOT—NHTSA

Prerule Stage

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Begin Review | 07/01/93 | |
| End Review | 12/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Frank G. Ephraim, Chief, Standards Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1574

RIN: 2127-AE95

2583. BRAKE LINING**Significance:** Nonsignificant**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407**CFR Citation:** 49 CFR 571.105**Legal Deadline:** None

Abstract: Petitions from R. Grabowsky and American Trucking Association (ATA) requested initiation of rulemaking concerning brake linings (all vehicles and aftermarket). Mr. Grabowsky petitioned relative to stability, friction level, fade, wear, and identification of linings. ATA petitioned relative to friction level and identification of linings for heavy vehicles only. Petitions concerned both performance levels and test procedures, and were granted.

Timetable: Next Action Undetermined**Small Entities Affected:** Undetermined**Government Levels Affected:** None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AC66

2584. STANDARD 105; HYDRAULIC BRAKE**Significance:** Nonsignificant**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1407**CFR Citation:** 49 CFR 571.105**Legal Deadline:** None

Abstract: The Highway Safety Act of 1991 requires the agency to publish by

December 31, 1993, an ANPRM to amend Standard 105 to require antilock brake systems for passenger vehicles. The purpose of antilock brakes is to enhance the driver's control of the vehicle during emergency braking. Antilock brakes are currently available on many passenger cars and most light trucks. The accident statistics for cars and light trucks with antilock brakes are being reviewed in preparation for the proposed rulemaking and because of public interest in antilock brakes.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Begin Review | 01/01/90 | |
| End Review | 12/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Frank Ephraim, Chief, Standards Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1574

RIN: 2127-AC94

2585. TIRE LABELING, FMVSS 109, 110, 117, 119, 120; PARTS 569, 574, 575**Significance:** Nonsignificant**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1407**CFR Citation:** 49 CFR 569; 49 CFR 571.109; 49 CFR 571.110; 49 CFR 571.117; 49 CFR 571.120; 49 CFR 574; 49 CFR 575**Legal Deadline:** None

Abstract: This review concerns the usefulness of various tire labels and information to consumers, tire sellers, repairers, and rereaders.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Begin Review | 10/01/89 | |
| End Review | 06/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Additional Information: Preliminary finding of evaluation: Most individual consumers and buyers of tires for fleets know that Federal Motor Vehicle Safety Standards, but not Uniform Tire Quality Grading Standards information, is found on tires. Most tire sellers and repairers knew both FMVSS and UTQGS information is found on tires.

Agency Contact: Frank Ephraim, Chief, Standards Evaluation Division, Office of Plans and Policy, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1574

RIN: 2127-AD28

2586. RULEMAKING TO DELETE "DUE CARE" PROVISIONS FROM THE OCCUPANT CRASH PROTECTION STANDARD**Significance:** Nonsignificant**Legal Authority:** 15 USC 1392; 15 USC 1401**CFR Citation:** 49 CFR 571.208**Legal Deadline:** None

Abstract: In 1986, NHTSA added a provision to Standard No. 208, Occupant Crash Protection, allowing vehicles that fail one or more of the injury criteria in the standard to still be considered as complying with the standard if the manufacturer could show it had exercised "due care" in the design and construction of the vehicle. The Motor Vehicle Safety Act requires all safety standards to be expressed in "objective terms." Further, the courts have held that compliance with safety standards must be determined by objective measurements and without recourse to any subjective determinations. The inherently subjective nature of a "due care" determination precludes the use of that concept as an aspect of compliance with the safety standards. Therefore, the "due care" provisions would be proposed to be deleted from the crash protection standard.

Timetable: Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation

Agency Contact: Edward Glancy, Senior Attorney Advisor, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2992

RIN: 2127-AD54

2587. BRAKE HOSES AND FLUIDS**Significance:** Nonsignificant**Legal Authority:** 15 USC 1401; 15 USC 1403; 15 USC 1407; 15 USC 1892

DOT—NHTSA

Prerule Stage

CFR Citation: 49 CFR 571.106; 49 CFR 571.116

Legal Deadline: None

Abstract: The agency has granted a petition from the United States Army Tank Automotive Command (ATAC) to amend Federal Motor Vehicle Safety Standard No. 106, Brake Hoses, and Federal Motor Vehicle Safety Standard No. 116, Brake Fluids. ATAC requested that Standard No. 106 be amended to require brake hose compatibility with a fluid that includes DOT 5 characteristics and that Standard No. 116 be amended to require compatibility of DOT 3, DOT 4, and DOT 5 brake fluids with elastomeric seals and cups internal to hydraulic brake system master and wheel cylinders. The agency believes that the changes suggested by ATAC warrant further consideration.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AD70

2588. RADIATOR SAFETY CAP

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is requesting comments on the feasibility of and necessity for rulemaking to require the installation of thermal locking radiator caps or other devices on motor vehicles with water-cooled engines to prevent scalding injuries. Although this notice refers only to thermal locking radiator caps, comments are solicited on any device or technology designed to prevent such scalding injuries. Petition was granted.

Timetable:

| Action | Date | FR. Cite |
|-----------------------|--------------|-------------|
| Request for Comments; | 06/10/93 | 58 FR 32503 |
| Comment Period End | 08/09/93 | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE59

2589. MAXIMUM INFLATION PRESSURE

Significance: Nonsignificant

2589. MAXIMUM INFLATION PRESSURE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.109

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is considering whether to add the maximum inflation pressure of 350 kPa (51 psi) to the standard. Petition was granted.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE70

2590. STANDARDIZED DISPLAY OF CERTIFICATION LABELS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1397; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 567; 49 CFR 571.115

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is considering whether to require that the VIN (vehicle identification number) be specified by a permanent metal label with raised or

recessed letters and numbers (except vehicles manufactured in two or more stages). Petition was granted.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE71

2591. UPGRADE TEST PROCEDURES FOR BRAKE FLUIDS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.116

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is considering whether to upgrade the laboratory test procedures in the area of humidification, chloride corrosion test, and water absorption effect, and to develop DOT 3 and 5.1 compatibility fluid. Petition is pending.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE72

2592. AUTOMATIC BRAKE ADJUSTMENT LIMITS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: In response to petitions for reconsideration of a final rule published October 20, 1992 (57 FR 47793), the agency is considering whether to amend the adjustment limits for the automatic brake adjusters with adjustment indicators. Petitions are pending.

DOT—NHTSA

Prerule Stage

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE76

2593. LATERAL PERFORMANCE REQUIREMENTS FOR FUEL SYSTEM INTEGRITY

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.301

Legal Deadline: None

Abstract: In response to a petition granted for rulemaking, the agency is considering whether to permit the certification of the lateral moving barrier crash requirement of FMVSS No. 301, Fuel System Integrity, with the side crash test conducted in compliance with FMVSS No. 214, Side Impact Protection.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Request for Comments; Comment Period End 02/12/93 | 12/14/92 | 57 FR 59041 |
| Request for Comments; Comment Period Extended to 03/05/93 | 02/05/93 | 58 FR 7266 |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE83

2594. ACCELEROMETER MOUNTING ARRANGEMENTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is considering whether to amend the accelerometer mounting specifications for test dummies. Petition was granted.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Request for Comment; Comment Period End 02/12/93 | 12/14/92 | 57 FR 59041 |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE84

2595. ● CENTER HIGH MOUNTED STOP LAMPS FOR LIGHT TRUCKS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: In response to petitions for rulemaking, the agency is considering extending the effective date of the center high mounted stop lamp requirements for certain light truck cap manufacturers. The final rule was published on November 7, 1991 (56 FR 56940). Petitions are pending.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE98

2596. ● TEST PROCEDURES FOR TRANSMISSION AND KEY LOCKING REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.114

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is considering whether to incorporate specified test procedures for determining compliance with the transmission and key locking requirements. Petition was granted.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE99

2597. ● AIR-OVER-HYDRAULIC BRAKE SYSTEM

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is considering whether to include a definition of air-over-hydraulic brake subsystem. Such a definition would clarify the classification and compliance requirements for this brake system. Petition is pending.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AF01

2598. ● DYNAMIC TESTING FOR BUILT-IN CHILD RESTRAINT SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.213

DOT—NHTSA

Prerule Stage

Legal Deadline: None

Abstract: In response to a petition for reconsideration of a final rule published on April 16, 1993 (58 FR 19776), the agency is considering whether the requirement to use a "specific vehicle shell" for certifying built-in child restraint systems results in additional testing and is economically unfeasible. Petition is pending.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 355-0842

RIN: 2127-AF04

2599. • TIRES ON NEW TRAILERS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.120

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is considering whether to allow the use of retread tires on new trailers. Petition is pending.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AF05

2600. • REQUIREMENT FOR DAYTIME RUNNING LAMPS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: In response to petitions for reconsideration of a final rule published on January 11, 1993 (58 FR

3500), the agency is considering whether to permit greater flexibility in implementing optional daytime running lamps. Petitions were granted.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AF06

2601. • REPLACEABLE LIGHT SOURCE INFORMATION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 564

Legal Deadline: None

Abstract: In response to petitions for reconsideration of a final rule published on January 12, 1993 (58 FR 3856), the agency is considering whether to allow changes in replaceable headlamp bulb information submitted to the docket under part 564 rules. Petitions are pending.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AF07

2602. • DRIVER IMPACT PROTECTION FROM THE STEERING CONTROL SYSTEM

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.203

Legal Deadline: None

Abstract: A petition is pending for reconsideration of a final rule published May 4, 1993 (58 FR 26526), concerning the body block test device and the positioning of the torso-shaped

body block for compliance testing. The agency is considering whether to permit vehicle manufacturers to determine which of several test options could be used.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AF08

2603. • EXEMPTION OF VEHICLES USED BY THE HANDICAPPED

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1492

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: Petitions are pending for reconsideration of a final rule published March 2, 1993 (58 FR 11975), which permitted manufacturers to install manual safety belts that have not been dynamically tested at the front outboard seating positions instead of complying with the requirement for dynamically tested manual safety belts. The agency is considering broadening the exemption for certain vehicles designed to be operated by a person with disabilities.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AF09

2604. • REPLACEMENT SEAT BELT ASSEMBLIES INSTALLATION INSTRUCTIONS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.208; 49 CFR 571.209

DOT—NHTSA

Prerule Stage

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is considering whether to eliminate requirements that replacement safety belts must be accompanied with a set of installation instructions. Petition is pending.

Timetable: Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of

Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AF10

DEPARTMENT OF TRANSPORTATION (DOT)

Proposed Rule Stage

National Highway Traffic Safety Administration (NHTSA)

2605. +ROLLOVER

Significance: Regulatory Program**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407**CFR Citation:** 49 CFR 571.216**Legal Deadline:** NPRM, Statutory, May 31, 1992. Final, Statutory, January 3, 1994.

NHTSA may issue either an ANPRM or NPRM.

Abstract: Pursuant to the NHTSA Authorization Act of 1991, the agency is considering whether to propose a Federal motor vehicle safety standard to reduce the casualties associated with rollovers of passenger cars, pickup trucks, vans, and utility vehicles. This action is considered significant as it concerns a matter of substantial public interest and any resultant rule might have substantial impact on a major safety problem.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-----------|
| ANPRM | 01/03/92 | 57 FR 242 |
| ANPRM Comment Period End | 04/03/92 | |
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 10/00/93

Additional Information: A notice of availability of a planning document for this rulemaking was published 09/29/92 (57 FR 44721).

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AC64

2606. +HEAVY DUTY VEHICLE BRAKE SYSTEMS (FORMERLY TRUCK AND TRAILER BRAKE SYSTEMS)

Significance: Agency Priority**Legal Authority:** 15 USC 1392 National Traffic & Motor Vehicle Safety Act of 1966; 15 USC 1407 National Traffic & Motor Vehicle Safety Act of 1966; PL 102-240**CFR Citation:** 49 CFR 571.121; 49 CFR 571.105**Legal Deadline:** NPRM, Statutory, May 31, 1992. Final, Statutory, May 1995. NHTSA may issue either an ANPRM or NPRM.

Abstract: NHTSA is considering measures to improve the stability and control performance characteristics of heavy vehicles during braking. Specifically, the agency has proposed to establish additional performance requirements for improving the lateral stability of such vehicles while braking. This action is considered significant because of the level of public and congressional interest. It is necessary to prevent and reduce the severity of accidents involving heavy vehicles by providing increased accident avoidance capability.

Timetable:

| Action | Date | FR Cite |
|----------------------------------|----------|-------------|
| ANPRM; Comment Period End | 02/15/79 | 44 FR 9783 |
| Second ANPRM; Comment Period End | 04/16/79 | |
| Second ANPRM; Comment Period End | 02/28/80 | 45 FR 13155 |
| ANPRM | 06/08/92 | 57 FR 24212 |
| ANPRM Comment Period End | 08/07/92 | |
| NPRM | 09/28/93 | 58 FR 50738 |
| NPRM Comment Period End | 11/29/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 09/28/93 (58 FR 50738)**Additional Information:** Docket No. 79-03. ANPRM, Notice 1; Second ANPRM, Notice 3.

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AA00

2607. +FLAMMABILITY OF INTERIOR MATERIALS - SCHOOL BUSES

Significance: Agency Priority**Legal Authority:** 15 USC 1392; 15 USC 1497**CFR Citation:** 49 CFR 571.302**Legal Deadline:** None

Abstract: Advance Notice of Proposed Rulemaking requested comments regarding possible upgrade of Standard 302 to reduce the risk of fire to school bus occupants. This rulemaking is significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| ANPRM | 11/04/88 | 53 FR 44627 |
| ANPRM Comment Period End | 01/03/89 | 53 FR 44627 |
| Request for Comments; Comment Period End | 02/26/91 | 56 FR 7826 |
| NPRM | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 10/00/93

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400

DOT—NHTSA

Proposed Rule Stage

Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AA44

2608. +DYNAMIC TESTING OF LIGHT TRUCKS AND VANS FOR SIDE IMPACT

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.214

Legal Deadline: NPRM, Statutory, May 31, 1992. Final, Statutory, August 5, 1994.

Action must be completed within 26 months of ANPRM publication.

Abstract: On October 30, 1990 (55 FR 45722), the agency amended standard 214 to amend the current side door strength requirements in passenger cars to add dynamic side impact protection requirements. The NHTSA Authorization Act of 1991 directed the agency to initiate rulemaking to extend these requirements to light trucks and vans having a GVWR of less than 10,000 lbs. In response to this statutory mandate, the ANPRM announced that the agency is considering the issuance of this proposal. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 06/05/92 | 57 FR 24009 |
| ANPRM Comment Period End | 08/04/92 | |
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 06/05/92 (57 FR 24009)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE49

2609. • +HIGHWAY SAFETY PROGRAMS, DETERMINATION OF EFFECTIVENESS

Significance: Agency Priority

Legal Authority: 23 USC 402

CFR Citation: 23 CFR 1205

Legal Deadline: None

Abstract: The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102-240) requires the Secretary to designate each of six areas as priorities or submit a report to Congress describing the reasons for not prioritizing these programs. These areas are Speed Control, Occupant Protection, Driving While Impaired, Motorcycle Safety, School Bus Safety, and Police Traffic Services. The existing priority programs address four of the six areas, but do not include Speed Control or School Bus Safety. The agency is considering whether to add these two areas to the list of national priority programs. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: This is a joint action with Federal Highway Administration.

Agency Contact: Marlene Markison, Office of Regional Operations, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0166

RIN: 2127-AE89

2610. PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

Significance: Nonsignificant

Legal Authority: 42 USC 4321 et seq (National Environmental Policy Act-NEPA)

CFR Citation: 49 CFR 520

Legal Deadline: None

Abstract: NHTSA's regulation will be reviewed and reissued, as necessary, where it conflicts with or is duplicative of the regulations of Council on Environmental Quality (CEQ), 40 CFR parts 1500-1508, and with DOT Order 5610.1C, each of which implements the National Environmental Policy Act (NEPA), 42 USC 4321, et seq.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen C. DeMeter, Ass't Chief Counsel for General Law, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1834

RIN: 2127-AB79

2611. EMERGENCY LOCKING RETRACTORS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: Horkey and Associates petitioned to prohibit the use of emergency locking retractors, alleging they fail to provide adequate protection against occupant rebound in rear impact. The petition was granted, as was a related one from Environmental Research and Safety Technologists. (See RIN 2127-AD08.) A subsequent NHTSA request for comments concerned recent agency analyses and a proposed research plan as to seatback performance in rear impacts.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| ANPRM | 10/04/89 | 54 FR 40896 |
| ANPRM Comment Period End | 12/04/89 | 54 FR 40896 |
| Request for Comments; Comment Period End | 11/23/92 | 57 FR 54958 |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This action was formerly titled Occupant Crash Protection, Emergency Locking Retractors.

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AC57

DOT—NHTSA

Proposed Rule Stage

2612. FUEL SPILLAGE

Significance: Nonsignificant

Legal Authority: 15 USC 1407; 15 USC 1410

CFR Citation: 49 CFR 552; 49 CFR 571

Legal Deadline: None

Abstract: The California Highway Patrol (CHP) petitioned the agency to specify requirements in FMVSS No. 301 to reduce fuel spills from the fuel tank or fuel lines on heavy trucks and truck tractors over 10,000 pounds. The fuel spills, according to the CHP, are due to damage caused by road debris. The petition was granted pending the results of the forthcoming investigation of fuel-tank fires in over-the-road trucks, on which research is presently underway.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This entry was formerly titled Fuel System Integrity, Fuel Spillage.

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AC62

2613. SEATING SYSTEMS PERFORMANCE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.207

Legal Deadline: None

Abstract: Environmental Research and Safety Technologists of Flagstaff, AZ, petitioned the agency to reexamine the general performance requirements of the standard. The ANPRM requested comments.

Timetable:

| Action | Date | FR Cite |
|---------------|--------------|-------------|
| ANPRM | 10/04/89 | 54 FR 40896 |
| ANPRM Comment | 12/04/89 | 54 FR 40896 |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Petitions for rulemaking were granted 07/24/89. See a related rulemaking action involving these petitioners under RIN 2127-AC57.

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AD08

2614. ENFORCEMENT OF THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1397; 15 USC 1398; 15 USC 1401; 15 USC 1402; 15 USC 1403; 15 USC 1407; 15 USC 1408; 15 USC 1410a; 15 USC 1411; 15 USC 1412; 15 USC 1413; 15 USC 1414; 15 USC 1415; 15 USC 1516;

...

CFR Citation: 49 CFR 552; 49 CFR 554; 49 CFR 573; 49 CFR 576; 49 CFR 577

Legal Deadline: None

Abstract: The agency would propose to amend several provisions of regulations that pertain to its enforcement of the National Traffic and Motor Vehicle Safety Act. The proposed amendment would relate to NHTSA's consideration of petitions for rulemaking or for investigation of alleged defects or noncompliance with safety standards (part 552); NHTSA's procedures following an initial determination that a safety-related defect exists (part 573); the form and content of notification letters that manufacturers must send to owners following a determination that a vehicle or item of motor vehicle equipment contains a defect or does not comply with a safety standard (part 577); record retention requirements applicable to manufacturers (part 576); and a clarification that NHTSA's recordkeeping and reporting regulations (parts 573 and 576) apply to electronically generated or communicated materials.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/27/93 | 58 FR 50314 |
| NPRM Comment | 11/12/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LEGAL AUTHORITY CONT: 15 USC 1416; 15 USC 1417; 15 USC 1418; 15 USC 1419; 15 USC 1420

Agency Contact: Jonathan D. White, Office of Defects Investigation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5227

RIN: 2127-AD83

2615. CHILD BOOSTER SEATS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.213

Legal Deadline: NPRM, Statutory, May 31, 1992. Final, Statutory, July 31, 1994.

Abstract: The NHTSA Authorization Act of 1991 directs the agency to initiate rulemaking on child booster seat safety. In response to this statutory mandate, an NPRM addressed issues of belt-positioning child seats and proper use of the seats. A second NPRM to follow will address the need for a greater array of test dummies for compliance testing.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 05/29/92 | 57 FR 22682 |
| ANPRM Comment | 07/28/92 | |
| Period End | | |
| NPRM | 09/03/93 | 58 FR 46928 |
| NPRM Comment | 11/02/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/03/93 (58 FR 46928)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE39

2616. SAFETY BELT DESIGN

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

DOT-NHTSA

Proposed Rule Stage

CFR Citation: 49 CFR 571.208

Legal Deadline: Final, Statutory, July 29, 1994. Other, Statutory, May 31, 1992.

Initiate by May 31, 1992; complete by July 29, 1994.

Abstract: The NHTSA Authorization Act of 1991 directs the agency to initiate rulemaking to improve the design of safety belts. In response to this statutory mandate, an ANPRM requested comments on possible means of improving safety belt comfort and fit.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 05/29/92 | 57 FR 22687 |
| ANPRM Comment Period End | 07/28/92 | |
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/29/92 (57 FR 22687)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE48

2617. VEHICLES EQUIPPED WITH LONG-STROKE BRAKE CHAMBERS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: In response to a rulemaking petition granted, this action would amend reservoir capacity requirements for vehicles equipped with long-stroke brake chambers in order to encourage the chambers' use.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/02/93 | 58 FR 41078 |
| NPRM Comment Period End | 10/01/93 | |
| Final Action | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/02/93 (58 FR 41078)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety

Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE54

2618. BUS WINDOW EMERGENCY EXIT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.217

Legal Deadline: None

Abstract: In response to a rulemaking petition, the agency is proposing to allow windows that slide into the bus body panel to be used to meet emergency exit requirements.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Local

Analysis: Regulatory Evaluation 10/00/93

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE62

2619. AMERICAN AUTOMOBILE LABELING ACT REQUIREMENTS

Significance: Nonsignificant

Legal Authority: PL 102-388

CFR Citation: 49 CFR 1.50

Legal Deadline: Final, Statutory, October 31, 1994.

Abstract: The American Automobile Labeling Act requires that new passenger cars, light-duty trucks, and multipurpose passenger vehicles (with a gross vehicle weight of 8,500 pounds or less), manufactured on or after October 1, 1994, bear labels providing information regarding the extent to which their parts are of domestic origin. The basic labeling requirement requires that each manufacturer of a new passenger motor vehicle shall annually establish for each model year and cause to be affixed, and each dealer

shall cause to be maintained, in each such vehicle manufactured on or after October 1, 1994, a label specifying the vehicle's domestic and foreign origin.

Timetable:

| Action | Date | FR Cite |
|-------------------------------------|----------|-------------|
| Request for Comments/Public Meeting | 11/18/92 | 57 FR 54351 |
| Comment Period Extended to 01/11/93 | 12/29/92 | 57 FR 61869 |
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/93

Agency Contact: Nelson Gordy, Safety Standards Engineer, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4797

RIN: 2127-AE63

2620. MEDIAN THEFT RATE

Significance: Nonsignificant

Legal Authority: 15 USC 2001; 15 USC 2022; 15 USC 2023

CFR Citation: 49 CFR 541

Legal Deadline: None

Abstract: The agency is proposing to publish a new median theft rate using Model Years (MYs) 1990 and 1991 passenger motor vehicles, designate new high theft passenger motor vehicles, revise regulations to include a new definition of passenger motor vehicle, and revise regulations to designate which parts are covered in the rule.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Theft Data Published; Comments Due by 09/20/93 | 08/05/93 | 58 FR 41834 |
| NPRM | 04/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 04/00/94

Agency Contact: Barbara Gray, Chief, Motor Vehicle Theft Group, Office of Market Incentives, Department of

DOT—NHTSA

Proposed Rule Stage

Transportation, National Highway
Traffic Safety Administration, 400
Seventh Street SW., Washington, DC
20590, 202 366-1740

RIN: 2127-AE68

2621. DATA CODE REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC
1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.120

Legal Deadline: None

Abstract: In response to a petition
granted for rulemaking, the agency has
proposed to amend Standard 120 to
allow manufacturers the choice of
expressing the date of manufacture on
wheel rims either numerically or by
means of symbols.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/03/93 | 58 FR 46938 |
| NPRM Comment Period End | 10/18/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
09/03/93 (58 FR 46938)

Agency Contact: Dr. Patricia Breslin,
Director, Office of Vehicle Safety
Standards, Department of
Transportation, National Highway
Traffic Safety Administration, 400
Seventh Street SW., Washington, DC
20590, 202 366-0842

RIN: 2127-AE74

2622. ANTILOCK WARNING SIGNALS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC
1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: In response to a petition
granted for rulemaking, the agency has
proposed to allow an antilock warning
lamp switch which would be capable
of deactivating and reactivating the
warning lamp used to indicate antilock
electrical malfunction.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/28/93 | 58 FR 50732 |
| NPRM Comment Period End | 11/29/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
09/28/93 (58 FR 50732)

Agency Contact: Dr. Patricia Breslin,
Director, Office of Vehicle Safety
Standards, Department of
Transportation, National Highway
Traffic Safety Administration, 400
Seventh Street SW., Washington, DC
20590, 202 366-0842

RIN: 2127-AE75

2623. DEFINE MAJOR COMPONENT PARTS OF A VEHICLE

Significance: Nonsignificant

Legal Authority: 15 USC 2001; 15 USC
2022; 15 USC 2023

CFR Citation: 49 CFR 541

Legal Deadline: Final, Statutory,
October 30, 1994.

Abstract: The Anti Car Theft Act
(ACTA) of 1992 amended title VI,
"Theft Prevention," of the Motor
Vehicle Information and Cost Savings
Act (Cost Savings Act). Among the
amendments was one requiring that
certain lines of multipurpose passenger
vehicles (MPVs) and light-duty trucks
(LDTs) be designated as high theft
lines. In anticipation of rulemaking to
promulgate this requirement, comments
were solicited on the definition of LDTs
for title VI purposes and on what major
parts to be subject to parts markings.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 07/07/93 | 58 FR 36376 |
| ANPRM Comment Period End | 08/23/93 | |
| NPRM | 04/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Barbara Gray, Chief,
Motor Vehicle Theft Group, Office of
Market Incentives, Department of
Transportation, National Highway
Traffic Safety Administration, 400
Seventh Street SW., Washington, DC
20590, 202 366-1740

RIN: 2127-AE85

2624. • UNIFORM GUIDELINES FOR STATE HIGHWAY SAFETY PROGRAMS

Significance: Nonsignificant

Legal Authority: 23 USC 402

CFR Citation: 23 CFR 1204

Legal Deadline: None

Abstract: The Intermodal Surface
Transportation Efficiency Act of 1991
(ISTEA) (Pub. L. 102-240) requires the
Secretary to ensure that the uniform
guidelines for State highway safety
programs include each of six key areas
(Speed Control, Occupant Protection,
Driving While Impaired, Motorcycle
Safety, School Bus Safety, and Police
Traffic Services). The existing
guidelines include four of the six areas
identified, but do not include Speed
Control or Occupant Protection. The
agency is requesting comments on new
guidelines to address these two areas
and to consider other changes to the
Uniform Guidelines for State Highway
Safety Programs.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local,
State

Additional Information: This is a joint
action with Federal Highway
Administration.

Agency Contact: Marlene Markison,
Office of Regional Operations,
Department of Transportation, National
Highway Traffic Safety Administration,
400 Seventh Street SW., Washington,
DC 20590, 202 366-0166

RIN: 2127-AE90

2625. • PASSENGER MOTOR VEHICLE THEFT DATA FOR MODEL YEAR (MY) 1992

Significance: Nonsignificant

Legal Authority: 15 USC 2021

CFR Citation: 49 CFR 541

Legal Deadline: None

Abstract: The Motor Vehicle
Information and Cost Savings Act
provides that the agency shall
periodically publish passenger motor
vehicle theft data for review and
comment. These data are to inform the
public, particularly law enforcement
groups, automobile manufacturers, and
the Congress, of the extent of the
vehicle theft problem and the impact,
if any, on vehicle thefts of the Federal
Motor Vehicle Theft Prevention
Standard. The theft data are for Model
Year (MY) 1992 motor vehicle thefts.

DOT-NHTSA

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: Barbara Gray, Chief, Motor Vehicle Theft Group, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1740

RIN: 2127-AE92

2626. • FINAL LISTING OF HIGH THEFT LINES FOR MODEL YEAR (MY) 1994

Significance: Nonsignificant

Legal Authority: 15 USC 2021; 15 USC 2024; 15 USC 2026

CFR Citation: 49 CFR 541; 49 CFR 542

Legal Deadline: None

Abstract: The purpose of this action is to report the results of the agency's actions for determining which car lines are subject to the marking requirements of the motor vehicle theft prevention standard for Model Year (MY) 1994 and to publish a list of those car lines.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Barbara Gray, Chief, Motor Vehicle Theft Group, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1740

RIN: 2127-AE93

2627. • INSURER REPORTING REQUIREMENTS FOR OCTOBER 1994

Significance: Nonsignificant

Legal Authority: 15 USC 2032

CFR Citation: 49 CFR 544

Legal Deadline: None

Abstract: Title VI of the Motor Vehicle Information and Cost Savings Act requires certain passenger motor vehicle insurers to file reports with the agency (concerning total value of

premiums paid by the insurance company, number of thefts, number of recoveries, etc.), unless the agency exempts the insurer from filing such reports. The law stipulates that the agency can only exempt those insurance companies whose market share is below certain percentages for the nation as a whole and in each individual State, or for which the agency determines that (1) the cost of preparing and furnishing such reports is excessive in relation to the size of the business of the insurer or (2) the insurer's report will not significantly contribute to carrying out the purposes of title VI. This action will list those insurers required to conform to title VI requirements.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Gray, Chief, Motor Vehicle Theft Group, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1740

RIN: 2127-AE94

2628. • DEFINE DESIGNATED SEATING POSITION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.3

Legal Deadline: None

Abstract: The agency is proposing to amend the definition of "designated seating position" for school buses to specify that for purposes of determining vehicle classification, any location intended for securement of an occupied wheelchair during vehicle operation would be counted as four designated seating positions because one such location typically necessitates the removal of seating for four people. This would ensure that the vehicle would continue to be regarded as a school bus.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842.

RIN: 2127-AE96

2629. • MINIATURE AND NONFILAMENT LIGHT SOURCES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: The agency is proposing to modify signal lamp performance and test requirements to accommodate miniature halogen light sources and light emitting diode light sources, and to inquire about other nontraditional light sources for signaling and roadway illumination.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE97

2630. • REDEFINE REPLACEABLE BULB HEADLAMPS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is considering whether to alter the definition of replaceable bulb headlamps to delete the word "bonded" as it applies to the lens/reflector assembly of headlamps using on-vehicle aiming equipment. There are numerous cost and safety issues involved. Petition was granted.

DOT—NHTSA

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Request for Comments; Comment Period End 09/27/93 | 08/12/93 | 58 FR 42924 |

Next Action Undetermined

Small Entities Affected: Undetermined**Government Levels Affected:** None

Agency Contact: Dr. Patricia Breslin,
Director, Office of Vehicle Safety
Standards, Department of
Transportation, National Highway
Traffic Safety Administration, 400
Seventh Street SW., Washington, DC
20590, 202 366-0842

RIN: 2127-AF00

2631. • TEST DUMMIES AND REQUIREMENTS FOR TESTING CHILD RESTRAINT SYSTEMS**Significance:** Nonsignificant**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1402; 15 USC 1407**CFR Citation:** 49 CFR 571.213**Legal Deadline:** None

Abstract: This action would propose that tests for certification of child restraints use two of three approved child dummies within the relevant weight and height range.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Dr. Patricia Breslin,
Director, Office of Vehicle Safety
Standards, Department of
Transportation, National Highway
Traffic Safety Administration, 400
Seventh Street SW., Washington, DC
20590, 202 366-0842

RIN: 2127-AF02

2632. • CONVERSION OF MEASUREMENTS FROM ENGLISH UNITS TO METRIC UNITS**Significance:** Nonsignificant**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407**CFR Citation:** 49 CFR 571.102; 49 CFR 571.103; 49 CFR 571.104; 49 CFR

571.110; 49 CFR 571.112; 49 CFR 571.114; 49 CFR 571.115; 49 CFR 571.118; 49 CFR 571.120; 49 CFR 571.124; 49 CFR 571.126; 49 CFR 571.205; 49 CFR 571.206; 49 CFR 571.207; 49 CFR 571.212; ...

Legal Deadline: None

Abstract: The agency is proposing to convert the units of measurement used in the safety standards from the English system to the metric system. This action will address the simplest conversions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Dr. Patricia Breslin,
Director, Office of Vehicle Safety
Standards, Department of
Transportation, National Highway
Traffic Safety Administration, 400
Seventh Street SW., Washington, DC
20590, 202 366-0842

RIN: 2127-AF03

DEPARTMENT OF TRANSPORTATION (DOT)

Final Rule Stage

National Highway Traffic Safety Administration (NHTSA)

2633. +CRASHWORTHINESS RATINGS**Significance:** Regulatory Program**Legal Authority:** 15 USC 1401; 15 USC 1941**CFR Citation:** 49 CFR 5**Legal Deadline:** None

Abstract: This action would require manufacturers to disseminate crashworthiness performance information concerning their cars to the public, to provide consumers with comparative information on the crashworthiness performance of new car models. This rulemaking is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 01/22/81 | 46 FR 7025 |
| Comment Period Extended to 10/22/81 | 04/02/81 | 46 FR 19947 |

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM Comment Period End | 04/22/81 | 46 FR 7025 |

Next Action Undetermined

Small Entities Affected: None**Government Levels Affected:** None

Analysis: Regulatory Impact Analysis;
Draft Regulatory Evaluation 01/22/81
(46 FR 7025)

Additional Information: Docket No. 79-17. NPRM, Notice 1.

Agency Contact: Stanley Scheiner,
Director, Office of Market Incentives,
Department of Transportation, National
Highway Traffic Safety Administration,
400 Seventh Street SW., Washington,
DC 20590, 202 366-1740

RIN: 2127-AA03

2634. +CARS AND LIGHT TRUCKS: PADDING A-PILLARS, SIDE RAIL, ETC**Significance:** Regulatory Program**Legal Authority:** 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.201; 49 CFR 571.205; 49 CFR 571.206; 49 CFR 571.214

Legal Deadline: NPRM, Statutory, January 31, 1993.

Abstract: This action concerns improved head impact protection from interior components of passenger cars, i.e., roof rails, pillars, and front headers. This rulemaking action and notice of a publication date for the NPRM are required by the NHTSA Authorization Act of 1991. This action is considered significant because of safety and cost implications.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 08/19/88 | 53 FR 31712 |
| ANPRM Comment Period End | 10/18/88 | |
| Notice of Intent | 06/05/92 | 57 FR 24008 |
| NPRM | 02/08/93 | 58 FR 7506 |
| NPRM Comment Period End | 04/09/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

DOT—NHTSA

Final Rule Stage

Government Levels Affected: None

Analysis: Regulatory Evaluation
02/08/93 (58 FR 7506)

Additional Information: This entry was formerly titled: Side-Impact Protection, Head/Neck Protection, and Occupant Ejection Mitigation.

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AB85

2635. +LIGHTING SIMPLIFICATION—POTENTIAL AMENDMENTS ON LONG-TERM ISSUES

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: NHTSA proposes a comprehensive review of headlighting requirements of FMVSS No. 108 which may be simplified, while being consistent with motor-vehicle safety. The agency has concentrated its efforts into five principal areas. This action addresses the first of these, which is the feasibility of a standard directed toward onboard original-equipment headlighting performance rather than toward performance of individual aftermarket headlamps in a laboratory environment. This action is considered significant because of safety implications. Based on comments received, a second NPRM was issued.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 10/22/85 | 50 FR 42735 |
| ANPRM Comment | 01/14/86 | 51 FR 1542 |
| Period Extended to | | |
| 03/06/86 | | |
| ANPRM Comment | 01/21/86 | |
| Period End | | |
| NPRM | 12/29/87 | 52 FR 49038 |
| NPRM Comment | 03/28/88 | |
| Period End | | |
| SNPRM; Second | 05/09/89 | 54 FR 20084 |
| Correction to Second | 05/19/89 | 54 FR 21727 |
| SNPRM | | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Preliminary Regulatory Evaluation 12/29/87 (52 FR 49038)

Additional Information: Docket No. 85-15, Notice 1.

Docket No. 85-15, Notice 2. In response to comments to the SNPRM, additional research has been initiated as to vehicle-based roadway illumination performance requirements. RIN 2127-AD69 - Vehicle Based Roadway Illumination Performance Requirement was terminated as a duplicate entry in the April 1991 Agenda.

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AB87

2636. +LIGHT TRUCK AVERAGE FUEL ECONOMY STANDARDS FOR MODEL YEARS (MY) 1996 AND 1997

Significance: Regulatory Program

Legal Authority: 15 USC 1657; 15 USC 2002

CFR Citation: 49 CFR 533

Legal Deadline:

Final, Statutory, March 31, 1994; for MY 1996.

Abstract: In accordance with the mandatory requirements of section 502(b) of the Motor Vehicle Information and Cost Savings Act, the agency has published a notice proposing to establish average fuel economy standards for light trucks manufactured in model years (MY) 1996 through 1997. This action is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive market.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM* | 12/24/92 | 57 FR 61377 |
| NPRM Comment | 02/01/93 | |
| Period End | | |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/24/92 (57 FR 61377)

Additional Information: The NPRM proposed standards for MYs 1995 through 1997. Standards relating to MY

1995 are in the completed portion of this Agenda under RIN 2127-AE42.

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0846

RIN: 2127-AE91

2637. +TRUCK REAR UNDERRIDE PROTECTION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: On January 8, 1981 (46 FR 2136), the agency published a notice of proposed rulemaking on rear underride crashes relative to small vehicles colliding with the rear of a heavy vehicle (a vehicle with a gross vehicle weight rating (GVWR) greater than 10,000 pounds). Rear underride occurs when the front of the smaller vehicle slides under ("underrides") the rear end of the larger vehicle. The agency received over 100 comments on the proposal, some of which raised issues about possible alternatives to the proposal and about the burdens of the proposal on small businesses. The SNPRM sought to retain the safety benefits of the earlier proposal while meeting the concerns about potential small business impacts. This rulemaking is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| NPRM | 01/08/81 | 46 FR 2136 |
| NPRM Comment | 04/08/81 | 46 FR 2136 |
| Period End | | |
| SNPRM; Comment | 01/03/92 | 57 FR 252 |
| Period End | | |
| 03/04/92 | | |
| SNPRM Comment | 04/09/92 | 57 FR 12289 |
| Period Reopened to | | |
| 06/08/92 | | |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/03/92 (57 FR 252)

Additional Information: Docket No. 1-11. NPRM, Notice 8.

DOT—NHTSA

Final Rule Stage

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AA43

2638. +SCHOOL BUS BODY JOINT STRENGTH

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.221

Legal Deadline: None

Abstract: This action proposed to clarify and expand procedures for testing school bus body joint strength; to revise the exemption provided for maintenance access panels on school bus bodies; and to extend the scope of the standard to include all school buses, including those of GVWR of 10,000 pounds or less. This rulemaking is significant because of substantial public and congressional interest.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| ANPRM | 06/15/87 | 52 FR 23314 |
| ANPRM Comment Period End | 08/03/87 | 52 FR 23314 |
| Comment Period Extended to | 08/12/87 | 52 FR 29873 |
| NPRM | 03/15/91 | 56 FR 11142 |
| NPRM Comment Period End | 05/14/91 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/15/91 (56 FR 11142)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AC19

2639. +FILM TRANSMITTANCE OF GLAZING MATERIALS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.205

Legal Deadline: None

Abstract: A rulemaking petition was granted which requested an amendment be made to the standard which would allow the applications of a film with 35 percent transmittance to the windows of motor vehicles. This project is considered significant because of the substantial public and congressional interest.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| ANPRM | 07/20/89 | 54 FR 30427 |
| Petition for Rulemaking Granted | 07/20/89 | 54 FR 30427 |
| ANPRM Comment Period End | 09/18/89 | 54 FR 30427 |
| NPRM | 01/22/92 | 57 FR 2496 |
| NPRM Comment Period End | 03/23/92 | |
| NPRM Comment Period Extended to | 03/25/92 | 57 FR 10327 |
| NPRM Correction | 04/09/92 | 57 FR 12286 |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/22/92 (57 FR 2496)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AC85

2640. +COMPRESSED NATURAL GAS (CNG) AND PROPANE

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.301

Legal Deadline: None

Abstract: The ANPRM proposed rulemaking concerning the possibility of proposing special fuel integrity requirements for vehicles using compressed natural gas (CNG) and liquefied petroleum gas (LPG). The NPRM proposed to establish a new standard specifying performance requirements for CNG fuel tanks and vehicles using CNG as a fuel. NHTSA also requested comment on whether vehicles using LPG as a fuel should be subject to similar requirements, and

whether the proposed requirements for CNG vehicles should be applicable to all vehicles designed to be powered by a gaseous fuel, such as liquefied natural gas or hydrogen. This action is considered significant because of substantial public and congressional interest.

Timetable:

| Action | Date | FR Cite |
|----------------------------------|----------|-------------|
| ANPRM | 10/12/90 | 55 FR 41561 |
| Public Meeting Notice | 10/12/90 | 55 FR 41561 |
| ANPRM Comment Period End | 12/11/90 | |
| ANPRM Comment Period Extended to | 12/17/90 | 55 FR 51737 |
| NPRM | 01/21/93 | 58 FR 5323 |
| NPRM Comment Period End | 03/22/93 | |
| NPRM Comment Period Extended to | 03/23/93 | 58 FR 15463 |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/21/93 (58 FR 5323)

Agency Contact: Gary Woodford, General Engineer, Special Projects Staff, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4804

RIN: 2127-AD48

2641. +WHEELCHAIR LIFTS

Significance: Agency Priority

Legal Authority: PL 101-336 Americans with Disabilities Act

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This action would establish new requirements for wheelchair lifts used on motor vehicles. This is significant due to substantial public interest in transportation of the handicapped.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 02/26/93 | 58 FR 11562 |
| NPRM Comment Period End | 04/27/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/26/93 (58 FR 11562)

DOT—NHTSA

Final Rule Stage

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AD50

2642. +CERTIFICATION OF SPEED LIMIT ENFORCEMENT

Significance: Agency Priority

Legal Authority: 23 USC 118; 23 USC 141; 23 USC 154; 23 USC 315; PL 102-240

CFR Citation: 23 CFR 1260

Legal Deadline: NPRM, Statutory, December 18, 1992. Final, Statutory, February 16, 1993.

Abstract: The agency proposes to replace the National Maximum Speed Limit procedures contained in 23 CFR and part 659 with new procedures as required by section 1029 of Public Law 102-240, the "Intermodal Surface Transportation Efficiency Act of 1991." It proposes that the speed limit compliance formula, the speed monitoring plan, and the penalty for noncompliance be modified in accordance with the requirements of this new legislation. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-----------|
| NPRM | 01/04/93 | 58 FR 187 |
| NPRM Comment Period End | 02/03/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 01/04/93 (58 FR 187)

Additional Information: The NPRM inadvertently was published under RIN 2125-0027.

Agency Contact: J. Michael Sheehan, Chief, Traffic Services Division, Office of Traffic Safety Programs, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4295

RIN: 2127-AE52

2643. PROPOSED NEW STANDARD 135; PASSENGER-CAR BRAKE SYSTEM

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.105; 49 CFR 571.135

Legal Deadline: None

Abstract: This rulemaking to establish a new standard for passenger-car brake systems grew out of NHTSA's efforts to harmonize its standards with international ones. After review of comments to the NPRM and SNPRM, a second SNPRM proposed refined and revised test procedures and performance requirements which should achieve harmonization while being fully consistent with the National Traffic and Motor Vehicle Safety Act. The new standard 135 was to replace standard 105 as it applies to passenger cars. This action was originally considered significant, but subsequent events have resulted in fewer issues to be resolved, and this project is no longer considered as such.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 05/10/85 | 50 FR 19744 |
| Correction to NPRM for RIN AC63 | 06/20/85 | 50 FR 25612 |
| NPRM Comment Period Extended to 01/13/86 | 09/17/85 | 50 FR 37702 |
| NPRM Comment Period End | 10/07/85 | 50 FR 19744 |
| SNPRM; Comment Period End 10/13/87 | 01/14/87 | 52 FR 1474 |
| Second SNPRM; Comment Period Extended to 10/31/91 | 07/03/91 | 56 FR 30528 |
| Second SNPRM; Comment Period Extended to 01/10/92 | 10/25/91 | 56 FR 55266 |
| Third SNPRM; Comment Period End 03/01/93 | 01/15/93 | 58 FR 4649 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/03/91 (56 FR 30528)

Additional Information: A third SNPRM proposed to establish a new Standard No. 135 to replace Standard No. 105. This SNPRM responds to an

ANPRM published December 27, 1991 (56 FR 67038) (RIN 2127-AE29), that asked for comments on the appropriateness of Standard No. 105 to braking systems of electric vehicles. However, upon consideration of comments received, NHTSA determined that any changes should be made to Standard 135 as well as existing Standard 105. Hence, both standards are proposed to be revised to incorporate definitions and test conditions deemed appropriate.

Docket No. 85-06. RIN 2127-AC63, Passenger-Car Brake Systems, was consolidated into this proceeding.

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AA13

2644. AIR BRAKE SYSTEMS, STOPPING-DISTANCE PERFORMANCE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: Accidents involving heavy trucks have a higher fatality rate than all other motor vehicles. This rulemaking proposes to reinstate stopping distance performance requirements in Standard 121 so as to help improve heavy vehicle braking performance and hence reduce the number of accidents involving these vehicles. Although a court decision found that Standard 121, as it then existed, was unenforceable, additional accident data and technical review have persuaded NHTSA that the court's requirements can now be met.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 02/23/93 | 58 FR 11009 |
| Correction to the NPRM | 04/21/93 | 58 FR 21436 |
| NPRM Comment Period End | 05/24/93 | |
| NPRM Comment Period Extended to 09/24/93 | 05/27/93 | 58 FR 30746 |
| Final Action | 05/00/94 | |

Small Entities Affected: None

DOT—NHTSA

Final Rule Stage

Government Levels Affected: None**Analysis:** Regulatory Evaluation
02/23/93 (58 FR 11009)**Agency Contact:** Dr. Patricia Breslin,
Director, Office of Vehicle Safety
Standards, Department of
Transportation, National Highway
Traffic Safety Administration, 400
Seventh Street SW., Washington, DC
20590, 202 366-0842

RIN: 2127-AD07

**2645. SEATING SYSTEMS TEST
PROCEDURE****Significance:** Nonsignificant**Legal Authority:** 15 USC 1392; 15 USC
1407**CFR Citation:** 49 CFR 571.207**Legal Deadline:** None**Abstract:** This action would adopt a
test procedure more appropriate to
pedestal seats, and has proposed using
a procedure that more closely
represents the load distribution actually
experienced by pedestal seats in real-
world crashes. The SNPRM concerned
the definitions of a pedestal seat.**Timetable:**

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| NPRM | 08/14/90 | 55 FR 33141 |
| NPRM Comment Period End | 09/28/90 | |
| SNPRM | 03/08/93 | 58 FR 12921 |
| SNPRM Comment Period End | 05/07/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation
03/08/93 (58 FR 12921)**Agency Contact:** Dr. Patricia Breslin,
Director, Office of Vehicle Safety
Standards, Department of
Transportation, National Highway
Traffic Safety Administration, 400
Seventh Street SW., Washington, DC
20590, 202 366-0842

RIN: 2127-AD09

**2646. "LOCK" CHILD SAFETY
SYSTEMS****Significance:** Nonsignificant**Legal Authority:** 15 USC 1392; 15 USC
1401; 15 USC 1403; 15 USC 1407**CFR Citation:** 49 CFR 571.208**Legal Deadline:** None**Abstract:** This supplemental action
proposes to require that lap belts or the
lap belt portion of lap/shoulder belts
be capable of tightly securing child
safety seats.**Timetable:**

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| NPRM | 07/30/90 | 55 FR 30937 |
| NPRM Comment Period End | 09/13/90 | |
| SNPRM Comment Period End | 12/06/91 | 56 FR 63914 |
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation
07/30/90 (55 FR 30937)**Agency Contact:** Dr. Patricia Breslin,
Director, Office of Vehicle Safety
Standards, Department of
Transportation, National Highway
Traffic Safety Administration, 400
Seventh Street SW., Washington, DC
20590, 202 366-0842

RIN: 2127-AD39

**2647. ISSUANCE, AMENDMENT, AND
REVOCATION OF RULES:
PROCEDURAL REGULATIONS****Significance:** Nonsignificant**Legal Authority:** 15 USC 1392; 15 USC
1407; 15 USC 1912; 15 USC 1941; 15
USC 1988; 15 USC 2001**CFR Citation:** 49 CFR 553.39**Legal Deadline:** None**Abstract:** The agency is proposing to
amend one provision of the procedural
regulations that apply to the issuance,
amendment, and revocation of rules
under the Motor Vehicle Information
and Cost Savings Act and the Motor
Vehicle Safety Act. The provision
addresses the time within which
affected persons may seek judicial
review of a final rule if a petition for
agency reconsideration of that rule has
been filed.**Timetable:**

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/31/90 | 55 FR 45825 |
| NPRM Correction | 11/08/90 | 55 FR 47028 |
| NPRM Comment Period End | 12/17/90 | |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation
10/31/90 (55 FR 45825)**Agency Contact:** Kenneth Weinstein,
Assistant Chief Counsel, Department of
Transportation, National Highway
Traffic Safety Administration, 400
Seventh Street SW., Washington, DC
20590, 202 366-5283

RIN: 2127-AD78

**2648. EXCLUSIVE USE OF HYBRID III
TEST DUMMY IN COMPLIANCE
TESTING****Significance:** Nonsignificant**Legal Authority:** 15 USC 1392; 15 USC
1401; 15 USC 1403; 15 USC 1407**CFR Citation:** 49 CFR 1.50; 49 CFR
571.208**Legal Deadline:** None**Abstract:** In response to a petition for
rulemaking, the agency published a
proposal to require the use of the
Hybrid III test dummy for all
compliance testing under Standard No.
208.**Timetable:**

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/10/92 | 57 FR 58437 |
| NPRM Comment Period End | 02/08/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation
12/10/92 (57 FR 58437)**Agency Contact:** Dr. Patricia Breslin,
Director, Office of Vehicle Safety
Standards, Department of
Transportation, National Highway
Traffic Safety Administration, 400
Seventh Street SW., Washington, DC
20590, 202 366-0842

RIN: 2127-AE19

**2649. STOPPING DISTANCE
PERFORMANCE REQUIREMENTS****Significance:** Nonsignificant**Legal Authority:** 15 USC 1392; 15 USC
1401; 15 USC 1403; 15 USC 1407**CFR Citation:** 49 CFR 571.105**Legal Deadline:** None**Abstract:** The agency is proposing to
establish stopping distance performance
requirements for trucks, buses, and
multipurpose vehicles (MPVs) with a
gross vehicle weight rating (GVWR) of

over 10,000 pounds. These proposed requirements would be applicable on a high coefficient of friction surface.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| NPRM | 02/23/93 | 58 FR 11003 |
| NPRM Correction | 04/21/93 | 58 FR 21436 |
| NPRM Comment | 05/24/93 | |
| Period End | | |
| NPRM Comment | 05/27/93 | 58 FR 30746 |
| Period Extended to | 09/24/93 | |
| Final Action | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/23/93 (58 FR 11003)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE21

2650. SEAT ADJUSTMENT POSITION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.210

Legal Deadline: None

Abstract: The agency solicited comments on a proposal to amend the performance requirements of the standard to provide that the lap belt angle would be measured for rear adjustable seats with the seats in the rearmost adjustment position. This proposal is intended to resolve ambiguities regarding the seat adjustment position for the current requirements.

Timetable:

| Action | Date | FR Cite |
|-----------------|----------|-------------|
| NPRM | 12/04/91 | 56 FR 63473 |
| NPRM Correction | 12/17/91 | 56 FR 65541 |
| NPRM Comment | 02/03/92 | |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/04/91 (56 FR 63473)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of

Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE22

2651. EMERGENCY EXIT REQUIREMENTS FOR NON-SCHOOL BUSES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.217

Legal Deadline: None

Abstract: The agency published a proposal to permit non-school buses to meet either the current non-school bus requirements or the new upgraded school bus requirements (57 FR 49413, RIN-2127-AC88), a completed action in the April 1993 Agenda.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/02/92 | 57 FR 49444 |
| NPRM Comment | 01/04/93 | |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/02/92 (57 FR 49444)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE25

2652. CERTIFICATION REQUIREMENTS OF MULTISTAGE VEHICLES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1397; 15 USC 1401; 15 USC 1403; 15 USC 1912; 15 USC 1915; 15 USC 2021; 15 USC 2022; 15 USC 2026

CFR Citation: 49 CFR 567; 49 CFR 568; 49 CFR 1.50

Legal Deadline: None

Abstract: This action proposed to amend the certification requirement that applies to incomplete vehicles other than chassis-cabs. Incomplete vehicles are vehicles that include at

least a frame and chassis structure, power train, steering system, suspension system, and brake system, but need further manufacturing performed on them to become completed vehicles. This action would extend the certification requirements currently applying to chassis-cabs to all types of incomplete vehicles.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| NPRM | 12/03/91 | 56 FR 61392 |
| NPRM Comment | 01/31/92 | |
| Period End | | |
| NPRM Comment | 02/03/92 | 57 FR 3983 |
| Period Extended to | 03/02/92 | |

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/03/91 (56 FR 61392)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE27

2653. CONTROLS AND DISPLAYS AND WINDSHIELD DEFROSTING AND DEFOGGING SYSTEMS FOR ELECTRIC VEHICLES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.101; 49 CFR 571.103

Legal Deadline: None

Abstract: The agency is proposing minor amendments to controls and displays and windshield defrosting and defogging systems that would make them more appropriate for electric powered motor vehicles. This proposal is based upon comments received in response to the ANPRM published in December 1991. Because the agency is modifying existing standards and not establishing new standards for battery powered vehicles, this action is no longer considered significant.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 12/27/91 | 56 FR 67038 |
| ANPRM Comment | 03/27/92 | |
| Period End | | |

DOT-NHTSA

Final Rule Stage

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| Discussion of Comments to ANPRM | 11/18/92 | 57 FR 54354 |
| NPRM | 01/15/93 | 58 FR 4644 |
| NPRM Comment Period End | 03/01/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/15/93 (58 FR 4644)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE29

2654. HEAD INJURY CRITERION AND USE OF NECK INJURY CRITERION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency published a proposal to change the injury criteria used to determine compliance with the occupant crash protection standard. One of the specified injury criteria is the Head Injury Criterion, or HIC, which, as its name implies, was developed to assess the likelihood of head injuries. This action proposes to substitute a neck injury criterion for the HIC in non-contact crashes.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/10/92 | 57 FR 58444 |
| NPRM Comment Period End | 02/08/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/10/92 (57 FR 58444)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400

Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE34

2655. OPTICAL COATINGS AND HEAT DEGRADATIONS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: In response to rulemaking petition, NHTSA proposed changes in the weathering (haze) criteria for material that is used for reflex reflectors which would allow the use of polycarbonate plastic coating to reduce haze.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 03/09/93 | 58 FR 13042 |
| NPRM Comment Period End | 04/23/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/09/93 (58 FR 13042)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE38

2656. REFEREE MATERIAL

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.106; 49 CFR 571.116

Legal Deadline: None

Abstract: In response to a petition, the agency published a proposed amendment to the standards to specify a new referee material to be used in the compatibility testing of brake hoses and brake fluids.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 10/30/92 | 57 FR 49162 |
| NPRM Comment Period End | 12/14/92 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/30/92 (57 FR 49162)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE58

2657. CONTROLLED MOTION OF CHILD RESTRAINT SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.213

Legal Deadline: None

Abstract: In response to a petition, this action would revise the requirement in the standard that a rear-facing child restraint system must not change adjustment position during dynamic compliance testing. Change in adjustment positions would be permitted subject to certain conditions to ensure such movement would not injure the child. This proposal is intended to permit new designs in rear-facing restraint systems for infants suffering from apnea or other breathing problems.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/26/93 | 58 FR 30134 |
| NPRM Comment Period End | 07/12/93 | |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/26/93 (58 FR 30134)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE60

2658. CONSUMER INFORMATION REGULATION - VEHICLE STOPPING DISTANCE

Significance: Nonsignificant

DOT—NHTSA

Final Rule Stage

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407; 15 USC 1421; 15 USC 1423

CFR Citation: 49 CFR 575.101

Legal Deadline: None

Abstract: The agency published a notice proposing to amend the Consumer Information Regulations by rescinding the requirement that motor vehicle manufacturers provide information about vehicle stopping distance.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/23/92 | 57 FR 54962 |
| NPRM Comment | 01/07/93 | |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/23/92 (57 FR 54962)

Agency Contact: Nelson Gordy, Safety Standards Engineer, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4797

RIN: 2127-AE61

2659. PETITIONS AND PLANS FOR RELIEF UNDER THE AUTOMOBILE FUEL EFFICIENCY ACT OF 1980

Significance: Nonsignificant

Legal Authority: 15 USC 1657; 15 USC 2002; 15 USC 2003

CFR Citation: 49 CFR 526

Legal Deadline: None

Abstract: The existing regulation includes a petitioning procedure for adjustment of fuel economy standards for four-wheel-drive light trucks for model years 1982 through 1985. This section is now obsolete and should be rescinded. This action would rescind this portion of the implementing regulation.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/20/93 | 58 FR 29378 |
| NPRM Comment | 07/06/93 | |
| Period End | | |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/20/93 (58 FR 29378)

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0846

RIN: 2127-AE65

2660. EXEMPTION FROM VEHICLE THEFT PREVENTION STANDARD

Significance: Nonsignificant

Legal Authority: 15 USC 2022; 15 USC 2025

CFR Citation: 49 CFR 543

Legal Deadline: None

Abstract: This action would amend the agency regulation on exempting high theft lines to conform to the amendments made by the "Anti Car Theft Act of 1992" to title VI (Theft Prevention) of the Motor Vehicle Information and Cost Savings Act. Title VI limits the number of high theft motor vehicle lines that may be exempted from the parts marking requirements of the Federal Motor Vehicle Theft Prevention Standard.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/01/93 | 58 FR 35422 |
| NPRM Comment | 08/16/93 | |
| Period End | | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/01/93 (58 FR 35422)

Agency Contact: Barbara Gray, Chief, Motor Vehicle Theft Group, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1740

RIN: 2127-AE66

2661. PROCEDURES FOR SELECTING LINES TO BE COVERED BY THE THEFT PREVENTION STANDARD

Significance: Nonsignificant

Legal Authority: 15 USC 2022; 15 USC 2023

CFR Citation: 49 CFR 542

Legal Deadline: None

Abstract: The agency is proposing to amend the regulation to include new statutory definitions and delete obsolete sections of the rule. In addition, the proposed amendment will include the requirement for manufacturers to inform the agency of new passenger motor vehicles.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/21/93 | 58 FR 38999 |
| NPRM Comment | 09/07/93 | |
| Period End | | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/21/93 (58 FR 38999)

Agency Contact: Barbara Gray, Chief, Motor Vehicle Theft Group, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1740

RIN: 2127-AE67

2662. TEST PROCEDURES FOR PARKING/EMERGENCY BRAKES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: In response to a petition granted for rulemaking, the agency has proposed to revise the test procedure for air applied to mechanically held parking/emergency brake systems.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/11/93 | 58 FR 13437 |
| NPRM Comment | 04/26/93 | |
| Period End | | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/11/93 (58 FR 13437)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE77

DOT—NHTSA

Final Rule Stage

2663. APPLICABILITY OF WARNING DEVICES**Significance:** Nonsignificant**Legal Authority:** 15 USC 1392; 15 USC 1497**CFR Citation:** 49 CFR 571.125**Legal Deadline:** None

Abstract: This action would specify requirements for nonpowered warning devices designed to be carried in buses and trucks that have a gross vehicle weight rating (GVWR) greater than 10,000 pounds. These warning devices are to be set out on the roadway to warn oncoming traffic of a stopped vehicle in or near the roadway.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/10/93 | 58 FR 27514 |
| NPRM Comment | 06/24/93 | |
| Period End | | |
| Final Action | 02/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 05/10/93 (58 FR 27514)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE78**2664. BELT LABELING REQUIREMENTS****Significance:** Nonsignificant**Legal Authority:** 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407**CFR Citation:** 49 CFR 571.208; 49 CFR 571.209**Legal Deadline:** None

Abstract: This action would allow manufacturers of replacement seat belt assemblies a choice of two means of providing information regarding the seating positions and vehicle models for which the assemblies are appropriate: either on the assembly or in the installation instruction sheet currently required to accompany the assembly. This action also would remove the labeling requirement for two types of seat belt assemblies when they are installed as original equipment in a new motor vehicle.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/10/93 | 58 FR 27517 |
| NPRM Comment | 06/24/93 | |
| Period End | | |
| Final Action | 02/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 05/10/93 (58 FR 27517)

Additional Information: This action is a spin-off of the final rule published April 16, 1991 (56 FR 15295), and the final rule published November 4, 1991 (56 FR 56323), in response to a petition for rulemaking.

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE79**2665. LABELING AND PRINTING INSTRUCTIONS FOR CHILD RESTRAINT SYSTEMS****Significance:** Nonsignificant**Legal Authority:** 15 USC 1392; 15 USC 1407**CFR Citation:** 49 CFR 571.213**Legal Deadline:** None

Abstract: This action would amend labeling and other requirements for rear-facing child restraint systems and require that printed instructions for rear-facing seats include safety information about air bags.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 04/16/93 | 58 FR 19792 |
| NPRM Comment | 06/15/93 | |
| Period End | | |
| Final Action | 01/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 04/16/93 (58 FR 19792)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE80**2666. INSURER REPORTING REQUIREMENTS FOR OCTOBER 1993****Significance:** Nonsignificant**Legal Authority:** 15 USC 2032**CFR Citation:** 49 CFR 544**Legal Deadline:** None

Abstract: This action would update the list of companies subject to the reporting requirements, to reflect changing market conditions. If this listing is adopted as a final rule, those insurance companies included on any list would be required to file reports for the 1991 calendar year not later than October 25, 1993. Any insurance company not on any of the final lists would not be required to file a report for the 1991 calendar year.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 04/20/93 | 58 FR 21277 |
| NPRM Comment | 06/04/93 | |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 04/20/93 (58 FR 21277)

Agency Contact: Barbara Gray, Chief, Motor Vehicle Theft Group, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1740

RIN: 2127-AE87**2667. • EXEMPTED VEHICLE CERTIFICATION LABELS****Significance:** Nonsignificant**Legal Authority:** 15 USC 1410**CFR Citation:** 49 CFR 555; 45 CFR 1.50**Legal Deadline:** None

Abstract: This action would require that the certification label of a vehicle temporarily exempted from compliance with Federal motor vehicle safety standards be amended to include a certification of compliance with the theft prevention standard. This action is taken to conform the certification requirements for exempted vehicles with those that apply to nonexempted vehicles.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 06/08/93 | 58 FR 32091 |

DOT—NHTSA

Final Rule Stage

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM Comment | 07/08/93 | |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Analysis: Regulatory Evaluation
 06/08/93 (58 FR 32091)

Agency Contact: Taylor Vinson, Office of the Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5263

RIN: 2127-AE88

2668. • HEAVY VEHICLE BURNISH PROCEDURES

Significance: Nonsignificant
Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407
CFR Citation: 49 CFR 571.105; 49 CFR 571.121

Legal Deadline: None
Abstract: In response to petitions for rulemaking, this action proposed to amend the standards by extending, for an additional 18 months, the period during which there is a choice between the two burnish procedures. An interim final rule was published at the same time to extend the period during which manufacturers may comply with either burnish requirement until September 1, 1994.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| NPRM | 08/30/93 | 58 FR 45476 |
| Interim Final Rule | 08/30/93 | 58 FR 45459 |
| NPRM Comment | 09/29/93 | |
| Period End | | |
| Final Action | 07/00/94 | |

Small Entities Affected: None
Government Levels Affected: None
Analysis: Regulatory Evaluation
 08/30/93 (58 FR 45459)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AF13

DEPARTMENT OF TRANSPORTATION (DOT)

Completed Actions

National Highway Traffic Safety Administration (NHTSA)

2669. +LIGHT TRUCK AVERAGE FUEL ECONOMY STANDARDS FOR MODEL YEARS BEYOND 1994

Significance: Regulatory Program
Legal Authority: 15 USC 1657; 15 USC 2002
CFR Citation: 49 CFR 533
Legal Deadline: Final, Statutory, March 31, 1993.

Abstract: In accordance with the mandatory requirements of section 502(b) of the Motor Vehicle Information and Cost Savings Act, this agency has published a final rule establishing the average fuel economy standard for light trucks manufactured in model year (MY) 1995. This action is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive market.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Questionnaire Gathering Information on Manufacture Product Plans | 10/08/91 | 56 FR 50694 |
| Questionnaire Correction | 11/15/91 | 56 FR 58020 |
| NPRM | 12/24/92 | 57 FR 61377 |
| NPRM Comment | 02/01/93 | |
| Period End | | |
| Final Action | 04/07/93 | 58 FR 18019 |
| Final Action Effective | 05/07/93 | |

Small Entities Affected: None
Government Levels Affected: None
Analysis: Regulatory Evaluation
 04/07/93 (58 FR 18019)

Additional Information: The NPRM proposed standards for MYs 1995 through 1997. Standards relating to MYs 1996 and 1997 will be processed in RIN 2127-AE91.

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0846

RIN: 2127-AE42

2670. +MANDATING AIR BAGS

Significance: Agency Priority
Legal Authority: 15 USC 1392; 15 USC 1497
CFR Citation: 49 CFR 571.208

Legal Deadline: Final, Statutory, September 1, 1993.

Abstract: The NHTSA Authorization Act of 1991 requires that all passenger cars be equipped with air bags at the front outboard seating positions by September 1, 1997, and that all light trucks and vans be so equipped by September 1, 1998. This action amended the standard requirements to

conform to this statutory directive. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 12/14/92 | 57 FR 59043 |
| NPRM Comment | 02/12/93 | |
| Period End | | |
| Final Action | 09/02/93 | 58 FR 46551 |
| Final Action Effective | 03/01/94 | |

Small Entities Affected: None
Government Levels Affected: None
Analysis: Regulatory Evaluation
 09/02/93 (58 FR 46551)

Additional Information: RIN 2127-AE53, Label Requirements for Air Bag-Equipped Vehicles, has been consolidated into this action.

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE46

2671. +USE OF SAFETY BELTS AND MOTORCYCLE HELMETS: COMPLIANCE AND TRANSFER-OF-FUNDS PROCEDURES

Significance: Agency Priority
Legal Authority: 23 USC 153

DOT—NHTSA

Completed Actions

CFR Citation: 23 CFR 1215

Legal Deadline: None

Abstract: This notice proposes to implement the penalty provisions contained in section 153 of title 23, USC, Intermodal Surface Transportation Efficiency Act of 1991. That section provides that a State that fails to adopt and put into effect motorcycle helmet and safety belt use laws before the first day of FY 1994 (October 1, 1993) is subject to a penalty of having the Secretary of Transportation transfer funds from that State's Federal-aid highway programs to that State's apportionment under the section 402 safety program. This rule sets forth the criteria to be used to determine a State's compliance or noncompliance with the Act and the mechanism by which the agency will inform States of their compliance status. This action was considered significant due to substantial public interest.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 01/15/93 | 58 FR 4622 |
| NPRM Comment Period End | 03/01/93 | |
| Final Action | 08/25/93 | 58 FR 44754 |
| Final Action Effective | 09/24/93 | |

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation
08/25/93 (58 FR 44754)

Agency Contact: Adele Derby, Associate Administrator, Office of Regional Operations, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2121

RIN: 2127-AE50

2672. STATE HIGHWAY SAFETY PROGRAMS

Significance: Nonsignificant

Legal Authority: 23 USC 401

CFR Citation: 23 CFR 1200; 23 CFR 1204; 23 CFR 1205

Legal Deadline: None

Abstract: This action established uniform procedures governing approval, implementation, and management of State highway safety programs. It implemented the Department of Transportation rule (49 CFR part 18) concerning the

administration of grants with State and local governments, as it applies to highway safety programs, updated and codified existing procedures, and deleted obsolete provisions.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/28/91 | 56 FR 29598 |
| NPRM Comment Period End | 08/12/91 | |
| Final Action | 08/02/93 | 58 FR 41025 |
| Final Action Effective | 09/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
08/02/93 (58 FR 41025)

Agency Contact: Adele Derby, Associate Administrator, Regional Operations, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2121

RIN: 2127-AD55

2673. SIDE IMPACT PROTECTION: ANTHROPOMORPHIC ALTERNATE TEST DUMMIES (BIOSID AND EUROSID)

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: In testing, a passenger car must provide protection to the thoracic and pelvic regions of a specified side-impact dummy (SID) in a full-scale crash test. Studies were conducted on two alternative dummies, BioSID and EuroSID. However, based on comments received, it became apparent that further research is needed before proceeding further on an alternative SID. Although the ANPRM considered this project significant, the anticipated public interest did not materialize. Therefore, this entry has been reclassified as nonsignificant and has been withdrawn pending a decision on whether to proceed to develop a prototype dummy.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 12/27/91 | 56 FR 67042 |
| ANPRM Comment Period End | 03/12/92 | |

| Action | Date | FR Cite |
|--|----------|-------------|
| ANPRM Comment Period Extended to 5/13/92 | 04/13/92 | 57 FR 12794 |
| Withdrawn | 09/15/93 | 58 FR 48350 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: RIN 2127-AD74 - Side Impact Protection: Anthropomorphic Alternate Test Dummy (EUROSID) was consolidated into this project.

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AD73

2674. IMPACT PROTECTION FOR THE DRIVER FROM THE STEERING CONTROL SYSTEM

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.203

Legal Deadline: None

Abstract: This action updates the reference to the SAE Recommended Practice J944, from the December 1965 version to the June 1980 version as it applies to the body block test device. This action also clarifies the positioning of the torso-shaped body block for compliance testing.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/06/91 | 56 FR 26048 |
| NPRM Comment Period End | 07/22/91 | |
| Final Action | 05/04/93 | 58 FR 26526 |
| Final Action Effective | 06/03/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
05/04/93 (58 FR 26526)

Additional Information: Optional compliance with the 1980 revision applies until March 1, 1994.

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400

DOT—NHTSA

Completed Actions

Seventh Street SW., Washington, DC 20590, 202 366-0842
 RIN: 2127-AD87

2675. ADJUSTMENT PROCEDURE FOR BURNISH AND RECOVERY

Significance: Nonsignificant
Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407
CFR Citation: 49 CFR 571.121

Legal Deadline: None
Abstract: In response to a petition for rulemaking, this action amended the adjustment procedure for brake burnish during road and dynamometer testing; and the dynamometer test's recovery requirement applicable to truck and bus front brakes.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 12/23/91 | 56 FR 66395 |
| NPRM Comment | 03/09/92 | |
| Period End | | |
| Final Action | 07/08/93 | 58 FR 36615 |
| Final Action Effective | 08/09/93 | |

Small Entities Affected: None
Government Levels Affected: None
Analysis: Regulatory Evaluation 07/08/93 (58 FR 36615)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE15

2676. BUILT-IN CHILD RESTRAINTS

Significance: Nonsignificant
Legal Authority: 15 USC 1392; 15 USC 1407
CFR Citation: 49 CFR 571.213

Legal Deadline: None
Abstract: This action amends Standard 213 to expand the definition of a built-in child restraint system, amend the application section so that the standard applies to motor vehicles that are manufactured with a built-in restraint system, and to respond to a rulemaking petition to simplify the labeling requirements for built-in restraints.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-----------|
| NPRM | 01/09/92 | 57 FR 870 |

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM Comment | 03/09/92 | |
| Period End | | |
| Final Action | 04/16/93 | 58 FR 19776 |
| Final Rule Correction | 04/28/93 | 58 FR 25900 |
| Final Action Effective | 10/13/93 | |

Small Entities Affected: None
Government Levels Affected: None
Analysis: Regulatory Evaluation 04/16/93 (58 FR 19776)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE28

2677. DIMENSIONS OF BEAD UNSEATING TEST FIXTURE

Significance: Nonsignificant
Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407
CFR Citation: 49 CFR 571.109

Legal Deadline: None
Abstract: This action amended the dimensions of the bead unseating test fixture to allow testing of new 18- and 19-inch tires.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 09/14/92 | 57 FR 41912 |
| NPRM Comment | 10/29/92 | |
| Period End | | |
| Final Action | 08/05/93 | 58 FR 41638 |
| Final Action Effective | 09/07/93 | |

Small Entities Affected: None
Government Levels Affected: None
Analysis: Regulatory Evaluation 08/05/93 (58 FR 41638)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE55

2678. TEST FOR BRAKE HOSE TUBING ASSEMBLIES

Significance: Nonsignificant
Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.106

Legal Deadline: None
Abstract: This action terminates a rulemaking proceeding concerning the applicability of the oil resistance testing requirements of the standard to coiled brake hose assemblies. After considering the public comments on a proposal to exclude those assemblies from the oil resistance testing requirements, the agency has concluded that the proposed change would not be in the interest of vehicle safety. The agency concludes that coiled air brake hoses are exposed to petroleum products at elevated temperatures while the hoses are in service, and that such exposure could cause the hoses to fail if they were not manufactured to meet the oil resistance requirement of the standard. The proposal was in response to a petition for rulemaking.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/26/92 | 57 FR 38654 |
| NPRM Comment | 09/25/92 | |
| Period End | | |
| Withdrawn | 07/16/93 | 58 FR 38346 |

Small Entities Affected: None
Government Levels Affected: None
Analysis: Regulatory Evaluation 08/26/92 (57 FR 38654)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE56

2679. AUTOMATIC BRAKE ADJUSTERS AND BRAKE ADJUSTMENT INDICATORS

Significance: Nonsignificant
Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407
CFR Citation: 49 CFR 571.105; 49 CFR 571.121

Legal Deadline: None
Abstract: In response to a petition for reconsideration of a final rule published October 20, 1992 (57 FR 47793), the agency was considering whether to change the effective date for automatic adjusters for hydraulic brakes. However, the petitioner has now withdrawn the reconsideration request and this action was terminated.

DOT—NHTSA

Completed Actions

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|---------|
| Action Terminated | 08/20/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE69

2680. LABELING ON ADJUSTMENT POSITIONS OF CHILD RESTRAINT SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.213

Legal Deadline: None

Abstract: In response to a petition for reconsideration of a final rule published September 10, 1992 (57 FR 41423), the final rule provides manufacturers flexibility in wording restrictions on the use of a built-in child seat, as Ford requested.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/06/93 | 58 FR 36152 |
| Final Action Effective | 08/05/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/06/93 (58 FR 36152)

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE81

2681. QUASI-STATIC DOOR STRENGTH REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.214

Legal Deadline: None

Abstract: In response to a petition for reconsideration to a final rule

published July 13, 1992 (57 FR 30917), the agency denied the request to amend the leadtime to comply with the quasi-static passenger-car side-door strength requirements. The petition was actually an untimely one for reconsideration of the June 1991 final rule rather than the July 1992 final rule and was denied because the requirements do not pose an unreasonable burden for final-stage manufacturers and alterers.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Reconsideration Denied | 04/15/93 | 58 FR 19628 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE82

2682. COMMERCIAL VEHICLE CONSPICUITY

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407; PL 101-500

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: This action determined that trailers which have an overall width of 80 inches or more and a GVWR of more than 10,000 pounds, except trailers manufactured exclusively for use as offices or dwellings, and which are equipped with a conspicuity treatment conforming to the final rule published December 10, 1992 (57 FR 58406)(RIN 2127-AA12), need not be equipped with the reflex reflectors as required in the same final rule. The NPRM was republished to indicate previously omitted comment-filing procedures.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 01/22/93 | 58 FR 5699 |
| NPRM Comment Period End | 03/08/93 | |
| NPRM Republished Comment Period Extended to | 04/22/93 | 58 FR 21553 |
| Final Action | 10/06/93 | 58 FR 52021 |
| Final Action Effective | 11/05/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/06/93 (58 FR 52021)

Additional Information: This action is a spinoff of the final rule (RIN 2127-AA12) in the April 1993 Agenda.

The present action was in response to petitions for reconsideration.

Agency Contact: Dr. Patricia Breslin, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0842

RIN: 2127-AE86

2683. • ALCOHOL FUELS ANTI-SIPHONING

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.301

Legal Deadline: None

Abstract: In response to a petition for reconsideration of a final rule published on January 22, 1993 (58 FR 5638), the agency amended the language of the hose size anti-siphoning performance requirement.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 10/05/93 | 58 FR 51788 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Flanigan, Engineer, Special Projects Staff, Office of Rulemaking, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4918

RIN: 2127-AF11

2684. • SCHEDULE OF FEES AUTHORIZED BY THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT

Significance: Nonsignificant

Legal Authority: PL 100-562; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 1.50

Legal Deadline: None

Abstract: This action adopted adjustments in the fees authorized by

DOT—NHTSA

Completed Actions

the Imported Vehicle Safety Compliance Act of 1988 relating to the registration of importers and the importation of motor vehicles not certified as conforming to the Federal Motor Vehicle Safety Standards (FMVSS).

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 08/05/93 | 58 FR 41681 |

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM Comment Period End | 08/27/93 | |
| Final Action | 09/30/93 | 58 FR 51021 |
| Final Action Effective | 10/01/93 | |
| Small Entities Affected: None | | |
| Government Levels Affected: None | | |
| Analysis: Regulatory Evaluation 09/30/93 (58 FR 51021) | | |

Additional Information: The NPRM was inadvertently published under RIN 2127-AC98.

Agency Contact: Taylor Vinson, Office of Chief Counsel, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-6263

RIN: 2127-AF12

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Prerule Stage

2685. +SPECIAL SAFETY INQUIRY; RAILROAD REPORTING REQUIREMENTS

Significance: Agency Priority

Legal Authority: 45 USC 431

CFR Citation: None

Legal Deadline: None

Abstract: This special inquiry will examine current railroad safety reporting requirements to determine whether the reporting process results in accurate and significant data. Methods of improving this process will be explored. This rulemaking is considered significant because of its safety implications.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|------------|
| Notice of Hearing | 03/14/90 | 55 FR 9532 |
| Next Action Undetermined | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: A Notice of Special Safety Inquiry appeared in the Federal Register 11/03/89 (54 FR 46497). However, it was subsequently postponed (55 FR 792) in order to be rescheduled to take place concurrently with a related hearing in the separate rulemaking on accident reporting requirements (RIN 2130-AA58). The rescheduled hearing took place in Washington, DC on 05/18/90.

Agency Contact: Billie Stultz, Deputy Assistant Chief Counsel, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0635

RIN: 2130-AA58

2686. +WHISTLE BANS AT HIGHWAY-RAIL GRADE CROSSINGS

Significance: Agency Priority

Legal Authority: 45 USC 431; 45 USC 437; 45 USC 438; 45 USC 38; 45 USC 42

CFR Citation: 49 CFR 234; 49 CFR 1.49(f); 49 CFR 1.49(g); 49 CFR 1.49(m)

Legal Deadline: None

Abstract: FRA is soliciting comments and suggestions from the public regarding Federal regulations governing the use of train whistles at grade crossings. This rulemaking is considered significant because of substantial public interest.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation

Agency Contact: Kyle Mulhall, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0635

RIN: 2130-AA71

2687. +RAILROAD WORKPLACE SAFETY; PROPOSED SILICA EXPOSURE STANDARDS

Significance: Agency Priority

Legal Authority: 45 USC 431(a), Federal Railroad Safety Act of 1970

CFR Citation: 49 CFR 214

Legal Deadline: None

Abstract: FRA believes this proceeding is necessary to determine whether exposure to silica dust in the railroad workplace is a subject matter over

which FRA should exercise its jurisdiction in the future. Recent studies indicate that railroad employees may be overexposed to silica and, although OSHA has exercised its jurisdiction over this working condition, FRA will explore the advantages of regulating this working condition itself. This action is considered significant because of substantial interest in workplace safety.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation

Agency Contact: Christine Beyer, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0443

RIN: 2130-AA83

2688. • AMTRAK WASTE DISPOSAL

Significance: Nonsignificant

Legal Authority: PL 101-610

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The National and Community Service Act requires the Secretary of Transportation to promulgate such regulations as may be necessary to mitigate the impact of discharge of human waste from railroad passenger cars on areas that may be considered environmentally sensitive.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

DOT—FRA

Prerule Stage

Agency Contact: Joseph R. Pomponio, Attorney, Department of Transportation, Federal Railroad Administration, Office of Chief Counsel, 400 Seventh Street SW., Washington, DC 20590, 202 366-0616
RIN: 2130-AA84

**DEPARTMENT OF TRANSPORTATION (DOT)
 Federal Railroad Administration (FRA)**

Proposed Rule Stage

2689. +CONTROL OF ALCOHOL AND DRUG USE

Significance: Regulatory Program
Legal Authority: 45 USC 431; 45 USC 437 to 438; PL 100-342; PL 102-143
CFR Citation: 49 CFR 219; 49 CFR 1.49(m)
Legal Deadline: Final, Statutory, October 28, 1992.

Abstract: This action would amend regulations concerning the control of alcohol and drug use in railroad operations. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined
Government Levels Affected: None
Analysis: Regulatory Impact Analysis; Regulatory Evaluation 10/00/93
Agency Contact: Patricia V. Sun, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4002

RIN: 2130-AA72

2690. +INTERNATIONAL APPLICATION: ALCOHOL/DRUG REGULATIONS

Significance: Regulatory Program
Legal Authority: PL 102-143
CFR Citation: 49 CFR 219
Legal Deadline: Final, Statutory, October 28, 1992.

Abstract: The Omnibus Transportation Employee Testing Act of 1991 requires FRA to incorporate new procedures and safeguards for breath and body fluid testing for alcohol and mandates reasonable suspicion testing for both

alcohol and drugs. The ANPRM requested comments on issues arising from international application of the statutory requirements. This action is significant because of substantial public interest and the congressional mandate.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 12/15/92 | 57 FR 59605 |
| ANPRM Comment Period End | 02/16/93 | |

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation

Additional Information: The ANPRM of 12/15/92 inadvertently used RIN AA43; the correct RIN is AA82.

Agency Contact: Patricia V. Sun, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0635

RIN: 2130-AA82

2691. +RAILROAD ACCIDENT REPORTING

Significance: Agency Priority
Legal Authority: 45 USC 431
CFR Citation: 49 CFR 225
Legal Deadline: None

Abstract: FRA is drafting proposed rules based on comments and suggestions from the public regarding methods of improving FRA's injury and accident reporting system. This rulemaking is considered significant because of its safety implications.

Timetable:

| Action | Date | FR Cite |
|----------------|----------|------------|
| ANPRM | 03/14/90 | 55 FR 9469 |
| Hearing Notice | 03/14/90 | 55 FR 9532 |

Action Date FR Cite

| | | |
|--|----------|-------------|
| ANPRM Comment Period End | 05/25/90 | |
| Notice of Open Meeting in Washington, DC on 06/13/91 | 06/05/91 | 56 FR 25651 |
| Notice of Open Meeting in Washington, DC on 08/21/91 | 08/15/91 | 56 FR 40593 |
| Notice of Open Meeting in Washington, DC on 10/22/91 | 10/18/91 | 56 FR 52241 |
| Notice of Open Meeting in Washington, DC on 08/18/92 | 08/06/92 | 57 FR 34756 |
| NPRM | 02/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Public hearing was held in Washington, DC, on 05/17/90.

Agency Contact: Jesus Clemente, Trial Attorney, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0628

RIN: 2130-AA58

2692. +ALCOHOL/DRUG REGULATIONS; MISCELLANEOUS TECHNICAL AMENDMENTS AND CORRECTIONS

Significance: Agency Priority
Legal Authority: 45 USC 431 et seq, Federal Railroad Safety Act
CFR Citation: 49 CFR 219; 49 CFR 217
Legal Deadline: None

Abstract: The action would make technical amendments/corrections to regulations concerning the control of alcohol and drug use in railroad operations. This action is significant because of substantial public interest.

DOT—FRA

Proposed Rule Stage

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: FRA published notice of a proposed test program (05/17/91, 56 FR 22905) to permit an experimental group of railroads to test at a yearly rate of 25 percent of covered service employees, for comparison with a control group testing at the current 50 percent yearly rate, to determine the effect of different testing rates on deterrence. The test program was subsequently extended 07/02/92 (57 FR 29550) until 07/01/93; 06/17/93 (58 FR 33481) until 07/01/94.

Agency Contact: Patricia V. Sun, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0635

RIN: 2130-AA63

2693. +FREIGHT CAR SAFETY STANDARDS: MAINTENANCE-OF-WAY EQUIPMENT

Significance: Agency Priority

Legal Authority: 45 USC 431; 45 USC 438, as amended

CFR Citation: 49 CFR 215

Legal Deadline: None

Abstract: The Federal Railroad Administration is proposing to amend the freight car safety standards by making all maintenance-of-way vehicles subject to the standards with the exception of stenciled cars not used in revenue service and restricted to a speed of less than 20 miles per hour. This action is considered significant because of substantial public interest.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: Kyle M. Mulhall, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0635

RIN: 2130-AA68

2694. +TIMELY RESPONSE TO GRADE CROSSING SIGNAL SYSTEM MALFUNCTIONS AND MAINTENANCE, INSPECTION, AND TESTING OF GRADE CROSSING SIGNAL SYSTEMS

Significance: Agency Priority

Legal Authority: 45 USC 431; 45 USC 437; 45 USC 438; 45 USC 38; 45 USC 42

CFR Citation: 49 CFR 234; 49 CFR 1.49(f); 49 CFR 1.49(g); 49 CFR 1.49(m)

Legal Deadline: Final, Statutory, June 22, 1989.

Abstract: FRA proposes to require that railroads take specific and timely actions to protect the travelling public and railroad employees from the hazards posed by malfunctioning highway-rail grade crossing warning systems, and will address the issue of maintenance, inspection, and testing of those systems.

This action is considered significant because of its railroad safety issues.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| NPRM | 06/29/92 | 57 FR 28819 |
| NPRM Comment | 08/12/92 | 57 FR 36054 |
| Period Extended to | 09/25/92 | |
| NPRM Comment | 09/11/92 | |
| Period End | | |
| NPRM Comment | 09/25/92 | 57 FR 44355 |
| Period Extended to | 12/01/92 | |
| NPRM Comment | 11/12/92 | 57 FR 53684 |
| Period Extended to | 01/15/93 | |
| NPRM Comment | 01/14/93 | 58 FR 4400 |
| Period Extended to | 02/15/93 | |
| SNPRM | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 06/29/92 (57 FR 28819)

Additional Information: A public meeting was held 12/11/92 in Washington, DC.

Agency Contact: Mark H. Tessler, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0628

RIN: 2130-AA70

2695. +POWER BRAKE REGULATIONS; MISCELLANEOUS REVISIONS

Significance: Agency Priority

Legal Authority: 45 USC 1 to 14; 45 USC 16

CFR Citation: 49 CFR 232

Legal Deadline: Final, Statutory, December 31, 1993.

Abstract: The regulation will address issues regarding existing power brake regulations and the lack of standards for locomotive dynamic brakes. The proceeding will focus on such issues as whether to mandate the use of end-of-train devices in lieu of cabooses, whether these devices should be two-way, and whether to require additional testing of train air brake systems during extremely cold weather conditions. This rulemaking is considered significant because of its safety implications.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 12/31/92 | 57 FR 62546 |
| ANPRM Comment | 03/31/93 | |
| Period End | | |
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 10/00/93

Agency Contact: Thomas Herrmann, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0628

RIN: 2130-AA73

2696. +QUALIFICATION AND CERTIFICATION OF LOCOMOTIVE ENGINEERS

Significance: Agency Priority

Legal Authority: 45 USC 431; 45 USC 438; PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: 49 CFR 240

Legal Deadline: Other, Judicial, January 29, 1993.

Deadline was for an interim final rule.

Abstract: FRA has been petitioned to reconsider several aspects of its final rule on locomotive engineer qualifications. Some technical changes

DOT—FRA

Proposed Rule Stage

requested in those petitions were warranted and the interim final rule was issued to resolve these issues. Two issues involving coverage of the rule need more public discussion prior to resolution. A proposed rule will be issued to afford an opportunity for public comment. This rulemaking is significant because of substantial public interest and safety implications, and because it affects a substantial regulatory program.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| Interim Final Rule | 04/09/93 | 58 FR 18982 |
| Interim Final Rule Effective | 05/10/93 | |
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/09/93 (58 FR 18982)

Additional Information: This rulemaking will amend the final rule issued on 06/19/91 (56 FR 28228).

Agency Contact: Alan Nagler, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0631

RIN: 2130-AA74

2697. +TRACK SAFETY STANDARDS

Significance: Agency Priority

Legal Authority: 45 USC 431; 45 USC 438; PL 102-365

CFR Citation: 49 CFR 213

Legal Deadline: Final, Statutory, September 3, 1994.

Abstract: The track regulations have not been comprehensively reviewed in the past decade. This regulatory action will consist of a revision of existing track safety standards, as mandated by Congress in the Rail Safety Enforcement and Review Act of 1992 (PL 102-365). With this revision FRA will also respond to a Brotherhood of Maintenance of Way petition regarding

numerous changes to the existing track standards. FRA will also incorporate input from research on internal rail defects and continuous welded rail. This rulemaking is significant because of substantial public interest and safety implications.

Timetable:

| Action | Date | FR Cite |
|-------------------------------------|----------|-------------|
| ANPRM | 11/16/92 | 57 FR 54038 |
| Public Workshop Notice and Schedule | 01/05/93 | 58 FR 338 |
| Correction: Workshop Notice | 01/19/93 | 58 FR 4975 |
| Correction: Workshop Notice | 02/18/93 | 58 FR 8928 |
| ANPRM Comment Period End | 03/12/93 | |
| NPRM | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 12/00/93

Agency Contact: Nancy Lummen Lewis, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0635

RIN: 2130-AA75

2698. • +REMEDIATION ACTIONS REPORTING

Significance: Agency Priority

Legal Authority: 45 USC 6; 45 USC 10; 45 USC 13; 45 USC 34; 45 USC 43; 45 USC 43a; 45 USC 64a; 45 USC 431; 45 USC 437; 45 USC 438; 45 USC 439; 49 USC 1655(e); 49 USC 1804; PL 102-365; PL 100-342

CFR Citation: 49 CFR 209 (Revision); 49 CFR 1.49

Legal Deadline: NPRM, Statutory, June 3, 1993. Final, Statutory, September 3, 1994.

Abstract: Pursuant to section 3 of the Rail Safety Enforcement and Review Act, FRA proposes to require that any responsible company that is notified by this agency both that the assessment of

a civil penalty will be recommended against that company for a failure to comply with a provision of the Federal Railroad safety laws and that a remedial actions report must be submitted, shall report to FRA, within 30 days after the end of the month in which such notification is received, actions taken to remedy that failure. The proposed rule also provides pursuant to section 3 that if appropriate remedial actions cannot be taken by a responsible company within such 30-day period, such company shall submit to FRA a written explanation of the reasons for any delay and a final report upon completion of the remedial actions. At this time, FRA is unable to quantify any direct or indirect safety benefit from this proposed rule. The potential benefit of this rule comes about by increasing the ability of the railroad industry to manage quality control as well as by improving FRA's ability to efficiently and effectively manage its inspection resources. This action is considered significant (cont)

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/18/93 | 58 FR 23595 |
| NPRM Comment Period End | 10/29/93 | |

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Base Year for Dollar Estimates: 1992

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; Regulatory Evaluation 06/18/93 (58 FR 23595)

Additional Information: ABSTRACT CONT: because of its safety implications.

Agency Contact: David H. Kasminoff, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW, Room 8209, Washington, DC 20590, 202 366-0635

RIN: 2130-AA85

**DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)**

Final Rule Stage

**2699. +ALCOHOL TESTING;
AMENDMENT TO ALCOHOL/DRUG
REGULATIONS**

Significance: Regulatory Program

Legal Authority: 45 USC 431; 45 USC 437; 45 USC 438; PL 100-342

CFR Citation: 49 CFR 219

Legal Deadline: Final, Statutory, October 28, 1992.

Omnibus Transportation Employee Act of 1991

Abstract: FRA has proposed to amend and expand its existing regulations regarding control of alcohol and drug use in railroad operations by incorporating new requirements, procedures, and safeguards with respect to breath and body-fluid testing for alcohol. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 12/15/92 | 57 FR 59588 |
| NPRM Comment | 04/14/93 | |
| Period End | | |
| Next Action Undetermined | | |

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/15/92 (57 FR 59588)

Additional Information: This NPRM of 12/15/92 inadvertently used RIN AA43; the correct RIN is AA81. A common preamble for five modal administrations affected (FAA, FHWA, FRA, FTA, and RSPA) was published 12/15/92 (57 FR 59382).

Agency Contact: Patricia V. Sun, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0635

RIN: 2130-AA81

**2700. +ANNUAL REPORTING
REQUIREMENTS; AMENDMENTS TO
ALCOHOL/DRUG REGULATIONS**

Significance: Agency Priority

Legal Authority: 45 USC 431 et seq

CFR Citation: 49 CFR 217; 49 CFR 219

Legal Deadline: None

Abstract: This action would amend and expand the current annual reporting requirements for data concerning control of alcohol and drug

abuse in railroad operations. The proposed standard format for reporting is designed to elicit data in a manner compatible with related reporting requirements that would be embodied in the antidrug programs applicable to other transportation industries. This action is necessary to provide comparable data for inclusion in a management information system designed to determine effectiveness of antidrug programs, and is significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 12/15/92 | 57 FR 59608 |
| NPRM Comment | 04/14/93 | |
| Period End | | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/15/92 (57 FR 59608)

Agency Contact: Patricia V. Sun, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0635

RIN: 2130-AA64

2701. +RAILROAD POLICE OFFICERS

Significance: Agency Priority

Legal Authority: 45 USC 446; PL 101-647

CFR Citation: 49 CFR 207

Legal Deadline: None

Abstract: This proposed regulation would implement section 1704 of the Crime Control Act of 1990, whereby Congress expanded the authority of railroad police officers to include enforcement power in every State where those officers may operate for the purpose of protecting railroad property, personnel, passengers, and cargo. Under the proposed regulation, railroad police officers commissioned in any State may enforce laws in every State where the employing railroad owns property, provided the railroad advises every State where those officers may operate.

This rulemaking is considered significant because of its impact on railroad police officer authority and possible federalism implications, and because it would implement a

substantial regulatory program or change in policy.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/18/93 | 58 FR 33593 |
| NPRM Comment | 07/30/93 | |
| Period End | | |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 06/18/93 (58 FR 33593)

Agency Contact: Gareth Rosenau, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-9416

RIN: 2130-AA69

**2702. +RAILROAD OPERATING
RULES AND RADIO STANDARDS AND
PROCEDURES**

Significance: Agency Priority

Legal Authority: 45 USC 431; 45 USC 437; 45 USC 438

CFR Citation: 49 CFR 217; 49 CFR 220

Legal Deadline: None

Abstract: FRA proposes to amend the Railroad Operating Rules and Radio Standards and Procedures by removing requirements that railroads file operating rules, radio rules, and certain other documents with the Federal Railroad Administration and by substituting requirements that will enable the railroads to maintain records of such documents and make them available to FRA representatives during regular business hours. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| NPRM | 10/19/92 | 57 FR 47603 |
| NPRM Comment | 11/20/92 | |
| Period End | | |
| NPRM Comment | 12/10/92 | 57 FR 58436 |
| Period Extended to 12/21/92 | | |
| Public Hearing Notice | 12/10/92 | 57 FR 58436 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 10/19/92 (57 FR 47603)

DOT—FRA

Final Rule Stage

Additional Information: A public hearing was held 12/14/92 in Washington, DC.

Agency Contact: Jon Kaplan, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0635

RIN: 2130-AA76

2703. +LOCOMOTIVE CONSPICUITY; MINIMUM STANDARDS FOR AUXILIARY EXTERNAL LIGHTS

Significance: Agency Priority

Legal Authority: PL 102-533, Amtrak Authorization and Development Act

CFR Citation: 49 CFR 229

Legal Deadline: Other, Statutory, December 31, 1992.

Deadline is for an interim final rule.

Abstract: This revised interim final rule identifies several auxiliary external lighting arrangements as acceptable interim locomotive conspicuity measures. This rule would encourage the installation and use of such lighting arrangements as are now widely used and available. Lighting devices installed in conformance to acceptable current practice will not be immediately rendered obsolete when FRA issues final standards in this area. This rule will help alert motorists and pedestrians of an approaching train, thus reducing the number of accidents that occur at points where highways cross railroad tracks. This action is considered significant because of substantial congressional and public interest in promoting rail safety.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|------------|
| Interim Final Rule | 02/03/93 | 58 FR 6899 |
| Interim Final Rule Comment Period End | 04/01/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 02/03/93 (58 FR 6899)

Agency Contact: Marina C. Appleton, Trial Attorney, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0628

RIN: 2130-AA80

2704. CENTRALIZATION OF FORMAL HEARING DOCKETS (FRA)

Significance: Nonsignificant

Legal Authority: 45 USC 6; 45 USC 10; 45 USC 13; 45 USC 34; 45 USC 43; 45 USC 64a; 45 USC 431; 45 USC 437 to 439; 49 USC 103(c); 49 USC app 26(h); 49 USC 1655(c); PL 100-342

CFR Citation: 49 CFR 209; 49 CFR 1.49 et seq

Legal Deadline: None

Abstract: This final rule would provide that documents and evidence in formal hearing cases adjudicated within the Federal Railroad Administration (FRA) will be filed and maintained in the OST Office of Documentary Services. The change would streamline operations and consolidate the documents used in formal hearing cases.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2130-AA59

2705. LOCAL RAIL FREIGHT ASSISTANCE TO STATES

Significance: Nonsignificant

Legal Authority: PL 101-213 Local Rail Service Reauthorization Act

CFR Citation: 40 CFR 266

Legal Deadline: None

Abstract: FRA is revising the procedures and requirements for the receipt of financial assistance contained in part 266. These changes establish deadlines for submission of project applications for those seeking Federal funding to provide local rail freight assistance and impose consequences for failure to expend approved funding. The new deadline for submission of project applications for entitlement and discretionary funding would be October 1 and January 1 of each year, respectively. FRA also is requesting comments on ways to improve the effectiveness of the program while complying with the recent statutory changes concerning administration of the program.

Timetable:

| Action | Date | FR Cite |
|-------------------------|--------------|-------------|
| NPRM | 11/30/90 | 55 FR 49648 |
| NPRM Comment Period End | 12/31/90 | 55 FR 49648 |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 401 Railroads

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 11/30/90 (58 FR 49648)

Agency Contact: Laurence Fitzgerald, Program Analyst, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0635

RIN: 2130-AA60

DEPARTMENT OF TRANSPORTATION (DOT) Federal Railroad Administration (FRA)

Completed Actions

2706. +EVENT RECORDERS

Significance: Agency Priority

Legal Authority: PL 100-342, Rail Safety Improvement Act of 1988; 45 USC 431(m)

CFR Citation: 49 CFR 218; 49 CFR 229

Legal Deadline: Final, Statutory, December 22, 1989.

Abstract: FRA is acting to improve the safety of railroad operations and to enhance the quality of information available for post-accident

investigations by requiring event recorders on fast trains, by requiring that event recorders be effectively maintained, and by requiring that the data recorded by event recorders be preserved following a reportable accident.

DOT—FRA

Completed Actions

This project was considered significant because of substantial public interest and safety concerns.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| ANPRM | 11/23/88 | 53 FR 47557 |
| Public Hearing Held 01/10/89 | 11/23/88 | 53 FR 47557 |
| ANPRM Comment Period End | 03/13/89 | |
| NPRM | 06/18/91 | 56 FR 27931 |
| Second Public Hearing Scheduled 09/12/91 | 08/14/91 | 56 FR 40296 |
| NPRM Comment Period End | 09/20/91 | |
| Third Public Hearing; Comment Period Extended to 10/31/91 | 09/30/91 | 56 FR 49446 |
| Final Action | 07/08/93 | 58 FR 36605 |
| Final Action Correction | 07/28/93 | 58 FR 40468 |
| Final Action Effective | 11/05/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/08/93 (58 FR 36605)

Additional Information: ADDITIONAL CONTACT: Chief Counsel, U.S. Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590,(202) 366-0635. Compliance date for having an in-service event recorder

in the lead locomotive operating faster than 30 mph is 1/16/95.

Agency Contact: Rolf Mowatt-Larsen, Chief, Motive Power & Equipment Division, Office of Safety Enforcement, Department of Transportation, Federal Railroad Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4094
RIN: 2130-AA53

2707. +PROTECTION OF UTILITY EMPLOYEES

Significance: Agency Priority

Legal Authority: 45 USC 431; 45 USC 438; PL 100-342

CFR Citation: 49 CFR 218

Legal Deadline: None

Abstract: FRA regulations prescribe minimum requirements for certain railroad operating rules and practices, including blue signal protection of railroad employees engaged in the inspection, testing, repair, and servicing of rolling equipment. Such activities may require employees to work on, under, or between such equipment and subject them to the danger of personal injury posed by any movement of such equipment. Train and yard crews are excluded from blue signal protection, unless assigned to perform such work on railroad rolling equipment that is not part of the train or yard movement

and that they have been called to operate. FRA has revised the exclusionary language to accommodate augmentation of a crew by using a "utility" employee which will permit increased efficient use of employees by the railroads. Alternative safety procedures were created to prevent injury. This action was considered significant because of substantial public interest for safety of railroad employees.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 09/10/92 | 57 FR 41454 |
| NPRM Comment Period End | 10/09/92 | |
| NPRM Comment Period Extended to 10/30/92 | 10/26/92 | 57 FR 48494 |
| Final Action | 08/16/93 | 58 FR 43287 |
| Final Action Effective | 09/15/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/16/93 (58 FR 43287)

Agency Contact: Kyle Mulhall, Trial Attorney, Department of Transportation, Federal Railroad Administration, Office of Chief Counsel, 400 Seventh Street SW., Washington, DC 20590, 202 366-0635
RIN: 2130-AA77

**DEPARTMENT OF TRANSPORTATION (DOT)
 Federal Transit Administration (FTA)**

Proposed Rule Stage

2708. +STATE RESPONSIBILITY FOR FIXED GUIDEWAY SYSTEM SAFETY

Significance: Regulatory Program

Legal Authority: PL 102-240, sec 3029

CFR Citation: 49 CFR 659

Legal Deadline: Final, Statutory, October 28, 1992.

Abstract: This regulation would establish requirements for States to assume oversight responsibility for safe operations of fixed guideway transit systems in those States. This action is considered significant because of substantial public and congressional interest, and the statutory mandate.

Timetable:

| Action | Date | FR Cite |
|-----------------------|----------|-------------|
| Public Hearing Notice | 06/11/92 | 57 FR 24768 |
| ANPRM | 06/25/92 | 57 FR 28572 |

Action

| Date | FR Cite |
|--------------------------|----------|
| ANPRM Comment Period End | 08/24/92 |
| NPRM | 10/00/93 |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Draft Regulatory Evaluation 10/00/93

Agency Contact: Nancy Zaczek, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4011

RIN: 2132-AA39

2709. MAJOR CAPITAL INVESTMENT PROJECTS (ENVIRONMENTAL)

Significance: Nonsignificant

Legal Authority: PL 102-240, sec 3012

CFR Citation: None

Legal Deadline: Final, Statutory, May 18, 1992.

Abstract: The Intermodal Surface Transportation Efficiency Act of 1991 requires the FTA to conform its review requirements for transit projects under the National Environmental Policy Act (NEPA) to comparable requirements under NEPA applicable to highway projects. FTA anticipates a rulemaking in conformance with FHWA's environmental regulations at 23 CFR part 771.

DOT—FTA

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Scott Biehl, Assistant Chief Counsel, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0952

RIN: 2132-AA43

2710. TRANSPORTATION FOR THE ELDERLY AND PERSONS WITH DISABILITIES

Significance: Nonsignificant

Legal Authority: 49 USC app 1612(b)(2)

CFR Citation: 49 CFR 609

Legal Deadline: None

Abstract: The regulation sets forth requirements regarding transportation for the elderly and persons with disabilities mandated by section 16 of the Federal Transit Act, as amended. The ADA and DOT's implementing regulations supersede many provisions of part 609. The Federal Transit Administration will revise part 609 to acknowledge new ADA provisions and to update continuing provisions emanating from the Federal Transit Act.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Analysis: Draft Regulatory Evaluation 10/00/93

Agency Contact: Trudy Levy, Assistant Chief Counsel, General Law Division, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1936

RIN: 2132-AA46

DEPARTMENT OF TRANSPORTATION (DOT)

Final Rule Stage

Federal Transit Administration (FTA)

2711. +PREVENTION OF PROHIBITED DRUG USE IN TRANSIT OPERATIONS

Significance: Regulatory Program

Legal Authority: PL 102-143, sec 6

CFR Citation: 49 CFR 653

Legal Deadline: Final, Statutory, October 28, 1992.

Abstract: The DOT Appropriations Act of 1991 requires FTA to issue regulations controlling the use of drugs in the transit industry. FTA must establish a program for drug testing of mass transportation employees responsible for safety-sensitive functions, for recipients under section 3, 9, or 18 of the Federal Transit Act or 23 USC 103(e)(4). This action is considered significant because of substantial public and congressional interest.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| NPRM | 12/15/92 | 57 FR 59660 |
| NPRM Public Hearings Notice | 02/05/93 | 58 FR 7197 |
| NPRM Comment Period End | 04/14/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 12/15/92 (57 FR 59600)

Agency Contact: Judy Meade, Program Manager, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2896

RIN: 2132-AA37

2712. +PREVENTION OF ALCOHOL MISUSE IN TRANSIT OPERATIONS

Significance: Regulatory Program

Legal Authority: PL 102-143, sec 6

CFR Citation: 49 CFR 654

Legal Deadline: Final, Statutory, October 28, 1992.

Abstract: The DOT Appropriation Act of 1991 requires FTA to issue regulations controlling the misuse of alcohol in the transit industry. FTA must establish a program for alcohol testing of mass transit employees responsible for safety-sensitive functions, for recipients under section 3, 9, or 18 of the Federal Transit Act or 23 USC 103(c)(4). This action is considered significant because of substantial public and congressional interest.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| NPRM | 12/15/92 | 57 FR 59646 |
| NPRM Public Hearings Notice | 02/05/93 | 58 FR 7197 |
| NPRM Comment Period End | 04/14/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 12/15/92 (57 FR 59646)

Additional Information: A common preamble for 5 modal administrations affected (FTA, FHWA, FRA, FAA, and RSPA) was published on December 15, 1992 (57 FR 59382).

Agency Contact: Rhonda Crawley, Program Manager, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2896

RIN: 2132-AA38

2713. +BUS TESTING

Significance: Agency Priority

Legal Authority: 49 USC 1608(h)

CFR Citation: 49 CFR 665

Legal Deadline: None

Abstract: This regulation implements a statutory provision that requires any new bus model purchased after September 30, 1989, to be tested at a facility established by the Secretary in Altoona, PA. This regulation is significant because of the large amount of public interest.

DOT-FTA

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 05/25/89 | 54 FR 22716 |
| NPRM Comment Period End | 07/24/89 | |
| Interim Final Rule | 08/23/89 | 54 FR 35158 |
| Interim Final Rule; Comment Period Reopened | 11/30/89 | 54 FR 35158 |
| Interim Final Rule; Second | 10/09/90 | 55 FR 41174 |
| Interim Final Rule Extending Interim Procedures | 08/13/91 | 56 FR 46572 |
| Interim Final Rule New Vehicle Types | 07/28/92 | 57 FR 33394 |
| Interim Final Rule Partial Effectiveness Postponed | 10/13/92 | 57 FR 46814 |
| Interim Final Rule Comment Period Reopened to 01/29/93 | 01/07/93 | 58 FR 2989 |
| Interim Final Rule Partial Effectiveness Postponed | 02/23/93 | 58 FR 10989 |
| Notice of Meeting | 02/26/93 | 58 FR 11649 |
| Interim Final Rule Small Vehicle Testing | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 07/28/92 (57 FR 33394)

Additional Information: Section 12(h) of the FT Act, as amended, defines a "new bus model" as a bus model which has not been used in mass transportation service in the United States before the date of production of such model, or a bus model which has been used in such service, but which is being produced with a major change in configuration or components. A third interim final rule, published on 07/28/92, added two new categories of buses required to be tested. On 10/13/92 FTA published a notice postponing the application of the interim final rule for these vehicle types until 02/10/93. A January 7, 1993, notice reopened the comment period on this interim final rule until January 29, 1993. A notice published on 02/23/93, further postponed the effective date until 10/01/93. The FTA is postponing the effective date of the rule as it applies to small vehicles in order to receive further information. The comment period for this notice ended on 06/23/93. The agency anticipates

issuing a fourth interim final rule by 10/00/93. Meanwhile, on May 26, 1993, the FTA published a notice of availability of proposed guidelines for testing of small buses and partial testing of previously tested buses.

Agency Contact: Richard Wong, Attorney-Advisor, Department of Transportation, Federal Transit Administration, Office of Chief Counsel, Room 9316, 400 Seventh Street SW., Washington, DC 20590, 202 366-1936

RIN: 2132-AA30

2714. +METROPOLITAN PLANNING

Significance: Agency Priority

Legal Authority: PL 102-240, sec 3012

CFR Citation: 49 CFR 613

Legal Deadline: None

Abstract: Section 3012 of the Intermodal Surface Transportation Efficiency Act of 1991 revised section 8 of the Federal Transit Act to strengthen the planning process and the role of metropolitan planning organizations in transportation decisionmaking. FTA and FHWA will coordinate revisions to 49 CFR 613 and 23 CFR 450 to implement the provisions of sections 3012 and 1024 (Federal Transit and Federal Highway metropolitan planning sections, respectively). This action is considered significant because of substantial public and congressional interest.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 03/02/93 | 58 FR 12064 |
| Request for Comments | 03/24/93 | 58 FR 15816 |
| NPRM Comment Period End | 05/03/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/02/93 (58 FR 12064)

Additional Information: The RIN for the matching Federal Highway Administration entry is 2125-AC95.

Agency Contact: Sam Zimmerman, Director, Office of Planning, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2360

RIN: 2132-AA44

2715. +MANAGEMENT AND MONITORING SYSTEMS

Significance: Agency Priority

Legal Authority: PL 102-240, sec 1034; 23 USC 303

CFR Citation: 49 CFR 614

Legal Deadline: Final, Statutory, December 18, 1992.

Abstract: The Intermodal Surface Transportation Efficiency Act mandates the FTA and FHWA to issue regulations for State development and implementation of systems for managing: (1) highway pavement of Federal-aid highways; (2) bridges on and off Federal-aid highways; (3) highway safety; (4) traffic congestion; (5) public transportation facilities and equipment; (6) intermodal transportation facilities and systems. States must be implementing each management system in Federal fiscal year 1995 or the Secretary may withhold up to 10 percent of funds apportioned under Title 23, U.S.C., or under the Federal Transit Act, for any fiscal year beginning after September 30, 1995. The primary purpose of these systems is to improve the efficiency of, and protect the investment in, existing and future transportation infrastructure. The systems will provide additional information needed to make informed decisions for optimum utilization of limited resources. (cont)

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 06/03/92 | 57 FR 23480 |
| ANPRM Comment Period End | 08/03/92 | |
| NPRM | 03/02/93 | 58 FR 12096 |
| Request for Comments | 03/24/93 | 58 FR 15816 |
| NPRM Comment Period End | 05/03/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/02/93 (58 FR 12096)

Additional Information: ABSTRACT CONT: The economic impact of the regulation is not known at this time. The regulations will be issued jointly with the Federal Highway Administration (RIN 2125-AC97). The regulation is considered significant because of substantial public and congressional interest.

DOT—FTA

Final Rule Stage

Agency Contact: Ron Jensen-Fisher, Senior Community Planner, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0257

RIN: 2132-AA47

2716. +STATEWIDE TRANSPORTATION PLANNING

Significance: Agency Priority

Legal Authority: PL 102-240, sec 1025

CFR Citation: 49 CFR 613

Legal Deadline: None

Abstract: The rulemaking is mandated by section 1025 of the Intermodal Surface Transportation Efficiency Act of 1991, and will mandate statewide planning to be coordinated with metropolitan planning. This is a joint rulemaking action with FHWA and the implementation of this regulation is considered significant because of substantial congressional and public interest.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 03/02/93 | 58 FR 12084 |
| Request for Comments | 03/24/93 | 58 FR 15816 |
| NPRM Comment Period End | 05/03/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/02/93 (58 FR 12084)

Additional Information: The RIN for the matching Federal Highway Administration entry is 2125-AC94.

Agency Contact: Paul Verchinski, Planning Program Manager, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-6385

RIN: 2132-AA48

2717. +TEMPORARY LOCAL MATCH WAIVER FOR SECTIONS 9 AND 18

Significance: Agency Priority

Legal Authority: PL 102-240, sec 1054; PL 102-388; PL 102-302

CFR Citation: 49 CFR 671

Legal Deadline: None

Abstract: The rulemaking is mandated by the 1992 Dire Emergency Supplemental Appropriations Act and 1993 Department of Transportation and Related Appropriations Act. The rule will allow recipients to ask for a temporary waiver in 1992 and 1993, of the local match required under sections 9 and 18 of the Federal Transit Act, as amended. An interim final rule was employed, since this matter is extremely time-sensitive and of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 08/11/93 | 58 FR 42690 |
| Interim Final Rule Effective | 09/10/93 | |
| Interim Final Rule Comment Period End | 10/12/93 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 08/11/93 (58 FR 42690)

Additional Information: A policy statement providing general guidance on local share issues was published in the Federal Register on July 10, 1992 (57 FR 30880).

Agency Contact: Nancy Zaczek, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4011

RIN: 2132-AA49

2718. +NEW STARTS CRITERIA

Significance: Agency Priority

Legal Authority: PL 102-240, sec 3010

CFR Citation: 49 CFR 611

Legal Deadline: None

Abstract: The Intermodal Surface Transportation Efficiency Act requires new criteria to be used in determining whether a major new construction project is eligible for funding. The agency is reviewing this matter to determine whether to develop a rulemaking or to issue "guidance" on this matter. If guidance is developed, this project would no longer be considered significant.

Timetable: Next Action Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Impact Analysis

Agency Contact: Ron Jensen-Fisher, Senior Community Planner, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0096

RIN: 2132-AA50

2719. BUY AMERICA

Significance: Nonsignificant

Legal Authority: PL 102-240, sec 1048

CFR Citation: 49 CFR 661

Legal Deadline: Final, Statutory, May 30, 1992.

Abstract: The Intermodal Surface Transportation Efficiency Act of 1991 amended section 165(a) of the Surface Transportation Assistance Act of 1982 (23 USC 101 note) by adding "iron" to the list of products subject to "Buy America" provisions. The Federal Transit Administration's "Buy America" regulations are being amended to include this new statutory provision.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: Since the requirement to add iron to the list of products subject to the Buy America requirement is clearly stated in the statute and the agency has no discretion, the agency is not required to first issue the rule in proposed form.

Agency Contact: Rita Daguillard, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1936

RIN: 2132-AA42

**DEPARTMENT OF TRANSPORTATION (DOT)
Federal Transit Administration (FTA)**

Completed Actions

2720. +MAJOR CAPITAL INVESTMENT PROJECTS

Significance: Agency Priority
Legal Authority: 49 USC 1602(i); 23 USC 103(e); 23 USC 142; PL 100-17, sec 303; PL 102-240, sec 3010
CFR Citation: 49 CFR 611
Legal Deadline: None

Abstract: Section 303 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 directed the agency to issue guidelines for evaluating cost-effectiveness and local financial commitments in developing new fixed guideway projects. However, section 3010 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) directs the agency, in its evaluation of new fixed guideway projects, to consider a number of matters in addition to cost-effectiveness and local financial commitment--specifically, costs related to congestion, improved mobility, air and noise pollution, and energy consumption, and the degree to which a project may promote economic development and serve the needs of transit dependent population. Thus, the agency has withdrawn its April 25, 1989 NPRM. Although this action was deemed significant FTA's recent reauthorization legislation, ISTEA, has provided a new mandate to the agency, making this rulemaking obsolete.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 04/25/89 | 54 FR 17878 |
| NPRM Comment Period End | 06/26/89 | |
| Withdrawn | 02/03/93 | 58 FR 6948 |

Small Entities Affected: None
Government Levels Affected: None

Analysis: Regulatory Evaluation 04/25/89 (54 FR 17878)
Agency Contact: Don Emerson, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0096
RIN: 2132-AA34

2721. +CHARTER SERVICES

Significance: Agency Priority
Legal Authority: PL 102-240, sec 3040
CFR Citation: 49 CFR 604
Legal Deadline: Final, Statutory, September 18, 1992.

Abstract: This demonstration program will allow transit operators to provide charter services to meet transit needs that could not otherwise be met in a cost-efficient manner. This action was considered significant because of substantial public interest and the statutory mandate.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| NPRM | 10/28/92 | 57 FR 48924 |
| Notice Advisory Committee Meeting | 12/14/92 | 57 FR 59197 |
| NPRM Comment Period End | 12/28/92 | |
| Final Action | 07/09/93 | 58 FR 36894 |
| Final Action Effective | 08/09/93 | |

Small Entities Affected: None
Government Levels Affected: None

Analysis: Regulatory Evaluation 07/09/93 (58 FR 36894)
Additional Information: FTA established an advisory committee on March 16, 1992, to assist the FTA in developing regulations to implement the charter services demonstration program. The final rule describes the demonstration program that the FTA has developed in consultation with the advisory committee. During the demonstration program, recipients in eight sites within four States will be allowed to provide direct charter service as determined by local officials according to set criteria.

Agency Contact: Rita Daguillard, Attorney Advisor, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1936
RIN: 2132-AA40

**DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)**

Prerule Stage

2722. CONSOLIDATION OF SPECIFICATIONS FOR HIGH-PRESSURE SEAMLESS CYLINDERS AND REWRITE OF 49 CFR 173.34

Significance: Nonsignificant
Legal Authority: 49 USC 1803 to 1808
CFR Citation: 49 CFR 172; 49 CFR 173; 49 CFR 178
Legal Deadline: None

Abstract: This rulemaking involves a proposal to revise the requalification requirements for cylinders and consolidate and revise the specifications for high-pressure seamless cylinders. (Project No. 305-83).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 10/00/83 | |

Small Entities Affected: None
Government Levels Affected: Undetermined

Additional Information: Formerly entitled Review: Consolidation of Specifications for High-Pressure Seamless Cylinders.

Agency Contact: Gopala Vinjannuri, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4545
RIN: 2137-AA92

2723. MODERNIZING THE PASSENGER ORIGIN-DESTINATION SURVEY

Significance: Nonsignificant

Legal Authority: 49 USC 1377; 49 USC 1441
CFR Citation: 14 CFR 241
Legal Deadline: None

Abstract: Historically, the source document for the Passenger Origin-Destination Survey was the auditor's coupon of the ticket. Until recently, these coupons provided all the information that was needed for the Survey. In the last few years, the carriers have begun using trip passes in conjunction with the tickets, thereby eliminating some of the data that is required to be reported in the Survey. Other innovations used by the industry, such as funnel flights and code-sharing, have impacted the Survey and obscured some of the data that is required to be reported, such as change of planes and junction points. This rulemaking will

DOT—RSPA

Prerule Stage

explore whether there are alternative sources for the data and modernize the collection system to keep pace with the industry.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, DAI-1, Room 4125, 400 Seventh Street SW., Washington, DC 20590, 202 366-4383

RIN: 2137-AB92

2724. • EMERGENCY FLOW RESTRICTING DEVICES

Significance: Nonsignificant

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195

Legal Deadline: Final, Statutory, October 24, 1996.

Abstract: This rulemaking would specify those circumstances under which operators of hazardous liquid pipelines are required to use emergency flow restricting devices, and other procedures, systems, and equipment to detect and locate pipeline ruptures and minimize releases.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: L. Ulrich, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-2392

RIN: 2137-AC39

2725. • APPROVAL OF MULTI-UNIT TANK CAR TANKS

Significance: Nonsignificant

Legal Authority: 49 USC 1802 to 1808; 49 USC 1818

CFR Citation: 49 CFR 173; 49 CFR 179

Legal Deadline: None

Abstract: The purpose of this rulemaking is to consider ways for the Department of Transportation to approve the design and manufacture of multi-unit tank car tanks, which are also known as "ton tanks."

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Potter, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4488

RIN: 2137-AC43

DEPARTMENT OF TRANSPORTATION (DOT)

Proposed Rule Stage

Research and Special Programs Administration (RSPA)

2726. +SAFEGUARDING FOOD FROM CONTAMINATION DURING TRANSPORTATION

Significance: Regulatory Program

Legal Authority: PL 101-500

CFR Citation: 49 CFR 1

Legal Deadline: Final, Statutory, August 1, 1991.

Abstract: The Sanitary Food Transportation Act of 1990 (SFTA; Pub. L. 101-500) requires the Secretary of Transportation, in consultation with the Secretaries of Agriculture and Health and Human Services and the Administrator of the Environmental Protection Agency, to issue regulations concerning the transportation of food, food additives, drugs, devices, and cosmetics in motor and rail vehicles also used to transport nonfood products that could pose an unreasonable danger to human or animal health when so transported. This rulemaking will implement the statutory requirements. This rulemaking is significant because of substantial public and congressional interest.

Timetable:

| Action | Date | FR Cite |
|----------------------------------|----------|-------------|
| ANPRM | 02/20/91 | 56 FR 6934 |
| ANPRM Comment Period Extended to | 03/21/91 | 56 FR 11982 |
| | 04/29/91 | |
| ANPRM Comment Period End | 03/26/91 | |
| NPRM | 05/21/93 | 58 FR 29698 |
| Public Hearings Notice | 05/21/93 | 58 FR 29698 |
| NPRM Comment Period End | 10/18/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/21/93 (58 FR 29698)

Additional Information: Docket FS-1.

Agency Contact: E. Richards/J. Gale, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-0656

RIN: 2137-AC00

2727. +HAZARDOUS MATERIALS IN INTRASTATE COMMERCE

Significance: Agency Priority

Legal Authority: 49 USC 1802 to 1808

CFR Citation: 49 CFR 171 to 179

Legal Deadline: None

Abstract: ANPRM invited comments on the need for, and possible consequences of, DOT extending the application of its Hazardous Materials Regulations to all intrastate transportation of hazardous materials in commerce. This rulemaking is significant because of substantial public interest and possible federalism implications. The Hazardous Materials Transportation Uniform Safety Act of 1990 mandates that the Secretary issue regulations for the intrastate transportation of hazardous materials in commerce.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| ANPRM | 06/29/87 | 52 FR 24195 |
| Comment Period Extended to | 09/21/87 | 52 FR 35464 |
| | 11/28/87 | |

DOT-RSPA

Proposed Rule Stage

| Action | Date | FR Cite |
|-----------------|----------|-------------|
| ANPRM Comment | 09/28/87 | |
| Period End | | |
| NPRM | 07/09/93 | 58 FR 36920 |
| NPRM Correction | 07/15/93 | 58 FR 38111 |
| NPRM Comment | 10/13/93 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation
07/09/93 (58 FR 36920)

Additional Information: Docket No. HM-200.

Agency Contact: Jacquelyn Smith, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4488

RIN: 2137-AB37

2728. +QUALIFICATION OF PIPELINE PERSONNEL

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 2002; PL 102-508, Sec 106; PL 102-508, Sec 205

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: Training and qualification standards would be proposed for personnel involved in the operation and maintenance of gas and hazardous liquid pipelines. Special consideration would be given to operators of small gas systems to alleviate the burden of compliance. This rulemaking is considered significant because of substantial State and congressional interest.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|------------|
| ANPRM | 03/23/87 | 52 FR 9189 |
| ANPRM Comment | 05/07/87 | 52 FR 9189 |
| Period End | | |
| NPRM | 04/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation
04/00/94

Additional Information: Docket No. PS-94. Formerly entitled: Pipeline Operator Qualifications. The proposals regarding certification of personnel and emergency response in "Proposals for Pipeline Safety," RIN 2137-AB27, have been consolidated into this rulemaking.

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2036

RIN: 2137-AB38

2729. +MAPS AND RECORDS OF PIPELINE LOCATION AND CHARACTERISTICS; NOTIFICATION OF STATE AGENCIES; PIPE INVENTORY

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: Final, Statutory, November 1, 1989.

Deadline pertains to pipe inventory and State agency information.

Abstract: Maintenance of appropriate information about pipelines is essential for emergency response, compliance with safety standards, and other purposes. As part of a continuing policy to adopt similar requirements for gas and hazardous liquid pipelines where appropriate for safety, this action proposes to equalize as far as possible the requirements that gas and liquid operators keep maps and records to show the location and other characteristics of pipelines. Operators would also be required to keep an inventory of pipe and annually report mileage and other facts. In addition, operators would be required to provide certain information to State agencies upon request. This is a significant action because of congressional and State concerns about the need for appropriate public officials to have pipeline information.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation
04/00/94

Additional Information: RIN 2137-AB62, "Annual Report for Hazardous Liquid Pipelines," has been consolidated into this rulemaking. The proposals regarding information for local authorities, pipeline inventory, and condition reports in "Proposals for

Pipeline Safety," RIN 2137-AB27, have been consolidated into this rulemaking.

Agency Contact: L.M. Farrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2392

RIN: 2137-AB48

2730. +IMPROVEMENTS TO HAZARDOUS MATERIALS IDENTIFICATION SYSTEMS

Significance: Agency Priority

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172

Legal Deadline: Final, Statutory, May 16, 1993.

Abstract: This rulemaking proposes to determine methods of improving the current system of placarding vehicles transporting hazardous materials; determine the feasibility and methods for establishing a central reporting system and computerized telecommunications data center for daily hazardous materials shipments in all modes; and evaluate the need and safety benefits of requiring carriers to establish a continually monitored telephone system to provide information and assistance to emergency responders. This action is required by section 25 of the Hazardous Materials Transportation Uniform Safety Act of 1990. This rulemaking is considered significant because of substantial public interest and safety implications.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| ANPRM | 08/09/92 | 57 FR 24532 |
| ANPRM Comment | 08/05/92 | 57 FR 34542 |
| Period Extended to | 10/09/92 | |
| ANPRM Comment | 08/10/92 | |
| Period End | | |
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
10/00/93

Additional Information: Docket HM-206. Formerly entitled "Improving Hazardous Materials Identification: Placarding; Reporting/Tracking; and Continually Monitored Telephone Systems."

Agency Contact: J. Potter/H. Engrum, Department of Transportation, Research

DOT-RSPA

Proposed Rule Stage

and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4488

RIN: 2137-AB75

2731. +INFECTIOUS SUBSTANCES

Significance: Agency Priority

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 171 to 173

Legal Deadline: None

Abstract: This action explores whether amendments are needed to the Hazardous Materials Regulations concerning the regulation of infectious substances, particularly medical waste containing infectious substances. The rulemaking is considered significant because it is of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 03/03/93 | 58 FR 12207 |
| ANPRM Comment Period End | 04/20/93 | |
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation
10/00/93

Additional Information: The ANPRM included notice of a public hearing in Washington, DC, March 17, 1993. Docket No. HM-181G.

Agency Contact: E. Martin/J. Posten, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4488

RIN: 2137-AC36

2732. REVIEW OF COMMUTER AIR TRAFFIC AND MARKET DATA REPORTING

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 298

Legal Deadline: None

Abstract: Currently, commuter and small certificated air carriers providing scheduled passenger service file two quarterly traffic schedules. One schedule summarizes nine traffic elements while the other provides the origination and destination for each

carrier's on-line passengers. The Department has installed a new traffic and market data system for certificated and foreign air carriers called the T-100 system. By this rulemaking, the system would be used for commuter air carriers, providing the Department with one automated traffic and market data system for all carriers. This system would be less burdensome for the commuter air carriers and be more efficient for the user.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation
06/00/94

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, DAI-1 Room 4125, 400 Seventh Street SW., Washington, DC 20590, 202 366-4383

RIN: 2137-AB18

2733. TRANSPORTATION OF HAZARDOUS MATERIALS; MISCELLANEOUS AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171 to 178

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. NPRM approximately every 4 months, with FR targeted approximately 2 months thereafter.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Periodic Update | 03/19/85 | 50 FR 11048 |
| Periodic Update | 04/20/87 | 52 FR 13034 |
| Periodic Update - NPRM | 09/19/88 | 53 FR 36410 |
| Periodic Update | 09/20/89 | 54 FR 38790 |
| Correction to Update | 11/20/89 | 54 FR 47986 |
| Final Rule; Response to Petitions for Reconsideration | 07/05/90 | 55 FR 27640 |
| Periodic Update | 10/01/90 | 55 FR 39977 |
| Periodic Update | 09/27/93 | 58 FR 50496 |
| NPRM | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. HM-166X.

Agency Contact: Diane LaValle, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4488

RIN: 2137-AA44

2734. DETECTION AND REPAIR OF CRACKS, PITS, CORROSION, LINING FLAWS, THERMAL DETECTION FLAWS, AND OTHER DEFECTS OF TANK CAR TANKS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1807; 49 USC 1808

CFR Citation: 49 CFR 173

Legal Deadline: NPRM, Statutory, September 30, 1993.

Abstract: This rule would clarify existing inspection requirements for tank car tanks; add new inspection requirements for thermal protection on tank car tanks; permit the use of new inspection techniques for tank cars transporting low vapor pressure commodities in lieu of periodic hydrostatic retests; and establish minimum in-service tank thickness requirements.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| ANPRM | 12/08/87 | 52 FR 46510 |
| ANPRM Comment Period End | 02/11/88 | 52 FR 46510 |
| ANPRM Comment Period Extended to 05/13/88 | 02/18/88 | 53 FR 4862 |
| NPRM | 09/16/93 | 58 FR 48485 |
| NPRM Comment Period End | 03/16/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation
09/16/93 (58 FR 48485)

Additional Information: Docket HM-201.

Agency Contact: P. Olekszyk (FRA), Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0897

RIN: 2137-AB40

DOT—RSPA

Proposed Rule Stage

2735. DOT 3AL ALUMINUM CYLINDERS; SAFETY PROBLEMS**Significance:** Nonsignificant**Legal Authority:** 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1808**CFR Citation:** 49 CFR 178**Legal Deadline:** None

Abstract: Certain DOT 3AL cylinders made of aluminum alloy 6351 were discovered developing cracks during service and occasionally leaks developed resulting in loss of contents. This ANPRM was to alert and inform all persons possessing these cylinders of the problems, identify those cylinders at risk, and suggest steps to minimize risks.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 07/10/87 | 52 FR 26027 |
| ANPRM Comment Period End | 08/10/87 | 52 FR 26027 |
| NPRM | 04/00/94 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined**Analysis:** Regulatory Evaluation 04/00/94**Additional Information:** Docket No. HM-176A

Agency Contact: C. Hochman, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4545

RIN: 2137-AB51**2736. CRASH WORTHINESS PROTECTION REQUIREMENTS FOR TANK CARS****Significance:** Nonsignificant**Legal Authority:** 49 USC 1803 to 1808**CFR Citation:** 49 CFR 173**Legal Deadline:** NPRM, Statutory, September 30, 1993.

Abstract: This rulemaking solicits comments on the costs and safety benefits that would be derived should the Hazardous Materials Regulations be amended to improve the level of safety of tank car tanks.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| ANPRM | 05/15/90 | 55 FR 20242 |

| Action | Date | FR Cite |
|-------------------------------|----------|-------------|
| ANPRM Comment Period End | 08/21/90 | |
| SANPRM; Comment Period End | 08/29/90 | 55 FR 35327 |
| | 01/04/91 | |
| NPRM | 04/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 04/00/94**Additional Information:** Docket HM-175A. Formerly entitled, "Specifications for Tank Car Tanks."

Agency Contact: E. Martin, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4488

RIN: 2137-AB89**2737. DISTRIBUTION SYSTEM DEFINITIONS****Significance:** Nonsignificant**Legal Authority:** 49 USC 1672**CFR Citation:** 49 CFR 192**Legal Deadline:** None

Abstract: Experience enforcing the gas pipeline safety standards shows that terms, such as "service line" and "regulator station," that are used in the gas pipeline safety standards with respect to distribution systems may be unclear. This action proposes to revise existing definitions and add definitions of terms currently undefined in the regulations.

Timetable: Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** None

Agency Contact: J. Willock, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4571

RIN: 2137-AC02**2738. UPDATING CONFIDENTIALITY RULES FOR INTERNATIONAL SERVICE SEGMENT DATA****Significance:** Nonsignificant**Legal Authority:** 49 USC 101; 49 USC 1324; 49 USC 1377**CFR Citation:** 14 CFR 241**Legal Deadline:** None

Abstract: International service segment/Schedule T-9 data (replaced by Schedule T-100) submitted by U.S. air carriers have a permanent confidential period. In the public interest, such data may be released to other Federal agencies or State governments for internal use only. The Department will explore whether a shorter confidential period can be instituted that would be consistent with the three-year confidential period for T-100 data filed with the Department.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 01/00/94

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, DAI-1 Room 4125, 400 Seventh Street SW., Washington, DC 20590, 202 366-4383

RIN: 2137-AC07**2739. DESIGN AND CONSTRUCTION OF WELDED BREAKOUT TANKS****Significance:** Nonsignificant**Legal Authority:** 49 USC 2002**CFR Citation:** 49 CFR 195**Legal Deadline:** None

Abstract: This rulemaking proposes to add safety standards for the design and construction of pipeline breakout tanks. This action would incorporate by reference the applicable standards for breakout tank design and construction that are contained in American Petroleum Institute Standard 650. This standard is already widely followed in the pipeline industry.

Timetable: Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** None

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-2036

RIN: 2137-AC11**2740. YARD LINES****Significance:** Nonsignificant

DOT-RSPA

Proposed Rule Stage

Legal Authority: PL 102-508, Sec 115**CFR Citation:** 49 CFR 192**Legal Deadline:** Final, Statutory, October 24, 1993.

Abstract: The gas pipeline safety standards do not require operators to maintain customer-owned lines that connect customer buildings or houses to operator-maintained lines. These customer-owned lines, often called "yard lines," are subject to the same safety problems as operator-maintained lines. This action would require operators who do not maintain yard lines to advise customers with such lines of the potential hazards of not maintaining the lines, and the requirements and resources available for maintenance.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined**Analysis:** Regulatory Evaluation 11/00/93

Agency Contact: Christina Sames, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-1640

RIN: 2137-AC32

2741. UNDERWATER ABANDONED PIPELINE FACILITIES**Significance:** Nonsignificant**Legal Authority:** PL 102-508, Sec 117; PL 102-508, Sec 216**CFR Citation:** 49 CFR 192; 49 CFR 195**Legal Deadline:** Final, Statutory, April 24, 1994.

Abstract: This action would result in regulations specifying procedures for operators to report on underwater pipelines abandoned prior to October 24, 1992.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined**Analysis:** Regulatory Evaluation 10/00/93

Agency Contact: J. Willock, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-2392

RIN: 2137-AC33

2742. ENVIRONMENTALLY SENSITIVE AREAS AND HIGH-DENSITY POPULATION AREAS**Significance:** Nonsignificant**Legal Authority:** PL 102-508, Sec 102; PL 102-508, Sec 202**CFR Citation:** 49 CFR 192; 49 CFR 195**Legal Deadline:** Final, Statutory, October 24, 1994.

Abstract: This action would require gas pipeline operators to identify pipeline facilities located in high-density population areas, and require hazardous liquid pipeline operators to identify pipeline facilities located in environmentally sensitive areas.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined**Analysis:** Regulatory Evaluation 04/00/94

Agency Contact: Christina Sames, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-1640

RIN: 2137-AC34

2743. INCREASED INSPECTION REQUIREMENTS**Significance:** Nonsignificant**Legal Authority:** 49 USC 1672(g)**CFR Citation:** 49 CFR 192; 49 CFR 195**Legal Deadline:** Final, Statutory, October 24, 1995.

Abstract: This rulemaking would require gas pipelines in high-density population areas and hazardous liquid pipelines in those areas and in environmentally-sensitive areas or navigable waterways to be inspected periodically by internal inspection devices or equivalent means.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 10/00/94

Agency Contact: K. Saunders, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-0524

RIN: 2137-AC38

2744. INCORPORATION OF LATEST UNITED NATIONS RECOMMENDATIONS ON THE TRANSPORT OF DANGEROUS GOODS**Significance:** Nonsignificant**Legal Authority:** 49 USC 1802 to 1808; 49 USC 1818**CFR Citation:** 49 CFR 171 to 180**Legal Deadline:** None

Abstract: The purpose of this rulemaking is to incorporate changes into the Hazardous Materials Regulations, based on recent changes to the United Nations Recommendations on the Transport of Dangerous Goods, the International Civil Aviation Organization Technical Instructions, and the International Maritime Dangerous Goods Code.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 10/00/93**Additional Information:** Docket No. HM-215A.

Agency Contact: Beth Romo/John Gale, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4488

RIN: 2137-AC42

2745. SAFETY PERMITS—SHIPPER'S RESPONSIBILITY**Significance:** Nonsignificant**Legal Authority:** 49 USC 1893 to 1898**CFR Citation:** 49 CFR 171**Legal Deadline:** None

Abstract: The purpose of this rule is to prohibit shippers from offering to

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Proposed Rule Stage

motor carriers certain hazardous materials for transportation, if such motor carriers are required to have a safety permit but do not.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
10/00/93

Agency Contact: Helen Engrum,
Transportation Specialist, Department
of Transportation, Research and Special

Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4488

RIN: 2137-AC45

DEPARTMENT OF TRANSPORTATION (DOT)

Final Rule Stage

Research and Special Programs Administration (RSPA)

2746. +HYDROSTATIC TESTING OF CERTAIN HAZARDOUS LIQUID PIPELINES

Significance: Regulatory Program

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: Recent accidents involving petroleum pipelines demonstrate the potential for catastrophic losses if a large spill occurs in a populated area. Studies have shown that accidents attributable to latent material or construction defects can be prevented by restricting operation to not more than 80 percent of a prior test or operating pressure. In this regard, significant results have been achieved by imposing such an operating restriction on pipelines that carry highly volatile liquids. This rule would extend this existing safety standard to all hazardous liquid pipelines that are subject to part 195. This rulemaking is significant because of substantial public interest in the safety implications.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/22/91 | 56 FR 23538 |
| NPRM Comment Period End | 07/22/91 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
05/22/91 (56 FR 23538)

Additional Information: Formerly entitled: Pressure Testing Existing Hazardous Liquid Pipelines. The integrity testing proposal in "Proposals for Pipeline Safety," RIN 2137-AB27, has been consolidated, in part, in this rulemaking. Docket PS-121.

Agency Contact: L.M. Furrow,
Department of Transportation, Research
and Special Programs Administration,

400 Seventh Street SW., Washington,
DC 20590, 202 366-2392

RIN: 2137-AB46

2747. +ALCOHOL MISUSE PREVENTION PROGRAM

Significance: Regulatory Program

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 199

Legal Deadline: None

Abstract: This action would require pipeline operators to establish alcohol misuse prevention programs for their employees who perform safety-sensitive functions. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/15/92 | 57 FR 59712 |
| NPRM Comment Period End | 04/14/93 | 57 FR 59712 |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
12/15/92 (57 FR 59712)

Additional Information: Docket No. PS-128. A common preamble for five modal administrations affected (FAA, FHWA, FRA, FTA, and RSPA) was published 12/15/92 (57 FR 59382).

Agency Contact: R. Rippert,
Department of Transportation, Research
and Special Programs Administration,
400 Seventh Street SW., Washington,
DC 20590, 202 366-6223

RIN: 2137-AC21

2748. +GAS GATHERING LINE DEFINITION

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804; PL 102-508, Sec 109(b)

CFR Citation: 49 CFR 192.3

Legal Deadline: Final, Statutory,
October 24, 1994.

Abstract: The existing definition of "gathering line" would be clearly defined to eliminate confusion in distinguishing these pipelines from transmission lines in rural areas. The costs should be minimal since the definition will conform to prevailing practices in government and industry. Action is significant because the definition is of Congressional interest and is required by the Pipeline Safety Act of 1992.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/25/91 | 56 FR 48505 |
| NPRM Comment Period End | 11/25/91 | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: State,
Federal

Analysis: Regulatory Evaluation
09/25/91 (56 FR 48505)

Agency Contact: C. De Leon,
Department of Transportation, Research
and Special Programs Administration,
400 Seventh Street SW., Washington,
DC 20590, 202 366-1640

RIN: 2137-AB15

2749. +OPERATION AND MAINTENANCE PROCEDURES FOR PIPELINES

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: Adequate procedures for pipeline operation and maintenance.

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Final Rule Stage

backed up by personnel training, have proven effective in minimizing the potential for accidents. Gas operators are required to have such procedures, but the existing requirements lack the clarity and specificity needed to assure a uniform, broad-based level of safety for all pipelines. Therefore, this proposal would clarify the existing requirements, make them more comprehensive, and, where appropriate, similar to the more detailed requirements applicable to the operation and maintenance of hazardous liquid pipelines. Also, a few additions and clarifying changes would be made to the hazardous liquid pipeline requirements. This is a significant action because of the need for adequate procedures to provide a basis for training and qualifying operator personnel.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/06/89 | 54 FR 46685 |
| NPRM Comment Period End | 02/05/90 | 54 FR 46685 |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
11/06/89 (54 FR 46685)

Additional Information: Formerly entitled: Operation and Maintenance Procedures for Gas Pipelines. Docket No. PS-113.

Agency Contact: J. Willock, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4571.

RIN: 2137-AB44

2750. +EXCAVATION DAMAGE PREVENTION PROGRAMS FOR GAS AND HAZARDOUS LIQUID PIPELINES

Significance: Agency Priority

Legal Authority: 49 USC 1672(a); 49 USC 2002(e)

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: Each year a large percentage of gas and hazardous liquid pipeline accidents are caused by excavation damage. Based on existing rules intended to reduce damage to gas pipelines in populated areas, this action would require hazardous liquid and carbon dioxide pipeline operators

to provide damage prevention programs, and gas operators would have to expand their programs to cover rural areas. This is a significant action because of widespread interest in the use of "one-call" programs to prevent damage to buried pipelines. Where appropriate, operators would have to participate in "one-call" programs.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/30/88 | 53 FR 24747 |
| NPRM Comment Period End | 08/29/88 | 53 FR 24747 |
| Interim Final Rule | 10/00/93 | |
| SNPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation
06/30/88 (53 FR 24747)

Additional Information: Docket No. PS-101. Formerly entitled: Natural Gas and Hazardous Liquid Pipeline Damage Prevention Program. The one-call system proposal in "Proposals for Pipeline Safety," RIN 2137-AB27, has been consolidated, in part, in this rulemaking. In light of comments received, an SNPRM will be issued, accompanying an interim final rule.

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2036

RIN: 2137-AB47

2751. +AMENDMENTS TO THE DOT AIRLINE ON-TIME DISCLOSURE RULE

Significance: Agency Priority

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1374; 49 USC 1377; 49 USC 1381; 5 USC 553(e)

CFR Citation: 14 CFR 234

Legal Deadline: None

Abstract: This proposed action would amend the reporting requirements of 14 CFR 234 to require the on-time reporting performance of all flights, in response to an Inspector General's audit finding and recommendation, and to various industry comments. Under the current regulations, flights that are cancelled or late by 15 minutes or more because of a mechanical problem are not reported. The proposal would also require reporting of the aircraft tail number and wheels-up and wheels-

down time for each flight. This data would be used, among other things, to reduce airport and enroute delays. The rulemaking is considered significant because it involves important Department policy concerning reporting of flight delays.

Timetable:

| Action | Date | FR Cite |
|------------------------------------|----------|-------------|
| NPRM | 12/11/92 | 57 FR 58755 |
| NPRM Comment Period End | 01/11/93 | |
| NPRM Comment Period Extended to | 01/14/93 | 58 FR 4370 |
| Final Action | 02/11/93 | |
| | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
12/11/92 (57 FR 58755)

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, DAI-1, Room 4125, 400 Seventh Street SW., Washington, DC 20590, 202 366-4383

RIN: 2137-AB94

2752. +DRUG TESTING: MIS STANDARDIZED DATA COLLECTION AND REPORTING

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804; 49 USC 2002

CFR Citation: 49 CFR 199

Legal Deadline: None

Abstract: A minimum level of standardized data regarding pipeline anti-drug programs is needed to conduct analyses of program effectiveness. This action proposes that pipeline operators keep and maintain standardized data in a uniform format to enable the Department and State agencies to track implementation, compliance, and enforcement, and to provide for future policy formulation. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/15/92 | 57 FR 59720 |
| NPRM Comment Period End | 04/14/93 | 57 FR 59720 |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

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Analysis: Regulatory Evaluation
12/15/92 (57 FR 59720)

Additional Information: Docket No. PS-129.

Agency Contact: R. Rippert,
Department of Transportation, Research
and Special Programs Administration,
400 Seventh Street SW., Washington,
DC 20590, 202 366-6223

RIN: 2137-AB95

2753. +EXCESS FLOW VALVES IN SERVICE LINES

Significance: Agency Priority

Legal Authority: 49 USC 1672; PL 102-508, Sec 104

CFR Citation: 49 CFR 192

Legal Deadline: Final, Statutory, April 24, 1994.

Abstract: Service line breaks due to excavation damage and other causes continue to be a threat to public safety, despite the precautions being taken through one-call damage prevention programs and line surveys for corrosion or leaks. Excess flow valves would be required on new and renewed service lines to stop the flow of gas in the event of a line break. This rulemaking is considered significant because it involves a substantial change in regulations and concerns and concerns a matter of substantial public and congressional interest.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| ANPRM | 12/20/90 | 55 FR 52189 |
| ANPRM Comment Period End | 03/20/91 | |
| NPRM | 04/21/93 | 58 FR 21524 |
| NPRM Notice of meeting and extension of comment period to 7/6/93 | 06/15/93 | 58 FR 33064 |
| NPRM Comment Period End | 06/21/93 | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
04/21/93 (58 FR 21524)

Additional Information: Docket No. PS-118.

Agency Contact: J. Willock,
Department of Transportation, Research
and Special Programs Administration,

400 Seventh Street SW., Washington,
DC 20590, 202 366-4571

RIN: 2137-AB97

2754. +REGULATORY REVIEW: GAS PIPELINE SAFETY STANDARDS

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Gas pipeline safety standards would be amended or clarified to eliminate burdensome requirements without reducing safety. This action is significant because it would reduce regulatory burden that could hinder economic growth, and because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/31/92 | 57 FR 39572 |
| NPRM Comment Period End | 09/30/92 | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
08/31/92 (57 FR 39572)

Additional Information: Certain proposals in "Alternative Weld Defect Acceptance Criteria," RIN 2137-AC03; "Petroleum Gas Systems," RIN 2137-AC04; and "Temperature Limits for Plastic Gas Pipelines," RIN 2137-AC20 have been consolidated into this rulemaking. Docket No. PS-124.

Agency Contact: A. Garnett,
Department of Transportation, Research
and Special Programs Administration,
400 Seventh Street SW., Washington,
DC 20590-0001, 202 366-2392

RIN: 2137-AC25

2755. +RESPONSE PLANS FOR ONSHORE OIL PIPELINES

Significance: Agency Priority

Legal Authority: 33 USC 1321(j)(5)

CFR Citation: 49 CFR 194

Legal Deadline: Final, Statutory,
August 18, 1992.

Abstract: This interim final rule establishes regulations requiring response plans for certain onshore oil pipelines. Those regulations are mandated by the Federal Water

Pollution Control Act as amended by the Oil Pollution Act of 1990 (Pub. L. 101-380). The purpose of these requirements is to improve response capabilities and minimize the impact of onshore oil spills from pipelines.

This rule is significant because of substantial public and congressional interest.

Timetable:

| Action | Date | FR Cite |
|--|----------|-----------|
| Interim Final Rule | 01/05/93 | 58 FR 244 |
| Interim Final Rule Comment Period End 02/19/93 | 01/05/93 | 58 FR 244 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation
01/05/93 (58 FR 244)

Additional Information: Docket No. PS-130.

Agency Contact: Lloyd Ulrich,
Department of Transportation, Research
and Special Programs Administration,
400 Seventh Street SW., Washington,
DC 20590, 202 366-4556

RIN: 2137-AC30

2756. +OIL AND HAZARDOUS SUBSTANCES: SPILL PREVENTION, CONTAINMENT, AND RESPONSE PLANS

Significance: Agency Priority

Legal Authority: 33 USC 1321(j)(5)

CFR Citation: 49 CFR 130

Legal Deadline: Final, Statutory,
August 18, 1992.

Abstract: This action establishes response plans for certain transportation containers such as cargo tanks and tank car tanks. These regulations are required by the Oil Pollution Act of 1990 (PL 101-380). The purpose of these regulations is to improve response capabilities and minimize the impact of onshore oil spills. This rule is significant because of substantial public and congressional interest.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|------------|
| Interim Final Rule | 02/02/93 | 58 FR 6864 |
| Interim Final Rule; Correction | 02/17/93 | 58 FR 8820 |

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| Action | Date | FR Cite |
|--|----------|-------------|
| Interim Final Rule; Public Hearing Notice; Comments Due 06/03/93 | 04/20/93 | 58 FR 21260 |
| Interim Final Rule; Comment Period End 7/30/93 | 06/16/93 | 58 FR 33302 |
| Interim Final Rule; Agenda for Public Meeting | 06/22/93 | 58 FR 33918 |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/16/93 (58 FR 33302)

Additional Information: Docket Nos. HM-214 and PC-1. All rulemaking now under Docket No. PC-1.

Agency Contact: Diane LaValle, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4488

RIN: 2137-AC31

2757. QUANTITY LIMITATIONS ABOARD AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1807; 49 USC 1808

CFR Citation: 49 CFR 175

Legal Deadline: None

Abstract: This action proposed to remove the fifty-pound limit on the quantity that may be stowed in an inaccessible cargo location on passenger-carrying aircraft. Comments to the NPRM indicated that further evaluation is needed. Therefore, this action will be withdrawn.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 04/06/84 | 49 FR 13717 |
| ANPRM Comment Period End | 09/01/84 | 49 FR 13717 |
| NPRM | 02/13/85 | 50 FR 6013 |
| NPRM Comment Period End | 05/30/85 | 50 FR 6013 |
| To Be Withdrawn | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 02/13/85 (50 FR 6013)

Additional Information: This project was formerly entitled: Limitation Aboard Aircraft. Docket HM-192.

Agency Contact: Eileen Martin, Transportation Reg. Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4488

RIN: 2137-AA85

2758. ENFORCEMENT OF MOTOR CARRIER FINANCIAL RESPONSIBILITY REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1805; 49 USC 1808 to 1809; 49 USC 1655; 49 USC 1655(c); 49 USC 10927

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 387

Legal Deadline: None

Abstract: This notice solicited comments on the merits of a petition for rulemaking from the National Tank Truck Carriers proposing to amend the Hazardous Materials Regulations to require shippers of hazardous materials by highway, in cargo tanks, to obtain documentary proof that the motor carrier possesses the minimum level of financial responsibility required by 49 CFR part 387. Comments received generally oppose imposition of the petition's proposed requirements. Evaluation of the merits of the comments indicate safety would not be significantly enhanced by the proposed requirements. Therefore, this rulemaking will be withdrawn.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 05/20/87 | 52 FR 19116 |
| ANPRM Comment Period End | 08/18/87 | |
| To Be Withdrawn | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Docket No. HM-199.

Agency Contact: Diane La Valle, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4488

RIN: 2137-AB35

2759. DETERMINING THE EXTENT OF CORROSION ON EXPOSED GAS PIPELINES

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Corrosion is a major cause of gas and hazardous liquid pipeline accidents. A safety standard applicable to liquid pipelines requires operators to examine exposed pipe for evidence of external corrosion and, if harmful corrosion is found, to investigate further to determine the extent of the corrosion. As part of a continuing policy to adopt similar requirements for gas and liquid pipelines where appropriate for safety, this action proposes that exposed gas pipelines with evidence of harmful corrosion be investigated to determine the extent of the corrosion.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/27/89 | 54 FR 27041 |
| NPRM Comment Period End | 09/25/89 | 54 FR 27041 |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/27/89 (54 FR 27041)

Additional Information: National Transportation Safety Board Recommendation P-87-3 provides a basis for this action. Docket No. PS-107

Agency Contact: K. Saunders, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0524

RIN: 2137-AB50

2760. TRANSPORTATION REGULATIONS; COMPATIBILITY WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY

Significance: Nonsignificant

Legal Authority: 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 171 to 178

Legal Deadline: None

Abstract: This rulemaking would align the Hazardous Materials Regulations (HMR) with the International Atomic

Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6. This action is necessary to implement practices and procedures that will improve safety in the transportation of radioactive materials and to facilitate international commerce.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Request for Comments; Comment Period End 12/23/88 | 11/21/88 | 53 FR 46973 |
| NPRM | 11/14/89 | 54 FR 47454 |
| NPRM Comment Period Extended to 05/11/90 | 02/08/90 | 55 FR 4445 |
| NPRM Comment Period End | 02/09/90 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 11/14/89 (54 FR 47454)

Additional Information: Docket HM-169A

Agency Contact: John Gale, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4488

RIN: 2137-AB60

2761. TRANSPORTATION OF HYDROGEN SULFIDE BY PIPELINE

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: In a few reported instances, excessive amounts of hydrogen sulfide were introduced into natural gas pipelines. High concentrations of hydrogen sulfide are very detrimental to steel pipelines and extremely toxic. This action examined the need to establish a maximum allowable concentration and other control measures. Based upon public comments and the views of its gas pipeline advisory committee, RSPA has decided that the proposed rule should be reevaluated.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| ANPRM | 06/07/89 | 54 FR 24361 |

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM Comment Period End | 09/05/89 | 54 FR 24361 |
| NPRM | 03/18/91 | 56 FR 11490 |
| NPRM Comment Period End | 06/17/91 | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/18/91 (56 FR 11490)

Additional Information: Docket No. PS-106

Agency Contact: J. Willock, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2392

RIN: 2137-AB63

2762. LEAKAGE SURVEYS

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Many gas distribution operators look for signs of dying vegetation as a leak survey technique. This technique is not as effective as other available methods, and leaks have occurred in areas found safe by vegetation surveys. This action would require the use of alternative methods to meet the leak survey requirements, where appropriate, and clarify that leakage surveys must be conducted at least at 3-year minimum intervals on cathodically unprotected pipelines that are not electrically surveyed for corrosion.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 10/23/91 | 56 FR 54816 |
| NPRM Comment Period End | 12/23/91 | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/23/91 (56 FR 54816)

Additional Information: Docket No. PS-123

Agency Contact: L.M. Furrow, Department of Transportation, Research and Special Programs Administration,

400 Seventh Street SW., Washington, DC 20590, 202 366-2392

RIN: 2137-AB64

2763. PASSAGE OF INTERNAL INSPECTION DEVICES

Significance: Nonsignificant

Legal Authority: PL 100-561, sec 108; PL 100-561, sec 207

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: This rulemaking would establish minimum Federal safety standards requiring that new and replacement gas transmission and hazardous liquid pipelines be designed to accommodate the passage of internal inspection devices. This rulemaking is mandated by PL 100-561.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/20/92 | 57 FR 54745 |
| NPRM Comment Period End | 01/19/93 | 57 FR 54745 |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/20/92 (57 FR 54745)

Additional Information: The integrity testing proposal in "Proposals for Pipeline Safety," RIN 2137-AB27, is consolidated, in part, in this rulemaking. Docket No. PS-126.

Agency Contact: K. Saunders, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0524

RIN: 2137-AB71

2764. TRANSPORTATION OF A HAZARDOUS LIQUID AT 20 PERCENT OR LESS OF SPECIFIED MINIMUM YIELD STRENGTH

Significance: Nonsignificant

Legal Authority: 49 USC 2002; PL 102-508, Sec 206

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: The Federal pipeline safety standards governing hazardous liquid pipelines do not apply to pipelines operated at 20 percent or less of the specified minimum yield strength of the pipe. When the standards were

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issued in 1969, these pipelines were thought not to pose an unreasonable risk to public safety because of their low operating stress levels. Since then, however, a number of accidents have been reported on low stress level pipelines, particularly involving harm to the environment. This rulemaking action would extend the Federal safety standards to cover these low stress level pipelines that transport highly volatile liquids or that cross populated areas or navigable waterways.

Timetable:

| Action | Date | FR Cite |
|-----------------------|----------|-------------|
| ANPRM | 10/31/90 | 55 FR 45822 |
| ANPRM Comment | 12/31/90 | |
| Period End | | |
| Public Meeting Notice | 05/22/91 | 56 FR 23538 |
| NPRM | 03/03/93 | 58 FR 12213 |
| NPRM Comment | 05/03/93 | |
| Period End | | |
| Final Action | 11/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 03/03/93 (58 FR 12213)

Additional Information: The Secretary of Transportation's Safety Review Task Force and the National Association of Pipeline Safety Representatives have separately recommended this action. Docket No. PS-117.

Agency Contact: L.M. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2392

RIN: 2137-AB86

2765. CENTRALIZATION OF FORMAL HEARING DOCKETS (RSPA)**Significance:** Nonsignificant**Legal Authority:** 49 USC app 1421(c); 49 USC app 1802; 49 USC app 1806; 49 USC app 1808 to 1811; 49 USC 1653(d); 49 USC 1655**CFR Citation:** 49 CFR 107; 49 CFR 1.45; 49 CFR 1.53**Legal Deadline:** None

Abstract: This action would provide that documents and evidence in formal hearing cases adjudicated within the Research and Special Programs Administration (RSPA) will be filed and maintained in the OST Office of Documentary Services. The change would be made in order to streamline operations and to consolidate the

documents used in formal hearing cases.

Timetable: Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** None

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-9308

RIN: 2137-AB91

2766. NOMENCLATURE CHANGES IN RULES**Significance:** Nonsignificant**Legal Authority:** 49 USC 1672; 49 USC 2002**CFR Citation:** 49 CFR 190; 49 CFR 193**Legal Deadline:** None

Abstract: This rulemaking will amend regulations to reflect agency organizational changes and make editorial corrections.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 04/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: C. Sames, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-7697

RIN: 2137-AC19

2767. INTERMEDIATE BULK CONTAINERS FOR HAZARDOUS MATERIALS**Significance:** Nonsignificant**Legal Authority:** 49 USC 1804; 49 USC 1808**CFR Citation:** 49 CFR 171; 49 CFR 172; 49 CFR 173; 49 CFR 178**Legal Deadline:** None

Abstract: This action would establish standards for the construction, maintenance, and use of intermediate bulk containers (IBCs) for the transportation of hazardous materials. The proposal is based on standards contained in the United Nations Recommendations on the Transport of Dangerous Goods.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/14/92 | 57 FR 36694 |
| NPRM Comment | 09/14/92 | |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 08/14/92 (57 FR 36694)**Additional Information:** Docket No. HM-181E.

Agency Contact: John Potter/Theresa Gwynn, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4488

RIN: 2137-AC23

2768. TANK CARS AND CARGO TANK MOTOR VEHICLES: ATTENDANCE REQUIREMENTS**Significance:** Nonsignificant**Legal Authority:** 49 USC 1803; 49 USC 1804; 49 USC 1805; 59 USC 1808**CFR Citation:** 49 CFR 174; 49 CFR 177**Legal Deadline:** None

Abstract: This action proposes to establish standards to allow the use of electronic surveillance and monitoring equipment (signalling systems) for unloading tank cars and loading cargo tank motor vehicles, and to revise other unloading requirements for tank cars. This action would recognize recent technological innovations and improve safety during the loading/unloading of bulk quantities of hazardous materials.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/14/92 | 57 FR 42466 |
| NPRM Comment | 12/14/92 | |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Evaluation 09/14/92 (57 FR 42466)**Additional Information:** Docket No. HM-212.

Agency Contact: Jennifer Karim, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4488

RIN: 2137-AC24

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2769. HAZARDOUS MATERIALS IN COFC/TOFC SERVICE

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 174

Legal Deadline: None

Abstract: This action proposes to revise the Hazardous Materials Regulations to permit the use of certain portable tanks and IM (intermodal) portable tanks to transport certain hazardous materials that pose a relatively low or moderate hazard in container-on-flatcar (COFC) service by rail without obtaining prior approval from the Federal Railroad Administration. Based on comments to the ANPRM, earlier proposals to allow cargo tanks and multi-unit tank car tanks in trailer-on-flatcar (TOFC) service by rail without prior approval are not included in this action.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 04/30/85 | 50 FR 18278 |
| ANPRM Comment | 06/27/85 | |
| Period End | | |
| NPRM | 05/07/93 | 58 FR 27257 |
| NPRM Comment | 07/12/93 | |
| Period End | | |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/07/93 (58 FR 27257)

Additional Information: Docket No. HM-197. Formerly entitled "Use of Cargo Tanks, Portable Tanks, and Multi-Unit Tank Car Tanks in TOFC/COFC Service."

Agency Contact: Diane La Valle, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4488

RIN: 2137-AC26

would be amended or clarified to eliminate burdensome requirements without reducing safety. This action would eliminate regulatory impediments to economic growth.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/27/92 | 57 FR 56304 |
| NPRM Comment | 12/28/92 | 57 FR 56304 |
| Period End | | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/27/92 (57 FR 56304)

Additional Information: The proposals concerning hazardous liquid pipelines in "Alternative Weld Defect Acceptance Criteria," RIN 2137-AC03, have been consolidated into this rulemaking. Docket No. PS-127.

Agency Contact: J. Willock, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4571

RIN: 2137-AC27

2771. REGULATORY REVIEW: ADMINISTRATIVE PRACTICES, REPORTING PIPELINE INCIDENTS, GAS PIPELINE STANDARDS, AND LIQUEFIED NATURAL GAS FACILITY STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 190; 49 CFR 191; 49 CFR 192; 49 CFR 193

Legal Deadline: None

Abstract: Administrative practices and various gas pipeline and liquefied natural gas facility requirements would be amended to eliminate burdensome requirements without reducing safety. This action would reduce regulatory impediments to economic growth.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/06/92 | 57 FR 53085 |
| NPRM Comment | 12/07/92 | 57 FR 53085 |
| Period End | | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/06/92 (57 FR 53085)

Additional Information: Docket No. PS-125. Proposals in "Regulatory Review: Liquefied Natural Gas Facilities," RIN 2137-AC29, were consolidated into this rulemaking.

Agency Contact: J. Willock, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4571

RIN: 2137-AC28

2772. INTERNATIONAL MARITIME DANGEROUS GOODS CODE AND ICAO TECHNICAL INSTRUCTIONS; MATTER INCORPORATED BY REFERENCE

Significance: Nonsignificant

Legal Authority: 49 USC 1802 to 1805; 49 USC 1808; 49 USC 1815; 49 USC 1818

CFR Citation: 49 CFR 171

Legal Deadline: None

Abstract: This action updates a reference in the Hazardous Materials Regulations to the International Maritime Dangerous Goods Code (IMDG Code) to include the most recent amendment to the Code. This action also implements the most recent edition of the International Civil Aviation Organization's (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions). This action was necessary to facilitate the continued transport of hazardous materials in international commerce by vessel and aircraft when the two international regulations became effective.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 12/22/92 | 57 FR 60738 |
| Interim Final Rule | 12/22/92 | 57 FR 60738 |
| Comment Period | | |
| End | 2/15/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/22/92 (58 FR 60738)

Additional Information: Docket No. HM-215.

Agency Contact: Beth Romo, Transportation Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh

2770. REGULATORY REVIEW: HAZARDOUS LIQUID AND CARBON DIOXIDE PIPELINE SAFETY STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: Hazardous liquid and carbon dioxide pipeline safety standards

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Street SW., Washington, DC 20590-0001, 202 366-4488
 RIN: 2137-AC35

2773. CARGO TANKS; MISCELLANEOUS REQUIREMENTS

Significance: Nonsignificant
Legal Authority: 49 USC 1803 to 1808
CFR Citation: 49 CFR 173; 49 CFR 178; 49 CFR 180

Legal Deadline: None

Abstract: This interim final rule amended certain requirements concerning the manufacture, qualification, and maintenance of cargo tank motor vehicles. The changes are based on petitions for rulemaking, exemptions, and National Transportation Safety Board recommendations. The intended effect of this action is to relax certain regulatory requirements and to reduce unnecessary economic burdens on industry where there would be no adverse effect on safety, and to increase safety for high pressure cargo tanks at minor cost to industry.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 03/03/93 | 58 FR 12316 |
| NPRM Comment Period End | 06/15/93 | |
| Interim Final Rule | 09/03/93 | 58 FR 46872 |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/03/93 (58 FR 46872)

Additional Information: Docket No. HM-183C. In order to allow time for RSPA and the industry to resolve these technical issues, the compliance date for the final rules published 8/12/89 (54 FR 24982), 5/22/90 (55 FR 21035), 9/7/90 (55 FR 37028), and 8/17/91 (56 FR 27872) was extended to 4/21/94.

Agency Contact: Jennifer Karim, Transportation Specialist, Department

of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4488

RIN: 2137-AC37

2774. • TRANSPORTATION OF HAZARDOUS MATERIALS; MISCELLANEOUS AMENDMENTS

Significance: Nonsignificant
Legal Authority: 49 USC 1802 to 1808; 49 USC 1818

CFR Citation: 49 CFR 171 to 178

Legal Deadline: None

Abstract: The purpose of this rulemaking is to issue nonsignificant regulations routinely to keep an established body of regulations operationally current.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. HM-166Y.

Agency Contact: Ann Weiss, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4488

RIN: 2137-AC41

2775. • TRANSPORTATION OF HAZARDOUS MATERIALS; MISCELLANEOUS EDITORIAL CORRECTIONS

Significance: Nonsignificant
Legal Authority: 49 USC 1802 to 1808; 49 USC 1818

CFR Citation: 49 CFR 171 to 180

Legal Deadline: None

Abstract: This rulemaking is a routine, annual update to the Hazardous Materials Regulations to correct cross-

references, spelling, and editorial errors, and make minor regulatory changes that do not establish new requirements.

Timetable:

| Action | Date | FR Cite |
|--------------------------------------|----------|-------------|
| Editorial Corrections Clarifications | 10/01/93 | 58 FR 51524 |
| Final Action | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. HM-189J.

Agency Contact: Beth Romo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4488

RIN: 2137-AC44

2776. • HAZARDOUS MATERIALS; MISCELLANEOUS REVISIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 171 to 173

Legal Deadline: None

Abstract: This action will update the most recent revision of publications that are incorporated by reference in 49 CFR.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diane LaValle, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-8553

RIN: 2137-AC46

DEPARTMENT OF TRANSPORTATION (DOT)

Completed Actions

Research and Special Programs Administration (RSPA)

2777. GAS DETECTION AND MONITORING IN COMPRESSOR STATION BUILDINGS

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Leaking gas accumulating inside an inadequately ventilated compressor station building is a serious

safety problem that has caused recent deaths and injuries. This rulemaking action adopted additional regulations to require installation of gas detection and alarm systems.

DOT—RSPA

Completed Actions

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| ANPRM | 04/04/88 | 53 FR 10906 |
| ANPRM Comment | 06/03/88 | 53 FR 10906 |
| Period End | | |
| NPRM | 07/27/90 | 55 FR 30724 |
| NPRM Comment | 09/25/90 | |
| Period End | | |
| Final Action | 09/16/93 | 58 FR 48460 |
| Final Action Effective | 10/18/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/16/93 (58 FR 48460)

Additional Information: Docket No. PS-100

Agency Contact: L.M. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2392

RIN: 2137-AB49

conforming to the most recent edition of the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air. This action was necessary to facilitate the continued transport of hazardous materials in international commerce by aircraft pursuant to the latest edition of the ICAO Technical Instructions.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 11/07/90 | 55 FR 46839 |
| NPRM Comment | 12/07/90 | |
| Period End | | |
| SNPRM Comment | 01/16/92 | 57 FR 1891 |
| Period End | 2/18/92 | |
| Final Action | 09/27/93 | 58 FR 50492 |
| Final Action Effective | 10/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/27/93 (58 FR 50492)

Additional Information: Docket HM-184F.

Agency Contact: Frits Wybenga, International Standards Coordinator, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-0656

RIN: 2137-AB99

2779. • PERFORMANCE-ORIENTED PACKAGING STANDARDS; MISCELLANEOUS AMENDMENTS
Significance: Nonsignificant

Legal Authority: 49 USC 1802 to 1808

CFR Citation: 49 CFR 171 to 174; 49 CFR 177; 49 CFR 179

Legal Deadline: None

Abstract: This rulemaking adopted changes to the Hazardous Materials Regulations based on petitions for rulemaking and agency initiatives. The intended effect of the action is to update the regulations, relax certain regulatory requirements, and reduce unnecessary economic burden on industry without an adverse effect on safety.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 07/12/93 | 58 FR 37612 |
| NPRM Comment | 08/11/93 | |
| Period End | | |
| Final Action | 09/24/93 | 58 FR 50224 |
| Final Action Effective | 10/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/24/93 (58 FR 50224)

Additional Information: Docket No. HM-181F.

Agency Contact: Beth Romo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, 202 366-4488

RIN: 2137-AC40

DEPARTMENT OF TRANSPORTATION (DOT)

Proposed Rule Stage

Maritime Administration (MarAd)

2780. +CARGO PREFERENCE—U.S.-FLAG VESSELS; UNIFORM CONTRACTING REQUIREMENTS FOR FEDERAL PROGRAM PARTICIPANTS

Significance: Agency Priority

Legal Authority: 46 USC app 1244

CFR Citation: 46 CFR 381

Legal Deadline: None

Abstract: MARAD is proposing amendments to its cargo preference regulations intended to ensure that U.S.-flag carriers of preference cargoes be allowed to carry such cargoes subject to standard commercial contract and contract tender terms that will allow them to avoid economic harm

from discriminatory practices. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/94

Agency Contact: Judy Blackman, Director, Office of National Cargo and Compliance, Department of Transportation, Maritime Administration, 400 Seventh Street

SW., Washington, DC 20590, 202 366-4610

RIN: 2133-AA95

2781. +DETERMINATION OF FAIR AND REASONABLE GUIDELINE RATES FOR THE CARRIAGE OF BULK AND PACKAGED PREFERENCE CARGOES ON U.S.-FLAG COMMERCIAL VESSELS

Significance: Agency Priority

Legal Authority: 46 USC app 1114; 46 USC app 1241

CFR Citation: 46 CFR 382

Legal Deadline: None

DOT—MarAd

Proposed Rule Stage

Abstract: These regulations would amend the procedures for the calculation of guideline rates for certain preference cargoes carried in U.S.-flag vessels that have been in effect since January 1, 1990. Based on MARAD's experience gained in administering these regulations and observing their effect on the industry, MARAD is proposing to make amendments that are more equitable to the operator and that will improve the performance of the fair and reasonable guideline rates. This action is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight

Analysis: Regulatory Evaluation 10/00/93

Agency Contact: James Caponiti, Department of Transportation, Maritime Administration, 400 Seventh Street NW., Washington, DC 20590, 202 366-2323

RIN: 2133-AA98

2782. VALUES FOR WAR RISK INSURANCE; REVIEW OF WAR RISK INSURANCE VALUATION METHODOLOGY

Significance: Nonsignificant

Legal Authority: 46 USC app 1114; 46 USC app 1289

CFR Citation: 46 CFR 309; 46 CFR 308

Legal Deadline: None

Abstract: MARAD has considered comments received in response to an ANPRM and will propose a revised ship valuation methodology for the purpose of issuing war risk insurance. The existing methodology has been in effect since 1959.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 05/07/91 | 56 FR 21118 |
| ANPRM Comment | 07/08/91 | |
| Period End | | |
| NPRM | 10/00/93 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight

Analysis: Regulatory Evaluation 10/00/93

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Analysis and Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-2400

RIN: 2133-AA89

DEPARTMENT OF TRANSPORTATION (DOT)

Final Rule Stage

Maritime Administration (MarAd)

2783. CENTRALIZATION OF FORMAL HEARING DOCKETS (MARAD)

Significance: Nonsignificant

Legal Authority: 46 USC app 1114

CFR Citation: 46 CFR 201

Legal Deadline: None

Abstract: This final rule would provide that documents and evidence in formal hearing cases adjudicated within the Maritime Administration (MARAD) will be filed and maintained in the OST Office of Documentary Services. The change is being considered in order to streamline operations and to consolidate the documents used in formal hearing cases.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: Joanne Petrie, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590, 202 366-9306

RIN: 2133-AA84

2784. MERCHANT MARINE TRAINING

Significance: Nonsignificant

Legal Authority: 46 USC app 1114(b)

CFR Citation: 46 CFR 310

Legal Deadline: None

Abstract: This action will amend provisions in MARAD's regulations governing admission and training at the United States Merchant Marine Academy to reflect and conform to provisions in PL 101-595 (Nov. 16, 1991).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 10/00/93

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Bruce J. Carlton, Director, Office of Maritime Labor and Training, Department of Transportation,

Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5755

RIN: 2133-AA94

2785. SEAMEN'S SERVICE AWARDS

Significance: Nonsignificant

Legal Authority: 46 USC app 2001 et seq

CFR Citation: 46 CFR 350

Legal Deadline: None

Abstract: This rule will provide a point of contact with MARAD for obtaining merchant marine awards authorized by law and reflect significant changes in P.L. 100-324 governing the award of merchant marine decorations and medals.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Bruce Carlton, Director, Office of Maritime Labor and

DOT—MarAd

Final Rule Stage

Training, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Room 7302, Washington, DC 20590, 202 366-5755
RIN: 2133-AB02

2786. FEDERAL PORT CONTROLLERS

Significance: Nonsignificant
Legal Authority: 50 USC app 2071
CFR Citation: 46 CFR 346
Legal Deadline: None

Abstract: The amendments will reflect the change in statutory authority for the Maritime Administrator to activate Federal Port Controller (FPC) contracts in the event of the deployment of U.S. armed forces. This authority citation will be consistent with that cited in 46 CFR 340 with respect to the allocation of port facilities, containers and vessels.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/93 | |

Small Entities Affected: None
Government Levels Affected: Local, State
Analysis: Regulatory Evaluation
 12/00/93

Agency Contact: John Carnes, Chief, Division of Port and Intermodal Planning, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-4357

RIN: 2133-AB03

2787. • UNIFORM FINANCIAL REPORTING REQUIREMENTS

Significance: Nonsignificant
Legal Authority: 46 USC app 1114(b)
CFR Citation: 46 CFR 232
Legal Deadline: None

Abstract: This revision of 46 CFR 232 will conform accounting terms and definitions in the chart of accounts as well as formats of a MARAD reporting form to many changes that have been made to generally accepted accounting principles (GAAP) in the past ten years. It clarifies that GAAP will be followed whenever in conflict with provisions of this Part. The revision will also incorporate MARAD organizational changes.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway; 444 Water Transportation of Freight, Not Elsewhere Classified; 449 Services Incidental to Water Transportation

Additional Information: Since this rulemaking merely makes changes in the acceptable format of financial reporting to MARAD by all contractors participating in MARAD programs and reflects MARAD organizational changes, for good cause MARAD finds that notice and public comment thereon are not necessary.

Agency Contact: Richard J. McDonnell, Director, Office of Financial Approval, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5861

RIN: 2133-AB05

DEPARTMENT OF TRANSPORTATION (DOT)

Completed Actions

Maritime Administration (MarAd)

2788. PRIORITY USE AND ALLOCATION OF SHIPPING SERVICES, CONTAINERS, CHASSIS, AND PORT FACILITIES AND SERVICES FOR NATIONAL SECURITY AND NATIONAL DEFENSE RELATED OPERATIONS

Significance: Nonsignificant
Legal Authority: 46 USC app 1114
CFR Citation: 46 CFR 340
Legal Deadline: None

Abstract: This revision broadened the scope of the regulations to include chassis (a specialized trailer used in transporting a container) and chassis suppliers in the scheme of priority use and allocations of shipping services, containers and port facilities and services for national security and defense-related operations, to ensure that chassis are available for use by a defense agency in time of deployment of U.S. Armed Forces. The action was

exempt from APA requirements of 5 USC 553(a)(1), since "a military or foreign affairs function of the United States" was involved.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action Effective | 05/05/93 | |
| Final Action | 05/20/93 | 58 FR 29351 |

Small Entities Affected: None
Government Levels Affected: None
Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight; 971 National Security

Analysis: Regulatory Evaluation
 05/20/93 (58 FR 29351)

Agency Contact: John W. Carnes, Chief, Division of Port and Intermodal Operations, Department of Transportation, Maritime Administration, 400 Seventh Street

SW., Washington, DC 20590, 202 366-4357

RIN: 2133-AA85

2789. AGENCY AGREEMENTS AND APPOINTMENT OF AGENTS; AUTHORITY AND RESPONSIBILITY OF THE OPERATOR TO UNDERTAKE TO DECOMMISSION AND DELIVER SHIPS TO THE RESERVE FLEET

Significance: Nonsignificant
Legal Authority: 50 USC app 1744
CFR Citation: 46 CFR 315; 46 CFR 331
Legal Deadline: None

Abstract: The National Shipping Authority (NSA) within the Maritime Administration (MARAD) has revised its regulations at 46 CFR part 315, concerning Agency Agreements, and incorporated therein provisions as revised, now found in parts 316, 319, and 331. Parts 316 and 319 have been removed in another rulemaking, and

DOT—MarAd

Completed Actions

Part 331 was removed by this rulemaking. This rulemaking formalized MARAD's existing policy and procedure for appointing general agents and administering agency agreements by including in the regulations pertinent information that is consistent with a revised Service Agreement and Application for Appointment as General Agent, that are being adopted by MARAD, and a Ship Manager Contract that has been adopted.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 02/19/93 | 58 FR 9135 |
| NPRM Comment Period End | 04/20/93 | |
| Final Action | 08/20/93 | 58 FR 44283 |
| Final Action Effective | 09/20/93 | |

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight

Analysis: Regulatory Evaluation 08/20/93 (58 FR 44283)

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Additional Information: This entry was formerly titled Agency Agreements and Appointment of Agents. The change in citizenship requirements proposed in the NPRM was not adopted.

Agency Contact: Tim Roark, Chief, Division of Marine Acquisition, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-1943

RIN: 2133-AA91

2790. OPERATING-DIFFERENTIAL SUBSIDY (ODS) ON BULK CARGO VESSELS; CALCULATION OF MAINTENANCE AND REPAIR SUBSIDY RATES

Significance: Nonsignificant

Legal Authority: 46 USC app 1114; 46 USC app 1173

CFR Citation: 46 CFR 252

Legal Deadline: None

Abstract: This rule modified the methodology and procedure MARAD uses for calculating and paying maintenance and repair (M&R) subsidy to operators of bulk cargo vessels that receive M&R subsidy under their ODS agreements. Payment is subject to findings by MARAD that M&R costs submitted by the subsidized operators are fair and reasonable and is subject to audit by the Department's Office of Inspector General. The amendment is intended to eliminate delay in determining final ODS payment for M&R expenses.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/06/92 | 57 FR 53083 |
| NPRM Comment Period End | 12/07/92 | |
| Final Action Effective | 01/01/93 | |
| Final Action | 04/02/93 | 58 FR 17346 |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/02/93 (58 FR 17346)

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Costs, Department of Transportation, Maritime Administration, 400 Seventh

Street SW., Washington, DC 20590, 202 336-2323

RIN: 2133-AA99

2791. • CLAIMS AGAINST THE MARITIME ADMINISTRATION UNDER THE FEDERAL TORT CLAIMS ACT

Significance: Nonsignificant

Legal Authority: 28 USC app 2672

CFR Citation: 46 CFR 204

Legal Deadline: None

Abstract: This rule reflects an increase from \$25,000 to \$100,000 in the amount of a claim under the Federal Tort Claims Act against an agency that it may now settle under authority delegated by the Attorney General to the Secretary of Transportation and delegated by the Secretary to all Department Administrators.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 05/20/93 | 58 FR 29350 |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/20/93 (58 FR 29350)

Agency Contact: Sandra L. Jenkins, Chief, Division of Litigation, Department of Transportation, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, 202 366-5191

RIN: 2133-AB04

[FR Doc. 93-22924 Filed 10-22-93; 8:45 am]

BILLING CODE 4910-62-F

Federal Register

Monday
October 25, 1993

Part XV

Department of the
Treasury

Semiannual Regulatory Agenda

DEPARTMENT OF THE TREASURY (TREAS)

DEPARTMENT OF THE TREASURY (TREAS)

Departmental Offices (DO)

DEPARTMENT OF THE TREASURY

31 CFR Subtitle A, Chs. I and II

Semiannual Agenda

AGENCY: Departmental Offices, Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96-354, September 19, 1980) and Executive Order 12291 ("Federal Regulation," February 17, 1981), which require the publication of a semiannual agenda of regulations. The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda format

developed by the Regulatory Information Service Center (RISC).

FOR FURTHER INFORMATION CONTACT: For additional information about a specific Departmental Offices regulation, contact the "Agency Contact" listed in the specific regulatory action.

Dated: September 1, 1993.

Edward S. Knight,
Executive Secretary.

Departmental Offices—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2792 | 31 CFR 103 Money Laundering Through International Payments | 1505-AA37 |
| 2793 | 17 CFR 402 Revisions to the Government Securities Act Regulations; Financial Responsibility; Minimum Capital Requirements | 1505-AA44 |
| 2794 | 31 CFR 10 Revision of Circular 230; Practice Before the Internal Revenue Service | 1505-AA45 |
| 2795 | 31 CFR 103 Bank Secrecy Act Regulations; Transmittal Orders for Funds Transfers and Transmittal of Funds by Financial Institutions | 1505-AA46 |

Departmental Offices—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2796 | 31 CFR 10 Due Diligence Standards With Respect to Persons Practicing Before the Internal Revenue Service | 1505-AA17 |
| 2797 | 31 CFR 21 Restrictions on Lobbying | 1505-AA35 |
| 2798 | 31 CFR 103 Mandatory Aggregation of Currency Transactions for Certain Financial Institutions and Mandatory Magnetic Media Reporting of Currency Transaction Reports | 1505-AA41 |
| 2799 | 17 CFR 403 Revisions to the Government Securities Act Regulations; Mortgage-Backed Securities | 1505-AA42 |

Departmental Offices—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2800 | 31 CFR 103 Amendments to the Bank Secrecy Act Regulations Regarding Reporting and Recordkeeping Requirements for Casinos | 1505-AA10 |

DEPARTMENT OF THE TREASURY (TREAS)

Proposed Rule Stage

Departmental Offices (DO)

2792. MONEY LAUNDERING THROUGH INTERNATIONAL PAYMENTS

Legal Authority: 31 USC 5314; 31 USC 5318

CFR Citation: 31 CFR 103

Legal Deadline: Final, Statutory, December 31, 1993.

Title XV, PL 102-550.

Abstract: This rule, issued under the Bank Secrecy Act, addresses the problem of money laundering through international payments, especially wire transfers of funds.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 10/31/89 | 54 FR 45769 |
| ANPRM Comment | 01/02/90 | 54 FR 45770 |
| Period End | | |
| NPRM | 10/15/90 | 55 FR 41696 |
| NPRM Comment | 11/29/90 | 55 FR 41696 |
| Period End | | |

TREAS—DO

Proposed Rule Stage

Comment Period 12/05/90 55 FR 50192
 Extended to 01/15/91
 Second NPRM 08/31/93 58 FR 46014
 Second NPRM 10/04/93 58 FR 46014
 Comment Period End
 Final Action 11/00/93

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Linda Noonan, Senior Counsel for Financial Enforcement, Department of the Treasury, Room 2000, Washington, DC 20220, 202 622-1934

RIN: 1505-AA37

2793. REVISIONS TO THE GOVERNMENT SECURITIES ACT REGULATIONS; FINANCIAL RESPONSIBILITY; MINIMUM CAPITAL REQUIREMENTS

Legal Authority: 31 USC 3121; 31 USC 9110; 15 USC 78o-5

CFR Citation: 17 CFR 402; 17 CFR 404

Legal Deadline: None

Abstract: The proposal would raise the minimum capital requirements for all government securities brokers and dealers subject to the requirements of 17 CFR 402.2 and establish a written notification requirement for certain withdrawals of capital. This proposal is a companion rule to Security and Exchange Commission's previously proposed revised minimum capital requirements for brokers and dealers subject to the requirements of 17 CFR 240.15c3-1 and final rules regarding the withdrawal of capital.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald V. Hammond, Assistant Director, Government Securities Regulations Staff, Department of the Treasury, Bureau of the Public Debt, Room 209, 999 E Street NW., Washington, DC 20239-0001, 202 219-3632

RIN: 1505-AA44

2794. REVISION OF CIRCULAR 230; PRACTICE BEFORE THE INTERNAL REVENUE SERVICE

Legal Authority: 5 USC 301; 31 USC 321; 31 USC 330

CFR Citation: 31 CFR 10

Legal Deadline: None

Abstract: This rule would amend the regulations governing the practice of individuals before the Internal Revenue Service, and affect individuals who are eligible to practice before the Service. The regulations would (1) establish tax return preparation standards and prescribe the circumstances under which a practitioner could be disciplined for violations; (2) prohibit contingent fees for preparing tax returns; (3) extend certain existing restrictions governing limited practice before the Service to all individuals eligible to engage in limited practice; (4) establish expedited proceedings to temporarily suspend, in cases where certain determinations have been made by independent bodies, individuals from practice before the Service; and (5) permit attorneys and certified public accountants in good standing to obtain or retain enrolled agent status.

Timetable:

| Action | Date | FR Cite |
|-------------------------|--------------|-------------|
| NPRM | 10/08/92 | 57 FR 46356 |
| NPRM Comment Period End | 11/16/92 | 57 FR 46356 |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David L. Meyer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, Office of the Assistant Chief Counsel (Income Tax and Accounting), Washington, DC 20224, 202 622-6232

RIN: 1505-AA45

2795. • BANK SECRECY ACT REGULATIONS; TRANSMITTAL ORDERS FOR FUNDS TRANSFERS AND TRANSMITTAL OF FUNDS BY FINANCIAL INSTITUTIONS

Legal Authority: 31 USC 5311 to 5322; 12 USC 1829b; 12 USC 1951 to 1959

CFR Citation: 31 CFR 103

Legal Deadline: None

Abstract: This document proposes to amend Treasury's regulations under the Bank Secrecy Act to require a bank or nonbank financial institution that acts as a transmitter's financial institution in a transmittal of funds to include certain information in the transmittal order when sending it to the receiving financial institution.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/31/93 | 58 FR 46021 |
| NPRM Comment Period End | 10/04/93 | 58 FR 46021 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter Djinis, Director, Office of Financial Enforcement, Department of the Treasury, 1500 Pennsylvania Avenue NW., Room 4320, Washington, DC 20220, 202 622-0400

RIN: 1505-AA46

DEPARTMENT OF THE TREASURY (TREAS)
 Departmental Offices (DO)

Final Rule Stage

2796. DUE DILIGENCE STANDARDS WITH RESPECT TO PERSONS PRACTICING BEFORE THE INTERNAL REVENUE SERVICE

Legal Authority: 5 USC 301; 31 USC 330; 31 USC 321

CFR Citation: 31 CFR 10

Legal Deadline: None

Abstract: The proposed regulation would modify the current regulations governing practice before the Internal Revenue Service by clarifying the requirements relating to due diligence standards imposed on tax practitioners.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 08/14/86 | 51 FR 29113 |

| Action | Date | FR Cite |
|--|--------------|-------------|
| Extend Public Comment Period to 11/13/86 | 08/27/86 | 51 FR 30510 |
| NPRM Comment Period End | 10/14/86 | 51 FR 29113 |
| Extend Public Comment Period to 02/13/87 | 11/06/86 | 51 FR 40340 |
| Next Action | Undetermined | |

TREAS—DO

Final Rule Stage

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Leslie S. Shapiro, Director of Practice, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 535-6787
RIN: 1505-AA17

2797. RESTRICTIONS ON LOBBYING
Legal Authority: 31 USC 321; 31 USC 1352
CFR Citation: 31 CFR 21
Legal Deadline: None

Abstract: This document constitutes the Department of the Treasury's participation in a common rulemaking to prohibit certain recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 6736 |
| Interim Final Rule Effective Date | 02/26/90 | 55 FR 6736 |
| Interim Final Rule Comment Period End | 04/27/90 | 55 FR 6736 |

Next Action Undetermined

Small Entities Affected: None
Government Levels Affected: Local, State

Agency Contact: Cathy Thomas, Office of Management Programs Directorate, Department of the Treasury, Room 2217, Washington, DC 20220, 202 343-0249

RIN: 1505-AA35

2798. MANDATORY AGGREGATION OF CURRENCY TRANSACTIONS FOR CERTAIN FINANCIAL INSTITUTIONS AND MANDATORY MAGNETIC MEDIA REPORTING OF CURRENCY TRANSACTION REPORTS

Legal Authority: 12 USC 1929b; 12 USC 1951 to 1959; 31 USC 5311 to 5326

CFR Citation: 31 CFR 103

Legal Deadline: None

Abstract: This regulation would require that banks with deposits of over \$100 million maintain systems to aggregate currency transactions that, at a minimum, are conducted by or on behalf of account holders at the bank and that affect an account during a business day; and require currency dealers and exchanges (including check cashers) and transmitters of funds, regardless of asset size, to maintain systems and procedures to aggregate currency transactions that are conducted by or on behalf of customers at the financial institution during a business day. The regulation also would require financial institutions that file more than 1,000 Currency Transaction Reports a year to file by use of magnetic media.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/06/90 | 55 FR 36663 |
| NPRM Comment Period End | 12/05/90 | 55 FR 36663 |

Next Action Undetermined

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Peter Djinis, Director, Office of Financial Enforcement, Department of the Treasury, 1500

Pennsylvania Avenue NW., Room 4320, Washington, DC 20220, 202 622-0400

RIN: 1505-AA41

2799. REVISIONS TO THE GOVERNMENT SECURITIES ACT REGULATIONS; MORTGAGE-BACKED SECURITIES

Legal Authority: 31 USC 3121; 31 USC 9110; 15 USC 780-5

CFR Citation: 17 CFR 403

Legal Deadline: None

Abstract: The proposed regulations would implement a buy-in requirement for: (1) mortgage-backed securities that are in a fail-to-receive status for more than 60 days, and (2) all Government securities that are needed to complete a sell order of a customer (other than a short sale) if the securities have not been received from the customer within 10 business days after the settlement date.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 04/17/91 | 56 FR 15529 |
| NPRM Comment Period End | 06/16/91 | 56 FR 15529 |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Clifford Rones, Attorney-Advisor, Government Securities Regulations Staff, Department of the Treasury, Bureau of the Public Debt, Room 209, 999 E Street NW., Washington, DC 20239-0001, 202 219-3632

RIN: 1505-AA42

DEPARTMENT OF THE TREASURY (TREAS)

Completed Actions

Departmental Offices (DO)

2800. • AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS REGARDING REPORTING AND RECORDKEEPING REQUIREMENTS FOR CASINOS

Legal Authority: 31 USC 5311 to 5322; 12 USC 1829b; 12 USC 1951 to 1959

CFR Citation: 31 CFR 103

Legal Deadline: None

Abstract: This final rule delays the effective date of a previously issued

rule concerning reporting and recordkeeping requirements for casinos. The effective date of the rule has been extended by 6 months, from September 8, 1993, to March 1, 1994.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/18/88 | 53 FR 31370 |
| NPRM Comment Period End | 10/17/88 | 53 FR 31370 |

| Action | Date | FR Cite |
|-------------------------------------|----------|-------------|
| Comment Period Extended to 11/14/88 | 10/28/88 | 53 FR 43736 |
| Comment Period Extended to 12/14/88 | 12/01/88 | 53 FR 48551 |
| Final Rule | 03/12/93 | 58 FR 13538 |
| Final Action | 08/27/93 | 58 FR 45263 |
| Final Action Effective | 08/27/93 | 58 FR 45263 |

Small Entities Affected: None

Government Levels Affected: None

TREAS—DO

Completed Actions

Agency Contact: Peter Djinis, Director,
Office of Financial Enforcement,
Department of the Treasury, 1500
Pennsylvania Avenue NW., Room 4320,
Washington, DC 20220, 202 622-0400

RIN: 1505-AA10

[FR Doc. 93-22925 Filed 10-22-93; 8:45 am]

BILLING CODE 4810-25-F

DEPARTMENT OF THE TREASURY (TREAS)

Financial Management Service (FMS)

Fiscal Service

31 CFR Ch. II

Semiannual Agenda

AGENCY: Financial Management Service,
Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant
to the requirements of the "Regulatory
Flexibility Act" (Pub. L. 96-354,

September 19, 1980) and Executive
Order 12291 (Federal Regulation,
February 17, 1981), which require
publication of a semiannual agenda of
regulations under development or
review.

FOR FURTHER INFORMATION CONTACT: For
additional information about a specific
regulation contained in this agenda,
contact the "Agency Contact" listed in
the specific regulatory action.

SUPPLEMENTARY INFORMATION: The
proposed regulations are not considered

to be major regulations within the
meaning of E.O. 12291, and a regulatory
impact analysis is not required. It is
hereby certified that the proposed
regulations will not have a significant
economic impact on a substantial
number of small entities; accordingly, a
regulatory flexibility analysis is not
required.

Dated: August 25, 1993.

Russell D. Morris,
Commissioner.

Financial Management Service—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2801 | 31 CFR 210,(Revision) Federal Payments, Collections, and Other Transactions Made Through Financial Institutions by the Automated Clearing House Method | 1510-AA17 |
| 2802 | 31 CFR 235 Issuance of Settlement Checks for Forged Checks Drawn on Designated Depositories | 1510-AA32 |

Financial Management Service—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2803 | 31 CFR 209 Payment to Financial Institutions for Credit to Accounts of Employees and Beneficiaries | 1510-AA30 |
| 2804 | 31 CFR 206 Management of Federal Agency Receipts, Disbursements, and Operation of the Cash Management Improvements Fund | 1510-AA34 |

Financial Management Service—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2805 | 31 CFR 210,(Revision) Federal Payments Through Financial Institutions by the Automated Clearing House Method | 1510-AA20 |
| 2806 | 31 CFR 203 Treasury Tax and Loan Depositories; Depositories for Federal Taxes | 1510-AA22 |
| 2807 | 31 CFR 251 Payment of Unclaimed Interest on Certain Awards of the Mixed Claims Commission, United States and Germany | 1510-AA23 |
| 2808 | 31 CFR 253 Payment Under the Act of Congress Approved August 30, 1962, on Unpaid Balances of Awards of Philippine War Damage Commission | 1510-AA24 |
| 2809 | 31 CFR 254 Payments on Account of Awards and Appraisals in Favor of Nationals of the United States on Claims Against the Government of Mexico | 1510-AA25 |

TREAS—FMS

Financial Management Service—Completed Actions (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2810 | 31 CFR 290 Loans to Public or Private Agencies Under the Refugee Relief Act of 1953 | 1510-AA27 |
| 2811 | 31 CFR 270 Availability of Records | 1510-AA31 |

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Proposed Rule Stage

2801. FEDERAL PAYMENTS, COLLECTIONS, AND OTHER TRANSACTIONS MADE THROUGH FINANCIAL INSTITUTIONS BY THE AUTOMATED CLEARING HOUSE METHOD

Significance: Regulatory Program
Legal Authority: 5 USC 5525; 12 USC 391; 31 USC 321
CFR Citation: 31 CFR 210,(Revision)
Legal Deadline: None

Abstract: Revision of 31 CFR part 210 will attempt to move Government Automated Clearing House (ACH) regulations closer to private industry rules as set forth by the National Automated Clearing House Association. The revision will broaden the use of ACH method through establishing the Government as an ACH receiver. Also, the provision will pursue a totally electronic environment by establishing a regulatory framework for automation of all related parts of the ACH process.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 06/00/94 | |

Small Entities Affected: None
Government Levels Affected: Undetermined
Agency Contact: Christine Ricci, Financial Program Specialist, Collections Modernization Division, Department of the Treasury, Financial Management Service, 401 14th Street SW., Washington, DC 20227, 202 874-6729
RIN: 1510-AA17

2802. ISSUANCE OF SETTLEMENT CHECKS FOR FORGED CHECKS DRAWN ON DESIGNATED DEPOSITARIES

Significance: Agency Priority
Legal Authority: 31 USC 3343; 31 USC 321; PL 100-86, Title X, sec 1005
CFR Citation: 31 CFR 235
Legal Deadline: None

Abstract: This rule amends existing regulations governing the issuance of settlement checks drawn on the United States Treasury and drawn on designated depositories of the United States by accountable officers of the

United States, that have been negotiated and paid on a forged or unauthorized endorsement. The changes are required due to the fact that the Check Forgery Insurance Fund has been closed pursuant to 31 USC 1555 which provides for closure of accounts where there have been no disbursements over a 2 year period.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 11/04/92 | 57 FR 52605 |
| NPRM Comment Period End | 01/04/93 | 57 FR 52605 |
| Next Action Undetermined | | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Ronald Brooks, Program Analyst, Financial Processing Division, Department of the Treasury, Financial Management Service, Room 800F, 3700 East-West Highway, Hyattsville, MD 20782, 202 874-8480
RIN: 1510-AA32

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Final Rule Stage

2803. PAYMENT TO FINANCIAL INSTITUTIONS FOR CREDIT TO ACCOUNTS OF EMPLOYEES AND BENEFICIARIES

Significance: Agency Priority
Legal Authority: 31 USC 321; 31 USC 3322; 31 USC 3332
CFR Citation: 31 CFR 209
Legal Deadline: None

Abstract: A Supplemental Notice of Proposed Rulemaking was published on August 4, 1993. The Supplemental NPRM revised the language of 31 CFR

Section 209.4(c) to make the issuance of composite checks discretionary. The current language, which makes such checks mandatory in certain situations, is more restrictive than the language of the underlying statute. The revised language will be consistent with the underlying statute authority.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/04/92 | 57 FR 57400 |
| NPRM Comment Period End | 01/04/93 | 57 FR 57400 |

| Action | Date | FR Cite |
|--|----------|-------------|
| Supplemental NPRM Comment period ends 09/03/93 | 08/04/93 | 58 FR 41449 |
| Final Action | 00/00/00 | |

Small Entities Affected: None
Government Levels Affected: None
Additional Information: The Financial Management Service revised and clarified 31 CFR 209 in a Notice of Proposed Rule Making published December 12, 1992. This revision generalized the regulation to show that

TREAS—FMS

Final Rule Stage

financial institutions may receive payment on behalf of a Federal Government payment recipient by Electronic Funds Transfer or check. The intended effect of this notice is to clarify the meaning of the rule by revising the language to comply with current operating procedures. In addition, the word "shall" is to be changes to "may" in 209.4(c) to give agencies the discretion to NOT issue Direct Deposit checks. This will make that part of the rule conform with the authorizing language. The initial agency contact for the NPRM was Donna Kotelnicki (202) 874-6871.

Agency Contact: Janelle W. Edgar, Program Analyst, Collection Modernization Division, Department of the Treasury, Financial Management Service, Room 523F, 401 14th Street SW., Washington, DC 20227, 202 874-6644

RIN: 1510-AA30

2804. MANAGEMENT OF FEDERAL AGENCY RECEIPTS, DISBURSEMENTS, AND OPERATION OF THE CASH MANAGEMENT IMPROVEMENTS FUND

Significance: Regulatory Program
Legal Authority: 5 USC 301; 31 USC 321; 31 USC 3301; 31 USC 3302; 31 USC 3321; 31 USC 3327; 31 USC 3328; 31 USC 3332; 31 USC 3335; 31 USC 3720

CFR Citation: 31 CFR 206

Legal Deadline: None
 Pub. L. No. 102-589 removed the deadline for promulgation of regulations.

Abstract: This regulation revises collection and deposit regulations requiring timely methods for the collection and deposit of Federal funds. The revisions, authorized by the Deficit Reduction Act of 1984 and the Cash Management Improvement Act, as amended, require executive agencies to use electronic funds transfer in the collection and disbursement of Federal funds. Noncompliance by agencies may

result in a charge equal to the cost of noncompliance to the Treasury's General Fund. By implementing the Act, the amended regulations will ensure efficient and effective collection and disbursement of Federal funds. These regulations have as a goal the electronic collection and disbursement of all Federal funds when cost effective and practicable.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/05/93 | 58 FR 41902 |
| NPRM Comment Period End | 09/07/93 | 58 FR 41902 |
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John Galligan, Director, Cash Management Policy and Planning Division, Department of the Treasury, Financial Management Service, 401 14th Street SW., Washington, DC 20227, 202 874-6935

RIN: 1510-AA34

DEPARTMENT OF THE TREASURY (TREAS)

Completed Actions

Financial Management Service (FMS)

2805. FEDERAL PAYMENTS THROUGH FINANCIAL INSTITUTIONS BY THE AUTOMATED CLEARING HOUSE METHOD

Significance: Agency Priority

Legal Authority: 5 USC 5525; 12 USC 391; 31 USC 321

CFR Citation: 31 CFR 210,(Revision)

Legal Deadline: None

Abstract: Revision of 31 CFR part 210 will clarify that the Federal Reserve Bank may set the medium used to receive Government ACH transactions. The revision also will clarify that Federal Reserve banks must make Federal ACH payment information available before the opening of business on the payment date and announces the policy of requiring Government only receivers to establish an electronic access with their Federal Reserve banks by July 1994.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/05/92 | 57 FR 34650 |
| NPRM Comment Period End | 10/05/92 | |

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/22/93 | 58 FR 21634 |
| Final Action Effective | 05/24/93 | 58 FR 21634 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Janelle Edgar, Financial Program Specialist, Electronic Initiatives Branch, Financial Innovation Division, Department of the Treasury, Financial Management Service, 401 14th Street SW., Washington, DC 20227, 202 874-6644

RIN: 1510-AA20

2806. TREASURY TAX AND LOAN DEPOSITARIES; DEPOSITARIES FOR FEDERAL TAXES

Significance: Agency Priority

Legal Authority: 31 USC 3122; 31 USC 323; 12 USC 265; 12 USC 391

CFR Citation: 31 CFR 203; 31 CFR 214

Legal Deadline: None

Abstract: The Final rule revised regulations found at 31 CFR part 203 to more accurately reflect current practices, expand certain sections to

clarify their intent, incorporate related regulations that currently appear in Part 214, and correct a number of editorial errors in the text.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 10/27/92 | 57 FR 48584 |
| NPRM Comment Period End | 11/27/92 | 57 FR 48584 |
| Final Action | 07/01/93 | 58 FR 35395 |
| Final Action Effective | 08/02/93 | 58 FR 35395 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John P. Galligan, Director, Cash Management Policy and Planning Division, Department of the Treasury, Financial Management Service, 401 14th Street SW., Washington, DC 20227, 202 874-6935

RIN: 1510-AA22

2807. PAYMENT OF UNCLAIMED INTEREST ON CERTAIN AWARDS OF THE MIXED CLAIMS COMMISSION, UNITED STATES AND GERMANY

Significance: Agency Priority

TREAS—FMS

Completed Actions

Legal Authority: 45 Stat. 254, sec. 2(d) as amended

CFR Citation: 31 CFR 251

Legal Deadline: None

Abstract: This revision proposes the removal of the regulation governing payment of unclaimed interest on awards of the Mixed Claims Commission. This regulation is obsolete. No applications for payments have been filed against this fund in at least 5 years by the person(s) entitled thereto. The effect of this notice is to remove an unnecessary regulation.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/27/92 | 57 FR 56292 |
| NPRM Comment Period End | 12/28/92 | 57 FR 56292 |
| Final Action | 04/28/93 | 58 FR 25774 |
| Final Action Effective | 05/28/93 | 58 FR 25774 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mia Abeya, Branch Manager, Credit Accounting Branch, Department of the Treasury, Financial Management Service, Room 500C, 3700 East-West Highway, Hyattsville, MD 20782, 202 874-8740

RIN: 1510-AA23

2808. PAYMENT UNDER THE ACT OF CONGRESS APPROVED AUGUST 30, 1962, ON UNPAID BALANCES OF AWARDS OF PHILIPPINE WAR DAMAGE COMMISSION

Significance: Agency Priority

Legal Authority: 50 USC app 1751 to 1806 note, 76 Stat. 412

CFR Citation: 31 CFR 253

Legal Deadline: None

Abstract: This revision proposes the removal of the regulation governing payment of unpaid balances of awards of the Philippine War Damage Commission. This regulation is obsolete. The time for applying for payment, and making the payment, have passed. The effect of this notice is to remove an unnecessary regulation.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/27/92 | 57 FR 56293 |
| NPRM Comment Period End | 12/28/92 | 57 FR 56293 |
| Final Action | 04/28/93 | 58 FR 25774 |
| Final Action Effective | 05/28/93 | 58 FR 25774 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mia Abeya, Branch Manager, Credit Accounting Branch, Department of the Treasury, Financial Management Service, Room 500C, 3700 East-West Highway, Hyattsville, MD 20782, 202 874-8740

RIN: 1510-AA24

2809. PAYMENTS ON ACCOUNT OF AWARDS AND APPRAISALS IN FAVOR OF NATIONALS OF THE UNITED STATES ON CLAIMS AGAINST THE GOVERNMENT OF MEXICO

Significance: Agency Priority

Legal Authority: 56 Stat. 1062; 22 USC 661 to 672

CFR Citation: 31 CFR 254

Legal Deadline: None

Abstract: This revision proposes the removal of the regulation governing payment to United States nationals on their claims against the government of Mexico. This regulation is obsolete. No claims have been made in more than 5 years and all efforts to contact all awardholders have been exhausted. The effect of this regulation is to remove an unnecessary regulation.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/27/92 | 57 FR 56293 |
| NPRM Comment Period End | 12/28/92 | 57 FR 56293 |
| Final Action | 04/28/93 | 58 FR 25775 |
| Final Action Effective | 05/28/93 | 58 FR 25775 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mia Abeya, Branch Manager, Credit Accounting Branch, Department of the Treasury, Financial Management Service, Room 500C, 3700 East-West Highway, Hyattsville, MD 20782, 202 874-8740

RIN: 1510-AA25

2810. LOANS TO PUBLIC OR PRIVATE AGENCIES UNDER THE REFUGEE RELIEF ACT OF 1953

Significance: Agency Priority

Legal Authority: EO 10487; 67 Stat. 406; 50 USC app 1971 to 1971q, note

CFR Citation: 31 CFR 290

Legal Deadline: None

Abstract: This revision proposes the removal of the regulation governing loans to public and private agencies of the United States under the Refugee Relief Act of 1953. This regulation is obsolete because the terms of the Act require the loans to mature not later than June 30, 1963. The effect of this notice is to remove an unnecessary regulation.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/27/92 | 57 FR 56294 |
| NPRM Comment Period End | 12/28/92 | 57 FR 56294 |
| Final Action | 04/28/93 | 58 FR 25775 |
| Final Action Effective | 05/28/93 | 58 FR 25775 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mia Abeya, Branch Manager, Credit Accounting Branch, Department of the Treasury, Financial Management Service, Room 500C, 3700 East-West Highway, Hyattsville, MD 20782, 202 874-8740

RIN: 1510-AA27

2811. AVAILABILITY OF RECORDS

Significance: Agency Priority

Legal Authority: 5 USC 552

CFR Citation: 31 CFR 270

Legal Deadline: None

Abstract: The Financial Management Service proposes to revise its regulations to provide more accurate information to the public concerning where to send requests for information and the fees that will be charged for services. This revision also includes editorial changes for clarity and address changes.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/09/92 | 57 FR 41117 |
| NPRM Comment Period End | 10/09/92 | |
| Final Action | 04/29/93 | 58 FR 25943 |
| Final Action Effective | 06/01/93 | 58 FR 25943 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rita Franklin, Branch Manager, Programs Branch, Department of the Treasury, Financial Management Service, Room 101, 3700 East-West

TREAS—FMS

Completed Actions

Highway, Hyattsville, MD 20782, 202
874-8300

RIN: 1510-AA31

[FR Doc. 93-22928 Filed 10-22-93; 8:45 am]

BILLING CODE 4810-35-F

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Bureau of Alcohol, Tobacco and Firearms

27 CFR Ch. I

[Notice No. 779]

Unified Agenda of Federal Regulations

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: General notice; Unified Agenda of Federal Regulations of regulatory projects under development, consideration, and review.

SUMMARY: Pursuant to section 5 of Executive Order 12291 entitled "Federal Regulation," ATF is publishing an agenda of proposed regulations that are expected to be issued and of proposed regulations that have been issued and an

agenda of existing regulations that are being reviewed under the terms of the Executive order within the next 6 months. The latter agenda also lists regulatory projects identified for review pursuant to the ATF Regulatory Reform Program. Pursuant to section 610 of the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 610), ATF is also indicating whether a regulatory project is likely to have a significant economic impact upon a substantial number of small entities.

This general notice is designed to give the public adequate notice of the regulatory activities being contemplated by ATF.

The agenda is based on information available at the present time. The next Unified Agenda of Federal Regulations

will be published in the Federal Register of April 1994.

FOR FURTHER INFORMATION CONTACT: For information about any particular regulatory project, contact the person listed in the subheading "Agency Contact" for the regulatory project.

For general information about this general notice, contact Angela Shanks, Revenue Programs Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, (202) 927-8230.

Issuance

By direction of the Secretary of the Treasury, this general notice reads as set forth below.

Dated: August 20, 1993.

Daniel R. Black,
Acting Director.

Bureau of Alcohol, Tobacco and Firearms—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2812 | 27 CFR 250 Recodification of 27 CFR Part 250 as 27 CFR Part 26 | 1512-AA69 |
| 2813 | 27 CFR 27 Recodification of 27 CFR Part 251 as 27 CFR Part 27 | 1512-AA72 |
| 2814 | 27 CFR 7 Standard of Identity for Malt Liquor | 1512-AA95 |
| 2815 | 27 CFR 252 Recodification of 27 CFR Part 252 as 27 CFR Part 28 | 1512-AA98 |
| 2816 | 27 CFR 4 Grape Wine Designation—Gamay Beaujolais | 1512-AB08 |
| 2817 | 27 CFR 6 Revision of the Trade Practice Regulations | 1512-AB10 |
| 2818 | 27 CFR 25.205 Home Brew Warehouses for the Production of Beer for Personal or Family Use | 1512-AB18 |
| 2819 | 27 CFR 5.23(a)(3)(II) Alteration of Class and Type Vodka | 1512-AB22 |
| 2820 | 27 CFR 285 27 CFR Part 285, Manufacture of Cigarette Papers and Tubes | 1512-AA33 |
| 2821 | 27 CFR 290 Exportation of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax, or With Drawback of Tax | 1512-AB03 |

Bureau of Alcohol, Tobacco and Firearms—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2822 | 27 CFR 9 American Viticultural Areas | 1512-AA07 |
| 2823 | 27 CFR 197 Nonbeverage Drawback | 1512-AA20 |
| 2824 | 27 CFR 4 Wine Labeling Amendments | 1512-AA31 |
| 2825 | 27 CFR 4 Winegrape Varietal Designations | 1512-AA67 |
| 2826 | 27 CFR 16 Health Warning Statement on Labels of Alcoholic Beverages: Request for Information | 1512-AA82 |
| 2827 | 27 CFR 24.182 Wine Treating Materials and Processes | 1512-AA89 |
| 2828 | 27 CFR 7 Alcoholic Content Labeling for Malt Beverages | 1512-AB17 |

TREAS—BATF

Bureau of Alcohol, Tobacco and Firearms—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2829 | 27 CFR 70.511 to 70.526 27 CFR Part 70—Conference and Practice Requirements for the Bureau of Alcohol, Tobacco and Firearms | 1512-AB11 |
| 2830 | 27 CFR 70.61 27 CFR Part 70—Delegation of Authority To Accept Checks and Waive Penalties | 1512-AB12 |
| 2831 | 27 CFR 71.21 27 CFR Part 71—Publicity of Information | 1512-AB21 |

Bureau of Alcohol, Tobacco and Firearms—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2832 | 27 CFR 4 Definition of "Brand Label" for Wine; and Standard Wine Containers | 1512-AA87 |
| 2833 | 27 CFR 24.273 Change in the Frequency of Filing Reports of Bonded Wine Premises Operations and Wine Excise Tax Return | 1512-AB06 |
| 2834 | 27 CFR 7.22(b)(7) Disclosure of Aspartame in the Labeling of Malt Beverages | 1512-AB07 |
| 2835 | 27 CFR 22 27 CFR 22—Distribution and Use of Tax-Free Alcohol: Technical Corrections Covering Special (Occupational) Tax | 1512-AB15 |
| 2836 | 27 CFR 25.297 Change in Frequency of Filing Brewers Reports of Operations and Additional Listing of Case and Keg Sizes | 1512-AB16 |
| 2837 | 27 CFR 178 Imported Parts | 1512-AA93 |
| 2838 | 27 CFR 55.121 Rewrite Records and Reports in Regulations Part 55 | 1512-AB02 |
| 2839 | 27 CFR 47 Importation of Arms, Ammunition, and Implements of War | 1512-AB20 |

DEPARTMENT OF THE TREASURY (TREAS)

Proposed Rule Stage

Bureau of Alcohol, Tobacco and Firearms (BATF)

ALCOHOL

2812. RECODIFICATION OF 27 CFR PART 250 AS 27 CFR PART 26

Significance: Agency Priority

Legal Authority: 26 USC 7651 to 7652; PL 85-859; 26 USC 5314; 26 USC 7805

CFR Citation: 27 CFR 250

Legal Deadline: None

Abstract: As part of the recodification of part 250, we plan to simplify, consolidate and/or eliminate as many sections of regulations as possible by placing particular emphasis on reducing the number of recordkeeping requirements, forms, and customs responsibilities. Wherever possible, we plan to utilize proprietor's commercial records in lieu of requiring the proprietor to submit public use forms. These changes to part 250 should considerably reduce the burden hours on industry.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| ANPRM | 09/08/92 | 57 FR 40885 |

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| ANPRM Comment Period End | 10/08/92 | |
| ANPRM Comment Period Extended | 10/15/92 | 57 FR 47319 |
| ANPRM Comment Period Extended End | 12/07/92 | |
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gail Hosey, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8210

RIN: 1512-AA69

2813. RECODIFICATION OF 27 CFR PART 251 AS 27 CFR PART 27

Significance: Agency Priority

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 27; 27 CFR 251

Legal Deadline: None

Abstract: To update and clarify regulations relating to the importation

of distilled spirits, wine, and beer and to incorporate related ATF Rulings into the regulations. To reduce or eliminate certain reporting requirements and reduce burden on industry.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| ANPRM | 09/08/92 | 57 FR 40886 |
| ANPRM Comment Period End | 10/08/92 | |
| ANPRM Comment Period Extended | 10/15/92 | 57 FR 47319 |
| ANPRM Comment Period Extended End | 12/07/92 | |
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ed Reisman, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8210

RIN: 1512-AA72

TREAS—BATF

Proposed Rule Stage

2814. STANDARD OF IDENTITY FOR MALT LIQUOR

Significance: Agency Priority
Legal Authority: 27 USC 205(e)
CFR Citation: 27 CFR 7
Legal Deadline: None

Abstract: A coalition of consumer organizations has petitioned ATF to establish a standard of identity for the labeling of malt liquor. Currently there are no standards of identity for any malt beverages. ATF is considering proposing standards of identity for the various classes and types of malt beverages.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| ANPRM | 04/19/93 | 58 FR 21126 |
| ANPRM Comment Period End | 07/19/93 | |
| ANPRM Comment Period Extended | 07/19/93 | 58 FR 38542 |
| ANPRM Comment Period Extended End | 09/17/93 | |
| NPRM | 12/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Charles Bacon, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8230
RIN: 1512-AA95

2815. RECODIFICATION OF 27 CFR PART 252 AS 27 CFR PART 28

Significance: Agency Priority
Legal Authority: 26 USC 7805
CFR Citation: 27 CFR 252
Legal Deadline: None

Abstract: To update and clarify regulations relating to the exportation of distilled spirits, wine, and beer and to incorporate related ATF Rulings into the regulations. To reduce or eliminate certain reporting requirements and reduce burden on industry.

Timetable:

| Action | Date | FR Cite |
|----------------------------------|----------|-------------|
| ANPRM | 09/08/92 | 57 FR 40887 |
| ANPRM Comment Period End | 10/08/92 | |
| ANPRM Comment Period Extended | 10/15/92 | 57 FR 47320 |

| Action | Date | FR Cite |
|---|----------|---------|
| ANPRM Comment Period Extended End | 12/07/92 | |
| NPRM | 12/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Gail Hosey, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8210
RIN: 1512-AA98

2816. GRAPE WINE DESIGNATION—GAMAY BEAUJOLAIS

Significance: Agency Priority
Legal Authority: 27 USC 205(e)
CFR Citation: 27 CFR 4
Legal Deadline: None

Abstract: Gamay Beaujolais has been used as a term to identify certain wines made from pinot noir or Napa Gamay grapes. Since Gamay Beaujolais is not the name of a grape variety, its usage on wine labels may be incorrect. A notice of proposed rulemaking will consider labeling requirements for use of this term. This rulemaking project was formerly included in rulemaking for winegrape varietal designation, RIN 1512-AA67.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Businesses
Government Levels Affected: None
Agency Contact: James Hunt, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8230
RIN: 1512-AB08

2817. REVISION OF THE TRADE PRACTICE REGULATIONS

Legal Authority: 27 USC 205
CFR Citation: 27 CFR 6; 27 CFR 8; 27 CFR 10; 27 CFR 11
Legal Deadline: None

Abstract: The intent of the proposed revisions and amendments will be to define permitted market practices

within the existing statutory framework as well as to update, simplify, and/or clarify various interpretations of the Federal Alcohol Administration Act and to incorporate the findings of the Fedway Associates, Inc., decision.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Marjorie Ruhf, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8230
RIN: 1512-AB10

2818. HOME BREW WAREHOUSES FOR THE PRODUCTION OF BEER FOR PERSONAL OR FAMILY USE

Significance: Agency Priority
Legal Authority: 26 USC 5051; 26 USC 5053(e)
CFR Citation: 27 CFR 25.205; 27 CFR 25.206
Legal Deadline: None

Abstract: ATF is considering issuing regulations relating to "Home Brew Warehouses." Under the exemption provided at 26 U.S.C. 5053(e), adults may produce beer for personal family use without payment of tax. Since there is no restriction on the place where such beer may be produced, home brew warehouses have come into existence as commercial establishments where adults may produce such beer. Regulations may require home brew warehouses to provide notice to ATF and to keep certain records.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Undetermined
Government Levels Affected: None
Agency Contact: Charles Bacon, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8230
RIN: 1512-AB18

TREAS—BATF

Proposed Rule Stage

2819. • ALTERATION OF CLASS AND TYPE VODKA

Legal Authority: 26 USC 5301; 26 USC 7805; 27 USC 205

CFR Citation: 27 CFR 5.23(a)(3)(ii)

Legal Deadline: None

Abstract: ATF is proposing to amend 27 CFR section 5.23(a)(3)(ii) authorizing the use of a trace amount of citric acid in the production of vodka without changing its designation as vodka, because citric acid is not an essential component of vodka. Also, ATF is proposing to amend 27 CFR Section 5.23 which regulates additions of Section 5.22(a)(i) which is the standard of identity for vodka. Under this proposal, vodka made with a greater concentration of citric acid would be designated "Flavored Vodka" or labeled with a fanciful name under 27 CFR part 5.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| Final Rule | 08/27/93 | 58 FR 45251 |
| Final Rule Effective | 08/27/93 | 58 FR 45251 |
| NPRM | 09/01/93 | 58 FR 46141 |
| NPRM Comment Period End | 10/18/93 | 58 FR 46141 |
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David W. Brokaw, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts

Avenue NW., Washington, DC 20226, 202 927-8230

RIN: 1512-AB22

TOBACCO PRODUCTS**2820. 27 CFR PART 285, MANUFACTURE OF CIGARETTE PAPERS AND TUBES**

Significance: Agency Priority

Legal Authority: 26 USC 7805 (68A Stat 917)

CFR Citation: 27 CFR 285

Legal Deadline: None

Abstract: To reduce or eliminate administrative and recordkeeping burdens under 27 CFR part 285.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Mary Wood, Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington DC 20226, 202 927-8230.

RIN: 1512-AA33

2821. EXPORTATION OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, OR WITH DRAWBACK OF TAX

Significance: Agency Priority

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 290

Legal Deadline: None

Abstract: ATF is proposing the recodification of 27 CFR part 290 in order to reduce recordkeeping and reporting requirements. This proposal will provide for the use of commercial records in lieu of U.S. Customs' supervision and certification. The elimination of the certification forms as well as other forms will also result from this proposal.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| ANPRM | 09/08/92 | 57 FR 40889 |
| ANPRM Comment Period End | 10/08/92 | |
| ANPRM Comment Period Extended | 01/08/93 | 58 FR 3247 |
| ANPRM Comment Period Extended End | 03/09/93 | |
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Wood, Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8210

RIN: 1512-AB03

DEPARTMENT OF THE TREASURY (TREAS)**Final Rule Stage****Bureau of Alcohol, Tobacco and Firearms (BATF)****ALCOHOL****2822. AMERICAN VITICULTURAL AREAS**

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 9

Legal Deadline: None

Abstract: Establishes grape-growing regions as American viticultural areas for purposes of labeling and advertising of wine.

Timetable:

| | | |
|--|----------|---------------|
| Dunnigan Hills, CA (contact Marj Ruhf) | | |
| NPRM | 12/11/92 | (57 FR 58763) |
| NPRM Comment Period End | 01/25/93 | |
| Final Action | 05/13/93 | (58 FR 28351) |
| Final Action Effective | 06/14/93 | |
| Lake Wisconsin, WI (contact James Hunt) | | |
| NPRM | 09/14/93 | (58 FR 49949) |
| Final Action | 04/00/94 | |
| Mt. Veeder, CA (contact David Brokaw) | | |
| NPRM | 08/19/93 | (58 FR 44152) |
| Final Action | 04/00/94 | |

Oakville Valley, CA (contact Robert White)

NPRM 09/17/91 (56 FR 47039)

NPRM Reopening of Comment Period

04/22/92 (57 FR 14681)

Reopening of Comment Period End

07/21/92

Notice of Public Hearing 10/02/92 (57 FR

45588)

Date of Public Hearing 12/10/92

Final Action 07/02/93 (58 FR 35877)

Final Action Effective 08/02/93

TREAS—BATF

Final Rule Stage

Rutherford Valley, CA (contact Robert White)
 NPRM 09/17/91 (56 FR 47044)
 NPRM Reopening of Comment Period 04/22/92 (57 FR 14681)
 Reopening of Comment Period End 07/21/92
 Notice of Public Hearing 10/02/92 (57 FR 45588)
 Date of Public Hearing 12/09/92
 Final Action 07/02/93 (58 FR 35865)
 Final Action Effective 08/02/93
Spring Mountain District, CA (contact Marj Ruhl)
 NPRM 06/04/92 (57 FR 23559)
 NPRM Comment Period End 08/03/92
 Second NPRM 02/17/93 (58 FR 8726)
 Second NPRM Comment Period End 03/18/93
 Final Action 05/13/93 (58 FR 28348)
 Final Action Effective 06/14/93

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: See Timetable, American Viticultural Areas, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington DC 20226, 202 927-8230
RIN: 1512-AA07

2823. NONBEVERAGE DRAWBACK

Significance: Agency Priority
Legal Authority: 26 USC 5131
CFR Citation: 27 CFR 197
Legal Deadline: None
Abstract: To update, clarify, simplify, and recodify the regulations relating to drawback of tax on distilled spirits used in the manufacture of non-beverage products.

Timetable:

| Action | Date | FR Cite |
|----------------------------------|----------|-------------|
| NPRM | 07/29/87 | 52 FR 28286 |
| NPRM Comment Period End | 10/29/87 | |
| NPRM | 08/31/92 | 57 FR 39536 |
| NPRM Comment Period End | 09/30/92 | |
| NPRM Comment Period Extended | 10/01/92 | 57 FR 45357 |
| NPRM Comment Period Extended End | 10/30/92 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses
Government Levels Affected: None
Additional Information: SMALL ENTITIES CONT: This regulation affects approximately 500 small entities.

Agency Contact: Steve Simon, Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8210
RIN: 1512-AA20

2824. WINE LABELING AMENDMENTS

Significance: Agency Priority
Legal Authority: 27 USC 205(e); 27 USC 205(f)
CFR Citation: 27 CFR 4
Legal Deadline: None
Abstract: Wine labeling issues addressed: (1) Transported grapes to retain viticultural area designation; (2) Certain wines allowed "other than standard" on label; (3) Harvest date for fruit, berry and agricultural wines; (4) Another use of the term "Estate Bottled".

Timetable:

| Action | Date | FR Cite |
|----------------------------------|----------|-------------|
| NPRM | 06/18/92 | 57 FR 27401 |
| NPRM Comment Period End | 07/20/92 | |
| NPRM Comment Period Extended | 07/27/92 | 57 FR 33139 |
| NPRM Comment Period Extended End | 08/21/92 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: James Hunt, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington DC 20226, 202 927-8230
RIN: 1512-AA31

2825. WINEGRAPE VARIETAL DESIGNATIONS

Significance: Agency Priority
Legal Authority: 27 USC 205(e)
CFR Citation: 27 CFR 4
Legal Deadline: None
Abstract: This proposal would establish a list of winegrape varietal names which may be used as the type designation on American wine labels. Establishment of this list will standardize labeling terminology and make labels less confusing for consumers to read. They will also assist

in more accurate identification of wines labeled with the grape variety used.

Timetable:

| Action | Date | FR Cite |
|----------------------------------|----------|-------------|
| NPRM | 02/04/86 | 51 FR 4392 |
| NPRM Comment Period End | 04/07/86 | |
| NPRM Comment Period Extended | 04/08/86 | 51 FR 11944 |
| NPRM Comment Period Extended End | 07/07/86 | |
| NPRM | 09/03/92 | 57 FR 40380 |
| NPRM Comment Period End | 10/05/92 | |
| NPRM Comment Period Extended | 10/26/92 | 57 FR 48487 |
| NPRM Comment Period Extended End | 12/28/92 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Charles Bacon, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8230
RIN: 1512-AA67

2826. HEALTH WARNING STATEMENT ON LABELS OF ALCOHOLIC BEVERAGES: REQUEST FOR INFORMATION

Significance: Agency Priority
Legal Authority: 27 USC 215; 27 USC 217
CFR Citation: 27 CFR 16
Legal Deadline: None

Abstract: ATF is issuing this notice to obtain information which will enable the agency to make a determination as to whether the wording of the alcohol health warning statement should be amended. This action is taken by ATF in order to comply with section 206 of the Alcoholic Beverage Labeling Act of 1988 which requires a report to Congress if current available scientific information justifies a revision in the health warning statement.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 03/08/91 | 56 FR 10066 |
| NPRM Comment Period End | 07/08/91 | |
| Final Action | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: James Ficaretta, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8230

RIN: 1512-AA82

2827. WINE TREATING MATERIALS AND PROCESSES

Legal Authority: 26 USC 5382; 26 USC 5368; 26 USC 5388

CFR Citation: 27 CFR 24.182; 27 CFR 24.246; 27 CFR 24.248; 27 CFR 24.257

Legal Deadline: None

Abstract: This regulation will allow winemakers to use new wine treating materials and processes in the production, cellar treatment, and finishing of wine, if such materials and processes are found by the wine industry to be in accordance with "good commercial practice." No alternatives are being considered. No cost is associated with this action. This action will benefit winemakers by giving them more tools to produce quality wine and will benefit consumers by ensuring that more quality wine is available for purchase. This regulation will also allow a slightly more liberal alcohol label tolerance for wines under 7 percent alcohol by volume. This action is being taken because of the difficulty producers of the new light wine cooler products have in meeting the current alcohol label tolerance requirements. No other alternatives are being considered. No cost is associated with this action. This action will benefit producers of light wine cooler products by liberalizing alcohol label tolerance requirements which have been found to be too restrictive.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/03/92 | 57 FR 23357 |
| NPRM Comment Period End | 07/06/92 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert White, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts

Avenue NW., Washington, DC 20226, 202 927-8230

RIN: 1512-AA89

2828. ALCOHOLIC CONTENT LABELING FOR MALT BEVERAGES

Significance: Agency Priority

Legal Authority: 27 USC 205(e)

CFR Citation: 27 CFR 7

Legal Deadline: None

Abstract: A 10/28/92 Decision in the U.S. District Court for the District of Colorado held that the Federal Alcohol Administration Act prohibition against the statement of Alcoholic content on malt beverage labels is unconstitutional under the first amendment. ATF will issue an interim rule amending 27 CFR part 7 to permit the optional statement of alcoholic content on malt beverage labels. This rule is intended to provide guidelines on the form of statement, type size, placement and tolerances for statements of alcoholic content. Based on public comments and the outcome of future court actions, ATF will determine whether to make statements of alcoholic content mandatory on malt beverage labels.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 04/19/93 | 58 FR 21233 |
| Interim Final Rule | 04/19/93 | 58 FR 21228 |
| NPRM Comment Period End | 07/19/93 | |
| NPRM Comment Period Extended | 07/19/93 | 58 FR 38543 |
| NPRM Comment Period Extended End | 09/17/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Charles Bacon, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8230

RIN: 1512-AB17

PROCEDURAL

2829. 27 CFR PART 70—CONFERENCE AND PRACTICE REQUIREMENTS FOR THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 70.511 to 70.526

Legal Deadline: None

Abstract: To document the adoption of certain conference and practice rules from IRS regulations in 26 CFR part 600 to ATF regulations in 27 CFR part 70. Currently the conference and practice regulations for ATF are still found in 26 CFR part 600 which is administered by IRS. By this final rule Sections 601.521 through 601.525 are adopted in whole and applicable sections of 601.501 through 601.509 are adopted in part and placed in 27 CFR part 70 which is administered by ATF.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy Bryce, Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8220

RIN: 1512-AB11

2830. 27 CFR PART 70—DELEGATION OF AUTHORITY TO ACCEPT CHECKS AND WAIVE PENALTIES

Significance: Agency Priority

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 70.61; 27 CFR 70.77; 27 CFR 70.96 to 70.99; 27 CFR 70.74

Legal Deadline: None

Abstract: To expand the responsibilities of the "Chief, Tax Processing Center" by giving that office the authority to accept checks and waive penalties. This delegation will make the enforced collection process more efficient.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 11/00/93 | |

Small Entities Affected: None

TREAS—BATF

Final Rule Stage

Government Levels Affected: None
Agency Contact: Nancy Bryce, Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8220
RIN: 1512-AB12

2831. • 27 CFR PART 71—PUBLICITY OF INFORMATION
Legal Authority: 5 USC 301; 5 USC 552

CFR Citation: 27 CFR 71.21; 27 CFR 71.24 to 71.28
Legal Deadline: None
Abstract: To incorporate into 27 CFR part 71 the requirements of the Freedom of Information Reform Act 1986 and the Department of the Treasury regulation, 31 CFR Part 1. These regulations incorporate changes relating to the establishment of fees to be charged for search, review and duplication of records in response to Freedom of Information Act requests.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 11/00/93 | |

Small Entities Affected: None
Government Levels Affected: Federal
Agency Contact: Nancy Bryce, Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8220
RIN: 1512-AB21

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Completed Actions

2832. DEFINITION OF "BRAND LABEL" FOR WINE; AND STANDARD WINE CONTAINERS
Significance: Agency Priority
Legal Authority: 27 USC 205(e)
CFR Citation: 27 CFR 4
Legal Deadline: None
Abstract: ATF is proposing to amend the definition of "brand label" to make it consistent with the principal display panel approach of the Fair Packaging and Labeling Act. ATF had also been proposing to amend the regulations to provide that standard wine containers shall be so made and formed so as not to mislead the purchaser. However, on September 8, 1992, the standard wine and distilled spirits container issue was withdrawn from the notice of proposed rulemaking.

Avenue NW., Washington, DC 20226, 202 927-8230
RIN: 1512-AA87

2833. CHANGE IN THE FREQUENCY OF FILING REPORTS OF BONDED WINE PREMISES OPERATIONS AND WINE EXCISE TAX RETURN
Significance: Regulatory Program
Legal Authority: 26 USC 5061; 26 USC 5367; 26 USC 5555
CFR Citation: 27 CFR 24.273; 27 CFR 24.300
Legal Deadline: None
Abstract: ATF is proposing to amend the wine regulations to allow certain small bonded wine premises proprietors to file operating reports annually instead of monthly; and to allow certain bonded wine premises who owe less than \$1,000 per year in wine excise tax to file returns and pay tax annually instead of semi-monthly.

2834. DISCLOSURE OF ASPARTAME IN THE LABELING OF MALT BEVERAGES
Legal Authority: 27 USC 205
CFR Citation: 27 CFR 7.22(b)(7)
Legal Deadline: None
Abstract: ATF is proposing to amend the regulations in 27 CFR part 7 labeling and advertising of malt beverages to incorporate a recent change in the Food and Drug Administrations (FDA) food additive regulations to provide for the safe use of Aspartame in in Malt Beverages products.
Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 04/19/93 | 58 FR 21130 |
| NPRM Comment Period End | 05/19/93 | |
| Final Action | 08/19/93 | 58 FR 44131 |
| Final Action Effective | 09/20/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: David Brokaw, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8230
RIN: 1512-AB07

Timetable:

| Action | Date | FR Cite |
|------------------------------------|----------|-------------|
| NPRM | 02/06/91 | 56 FR 4770 |
| NPRM Comment Period End | 03/08/91 | |
| NPRM | 09/12/91 | 56 FR 46393 |
| NPRM Comment Period End | 12/11/91 | |
| NPRM Comment Period Extended | 12/11/91 | 56 FR 64584 |
| NPRM Comment Period Extended End | 01/10/92 | |
| Withdrawn - further study required | 07/28/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: James Ficaretta, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/29/92 | 57 FR 33467 |
| NPRM Comment Period End | 08/28/92 | |
| Final Action | 04/12/93 | 58 FR 19062 |
| Final Action Effective | 05/12/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Marjorie Ruhf, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8230
RIN: 1512-AB06

2835. 27 CFR 22—DISTRIBUTION AND USE OF TAX-FREE ALCOHOL: TECHNICAL CORRECTIONS COVERING SPECIAL (OCCUPATIONAL) TAX
Significance: Agency Priority
Legal Authority: 26 USC 5214

TREAS—BATF

Completed Actions

CFR Citation: 27 CFR 22

Legal Deadline: None

Abstract: Updating regulations by including exception from paying special (occupational) tax to certain educational institutions which procure less than 25 gallons of distilled spirits free of tax for experimental or research use.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/12/93 | 58 FR 19060 |
| Final Action Effective | 05/12/93 | |

Small Entitles Affected: Businesses

Government Levels Affected: None

Agency Contact: Mary Lou Blake, Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8220

RIN: 1512-AB15

2836. CHANGE IN FREQUENCY OF FILING BREWERS REPORTS OF OPERATIONS AND ADDITIONAL LISTING OF CASE AND KEG SIZES

Significance: Regulatory Program

Legal Authority: 26 USC 5412; 26 USC 5414; 26 USC 5555

CFR Citation: 27 CFR 25.297; 27 CFR 25.156; 27 CFR 25.158

Legal Deadline: None

Abstract: ATF is proposing to amend the beer regulations to allow certain small brewers to file operational reports quarterly instead of monthly and to expand the listings of case and keg sizes in regulations to include commercial packages now in use.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/28/92 | 57 FR 44525 |
| NPRM Comment Period End | 10/28/92 | |
| Final Action | 07/28/93 | 58 FR 40355 |
| Final Action Effective | 08/27/93 | |

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Marjorie Ruhf, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8230

RIN: 1512-AB16

2837. IMPORTED PARTS

Significance: Agency Priority

Legal Authority: 18 USC 922(r)

CFR Citation: 27 CFR 178

Legal Deadline: None

Abstract: Certain semi-automatic rifles are banned from importation. There are people who are currently assembling rifles identical to these banned weapons with the assembly being in the United States using imported parts. This regulation will ban the assembly of such weapons using imported parts.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/19/91 | 56 FR 41105 |
| NPRM Comment Period End | 11/18/91 | |
| Final Action | 07/29/93 | 58 FR 40587 |
| Final Action Effective | 08/30/93 | |

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Lawrence White, Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8320

RIN: 1512-AA93

2838. REWRITE RECORDS AND REPORTS IN REGULATIONS PART 55

Significance: Agency Priority

Legal Authority: 18 USC 847

CFR Citation: 27 CFR 55.121

Legal Deadline: None

Abstract: Subpart G is being rewritten to clarify use of commercial records as permanent records, and to clarify when variances are necessary. Also, number of changes applying to storage of explosives, refining some definitions in

the fireworks area, and changing the quantity of explosive materials that may be in a process building, i.e., increasing quantity based on 2 years' experience with these restrictions.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/14/93 | |

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Dan Crowley, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8039

RIN: 1512-AB02

2839. IMPORTATION OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

Significance: Agency Priority

Legal Authority: 22 USC 2778

CFR Citation: 27 CFR 47

Legal Deadline: None

Abstract: ATF is preparing a Treasury decision to amend 27 CFR part 47. The amendment will delete Estonia, Latvia and Lithuania from the proscribed countries list to allow the importation of sporting rifles, pistols, revolvers, their ammunition and component parts into the United States.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/13/93 | 58 FR 47831 |
| Final Action Effective | 09/13/93 | |

Small Entitles Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Pearl Baylor, Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, 202 927-8320

RIN: 1512-AB20

[FR Doc. 93-22926 Filed 10-22-93; 8:45 am]
BILLING CODE 4810-31-F

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Comptroller of the Currency

12 CFR Ch. I

Semiannual Agenda of Regulatory Actions

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Semiannual agenda of regulations.

SUMMARY: As required by the Regulatory Flexibility Act and Executive Order 12291, the Office of the Comptroller of the Currency (OCC) has prepared this semiannual agenda of its rules and

regulations currently under review and scheduled for review. Regulatory actions taken since the publication of the OCC's previous semiannual agenda on April 26, 1993 (58 FR 24791), are also included. It is expected that this semiannual agenda will enable the public to be more aware of and allow it to more effectively participate in the OCC's regulatory activity.

ADDRESSES: The mailing address for all contacts: Office of the Comptroller of the Currency, 250 E Street SW., Washington, DC 20219.

FOR FURTHER INFORMATION CONTACT: For general information about this semiannual agenda, contact John

Ference, Financial Analyst, Legislative, Regulatory, and International Activities Division, (202) 874-5090.

For further information about a particular item on this semiannual agenda, contact the individual identified as the contact person.

SUPPLEMENTARY INFORMATION: Set forth below are regulatory projects currently under review or scheduled for review. Some of these regulations may be issued jointly with other Federal Government agencies.

Dated: August 25, 1993.

William P. Bowden, Jr.,
Chief Counsel.

Comptroller of the Currency—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2840 | 12 CFR 4.19 Production of Documents and Testimony in Litigation Where the Comptroller or the Office Is Not a Party | 1557-AA57 |
| 2841 | 12 CFR 4.11 Description of Office, Procedures, Public Information; Supervision of Bank Operations | 1557-AA67 |
| 2842 | 12 CFR 32 Lending Limit | 1557-AA72 |
| 2843 | 12 CFR 4 Women- and Individuals with Disabilities-Owned Business Contracting Outreach Program | 1557-AA92 |
| 2844 | 12 CFR 9 Fiduciary Powers of National Banks and Collective Investment Funds | 1557-AB12 |
| 2845 | 12 CFR 3 Risk-Based Capital Guidelines | 1557-AB14 |
| 2846 | 12 CFR 19 Independent Annual Audits of Insured Depository Institutions; Suspension and Debarment of Accountants | 1557-AB15 |
| 2847 | 12 CFR 30 Standards for Safety and Soundness | 1557-AB17 |
| 2848 | 12 CFR 18.10 Disclosure of Financial and Other Information by National Banks; Prohibited Conduct and Penalties | 1557-AB24 |
| 2849 | 12 CFR 5 International Operations; Federal Branches and Agencies | 1557-AB26 |
| 2850 | 12 CFR 5 Rules, Policies, and Procedures for Corporate Activities | 1557-AB27 |
| 2851 | 12 CFR 25 Community Reinvestment Act Regulation | 1557-AB32 |
| 2852 | 12 CFR 35 Agricultural Loan Loss Amortization | 1557-AB35 |
| 2853 | 12 CFR 1 Investment Securities | 1557-AB37 |

Comptroller of the Currency—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2854 | 12 CFR 9.18 Fiduciary Powers of National Banks and Collective Investment Funds | 1557-AA04 |
| 2855 | 12 CFR 5 Securities Offering Disclosure Rules | 1557-AA65 |
| 2856 | 12 CFR 21.11 Criminal Referral Report | 1557-AB19 |
| 2857 | 12 CFR 5.33 Rules, Policies, and Procedures for Corporate Activities; Merger, Consolidation, Purchase, and Assumption | 1557-AB22 |
| 2858 | 12 CFR 24 Community Development Corporation and Project Investments | 1557-AB31 |
| 2859 | 12 CFR 27 Fair Housing Home Loan Data System | 1557-AB33 |
| 2860 | 12 CFR 34 Real Estate Lending and Appraisals | 1557-AB34 |

Comptroller of the Currency—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2861 | 12 CFR 5 Rules, Policies, and Procedures for Corporate Activities | 1557-AA00 |
| 2862 | 12 CFR 12 Recordkeeping and Confirmation Requirements for Securities Transactions | 1557-AA75 |

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Comptroller of the Currency—Completed Actions (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2863 | 12 CFR 3 Recourse Arrangements and Direct Credit Substitutes | 1557-AA91 |
| 2864 | 12 CFR 3 Capital Treatment of Intangible Assets | 1557-AA94 |
| 2865 | 12 CFR 5.51 Rules, Policies, and Procedures for Corporate Activities: Changes in Directors and Senior Executive Officers | 1557-AA97 |
| 2866 | 12 CFR 9.12 Fiduciary Powers of National Banks and Collective Investment Funds (Conflicts of Interest) | 1557-AB00 |
| 2867 | 12 CFR 7 On-Premises Securities Sales Activities | 1557-AB02 |
| 2868 | 12 CFR 26 Management Official Interlocks | 1557-AB03 |
| 2869 | 12 CFR 34, app A Real Estate Lending and Appraisals; Appendix A to Subpart C: Excerpts From the Uniform Standards of Professional Appraisal Practice Applicable to Federally Related Transactions | 1557-AB11 |
| 2870 | 12 CFR 1.8 Investment Securities Regulation | 1557-AB21 |
| 2871 | 12 CFR 31 Extensions of Credit to National Bank Insiders | 1557-AB23 |
| 2872 | 12 CFR 3 Risk-Based Capital Guidelines: Multifamily Housing Loans | 1557-AB25 |
| 2873 | 12 CFR 3 Risk-Based Capital Guidelines: Deferred Tax Assets | 1557-AB28 |
| 2874 | 12 CFR 3 Risk-Based Capital Guidelines: Collateralized Transactions | 1557-AB29 |
| 2875 | 12 CFR 9.10(b) Trust Funds Awaiting Investment or Distribution | 1557-AB30 |
| 2876 | 12 CFR 7 Other Real Estate Owned | 1557-AB36 |

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Proposed Rule Stage

2840. PRODUCTION OF DOCUMENTS AND TESTIMONY IN LITIGATION WHERE THE COMPTROLLER OR THE OFFICE IS NOT A PARTY

Street SW., Washington, DC 20219, 202 874-5280
RIN: 1557-AA57

Division, 250 E Street SW., Washington, DC 20219, 202 874-5300
RIN: 1557-AA67

Legal Authority: 5 USC 301; 5 USC 552(b); 18 USC 641; 18 USC 1905; 18 USC 1906; 12 USC 93a; 12 USC 481

CFR Citation: 12 CFR 4.19; 12 CFR 4.18(c); 12 CFR 7.6025(c); 12 CFR 4.18(a); 12 CFR 4.18(b); 12 CFR 4.16(b); 12 CFR 4.13 to 4.17a

Legal Deadline: None

Abstract: This rulemaking would amend OCC's regulations governing the release of confidential and privileged documents and testimony for use in litigation in which the OCC is not a party. The OCC is considering changing the rule to spell out the requirements for a request for such release, and the situations under which release might be authorized.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lester N. Scall, Senior Trial Attorney, Department of the Treasury, Comptroller of the Currency, Litigation Division, 250 E

2841. DESCRIPTION OF OFFICE, PROCEDURES, PUBLIC INFORMATION; SUPERVISION OF BANK OPERATIONS

Legal Authority: 12 USC 93a; 12 USC 164; 12 USC 481; 12 USC 1861 to 1867; 5 USC 552

CFR Citation: 12 CFR 4.11

Legal Deadline: None

Abstract: This rulemaking would amend OCC's regulations regarding supervision of bank operations and reports of banks. The rule would implement section 111 of the Federal Deposit Insurance Corporation Improvement Act of 1991 and update information regarding reports required.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/06/90 | 55 FR 31840 |
| NPRM Comment | 09/05/90 | 55 FR 31840 |
| Period End | | |
| Second NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Christina Trojan-Masnyk, Attorney, Department of the Treasury, Comptroller of the Currency, Corporate Organization and Resolutions

2842. LENDING LIMIT

Significance: Agency Priority

Legal Authority: 12 USC 84, 12 USC 93a

CFR Citation: 12 CFR 32; 12 CFR 7

Legal Deadline: None

Abstract: The OCC, as part of the OCC Regulation Review Program, is reviewing all its rules and eliminating regulations that impose unnecessary burdens relative to maintaining safety and soundness and accomplishing other statutory responsibilities of the OCC. As part of that Program, the OCC is conducting an overall review of its rules regarding lending limits. The OCC would update and clarify its rules and eliminate any unnecessary regulatory burden. The OCC will work to insure that its changes do not affect a bank's ability to compete in the financial services market or erode bank safety and soundness.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/24/89 | 54 FR 43398 |
| NPRM Comment | 01/22/90 | 54 FR 43398 |
| Period End | | |
| Second NPRM | 10/00/93 | |

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Proposed Rule Stage

Small Entities Affected: Undetermined
Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACTS: William C. Kerr, National Bank Examiner, Office of the Chief National Bank Examiner, (202) 874-5170; Deborah Katz, Senior Attorney, Bank Operations and Assets Division, 250 E Street SW., Washington, DC 20219.

Agency Contact: Andrew Gutierrez, Attorney, Department of the Treasury, Comptroller of the Currency, Legislative, Regulatory, and International Activities Division, 250 E Street SW., Washington, DC 20219, 202 874-5090

RIN: 1557-AA72

2843. WOMEN- AND INDIVIDUALS WITH DISABILITIES-OWNED BUSINESS CONTRACTING OUTREACH PROGRAM

Significance: Agency Priority

Legal Authority: 12 USC 1 et seq; 12 USC 93a; 12 USC 1833e; 5 USC 552

CFR Citation: 12 CFR 4

Legal Deadline: None

Abstract: This rulemaking is being promulgated as mandated by the Financial Institutions Reform, Recovery and Enforcement Act of 1989, section 1216(c). The regulation will provide description of a procurement outreach program that will further ensure that minorities, women, and individuals with disabilities, and entities owned by these individuals, to the greatest extent possible, are given the opportunity to participate in OCC's contracting process.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Mary Ellen Dorsey, Outreach Program Specialist, Acquisitions Branch, (202) 874-5040, 250 E Street SW., Washington, DC 20219.

Agency Contact: Patricia Grady, Attorney, Department of the Treasury, Comptroller of the Currency, Legislative, Regulatory, and International Activities Division, 250 E

Street SW., Washington, DC 20219, 202 874-5090

RIN: 1557-AA92

2844. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Significance: Agency Priority

Legal Authority: 12 USC 92a; 12 USC 93a; 12 USC 481

CFR Citation: 12 CFR 9

Legal Deadline: None

Abstract: The OCC, as part of the OCC Regulation Review Program, is reviewing all its rules and eliminating regulations that impose unnecessary burdens relative to maintaining safety and soundness and accomplishing other statutory responsibilities of the OCC. As part of that Program, the OCC is conducting an overall review of its rules regarding fiduciary powers of national banks and collective investment funds. The OCC would update and clarify its rules, codify recent court decisions, codify administrative decisions, streamline processes, and eliminate any unnecessary regulatory burden. The OCC will work to insure that its changes do not erode public protection or bank safety and soundness. The OCC expects various rulemaking projects to grow out of this review.

Timetable:

Retable Distributions

NPRM 12/22/92 (57 FR 60742)

NPRM Comment Period End 02/22/93 (57 FR 60742)

Final Rule 00/00/00

Trust Funds Awaiting Investment or Distribution

NPRM 00/00/00

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Dean E. Miller, Senior Advisor for Fiduciary Responsibilities, (202) 874-4447, 250 E Street SW., Washington, DC 20219.

Agency Contact: Nancy Michaleski, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative, Regulatory, and International Activities Division, 250 E Street SW., Washington, DC 20219, 202 874-5090

RIN: 1557-AB12

2845. RISK-BASED CAPITAL GUIDELINES

Significance: Regulatory Program

Legal Authority: 12 USC 93a; 12 USC 161; 12 USC 1828 Note; 12 USC 1831 Note; 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 3

Legal Deadline: Final, Statutory, June 19, 1993.

Abstract: As part of the OCC's ongoing efforts to develop and refine capital standards to ensure the safety and soundness of the national banking system and to implement statutory requirements, the OCC is proposing to amend various provisions of the capital rules for national banks. Specifically, these changes include a: (1) proposed rule to adopt an interest rate risk component; (2) proposed rule to clarify that OCC may require additional capital to take into account excess risk for concentrations of credit and for risks from nontraditional activities; (3) final rule to lower the risk weight for certain multifamily housing loans from 100 percent to 50 percent; (4) proposed rule to limit the amount of deferred tax assets that a bank can include in Tier 1 capital; (5) proposed rule to lower from 20 percent to zero percent the risk weight on certain collateralized transactions which have minimal risk; (6) proposed rule soliciting comment on whether unrealized gains or losses on investment securities available for sale under FAS 115 should be included in the calculation of Tier 1 capital; and (7) combined advance notice and proposed rule soliciting comment on the appropriate capital (cont)

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| ANPRM Concentrations / Nontraditional Activities | 08/10/92 | 57 FR 35507 |
| ANPRM Interest Rate Risk | 08/10/92 | 57 FR 35507 |
| NPRM Multifamily Housing | 09/17/92 | 57 FR 42901 |
| Combined ANPRM/NPRM Recourse Arrangements | 10/00/93 | |
| NPRM Collateralized Transactions | 12/00/93 | |
| NPRM Concentrations / Nontraditional Activities | 12/00/93 | |
| NPRM Deferred Tax Assets | 12/00/93 | |

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| Action | Date | FR Cite |
|--------------------------------|----------|---------|
| NPRM Interest Rate Risk | 12/00/93 | |
| NPRM Investment Securities | 12/00/93 | |
| Final Rule Multifamily Housing | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Christina Benson, National Bank Examiner, Office of the Chief National Bank Examiner, (202) 874-5270, 250 E Street S.W., Washington DC 20219.

ABSTRACT CONT: treatment of recourse arrangements and direct credit substitutes.

Agency Contact: Ronald Shimabukuro, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Bank Operations and Assets Division, 250 E Street SW., Washington, DC 20219, 202 874-4460

RIN: 1557-AB14

2846. INDEPENDENT ANNUAL AUDITS OF INSURED DEPOSITORY INSTITUTIONS; SUSPENSION AND DEBARMENT OF ACCOUNTANTS

Significance: Regulatory Program

Legal Authority: 12 USC 93a; 12 USC 1831(m)(g)(4)

CFR Citation: 12 CFR 19

Legal Deadline: None

Abstract: This rulemaking would implement section 112(g)(4) of the Federal Deposit Insurance Corporation Improvement Act of 1991 which requires the Federal banking agencies to develop joint procedures for the suspension and debarment of accountants, upon a showing of good cause, from performing certain audit services.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barrett Aldemeyer, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative, Regulatory, and International Activities Division, 250 E

Street SW., Washington, DC 20219, 202 874-5090

RIN: 1557-AB15

2847. STANDARDS FOR SAFETY AND SOUNDNESS

Significance: Regulatory Program

Legal Authority: 12 USC 93a; 12 USC 1831p-1

CFR Citation: 12 CFR 30

Legal Deadline: Final, Statutory, August 1, 1993.

Abstract: This rulemaking would implement section 39 of the Federal Deposit Insurance Act, as added by section 132 of the Federal Deposit Insurance Corporation Improvement Act of 1991. Section 39 requires the OCC and other Federal banking agencies to prescribe certain safety and soundness standards for insured depository institutions and depository institution holding companies. Standards must be prescribed in three principal areas: (1) operational and managerial; (2) asset quality, earnings, and stock valuation; and (3) employee compensation. If an insured depository institution does not meet one of these standards, section 39 requires that the institution establish a plan, acceptable to its primary regulator, to achieve compliance with the standard.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 07/15/92 | 57 FR 31336 |
| ANPRM Comment Period End | 09/16/92 | 57 FR 31336 |
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: David Thede, Senior Attorney, Bank Operations and Assets Division, (202) 874-4460, 250 E Street SW., Washington, DC 20219.

Agency Contact: Emily R. McNaughton, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Office of the Chief National Bank Examiner, 250 E Street SW., Washington, DC 20219, 202 874-5170

RIN: 1557-AB17

2848. DISCLOSURE OF FINANCIAL AND OTHER INFORMATION BY NATIONAL BANKS; PROHIBITED CONDUCT AND PENALTIES

Legal Authority: 12 USC 93a; 12 USC 161; 12 USC 1818

CFR Citation: 12 CFR 18.10

Legal Deadline: None

Abstract: This rulemaking would clarify that the prohibitions and penalties set forth in 12 CFR 18.10 shall apply to institution-affiliated parties, as defined at 12 USC 1813(u).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Asa L. Chamberlayne, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Securities, Investments, and Fiduciary Practices Division, 250 E Street SW., Washington, DC 20219, 202 874-5210

RIN: 1557-AB24

2849. INTERNATIONAL OPERATIONS; FEDERAL BRANCHES AND AGENCIES

Significance: Agency Priority

Legal Authority: 12 USC 93a; 12 USC 3101 et seq

CFR Citation: 12 CFR 5; 12 CFR 28; 12 CFR 20

Legal Deadline: None

Abstract: The OCC, as part of the OCC Regulation Review Program, is reviewing all its rules and eliminating regulations that impose unnecessary burdens relative to maintaining safety and soundness and accomplishing other statutory responsibilities of the OCC. As part of that Program, the OCC is conducting an overall review of its rules regarding national bank international activities and Federal branches and agencies of foreign banks. The OCC will update and clarify its rules, streamline processes, and eliminate any unnecessary regulatory burden. The OCC will work to insure that its changes do not erode public protection or bank safety and soundness.

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Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy Michaleski, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative, Regulatory, and International Activities Division, 250 E Street SW., Washington, DC 20219, 202 874-5090

RIN: 1557-AB26

2850. RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

Significance: Agency Priority

Legal Authority: 12 USC 93a; 12 USC 1817(j)(13)

CFR Citation: 12 CFR 5

Legal Deadline: None

Abstract: The OCC, as part of the OCC Regulation Review Program, is reviewing all its rules and eliminating regulations that impose unnecessary burdens relative to maintaining safety and soundness and accomplishing other statutory responsibilities of the OCC. Under this Program, the OCC is reviewing its rules, policies, and procedures governing corporate activities. These rulemakings will assist the OCC in fulfilling its responsibility for maintaining the safety and soundness of national banks and the national banking system, eliminate unnecessary burden, and improve OCC efficiency.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| NPRM- Definition of Change in Control | 05/10/93 | 58 FR 27443 |
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Deborah Jan Kalmus, National Bank Examiner, Senior Licensing Policy and Systems Analyst, Licensing Policy and Systems Division, at (202) 874-5060.

Agency Contact: Laurie Sears, Attorney, Department of the Treasury,

Comptroller of the Currency, Legislative, Regulatory, and International Activities Division, 250 E Street SW., Washington, DC 20219, 202 874-5090

RIN: 1557-AB27

2851. COMMUNITY REINVESTMENT ACT REGULATION

Significance: Agency Priority

Legal Authority: 12 USC 1814; 12 USC 2901 to 2906

CFR Citation: 12 CFR 25

Legal Deadline: None

Abstract: The OCC is engaged in an overall review of its rules regarding the Community Reinvestment Act. The OCC would eliminate unnecessary regulatory burden, enhance public protection, promote compliance, and clarify the regulation.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Margaret Hesse, Attorney, Bank Operations and Assets Division, (202) 874-4460, 250 E Street, SW., Washington, DC 20219.

Agency Contact: Eric Thompson, Director, Department of the Treasury, Comptroller of the Currency, Corporate Organization and Resolutions Division, 250 E Street SW., Washington, DC 20219, 202 874-5300

RIN: 1557-AB32

2852. AGRICULTURAL LOAN LOSS AMORTIZATION

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 35

Legal Deadline: None

Abstract: This rulemaking would make amendments to the OCC's regulation regarding agricultural loan loss amortization to discontinue the program with regard to new applications. The rulemaking would also provide a sunset provision to end the amortization program on December 31, 1993.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel N. Berkland, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Special Supervision Division, 250 E Street SW., Washington, DC 20219, 202 874-4450

RIN: 1557-AB35

2853. • INVESTMENT SECURITIES

Significance: Agency Priority

Legal Authority: 12 USC 24(7); 12 USC 93a

CFR Citation: 12 CFR 1

Legal Deadline: None

Abstract: The OCC, as part of the OCC Regulation Review Program, is reviewing all its rules and eliminating regulations that impose unnecessary burdens relative to maintaining safety and soundness and accomplishing other statutory responsibilities of the OCC. As part of that Program, the OCC is conducting an overall review of its rules regarding investment securities. The OCC would update and clarify its rules, codify recent court decisions, codify administrative decisions, streamline processes, and eliminate any unnecessary regulatory burden. The OCC will work to insure that its changes do not erode public protection or bank safety and soundness.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Martha Clarke, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative, Regulatory, and International Activities Division, 250 E Street SW., Washington, DC 20219, 202 874-5090

RIN: 1557-AB37

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Final Rule Stage

2854. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Significance: Agency Priority

Legal Authority: 12 USC 92a; 12 USC 93a; 12 USC 481

CFR Citation: 12 CFR 9.18

Legal Deadline: None

Abstract: This rulemaking would amend OCC's regulations governing the exercise of fiduciary powers by national banks. The intent of the amendment is twofold: First, it would codify recent court decisions regarding collective Individual Retirement Account (IRA) funds; and second, it would make less burdensome the requirements of 12 CFR 9.18, regarding the management of collective investment funds by institutions exercising fiduciary powers. Further, the rulemaking would preserve appropriate protections for trusts and persons with interests therein. In addition to codifying court decisions that national banks are authorized to establish collective IRA funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940, the rulemaking would codify administrative decisions that national banks are authorized to establish registered collective funds whose assets consist of Keogh accounts or any other retirement accounts authorized under sections 401 and 408 of the Internal Revenue Code (26 USC 401 and 408). The rulemaking would streamline the process for the review of new types of funds, clarify the authorization for (cont)

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 06/25/82 | 47 FR 27833 |
| ANPRM Comment Period End | 09/23/82 | 47 FR 27833 |
| NPRM | 02/07/90 | 55 FR 04184 |
| NPRM Comment Period End | 07/08/90 | 55 FR 24581 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: investment by funds in variable-amount notes, and clarify the status of certain tax-exempt funds.

ADDITIONAL AGENCY CONTACT:

Dean E. Miller, Senior Advisor for Fiduciary Responsibilities, (202) 874-4447, 250 E Street SW., Washington, DC 20219.

Agency Contact: Donald N. Lamson, Assistant Director, Department of the Treasury, Comptroller of the Currency, Securities, Investment, and Fiduciary Practices Division, 250 E Street SW., Washington, DC 20219, 202 874-5210

RIN: 1557-AA04

2855. SECURITIES OFFERING DISCLOSURE RULES

Legal Authority: 12 USC 1 et seq; 12 USC 93a

CFR Citation: 12 CFR 5; 12 CFR 16

Legal Deadline: None

Abstract: This rulemaking would amend the OCC's disclosure requirements for offers and sales of national bank securities. The OCC is considering eliminating regulations detailing the contents of offering documents covering national bank securities and instead requiring that offering documents contain the information that would be required by the appropriate Securities and Exchange Commission (SEC) form for registration. The OCC also is considering cross-referencing certain definitions and exemptions in the Securities Act of 1933 as well as a number of SEC rules.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 10/15/92 | 57 FR 47280 |
| NPRM Comment Period End | 12/14/92 | 57 FR 47280 |
| NRPM Comment Period Extended to 02/01/93 | 01/22/93 | 58 FR 4600 |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Elizabeth Malone, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Securities, Investments, and Fiduciary Practices Division, 250 E Street SW., Washington, DC 20219, 202 874-5210

RIN: 1557-AA65

2856. CRIMINAL REFERRAL REPORT

Legal Authority: 12 USC 93a; 12 USC 1818; 12 USC 1881 to 1884; 12 USC 3401 to 3422

CFR Citation: 12 CFR 21.11

Legal Deadline: None

Abstract: The OCC, as part of an interagency task force, has designed a

uniform multiagency criminal referral form. The form will facilitate financial institutions' compliance with criminal activity reporting requirements, and will enhance law enforcement agencies' ability to investigate the matters reported in the criminal referrals. The information from the form will also be entered into a new interagency database which will enhance the regulatory and law enforcement agencies' ability to track criminal and administrative cases. This uniform criminal referral form is intended to replace the various criminal referral forms currently used by Federal bank, thrift, and credit union regulatory agencies and by financial institutions. This rulemaking would conform OCC's regulations to the new procedures for completion and submission of the uniform criminal referral form. This action is intended to improve reporting of crimes relating to financial institutions and to serve as a basis for a new interagency computer database.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert S. Pasley, Assistant Director, Department of the Treasury, Comptroller of the Currency, Enforcement and Compliance Division, 250 E Street SW., Washington, DC 20219, 202 874-4800

RIN: 1557-AB19

2857. RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES; MERGER, CONSOLIDATION, PURCHASE, AND ASSUMPTION

Legal Authority: 12 USC 1 et seq, 12 USC 93a

CFR Citation: 12 CFR 5.33

Legal Deadline: None

Abstract: This rulemaking would establish procedures for national banks to follow in undertaking mergers or consolidations with Federal savings associations as authorized by sections 501(a) and 502(b) of the Federal Deposit Insurance Corporation Improvement Act of 1991. To the extent possible, the procedures adopted parallel the statutory procedures governing mergers and consolidations between national banks and State-

TREAS—OCC

Final Rule Stage

chartered financial institutions pursuant to 12 USC 214a, 215, and 215a.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Interim Final Rule With Request for Comments | 11/03/92 | 57 FR 49639 |
| Interim Final Rule Comment Period Extended to 03/04/93 | 01/29/93 | 58 FR 6441 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jerome L. Edelstein, Senior Counsel, Department of the Treasury, Comptroller of the Currency, Corporate Organization and Resolutions Division, 250 E Street SW., Washington, DC 20219, 202 874-5300

RIN: 1557-AB22

2858. COMMUNITY DEVELOPMENT CORPORATION AND PROJECT INVESTMENTS

Significance: Agency Priority

Legal Authority: 12 USC 24 (Eleventh); 12 USC 93a; 12 USC 161; 12 USC 481; 12 USC 1818

CFR Citation: 12 CFR 24; 12 CFR 7.7480

Legal Deadline: None

Abstract: This rulemaking would implement section 6 of the Depository Institutions Disaster Relief Act of 1992 which clarified national bank authority to make investments in community development corporations (CDCs) and community development projects (CD projects). The proposal would allow national banks, under certain conditions, to increase the amount of their aggregate and per project investments in CDCs and CD projects above current investment limits, with OCC approval. The rule would also permit national banks without supervisory concerns to make certain CDC and CD project investments by providing a brief self-certification notice of compliance with the rule. The rulemaking is intended to promote economic growth by enabling national banks to increase their equity and special debt investments in CDCs and CD projects, consistent with safe and sound banking practices, for low- and moderate-income housing and small

and minority business development programs. Small banks without supervisory concerns could make project or aggregate investments up to 5 percent of capital and surplus without OCC prior approval, if the structures and activities planned (cont)

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/16/93 | 58 FR 38474 |
| NPRM Comment Period End | 08/16/93 | 58 FR 38474 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Margaret C. Hesse, Attorney, Bank Operations and Assets Division, at (202) 874-4460.

ABSTRACT CONT: are included in those listed in the rule.

Agency Contact: Karen Bellesi, Community Development Specialist, Department of the Treasury, Comptroller of the Currency, Community Development Division, 250 E Street SW., Washington, DC 20219, 202 874-4930

RIN: 1557-AB31

2859. FAIR HOUSING HOME LOAN DATA SYSTEM

Legal Authority: 12 USC 93a; 12 USC 161

CFR Citation: 12 CFR 27

Legal Deadline: None

Abstract: This rulemaking would amend the OCC's Fair Housing Home Loan Data System (FHHLDS) to reduce recordkeeping requirements on national banks. Some national banks currently must maintain duplicative information under both the FHHLDS and the Home Mortgage Disclosure Act (HMDA). This rulemaking would eliminate the FHHLDS monthly recordkeeping requirement for those banks. HMDA Loan Application Registers already maintained by national banks will be required to be maintained on a monthly basis, and the reasons for denying a home loan application must be provided. This action will reduce burden on national banks.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 05/10/93 | 58 FR 27484 |

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM Comment Period End | 07/09/93 | 58 FR 27484 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. John Podvin, Jr., Attorney, Department of the Treasury, Comptroller of the Currency, Bank Operations and Assets Division, 250 E Street SW., Washington, DC 20219, 202 874-4460

RIN: 1557-AB33

2860. REAL ESTATE LENDING AND APPRAISALS

Significance: Regulatory Program

Legal Authority: 12 USC 1 et seq; 12 USC 29; 12 USC 93a; 12 USC 371; 12 USC 481; 12 USC 1701j-3; 12 USC 3331 et seq

CFR Citation: 12 CFR 34; 12 CFR 34 app A; 12 CFR 7

Legal Deadline: None

Abstract: These rulemakings would examine whether amendments are warranted to the OCC's regulation regarding appraisals of real estate securing federally related transactions, other real estate owned (OREO) and real estate acquired as salvage, and would codify portions of the Uniform Standards of Professional Appraisal Practice (USPAP) applicable to title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989.

Timetable:**Appraisals**

NPRM 06/04/93 (58 FR 31878)
Final Rule 12/00/93

OREO

NPRM 05/05/93 (58 FR 26695)
Final Rule 10/00/93

USPAP

Interim Final Rule 12/31/90 (55 FR 53610)
Final Rule 12/00/93

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Horace Sneed, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Bank Operations and Assets Division, 250 E Street SW., Washington, DC 20219, 202 874-4460

RIN: 1557-AB34

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Completed Actions

2861. RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

Legal Authority: 12 USC 1 et seq; 12 USC 93a

CFR Citation: 12 CFR 5

Legal Deadline: None

Abstract: The OCC is engaged in a continuing review of its rules, policies, and procedures governing corporate activities. The OCC would: 1) outline the responsibility of the applicants for accurate and complete filings; 2) centralize the OCC's distribution of forms; 3) clarify procedures for changes in bank control; and 4) make miscellaneous technical amendments. These rulemakings would assist the OCC in fulfilling its responsibility for maintaining the safety and soundness of national banks and the national banking system, and improve OCC efficiency. See also RIN 1557-AB27.

Timetable:

| Action | Date | FR Cite |
|---------------------------|----------|---------|
| Merged Into RIN 1557-AB27 | 08/02/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Laurie Sears, Attorney, Department of the Treasury, Comptroller of the Currency, Legislative, Regulatory, and International Activities Division, 250 E Street SW., Washington, DC 20219, 202 874-5090

RIN: 1557-AA00

2862. RECORDKEEPING AND CONFIRMATION REQUIREMENTS FOR SECURITIES TRANSACTIONS

Legal Authority: 12 USC 24; 12 USC 92a; 12 USC 93a

CFR Citation: 12 CFR 12

Legal Deadline: None

Abstract: This rulemaking would amend OCC's recordkeeping and confirmation requirements for securities transactions undertaken by a national bank for its customers. It would broaden an exemption from requirements that banks maintain certain records and establish certain policies and procedures. The exemption for banks with an average of less than 200 securities transactions per year is expanded to 1,000 transactions per year, exclusive of

transactions in U.S. Government and Federal agency obligations. This action would reduce the regulatory burden on banks of all sizes that engage in a low number of securities transactions per year. With respect to transactions, as agent, in U.S. Government and Federal agency obligations, the amendment would make the OCC's recordkeeping and confirmation requirements consistent with requirements under the Government Securities Act of 1986 (GSA), which governs Government securities brokers and dealers. The effect of the amendment with respect to transactions, as agent, in U.S. Government and Federal agency obligations, would (cont)

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 08/09/89 | 54 FR 32653 |
| NPRM Comment Period End | 10/10/89 | 54 FR 32653 |
| Rulemaking action suspended pending revision of the GSA | 01/23/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: be to reduce the regulatory burden on banks of all sizes that engage in a low number of transactions, as agent, in U.S. Government and Federal agency obligations. The recordkeeping exemption would not apply to Government securities dealers.

Agency Contact: Asa L. Chamberlayne, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Securities, Investment and Fiduciary Practices Division, 250 E Street SW., Washington, DC 20219, 202 874-5210

RIN: 1557-AA75

2863. RECOURSE ARRANGEMENTS AND DIRECT CREDIT SUBSTITUTES

Significance: Agency Priority

Legal Authority: 12 USC 93a; 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 3

Legal Deadline: None

Abstract: This rulemaking would address the appropriate capital treatment of recourse arrangements and direct credit substitutes.

Timetable:

| Action | Date | FR Cite |
|---------------------------|----------|---------|
| Merged Into RIN 1557-AB14 | 08/02/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Laura Plaze, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Bank Operations and Assets Division, 250 E Street SW., Washington, DC 20219, 202 874-4460

RIN: 1557-AA91

2864. CAPITAL TREATMENT OF INTANGIBLE ASSETS

Legal Authority: 12 USC 93a; 12 USC 161; 12 USC 1818; 12 USC 1828 (Note); 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 3

Legal Deadline: None

Abstract: This rulemaking generally would (1) increase the capital limitation on qualifying intangible assets from 25 percent to 50 percent of Tier 1 capital, and (2) permit the inclusion of purchased credit card relationships as a qualifying intangible asset, subject to a separate 25 percent sublimit.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 10/05/90 | 55 FR 40843 |
| ANPRM Comment Period End | 12/04/90 | 55 FR 40843 |
| NPRM | 04/09/92 | 57 FR 12214 |
| NPRM Comment Period End | 05/11/92 | 57 FR 12214 |
| Final Action | 03/29/93 | 58 FR 16481 |
| Final Action Effective | 03/29/93 | 58 FR 16481 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACTS: Eugene W. Green, Deputy Chief Accountant, Office of the Chief National Bank Examiner, (202) 874-5180; Elizabeth Salomon, Professional Accounting Fellow, Office of the Chief Accountant, (202) 874-4924; or C. Stewart Goddin, Senior International Economic Advisor, International Banking and Finance, (202) 874-4730, 250 E Street SW., Washington, DC 20219.

Agency Contact: Ronald Shimabukuro, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Bank

TREAS—OCC

Completed Actions

Operations and Assets Division, 250 E Street SW., Washington, DC 20219, 202 874-4460

RIN: 1557-AA94

2865. RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES: CHANGES IN DIRECTORS AND SENIOR EXECUTIVE OFFICERS

Legal Authority: 12 USC 93a; PL 101-73 FIRREA; 12 USC 1831i

CFR Citation: 12 CFR 5.51

Legal Deadline: None

Abstract: This rulemaking would revise the OCC's current temporary rule implementing section 914 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989. It would continue the requirement that national banks, within certain specified categories, file notices with the OCC prior to adding or replacing members of their boards of directors, employing individuals as senior executive officers, or changing the responsibilities of individuals from one senior executive position to another. In addition to the final rule, the OCC also is requesting comments on a proposed modification to the definition of change in control.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| Merged Into RIN 1557-AB27 | 08/02/93 | |
| Changes in Directors and Senior Executive Officers | | |
| NPRM 03/05/90 (55 FR 7692) | | |
| Final Rule 05/10/93 (58 FR 27443) | | |
| Definition of Change in Control | | |
| NPRM 05/10/93 (58 FR 27443) | | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cathy Young, National Bank Examiner, Office of the Chief National Bank Examiner, (202) 874-5170, 250 E Street SW., Washington, DC 20219.

Agency Contact: Linda A. Gottfried, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Corporate Organization and Resolutions Division, 250 E Street SW., Washington, DC 20219, 202 874-5300

RIN: 1557-AA97

2866. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS (CONFLICTS OF INTEREST)

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 9.12

Legal Deadline: None

Abstract: This rulemaking would address the conflicts of interest created when a national bank is the trustee to an issue of debt securities and enters into additional banking relationships with the issuer, including, but not limited to, the following: securities underwriter, letter of credit enhancer, originator of loans to collateralize the debt securities, or a commercial credit provider. Such multiple roles may serve to reduce the quality of disinterested services provided to both issuers and investors and further expose the bank and the depositors to significant liabilities if investors or issuers suffer losses as a result of a bank trustee's failure to act in their best interests. To the extent possible, the OCC would like to ensure that national banks do not assume conflicting roles which may become unmanageable if the security goes into default.

Timetable:

| Action | Date | FR Cite |
|---------------------------|----------|---------|
| Merged into RIN 1557-AB12 | 08/02/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

ADDITIONAL AGENCY CONTACT: Dean E. Miller, Senior Advisor for Fiduciary Responsibilities, (202) 874-4447, 250 E Street SW., Washington, DC 20219.

Agency Contact: Carolyn M. Amundson, Attorney, Department of the Treasury, Comptroller of the Currency, Securities, Investments, and Fiduciary Practices Division, 250 E Street SW., Washington, DC 20219, 202 874-5210

RIN: 1557-AB00

2867. ON-PREMISES SECURITIES SALES ACTIVITIES

Legal Authority: 12 USC 93a; 12 USC 1818

CFR Citation: 12 CFR 7; 12 CFR 16

Legal Deadline: None

Abstract: This rulemaking would amend OCC's regulations regarding on-premises sale by national banks of their own and their affiliates' securities in order to avoid possible customer confusion concerning the uninsured nature of the investments.

Timetable:

| Action | Date | FR Cite |
|--|------|---------|
| OCC Banking Circular 07/19/93 74, dated 7/19/93, resolved this issue | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Dehnke, Assistant Director, Department of the Treasury, Comptroller of the Currency, Securities, Investments, and Fiduciary Practices Division, 250 E Street SW., Washington, DC 20219, 202 874-5210

RIN: 1557-AB02

2868. MANAGEMENT OFFICIAL INTERLOCKS

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 26

Legal Deadline: None

Abstract: This rulemaking would implement recent changes to the Depository Institution Management Interlocks Act. The OCC will be working with the other Federal bank regulatory agencies to develop uniform implementing regulations.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/02/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sue E. Auerbach, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Corporate Organization and Resolutions Division, 250 E Street SW., Washington, DC 20219, 202 874-5300

RIN: 1557-AB03

TREAS—OCC

Completed Actions

2869. REAL ESTATE LENDING AND APPRAISALS; APPENDIX A TO SUBPART C: EXCERPTS FROM THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE APPLICABLE TO FEDERALLY RELATED TRANSACTIONS

Legal Authority: 12 USC 1 et seq; 12 USC 93a; 12 USC 371; 12 USC 1701j-3; 12 USC 3331 et seq

CFR Citation: 12 CFR 34, app A

Legal Deadline: None

Abstract: This rulemaking would codify portions of the Uniform Standards of Professional Appraisal Practice applicable to federally related transactions pursuant to title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 12/31/90 | 55 FR 53610 |
| Merged into Rin | 08/02/93 | |
| | | 1557-AB34 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Horace G. Sneed, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Bank Operations and Assets Division, 250 E Street SW., Washington, DC 20219, 202 874-4460

RIN: 1557-AB11

2870. INVESTMENT SECURITIES REGULATION

Legal Authority: 12 USC 1 et seq; 12 USC 24 (Seventh); 12 USC 93a

CFR Citation: 12 CFR 1.8

Legal Deadline: None

Abstract: This rulemaking would amend OCC's investment securities regulation to remove the requirement that banks maintain for specified periods of time credit information on issuers of certain securities. The purpose of the change is to reduce regulatory burden while promoting bank safety and soundness. National banks are expected to continue to exercise prudent banking judgment and retain records for appropriate periods.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 10/05/92 | 57 FR 45756 |

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM Comment | 11/04/92 | 57 FR 45756 |
| Period End | | |
| Final Action | 05/10/93 | 58 FR 27443 |
| Final Action Effective | 06/09/93 | 58 FR 27443 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael C. Dugas, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Securities, Investments, and Fiduciary Practices Division, 250 E Street SW., Washington, DC 20219, 202 874-5210

RIN: 1557-AB21

2871. EXTENSIONS OF CREDIT TO NATIONAL BANK INSIDERS

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 31

Legal Deadline: None

Abstract: This rulemaking will implement section 308 of the Federal Deposit Insurance Corporation Improvement Act of 1991. The only change will be to modify the authority citation.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/10/93 | 58 FR 27453 |
| Final Action Effective | 05/10/93 | 58 FR 27453 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Thede, Attorney, Department of the Treasury, Comptroller of the Currency, Bank Operations and Assets Division, 250 E Street SW., Washington, DC 20219, 202 874-4460

RIN: 1557-AB23

2872. RISK-BASED CAPITAL GUIDELINES: MULTIFAMILY HOUSING LOANS

Legal Authority: 12 USC 93a; 12 USC 161; 12 USC 1818; 12 USC 1828 (Note); 12 USC 1831n (Note); 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 3

Legal Deadline: Final, Statutory, April 10, 1992.

Abstract: This rulemaking would implement section 618(b) of the Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act of 1991 (RTCRRIA), and section 305(b)(1)(B) of the Federal

Deposit Insurance Corporation Improvement Act of 1991. The purpose of this rulemaking is to permit national banks to hold less capital against certain loans secured by qualifying multifamily residential property. This rulemaking would amend the risk-based capital guidelines to include in the 50 percent risk weight category certain loans secured by qualifying multifamily residential properties. It also would affect the risk weighting of certain privately issued mortgage-backed securities (MBSs) by permitting MBSs secured by multifamily residential properties to qualify for a 50 percent risk weight under certain circumstances and make other changes concerning multifamily residential property loans.

Timetable:

| Action | Date | FR Cite |
|-----------------|----------|-------------|
| ANPRM | 09/17/92 | 57 FR 42901 |
| NPRM | 09/17/92 | 57 FR 42901 |
| ANPRM Comment | 10/19/92 | 57 FR 42901 |
| Period End | | |
| NPRM Comment | 10/19/92 | 57 FR 42901 |
| Period End | | |
| Merged Into RIN | 08/02/93 | |
| | | 1557-AB14 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACTS: James Wright, Community Development Specialist, Customer and Industry Affairs, (202) 874-4930; Roger Tufts, Senior Economic Advisor, Office of the Chief National Bank Examiner, (202) 874-5170; or Elizabeth Milor, Financial Economist, Economic and Regulatory Policy Analysis, (202) 874-5220, 250 E Street SW., Washington, DC 20219.

Agency Contact: Ronald Shimabukuro, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Bank Operations and Assets Division, 250 E Street SW., Washington, DC 20219, 202 874-4460

RIN: 1557-AB25

2873. RISK-BASED CAPITAL GUIDELINES: DEFERRED TAX ASSETS

Legal Authority: 12 USC 93a; 12 USC 161; 12 USC 1818; 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 3

Legal Deadline: None

TREAS—OCC

Completed Actions

Abstract: This proposed rule amends the capital treatment of deferred tax assets by restricting the amount of deferred tax assets that a national bank may include in Tier 1 capital. This proposed rule is prompted by the recent change in instructions to the Consolidated Report of Condition and Income (Call Report), which generally permits national banks to report a greater amount of deferred tax assets in the Call Report. Because the Call Report is the basis for the calculation of regulatory capital, the reporting change also automatically increased the amount of deferred tax assets that could be included in capital. This proposed rule is intended to somewhat limit that effect. However, while this proposed amendment technically would restrict the amount of deferred tax assets that could be included in Tier 1 capital, the overall effect of this change, when considered in conjunction with the changed Call Report instructions, generally is to permit more deferred tax assets to be included in capital.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|---------|
| Merged Into RIN 1557-AB14 | 08/02/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Elizabeth Salomon, Professional Accounting Fellow, Office of the Chief Accountant, at (202) 874-4924.

Agency Contact: Ronald Shimabukuro, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Bank Operations and Assets Division, 250 E Street SW., Washington, DC 20219, 202 874-4460

RIN: 1557-AB28

2874. RISK-BASED CAPITAL GUIDELINES: COLLATERALIZED TRANSACTIONS

Legal Authority: 12 USC 93a; 12 USC 161; 12 USC 1818; 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 3

Legal Deadline: None

Abstract: This rulemaking would lower the risk weight on certain loans collateralized by cash on deposit or government securities from 20 percent to zero percent.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| Merged Into RIN 1557-AB14 | 08/02/93 | |
| NPRM | 08/18/93 | 58 FR 43822 |
| NPRM Comment Period End | 09/17/93 | 58 FR 43822 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Elizabeth Milor, Financial Economist, Economic and Regulatory Policy Analysis Division, at (202) 874-5220.

Agency Contact: Ronald Shimabukuro, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Bank Operations and Assets Division, 250 E Street SW., Washington, DC 20219, 202 874-4460

RIN: 1557-AB29

2875. TRUST FUNDS AWAITING INVESTMENT OR DISTRIBUTION

Significance: Agency Priority

Legal Authority: 12 USC 1 et seq; 12 USC 92a; 12 USC 481

CFR Citation: 12 CFR 9.10(b)

Legal Deadline: None

Abstract: This rulemaking would amend OCC's regulation on fiduciary powers of national banks and collective investment funds to require that the uninsured balances of funds held in trust which are awaiting investment or distribution be secured by qualifying securities with a market value rather than face value equal to or greater than the amount of such balances. The purpose of the change is to reduce the potential overpledging or underpledging of collateral (in terms of market value) as interest rates change.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|---------|
| Merged Into RIN 1557-AB12 | 08/02/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael C. Dugas, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Securities, Investment, and Fiduciary Practices Division, 250 E Street SW., Washington, DC 20219, 202 874-5210

RIN: 1557-AB30

2876. OTHER REAL ESTATE OWNED

Significance: Agency Priority

Legal Authority: 12 USC 29; 12 USC 93a

CFR Citation: 12 CFR 7; 12 CFR 34

Legal Deadline: None

Abstract: This rulemaking would amend OCC's regulation covering other real estate owned (OREO) and real estate acquired as salvage on uncollectible loans. The proposal will reorganize, shorten, and simplify the information now in 12 CFR 7.3020 and 7.3025 and place that information in part 34 as a new subpart E, Other Real Estate Owned. The proposal will provide guidance on how a national bank can meet the real estate disposal requirements in 12 USC 29. The proposal will also provide updated guidance on accounting treatment, appraisals, and expenditures regarding OREO.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| NPRM | 05/05/93 | 58 FR 26695 |
| NPRM Comment Period End | 06/04/93 | 58 FR 26695 |
| Merged Into RIN 1557-AB34 | 08/02/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. John Podvin, Jr., Attorney, Department of the Treasury, Comptroller of the Currency, Bank Operations and Assets Division, 250 E Street SW., Washington, DC 20219, 202 874-4460

RIN: 1557-AB36

[FR Doc. 93-21441 Filed 10-22-93; 8:45 am]
BILLING CODE 4810-33-F

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Customs Service**19 CFR Ch. I****Semiannual Agenda**

AGENCY: U.S. Customs Service,
Treasury.

ACTION: Semiannual agenda.

SUMMARY: In response to Public Law 96-354, the "Regulatory Flexibility Act," and Executive Order 12291 "Federal Regulation," Customs is publishing for public information a list of regulations

either under development or under review.

FOR FURTHER INFORMATION CONTACT: For additional information about a specific regulation contained in this agenda, contact the "Agency Contact" listed in the specific regulatory action.

SUPPLEMENTARY INFORMATION: The projects listed below are not considered to be "major" regulations within the meaning of E.O. 12291 and will not have a significant economic impact on small entities within the meaning of the Regulatory Flexibility Act.

General statutory authority for the development or review of regulations relating to Customs matters is found in section 301, title 5, United States Code (5 U.S.C. 301), and in sections 66 and 1624, title 19, United States Code (19 U.S.C. 66, 1624). When appropriate, additional specific statutory authority is indicated as the legal authority for the project.

Dated: August 17, 1993.

Samuel H. Banks,
Assistant Commissioner, Commercial Operations.

United States Customs Service—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2877 | 19 CFR 134 Country of Origin Marking | 1515-AA59 |
| 2878 | 19 CFR 111 Broker Compliance | 1515-AA85 |
| 2879 | 19 CFR 111.14 Contracting Out of Investigations | 1515-AA90 |
| 2880 | 19 CFR 132 Quota Processing | 1515-AA98 |
| 2881 | 19 CFR 10 Marking Assembled Articles | 1515-AB07 |
| 2882 | 19 CFR 101 Standards for the Establishment of Customs Services | 1515-AB18 |
| 2883 | 19 CFR 141 Prefiling of Entry Documentation | 1515-AB21 |
| 2884 | 19 CFR 19 Consolidation of In-Bond Export Shipments | 1515-AB23 |
| 2885 | 19 CFR 18 Revision of In-Bond Requirements | 1515-AB26 |
| 2886 | 19 CFR 142 Publication of Filer Codes | 1515-AB27 |
| 2887 | 19 CFR 133 Disclosure of Information to Intellectual Property Rights Owners | 1515-AB28 |

United States Customs Service—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2888 | 19 CFR 4 Customs User Fees | 1515-AA50 |
| 2889 | 19 CFR 4 Harbor Maintenance Fee | 1515-AA57 |
| 2890 | 19 CFR 162 Highest Degree of Care and Diligence To Prevent Unmanifested Narcotics and Marijuana | 1515-AA67 |
| 2891 | 19 CFR 10 United States-Israel Free Trade | 1515-AA84 |
| 2892 | 19 CFR 24 Donated Cargo Exemption From Harbor Maintenance Fee | 1515-AA87 |
| 2893 | 19 CFR 122 Aircraft Arriving From Puerto Rico and U.S. Virgin Islands | 1515-AA99 |
| 2894 | 19 CFR 103 Testimony or the Production of Documents in Court | 1515-AB02 |
| 2895 | 19 CFR 10 Voluntary Restraint Arrangements—Steel | 1515-AB04 |
| 2896 | 19 CFR 7.8 U.S. Insular Possessions—Duty-Free Treatment | 1515-AB14 |
| 2897 | 19 CFR 141.89 Invoice Requirements | 1515-AB17 |
| 2898 | 19 CFR 102 (New) Rules of Origin | 1515-AB19 |
| 2899 | 19 CFR 146 Petroleum Refineries in Foreign Trade Subzones | 1515-AB20 |
| 2900 | 19 CFR 113 Automated Surety Interface | 1515-AB25 |

United States Customs Service—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 2901 | 19 CFR 133 Enforcement of Protection of Semiconductor Chip Products; Patent Surveys | 1515-AA81 |
| 2902 | 19 CFR 24 Assessment of Liquidated Damages for Failure To Deposit Estimated Duties or To Remit Passenger Processing Fees To Customs | 1515-AB15 |

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Proposed Rule Stage

2877. COUNTRY OF ORIGIN MARKING

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1304; 19 USC 1624

CFR Citation: 19 CFR 134

Legal Deadline: None

Abstract: Amendment to the Customs Regulations relating to the requirement that every imported article of foreign origin, or its container, shall be legibly and conspicuously marked to indicate to an ultimate purchaser in the United States, the English name of the country of origin of the article. Proposal would require that whenever the full or abbreviated name of a country or place other than the country of origin, or a symbol readily associated with a country or place other than the country of origin, appears anywhere on a foreign article or its container, then the actual country of origin of the article must be marked on the article or its container in close proximity to each reference to the country or place not the country of origin, or a hang tag or sticker affixed to a highly conspicuous portion of the article.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lorrie Rodbart, Attorney-Advisor, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229, 202 482-7010

RIN: 1515-AA59

2878. BROKER COMPLIANCE

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1624; 19 USC 1641

CFR Citation: 19 CFR 111

Legal Deadline: None

Abstract: Amendment of Customs Regulations to permit more effective management of the broker community's legal requirements and to allow Customs to deal with operational problems dealing with brokers and to facilitate processing license applications and the review of penalty recommendations forwarded by District Directors.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ray Janiszewski, Chief, Broker Compliance and Evaluation Branch, Department of the Treasury, United States Customs Service, Room 1422, 1301 Constitution Avenue NW., Washington, DC 20229, 202 927-0365

RIN: 1515-AA85

2879. CONTRACTING OUT OF INVESTIGATIONS

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1624; 19 USC 1641; 19 USC 1551; 19 USC 1565; 19 USC 1623

CFR Citation: 19 CFR 111.14; 19 CFR 112

Legal Deadline: None

Abstract: Amends Customs regulations to permit the contracting out of investigations which Customs is required to perform.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Algozzini, Project Officer, Department of the Treasury, United States Customs Service, Room B420, 1301 Constitution Avenue NW., Washington, DC 20229, 202 927-0006

RIN: 1515-AA90

2880. QUOTA PROCESSING

Legal Authority: 19 USC 1624; 19 USC 1202; 19 USC 66; 19 USC 1623

CFR Citation: 19 CFR 132; 19 CFR 141; 19 CFR 142

Legal Deadline: None

Abstract: Proposal to permit certain filers using the automated broker interface who pay duties and taxes through the statement processing program using the ACH electronic payment mechanism to receive a date and time of presentation for quota merchandise consistent with the date and time of arrival of the carrier on which the quota class merchandise was

carried even if the Customs office is not open at that time.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda Mays, Operations Officer, Department of the Treasury, United States Customs Service, ICC Building, Room 2379, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-8592

RIN: 1515-AA98

2881. MARKING ASSEMBLED ARTICLES

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1304; 19 USC 1624

CFR Citation: 19 CFR 10

Legal Deadline: None

Abstract: Amends Customs regulations to remove section 10.22 under which articles must be marked with country of assembly when reported under Item 9802.00.80 of Harmonized Tariff Schedule.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lorrie Rodbart, Attorney-Advisor, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229, 202 482-7010

RIN: 1515-AB07

2882. STANDARDS FOR THE ESTABLISHMENT OF CUSTOMS SERVICES

Legal Authority: 5 USC 301; 19 USC 2; 19 USC 586; 19 USC 66; 19 USC 1202; 19 USC 1623; 19 USC 1624

CFR Citation: 19 CFR 101

Legal Deadline: None

Abstract: Notice of proposed rulemaking to amend part 101 to set forth standards and procedures for the establishment of Customs services and for the upgrading of existing facilities to port of entry status.

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Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| NPRM | 12/00/93 | |
| Small Entities Affected: None | | |
| Government Levels Affected: None | | |
| Agency Contact: Joseph O'Gorman, Department of the Treasury, United States Customs Service, Office of Inspection and Control, 1301 Constitution Avenue NW., Washington, DC 20229, 202 927-0543 | | |
| RIN: 1515-AB18 | | |

2883. PREFILING OF ENTRY DOCUMENTATION

Legal Authority: 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624
CFR Citation: 19 CFR 141; 19 CFR 142
Legal Deadline: None
Abstract: Rule limiting the privilege of prefiling entry documentation to entry filers who are either participants in the Automated Broker Interface or who file entries manually for merchandise which is transported on carriers that are participants in the Automated Manifest System.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| ANPRM | 11/06/91 | 56 FR 56608 |
| ANPRM Comment | 01/06/92 | |
| Period End | | |
| NPRM | 11/00/93 | |
| Small Entities Affected: None | | |
| Government Levels Affected: None | | |
| Agency Contact: Ernest L. Cunningham, Inspector, Department of the Treasury, United States Customs Service, Room 4408, 1301 Constitution Avenue NW., Washington, DC 20229, 202 927-0167 | | |
| RIN: 1515-AB21 | | |

2884. CONSOLIDATION OF IN-BOND EXPORT SHIPMENTS

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202 (Gen Note 8, Harmonized Tariff Schedule of the US); 19 USC 1624
CFR Citation: 19 CFR 19
Legal Deadline: None
Abstract: Rule to provide specific regulatory control over the activities of

consolidators of in-bond cargo for exportation.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| NPRM | 12/00/93 | |
| Small Entities Affected: None | | |
| Government Levels Affected: None | | |
| Agency Contact: Ernest L. Cunningham, Inspector, Department of the Treasury, United States Customs Service, Room 4408, 1301 Constitution Avenue NW., Washington, DC 20229, 202 927-0167 | | |
| RIN: 1515-AB23 | | |

2885. REVISION OF IN-BOND REQUIREMENTS

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1624; 19 USC 1641
CFR Citation: 19 CFR 18; 19 CFR 19; 19 CFR 111; 19 CFR 112; 19 CFR 122; 19 CFR 123; 19 CFR 125; 19 CFR 141; 19 CFR 142; 19 CFR 144; 19 CFR 146
Legal Deadline: None

Abstract: Revises in-bond procedures by, among other things, reducing types of in-bond movements, discontinuing use of TACM procedures, and allowing the use of electronic in-bond data.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| NPRM | 03/00/94 | |
| Small Entities Affected: None | | |
| Government Levels Affected: None | | |
| Agency Contact: Donna Shaw, Inspector, Office of Inspection and Control, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229, 202 927-0985 | | |
| RIN: 1515-AB26 | | |

2886. PUBLICATION OF FILER CODES

Legal Authority: 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624
CFR Citation: 19 CFR 142; 19 CFR 143
Legal Deadline: None
Abstract: Provides for the publication of a list of filer codes and the identity of individuals, licensed Customs brokers or importers assigned the

specific number. Publication will improve control for various components of the trade community and reduce numerous problems for Customs relating to entry processing requirements, but could also provide a means to access commercial import information heretofore treated as confidential by Customs.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|------------|
| ANPRM | 01/13/93 | 58 FR 4115 |
| ANPRM Comment | 03/15/93 | |
| Period End | | |
| NPRM | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Hegland, Attorney, Entry Rulings Branch, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229, 202 482-7040

RIN: 1515-AB27

2887. DISCLOSURE OF INFORMATION TO INTELLECTUAL PROPERTY RIGHTS OWNERS

Legal Authority: 17 USC 101; 17 USC 601; 17 USC 602; 17 USC 603; 19 USC 66; 19 USC 1624; 31 USC 9701

CFR Citation: 19 CFR 133

Legal Deadline: None

Abstract: Provides intellectual property rights owners with information regarding importations so that they may pursue injunctive relief or other civil remedies against the party involved in infringing transactions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tim Trainer, Attorney, Intellectual Property Branch, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue NW., Franklin Court, Washington, DC 20229, 202 482-6960

RIN: 1515-AB28

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Final Rule Stage

2888. CUSTOMS USER FEES

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1624; 31 USC 9701; PL 99-272

CFR Citation: 19 CFR 4; 19 CFR 6; 19 CFR 24; 19 CFR 111; 19 CFR 123; 19 CFR 145

Legal Deadline: Final, Statutory, July 7, 1986.

Abstract: Amends Customs Regulations to provide for payment of specific fees to Customs for the processing of persons, aircraft, vehicles, and merchandise arriving in the United States as well as for the payment of an annual fee by Customs brokers.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 06/11/86 | 51 FR 21152 |
| Final Rule Pending | 05/01/88 | |
| Internal Decision | | |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: David Kahne, Operations Officer, Department of the Treasury, United States Customs Service, Room 4133, 1301 Constitution Avenue NW., Washington, DC 20229, 202 927-0159

RIN: 1515-AA50

2889. HARBOR MAINTENANCE FEE

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 81a to 81u; 19 USC 623; 19 USC 1202; 19 USC 1624; 31 USC 9701; PL 99-272; PL 99-509; PL 99-662

CFR Citation: 19 CFR 4; 19 CFR 24; 19 CFR 146; 19 CFR 178

Legal Deadline: Final, Statutory, April 1, 1987.

Abstract: Amendments to the Customs Regulations to implement provisions of the Water Resources Development Act of 1986 which authorizes Customs to assess a harbor maintenance fee of 0.125 percent (.00125) on the value of commercial cargo loaded on or unloaded from a commercial vessel at a port unless specifically exempted from the fee. Proceeds of the fee are deposited in a trust fund for the U.S. Army Corps of Engineers to use for the improvement and maintenance of U.S. ports and harbors.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 03/30/87 | 52 FR 10198 |

| Action | Date | FR Cite |
|---------------------------|----------|---------|
| Interim Final Rule | 08/28/87 | |
| Public Comment Period End | | |
| Comments Being Analyzed | 02/08/88 | |
| Final Action | 03/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Patricia Barbare, Department of the Treasury, United States Customs Service, Room 4128, 1301 Constitution Avenue NW., Washington, DC 20229, 202 927-0034

RIN: 1515-AA57

2890. HIGHEST DEGREE OF CARE AND DILIGENCE TO PREVENT UNMANIFESTED NARCOTICS AND MARIJUANA

Significance: Regulatory Program

Legal Authority: 19 USC 1584; 19 USC 1594; 19 USC 1595a; 21 USC 960; 21 USC 961; PL 99-570

CFR Citation: 19 CFR 162

Legal Deadline: Final, Statutory, February 17, 1989.

Required by 19 USC 1584 note.

Abstract: Amendment to the Customs Regulations relating to the liability of common carriers to penalties, seizure, and forfeiture for unmanifested narcotic drugs or marijuana. The proposed changes would add to the regulations the statutory standard for the highest degree of care and diligence on the part of common carriers in preventing unmanifested drugs and marijuana. It also sets forth specific duties and procedures by which the standard is defined and against which compliance with the standard can be determined. These duties and procedures include such security measures as background investigations of employees, access restrictions to cargo areas, use of lighting in storage areas, and similar measures.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|------------|
| NPRM | 01/31/89 | 54 FR 4835 |
| NPRM Comment Period End | 04/03/89 | |
| Second NPRM | 02/12/91 | 56 FR 5665 |
| Second NPRM Comment Period End | 03/14/91 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harriett D. Blank, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229, 202 482-6950

RIN: 1515-AA67

2891. UNITED STATES-ISRAEL FREE TRADE

Legal Authority: 99 Stat 82; 19 USC 2112

CFR Citation: 19 CFR 10

Legal Deadline: None

Abstract: Amends Customs Regulations to include for public information the legal and existing administrative rules under which the United States-Israel Free Trade Area is presently being conducted. Under this program, products of Israel are entitled to free or reduced rates.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| NPRM | 07/31/92 | 57 FR 33909 |
| NPRM Comment Period End | 09/29/92 | |
| NPRM Comment Period Extended to | 10/05/92 | 57 FR 45758 |
| | 11/28/92 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maritza Castro, Operations Officer, Department of the Treasury, United States Customs Service, Room 1311, 1301 Constitution Avenue NW., Washington, DC 20229, 202 927-0360

RIN: 1515-AA84

2892. DONATED CARGO EXEMPTION FROM HARBOR MAINTENANCE FEE

Legal Authority: 5 USC 301; 19 USC 58a; 19 USC 66; 19 USC 1202; 19 USC 1624; 31 USC 9701; 19 USC 58b; 19 USC 58c

CFR Citation: 19 CFR 24

Legal Deadline: None

Abstract: Amends interim Customs Regulations relating to harbor maintenance fees. The interim regulations established a shipping fee for transporting cargo on specified U.S. waterways. The Act was amended to include an exemption for nonprofit organizations or cooperatives which

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Final Rule Stage

own or finance cargo determined by Customs to be intended for use in humanitarian or development assistance overseas. This amendment sets forth the applicability and terms of this exemption.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-----------|
| Interim Final Rule | 01/08/92 | 57 FR 607 |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Barbare, Operations Officer, User Fee Task Force, Department of the Treasury, United States Customs Service, Room 4128, 1301 Constitution Avenue NW., Washington, DC 20229, 202 927-0034

RIN: 1515-AA87

2893. AIRCRAFT ARRIVING FROM PUERTO RICO AND U.S. VIRGIN ISLANDS

Legal Authority: 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1459; 19 USC 1590; 19 USC 1624; 19 USC 1644; 49 USC app 1509

CFR Citation: 19 CFR 122

Legal Deadline: None

Abstract: Rule to require aircraft arriving from Puerto Rico or U.S. Virgin Islands to comply with landing requirements for private aircraft arriving from areas south of the United States.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bamford, Enforcement Aviation Operations Officer, Department of the Treasury, United States Customs Service, Room 5303, 1301 Constitution Avenue NW., Washington, DC 20229, 202 927-1930

RIN: 1515-AA99

2894. TESTIMONY OR THE PRODUCTION OF DOCUMENTS IN COURT

Legal Authority: 5 USC 552; 19 USC 66; 19 USC 1624; 31 USC 9201

CFR Citation: 19 CFR 103

Legal Deadline: None

Abstract: Amends Customs Regulations to require subpoenaing parties to advise Customs of the nature of the case and testimony to be elicited.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 09/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lee H. Kramer, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229, 202 482-6970

RIN: 1515-AB02

2895. VOLUNTARY RESTRAINT ARRANGEMENTS—STEEL

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1481; 19 USC 1484; 19 USC 1498; 19 USC 1508; 19 USC 1623; 19 USC 1624; 19 USC 2253 note

CFR Citation: 19 CFR 10

Legal Deadline: None

Abstract: Amends Customs Regulations to set forth entry requirements applicable to imported steel products subject to voluntary restraint arrangements between the U.S. and certain steel-exporting countries. Action mandated by the Steel Import Stabilization Act, as amended by the Steel Trade Liberalization Program Implementation Act.

Timetable:

| Action | Date | FR Cite |
|---------------------|----------|-------------|
| Interim Final Rule | 09/13/90 | 55 FR 37701 |
| Correction Document | 10/22/90 | 55 FR 42556 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Crowe, Operations Officer, Department of the Treasury, United States Customs Service, Room 1303, 1301 Constitution Avenue NW., Washington, DC 20229, 202 927-0164

RIN: 1515-AB04

2896. U.S. INSULAR POSSESSIONS—DUTY-FREE TREATMENT

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1624

CFR Citation: 19 CFR 7.8

Legal Deadline: None

Abstract: Rule setting forth in detail the criteria which must be met to obtain duty-free treatment for products imported from U.S. insular possessions.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/27/93 | 58 FR 40095 |
| NPRM Comment Period End | 09/27/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Craig Walker, Attorney-Advisor, Department of the Treasury, United States Customs Service, Special Classification Branch, 1301 Constitution Avenue NW., Washington, DC 20229, 202 482-6980

RIN: 1515-AB14

2897. INVOICE REQUIREMENTS

Legal Authority: 19 USC 66; 19 USC 1448; 19 USC 1481; 19 USC 1484; 19 USC 1624

CFR Citation: 19 CFR 141.89

Legal Deadline: None

Abstract: Rule setting forth revised requirements for product descriptions on invoices pertaining to imported merchandise.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/03/92 | 57 FR 44792 |
| NPRM Comment Period End | 11/02/92 | |
| Final Action | 08/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leo Wells, Operations Officer, Department of the Treasury, United States Customs Service, Office of Trade Operations, 1301 Constitution Avenue NW., Washington, DC 20229, 202 927-0742

RIN: 1515-AB17

2898. RULES OF ORIGIN

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1304; 19 USC 1481; 19 USC 1484; 19 USC 1498; 19 USC 1508; 19 USC 1623; 19 USC 1624; 46 USC app 3

CFR Citation: 19 CFR 102 (New); 19 CFR 4.80b(a); 19 CFR 10.12(e); 19 CFR 10.14(b); 19 CFR 10.171(c); 19 CFR 10.191(b)(3); 19 CFR 134.1(b), (d), and (e); 19 CFR 134.35; 19 CFR 177.22(a)

TREAS—CUSTOMS

Final Rule Stage

Legal Deadline: None

Abstract: Rule setting forth uniform standards for determining the country of origin of base metal products and of all products wholly obtained or produced in one country.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/25/91 | 56 FR 48448 |
| NPRM Comment | 01/09/92 | 56 FR 61214 |
| Period End | | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Valentine, Attorney-Advisor, Department of the Treasury, United States Customs Service, International Nomenclature Staff, 1301 Constitution Avenue NW., Washington, DC 20229, 202 482-7000

RIN: 1515-AB19

2899. PETROLEUM REFINERIES IN FOREIGN TRADE SUBZONES

Legal Authority: 19 USC 66; 19 USC 81a to 81u; 19 USC 1202 (Gen Note 8, Harmonized Tariff Schedule of the US); 19 USC 1623; 19 USC 1624

CFR Citation: 19 CFR 146

Legal Deadline: None

Abstract: Rule to add special procedures and requirements governing the operations of crude petroleum refineries approved as foreign trade subzones, in implementation of section 9002 of the Technical and Miscellaneous Revenue Act of 1988.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/10/92 | 57 FR 35530 |
| NPRM Comment | 02/08/93 | 57 FR 55198 |
| Period End | | |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Louis Hryniw, Supervisory Auditor, Department of the Treasury, United States Customs Service, Room 2317, 1301 Constitution Avenue NW., Washington, DC 20229, 202 927-0677

RIN: 1515-AB20

2900. AUTOMATED SURETY INTERFACE

Legal Authority: 19 USC 66; 19 USC 1623; 19 USC 1624

CFR Citation: 19 CFR 113.

Legal Deadline: None

Abstract: Provides for an automated system through which participating sureties will electronically provide to Customs acknowledgement that they are liable for transactions identified under their bonds.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|------------|
| NPRM | 01/22/93 | 58 FR 5680 |
| NPRM Comment | 03/23/93 | |
| Period End | | |
| Interim Final Rule | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diane Hundertmark, ACS Specialist, Department of the Treasury, United States Customs Service, Room 2345, 1301 Constitution Avenue NW., Washington, DC 20229, 202 927-0355

RIN: 1515-AB25

DEPARTMENT OF THE TREASURY (TREAS)

Completed Actions

United States Customs Service (CUSTOMS)

2901. ENFORCEMENT OF PROTECTION OF SEMICONDUCTOR CHIP PRODUCTS; PATENT SURVEYS

Legal Authority: 17 USC 901 to 914; 19 USC 66; 19 USC 1623; 19 USC 1624

CFR Citation: 19 CFR 133; 19 CFR 12; 19 CFR 24

Legal Deadline: None

Abstract: This document proposes to amend the Customs Regulations to enable persons seeking protection from infringing semiconductor chip products (mask works) to obtain the assistance of Customs in preventing pirated chips from being imported into the United States. This would give rise to a process of Customs recordation of mask works similar to that for copyrights.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/04/89 | 54 FR 40882 |
| NPRM Comment | 03/26/90 | 55 FR 2386 |
| Period End | | |
| Withdrawn | 07/14/93 | 58 FR 37884 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John F. Atwood, Chief, Intellectual Property Rights Branch, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229, 202 482-6960

RIN: 1515-AA81

2902. ASSESSMENT OF LIQUIDATED DAMAGES FOR FAILURE TO DEPOSIT ESTIMATED DUTIES OR TO REMIT PASSENGER PROCESSING FEES TO CUSTOMS

Legal Authority: 5 USC 301; 19 USC 58a to 58c; 19 USC 66; 19 USC 1202; 19 USC 1448; 19 USC 1484; 19 USC 1623; 19 USC 1624; 26 USC 4461; 26 USC 4462; 31 USC 9701

CFR Citation: 19 CFR 24; 19 CFR 113; 19 CFR 142

Legal Deadline: None

Abstract: Proposed Customs Regulations amendments permitting assessment of liquidated damages for failure to deposit estimated duties in a timely manner, or to remit passenger processing fees to Customs.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 02/06/92 | 57 FR 4589 |
| NPRM Comment | 04/06/92 | |
| Period End | | |
| Final Action | 05/28/93 | 58 FR 30979 |
| Final Action Effective | 06/28/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeremy Baskin, Attorney-Advisor, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229, 202 482-6950

RIN: 1515-AB15

[FR Doc. 93-22927 Filed 10-22-93; 8:45 am]

BILLING CODE 4820-02-F

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Internal Revenue Service

26 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Semiannual agenda of regulations.

SUMMARY: This semiannual agenda lists the regulations that the Internal Revenue Service will be developing from October 1, 1993, through September 30, 1994. Determinations with respect to the agenda were made as of July 31, 1993. The purpose of this semiannual agenda is to give the public adequate notice of regulatory activities of the Internal Revenue Service.

FOR FURTHER INFORMATION CONTACT: Mike Slaughter, (202) 622-7190, not a toll-free call, Regulations Unit, Assistant Chief Counsel (Corporate), Office of Chief Counsel, Internal Revenue Service, P.O. Box 7604, Ben Franklin

Station, Washington, DC 20044, Attention: CC:DOM:CORP:T:R.

SUPPLEMENTARY INFORMATION:

General

Section 5 of Executive Order 12291 and section 602 of the Regulatory Flexibility Act both require that a semiannual agenda of regulations under development and review be published in the **Federal Register**. The next semiannual agenda of the Internal Revenue Service will be published in the **Federal Register** in April of 1994.

Description

This semiannual agenda of regulations lists all projects within the Internal Revenue Service (IRS) as of July 31, 1993, for the development of regulations to appear in the Code of Federal Regulations. This agenda lists existing regulations under development by the Offices of the Assistant Chief Counsel (Corporate), Assistant Chief Counsel (Field Service), Assistant Chief Counsel (Financial Institutions and Products), Assistant Chief Counsel (Income Tax and Accounting), Assistant

Chief Counsel (Passthroughs & Special Industries), Assistant Chief Counsel (Criminal Tax), Assistant Chief Counsel (General Litigation), Associate Chief Counsel (Employee Benefits and Exempt Organizations), and Associate Chief Counsel (International) of the Office of Chief Counsel, IRS. The following information is provided for each regulation project: The title; priority status; its effect, if any, on small business; the part of the Code of Federal Regulations affected; the legal authority for issuing the regulation; a brief description of the problem to be addressed in the regulation; and a timetable of action taken and to be taken. Under Additional Information, there is provided the control number of the project within the Chief Counsel's office and the names and telephone numbers of the drafting and reviewing attorneys.

By direction of the Secretary of the Treasury.

Margaret Milner Richardson,
Commissioner of Internal Revenue.

Internal Revenue Service—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2903 | 26 USC 0041 Definition of Qualified Research and Computation of Research Credit Under Section 41 of the Code, After 1986 Act and 1989 Act | 1545-AO51 |
| 2904 | 26 USC 0042 A Detailing of the Minimum Living Area Which Must Constitute a Bedroom for Purposes of Determining the Gross Rent Limitation Applicable to Rent-Restricted Units | 1545-AO52 |
| 2905 | 26 USC 0104 Amount Received as Compensation for Personal Injury or Sickness | 1545-AR36 |
| 2906 | 26 USC 0401 Coordination of Nondiscrimination | 1545-AQ87 |
| 2907 | 26 USC 0847 Special Estimated Tax Payments | 1545-AN33 |
| 2908 | 26 USC 0897(c)(3) FIRPTA Cleanup | 1545-AJ72 |
| 2909 | 26 USC 0904 Resourcing Income To Prevent Avoidance of Foreign Tax Credit Limitation Rules Relating to Foreign Losses | 1545-AN87 |
| 2910 | 26 USC 0904(f) Clarification of Treatment of Separate Limitation Losses | 1545-AM11 |
| 2911 | 26 USC 0932 Source Rules Within the Virgin Islands | 1545-AL40 |
| 2912 | 26 USC 0952 Subpart F—Use of Deficits | 1545-AJ71 |
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| 2914 | 26 USC 1276 Disposition Gain Representing Accrued Market Discount Treated as Ordinary Income; Deferral of Interest Deduction Allocable to Accrued Market Discount | 1545-AH82 |
| 2915 | 26 USC 6038 Information Reporting and Record Maintenance Under Section 6038C | 1545-AP10 |
| 2916 | 26 USC 6231(a)(7) Limited Liability Company Tax Matter Partner | 1545-AQ47 |
| 2917 | 26 USC 7508 Time for Performing Certain Acts Postponed by Reason of Service in Combat Zone | 1545-AP90 |
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| 2925 | 26 USC 0042 Low-Income Housing Credit Recapture Rule | 1545-AL12 |
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| 2932 | 26 USC 0058(h) Application of Section 58(h) of the 1954 Code to Situations Involving NOL Carrybacks | 1545-AO36 |
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| 2934 | 26 USC 0061 Amendment to the Regulations Under Section 61 To Conform the Treatment of Bond Premium Income to the Constant Yield Method | 1545-AL92 |
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| 2939 | 26 USC 0079 Section 79, Table I, Update | 1545-AN54 |
| 2940 | 26 USC 0083 Study of Application of Section 302 and Section 1.83(d) | 1545-AN55 |
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| 2948 | 26 USC 0117(d) Qualified Tuition Reductions | 1545-AI13 |
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| 2952 | 26 USC 0145 Qualified 501(c)(3) Bonds | 1545-AJ39 |
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| 3141 | 26 USC 7805 Qualified Separate Lines of Business | 1545-AR61 |
| 3142 | 26 USC 7805 Modification of Regulations Relating to Negative 481(a) Adjustments | 1545-AR79 |
| 3143 | 26 USC 7805 Statement of Procedural Rules Update | 1545-AR87 |
| 3144 | 26 USC 7805 Fuel Floor Stocks Tax of 1993 | 1545-AR94 |
| 3145 | 26 USC 7805 Vaccine Floor Stock Tax of 1993 | 1545-AR95 |
| 3146 | 26 USC 7805 Allocations Reflecting Gain or Loss on Property Contributed to a Partnership | 1545-AS00 |
| 3147 | 5 USC 0552 Statement of Procedural Rules—Part 601.702 | 1545-AR99 |

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| 3151 | 26 USC 0042 Low-Income Housing Credit Allocation Rules and Information Reporting Requirements | 1545-AJ65 |
| 3152 | 26 USC 0042 Special Rules To Avoid Substantial Distortion for Recovery of Basis on a Contingent Sale | 1545-AP41 |
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| 3161 | 26 USC 0089 Nondiscrimination Rules for Non-Pension Employee Benefit Plans | 1545-AI78 |
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| 3163 | 26 USC 0103 Income Tax—Exemption for Industrial Development Bonds for Water Facilities | 1545-AA49 |
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| 3167 | 26 USC 0103 Sections 103(k) and (l)—Relating to Public Approval and Information Reporting Requirements for Private Activity Bonds | 1545-AE24 |
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| 3170 | 26 USC 0108 Section 108; Discharge of Indebtedness | 1545-AP19 |
| 3171 | 26 USC 0112 Combat Zone Compensation of Members of the Armed Forces | 1545-AP53 |
| 3172 | 26 USC 0117 Exclusion of Qualified Scholarships and Fellowships From Gross Income | 1545-AJ87 |
| 3173 | 26 USC 0125 Income Tax—Tax Treatment of Cafeteria Plans | 1545-AD63 |
| 3174 | 26 USC 0126 Income Tax—Exclusion From Income of Certain Cost-Sharing Payments Under Government Programs | 1545-AA73 |
| 3175 | 26 USC 0131 Income Tax—Part I Exclusion From Gross Income for Certain Foster Care Payments | 1545-AF52 |
| 3176 | 26 USC 0162(k) Continuation Coverage Requirements of Group Health Plans | 1545-AI93 |
| 3177 | 26 USC 0163 Income Tax—Limitations on Deductions for Nonbusiness Interest | 1545-AK17 |
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| 3179 | 26 USC 0165 Income Tax—Tax Straddles Relating to Section 108 of the Tax Reform Act of 1984 | 1545-AG57 |
| 3180 | 26 USC 0165 Section 165 | 1545-AP33 |
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| 3182 | 26 USC 0166 Bank Bad Debts—Conclusive Presumption | 1545-AR47 |
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| 3184 | 26 USC 0168(d) Applicable Conventions Under the Accelerated Cost Recovery System | 1545-AN81 |
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| 3210 | 26 USC 0338 Statements of Election and Due Dates | 1545-AI53 |
| 3211 | 26 USC 0338 Consistency Rules Under Section 338 | 1545-AQ05 |
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| 3221 | 26 USC 0382 Modification of the Section 1.382-2T(j)(2) Rules | 1545-AQ59 |
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| 3223 | 26 USC 0382(l)(6) Value of a Loss Corporation in an Ownership Change to Which Section 382(l)(6) Applies | 1545-AQ60 |
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| 3228 | 26 USC 0402 Twenty Percent Withholding on Eligible Rollover Distribution | 1545-AR35 |
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| 3238 | 26 USC 0414(s) Definition of Compensation for Qualified Plans | 1545-AR55 |
| 3239 | 26 USC 0446 Timing of Income With Respect to Notional Principal Contracts | 1545-AN15 |
| 3240 | 26 USC 0446 Taxation of Tax-Exempt Organizations' Income From Corporate Sponsorship | 1545-AR19 |
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| 3242 | 26 USC 0448 Untimely Compliance With Section 448 | 1545-AO65 |
| 3243 | 26 USC 0453 Income Tax—General Rules for Installment Sales | 1545-AB42 |
| 3244 | 26 USC 0453 Income Tax—Installment Reporting—Asset Sales and Liquidation | 1545-AB43 |
| 3245 | 26 USC 0453 Income Tax—Installment Obligations Received in Transactions in Which Gain or Loss Is Generally Not Recognized | 1545-AB44 |
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| 3260 | 26 USC 0593 Bad Debt Reserve Recapture for Thrift Institutions | 1545-AO69 |
| 3261 | 26 USC 0597 Tax Consequences of Federal Financial Assistance Provided in Connection With Taxable Asset Acquisitions of Troubled Financial Institutions | 1545-AN71 |
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| 3273 | 26 USC 0884 Final Regulations Under Section 1.884-2 | 1545-AQ73 |
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| 3277 | 26 USC 0904(d)(5) Application of Section 904 to Income Subject to Separate Limitations and Section 864(e) Affiliated Group Expert Allocation Rules | 1545-AQ43 |
| 3278 | 26 USC 0905 Income Tax—Taxpayer's Obligation To File a Notice of Redetermination of Foreign Tax and Civil Penalties for Failure To File | 1545-AC09 |
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| 3280 | 26 USC 0936 Income Tax—Definition of Qualified Possession Source Investment Income for Purposes of Puerto Rico and Possession Tax Credit | 1545-AC10 |
| 3281 | 26 USC 0936(d)(4) CBI Investments of Section 936 Funds | 1545-AM91 |
| 3282 | 26 USC 0953(c) Insurance Income | 1545-AJ70 |
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| 3284 | 26 USC 0964 Earnings and Profits of Controlled Foreign Corporations | 1545-AM90 |
| 3285 | 26 USC 0964 Use of GAAP Earnings as E&P of Foreign Corporations | 1545-AQ55 |
| 3286 | 26 USC 0985 Computation and Characterization of Income of Earnings and Profits Under the Dollar Approximate Separate Transactions Method of Accounting (DASTM) | 1545-AP70 |
| 3287 | 26 USC 0985 Rules for a QBU Changing From the Profit-and-Loss Method to DASTM | 1545-AR28 |
| 3288 | 26 USC 0987 Computation of a Branch's Taxable Income Taxation of Exchange Gain or Loss on Branch Remittances | 1545-AM12 |
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| 3297 | 26 USC 1092(b) Income Tax—Economic Recovery Tax Act of 1981 and the Tax Reform Act of 1984, Relating to Straddles | 1545-AH60 |
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| 3304 | 26 USC 1363(d) Merger of a C Corporation Into an S Corporation | 1545-AR50 |
| 3305 | 26 USC 1367 Income Tax—Rules Relating to Adjustment to Basis of Stock of Shareholders of S Corporations and to Determination of Basis of Property Distribution by Corporation | 1545-AE88 |
| 3306 | 26 USC 1374 Cross-Reference—Application of Section 1374 Built-In Gains Tax C Corporations Electing S Corporation Status | 1545-AK93 |
| 3307 | 26 USC 1398 Use of Passive Activity Loss Carryovers by Bankruptcy Estates | 1545-AQ50 |
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| 3312 | 26 USC 1502 Consolidated Return Regulations; Adjustment on Disposition of Stock of Subsidiary | 1545-AL59 |
| 3313 | 26 USC 1502 Adjustments Reflecting a Restructuring of a Consolidated Group | 1545-AL62 |
| 3314 | 26 USC 1502 Modification of Restoration Rules Relating to Deferred Gain Property Sold Outside the Group | 1545-AL63 |
| 3315 | 26 USC 1502 Consolidated Alternative Minimum Tax | 1545-AN73 |
| 3316 | 26 USC 1502 Limitations on the Use of Certain Losses and Built-In Deductions | 1545-AP15 |
| 3317 | 26 USC 1502 Investment Adjustments | 1545-AQ69 |
| 3318 | 26 USC 1504 Cross-Reference—Alaska Native Corporations; Requirements for Affiliation in Order To File a Consolidated Return | 1545-AK88 |
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| 3328 | 26 USC 3406 Backup Withholding Under Section 3406 | 1545-AE20 |
| 3329 | 26 USC 3406 Information Reporting and Backup Withholding | 1545-AL99 |
| 3330 | 26 USC 3508 Treatment of Real Estate Agents and Direct Sellers as Nonemployees for Employment Tax Purposes—Reporting Requirements With Respect to Direct Sellers | 1545-AE62 |
| 3331 | 26 USC 4001 Retail Excise Taxes on Certain Luxury Items | 1545-AP24 |
| 3332 | 26 USC 4052 Excise Tax—Excise Tax on Heavy Trucks, Truck Trailers and Semitrailers, and Tractors | 1545-AI51 |
| 3333 | 26 USC 4081 Diesel Fuel Excise Tax | 1545-AR92 |
| 3334 | 26 USC 4611 Tax on Petroleum | 1545-AJ23 |
| 3335 | 26 USC 4682 Exports of Ozone-Depleting Chemicals | 1545-AQ23 |
| 3336 | 26 USC 4980A Excise Tax—Excess Distributions From Qualified Retirement Plans | 1545-AI81 |
| 3337 | 26 USC 4992 Excise Tax—Issues Arising Where Multiple Parties Share in Production, Including Unitizations, Partnerships, Trusts, and Estates | 1545-AC94 |
| 3338 | 26 USC 4996 Excise Tax—Definition of Property Under the Crude Oil Windfall Profit Tax Act 1980 | 1545-AD08 |
| 3339 | 26 USC 6011 Excise Tax—Part 54—Procedure and Administration; Part 301 —Filing of Returns for Payment of Pension Excise Tax on Reversions of Qualified Plan Assets | 1545-AI83 |
| 3340 | 26 USC 6031 Income Tax—Amendments to Requirements for Return of Partnership Income | 1545-AE40 |
| 3341 | 26 USC 6038 Information Returns Required of United States Persons With Respect to Certain Foreign Corporations | 1545-AQ06 |
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| 3343 | 26 USC 6045 Information Returns on Sales Through COD Accounts | 1545-AG52 |
| 3344 | 26 USC 6049 Obligation of Brokers To Report Original Issue Discount on Form 1099 | 1545-AM80 |
| 3345 | 26 USC 6050H Information Reporting for Reimbursements of Interest on Qualified Mortgages | 1545-AQ78 |
| 3346 | 26 USC 6061 Voice Signatures | 1545-AQ68 |
| 3347 | 26 USC 6109 Authority of the FCIC To Require Employer Identification Numbers for Certain Taxpayers | 1545-AQ49 |
| 3348 | 26 USC 6111 Section 6111, Relating to Tax Shelter Registration | 1545-AG45 |
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| 3351 | 26 USC 6241 Small S Corporation Exception and Definition of Subchapter S Item | 1545-AJ99 |
| 3352 | 26 USC 6302 Railroad Unemployment Repayment Tax | 1545-AN40 |
| 3353 | 26 USC 6323 Notice of Lien on Personal Property | 1545-AM64 |
| 3354 | 26 USC 6331 Levy and Distraint | 1545-AM70 |
| 3355 | 26 USC 6334 Property Exempt From Levy | 1545-AN46 |
| 3356 | 26 USC 6343 Authority To Release Levy and Return Property | 1545-AN48 |
| 3357 | 26 USC 6404(e) Procedure and Administration—Abatement of Interest | 1545-AK71 |
| 3358 | 26 USC 6611 Procedure and Administration Regulations—Modifications of Interest Payments for Certain Periods | 1545-AF10 |
| 3359 | 26 USC 6611(b)(1) Clarification of Period During Which Interest Is Allowed With Respect to Certain Overpayments | 1545-AO79 |
| 3360 | 26 USC 6651(f) Fraudulent Failure To File Tax Return; Imposition of Fraud Penalty | 1545-AO84 |
| 3361 | 26 USC 6655 Accelerated Payment of Estimated Taxes by Corporations | 1545-AE37 |

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| 3363 | 26 USC 6695 Use of Facsimile Signatures by Income Tax Return Preparers of Forms 1041, U.S. Fiduciary Income Tax Returns | 1545-AL49 |
| 3364 | 26 USC 6851 Certificates of Compliance With Income Tax Laws by Departing Aliens | 1545-AN97 |
| 3365 | 26 USC 7103(b) Procedure and Administration—Property Seized by the Internal Revenue Service Under the Money Laundering Control Act of 1986 | 1545-AL04 |
| 3366 | 26 USC 7430 Recovery of Administrative Costs | 1545-AN02 |
| 3367 | 26 USC 7502 Procedure and Administration—Amendment of Regulations Relating to the Timely Mailing of Returns, Taxes, and Deposits | 1545-AD42 |
| 3368 | 26 USC 7520 Estate and Gift Tax Valuation Tables | 1545-AM81 |
| 3369 | 26 USC 7701 Taxable Mortgage Pools | 1545-AP98 |
| 3370 | 26 USC 7701(a)(40) Indian Tribal Governments Treated as States for Certain Purposes | 1545-AF77 |
| 3371 | 26 USC 7702 Reasonable Mortality Charges | 1545-AO12 |
| 3372 | 26 USC 7805 Circular 230 Revisions | 1545-AQ57 |
| 3373 | 26 USC 7805 Permitted Disparity With Respect to Benefits and Contributions | 1545-AR53 |
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|-----------------|--|------------------------------|
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| 3376 | 26 USC 0043(c)(2)(B) Certification of Enhanced Oil Recovery Projects | 1545-AQ22 |
| 3377 | 26 USC 0055 Income Tax—Alternative Minimum Tax | 1545-AE80 |
| 3378 | 26 USC 0057 Income Tax—Minimum Tax; Item of Tax Preference for Intangible Drilling Costs Incurred in Drilling Oil, Gas, or Geothermal Wells | 1545-AA34 |
| 3379 | 26 USC 0148 Recovery of Overpayments of Arbitrage Rebate | 1545-AO15 |
| 3380 | 26 USC 0148 Arbitrage Restrictions on Tax-exempt Bonds | 1545-AR05 |
| 3381 | 26 USC 0149(b)(3)(B) Exceptions From Prohibition of Federal Guarantees—Permitted Investments of Tax Exempt Bond Proceeds | 1545-AP11 |
| 3382 | 26 USC 0245 Deduction for Dividends Received From Certain Foreign Corporations | 1545-AL94 |
| 3383 | 26 USC 0263A Capitalization and Inclusion in Inventory of Certain Costs | 1545-AQ88 |
| 3384 | 26 USC 0336 Certain Stock Sales and Distributions Treated as Asset Transfers | 1545-AK29 |
| 3385 | 26 USC 0338 Treatment of an Affiliated Group of Corporations as a Selling Consolidated Group for Purposes of Elective Recognition Under Section 338(h)(10) | 1545-AK31 |
| 3386 | 26 USC 0338 Information Reporting Requirements for Section 338(h)(10) Transactions | 1545-AP96 |
| 3387 | 26 USC 0368 Corporate Reorganization Amendments—Bankruptcy Tax Act of 1980 | 1545-AK33 |
| 3388 | 26 USC 0382(l)(5)(E) Section 382 of the Internal Revenue Code of 1986; Limitations on Corporate Net Operating Loss Carryforwards | 1545-AQ08 |
| 3389 | 26 USC 0402 Twenty Percent Withholding on Eligible Rollover Distribution | 1545-AR34 |
| 3390 | 26 USC 0453 Income Tax—Installment Sales Revision Act of 1980, Regulations Relating to Wrap-Around Mortgages | 1545-AB46 |
| 3391 | 26 USC 0458 Income Tax—Exclusion From Gross Income With Respect to Magazines, Paperbacks, and Record Returns After Close of Taxable Year | 1545-AB48 |
| 3392 | 26 USC 0597 Section 597 Transition Rules | 1545-AQ26 |
| 3393 | 26 USC 0613A Limitations on Percentage Depletion in the Case of Oil and Gas Wells | 1545-AP56 |
| 3394 | 26 USC 0707 Treatment of Transactions Between Partners and Partnership | 1545-AH22 |
| 3395 | 26 USC 0721 Whether Receipt of a Partnership Profits Interest Is Taxable | 1545-AP51 |
| 3396 | 26 USC 0848 Amortization of Policy Acquisition Expenses of Insurance Companies | 1545-AQ14 |
| 3397 | 26 USC 0852 Mergers and 852(a)(2) | 1545-AR06 |
| 3398 | 26 USC 0911 Extension of Time for Making a Valid Election To Exclude Foreign Earned Income and Housing Cost Amounts | 1545-AR41 |
| 3399 | 26 USC 1502 Consolidated Return Regulations—Finalization of Sections 1.1502-13T and 1.1502-14T | 1545-AQ44 |
| 3400 | 26 USC 1502 Consolidated 165(g) | 1545-AQ09 |
| 3401 | 26 USC 1503 SRLY Limitations for Dual Consolidated Losses | 1545-AR27 |
| 3402 | 26 USC 60501 Aggregation Rules for Filing Requirement | 1545-AN42 |
| 3403 | 26 USC 6061 Voice Signatures | 1545-AQ67 |

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| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3404 | 26 USC 6081 Automatic Extension of Time for Filing Individual Income Tax Return | 1545-AP39 |
| 3405 | 26 USC 7605(a) Procedures Involving Taxpayer Interviews (Time and Place of Examination) | 1545-AO64 |
| 3406 | 26 USC 7701 Continuity of Life for Limited Partnerships | 1545-AQ48 |
| 3407 | 26 USC 7805 Removal of Final and Temporary Regulations | 1545-AQ99 |
| 3408 | 26 USC 7805 Extension of Time for Making Elections | 1545-AR14 |
| 3409 | 26 USC 7805 Withdrawal of Proposed Regulations Which There Are No Current Plans To Finalize | 1545-AR37 |
| 3410 | 26 USC 7805 Extension of Time for Making Certain Elections | 1545-AR39 |

DEPARTMENT OF THE TREASURY (TREAS)

Prerule Stage

Internal Revenue Service (IRS)

2903. DEFINITION OF QUALIFIED RESEARCH AND COMPUTATION OF RESEARCH CREDIT UNDER SECTION 41 OF THE CODE, AFTER 1986 ACT AND 1989 ACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 101-239, sec 7110

CFR Citation: 26 CFR 602; 26 CFR 1

Legal Deadline: None

Abstract: The purpose of the regulation is to provide clarification on the computation of the research credit, under section 41 of the Internal Revenue Code of 1986, as a result of amendments to section 41 by the Tax Reform Act of 1986 and the Revenue Reconciliation Act of 1989.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-016-90.

Drafting attorney: David S. Hudson (202) 622-3120.

Reviewing attorney: Emil O. Muhs, Jr. (202) 622-3120.

Treasury attorney: Michael Schultz (202) 622-1343.

Agency Contact: David Hudson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3120

RIN: 1545-AO51

2904. A DETAILING OF THE MINIMUM LIVING AREA WHICH MUST CONSTITUTE A BEDROOM FOR PURPOSES OF DETERMINING THE GROSS RENT LIMITATION APPLICABLE TO RENT-RESTRICTED UNITS

Legal Authority: 26 USC 42(g)(2)(C) Internal Revenue Code of 1986

CFR Citation: 26 CFR 42

Legal Deadline: None

Abstract: The temporary regulations discuss the minimum living area of a bedroom used for determining the gross rent limitation applicable to rent-restricted units under section 42(g)(2)(c) for purposes of the low-income housing credit.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: PS-010-90.

Drafting attorney: Elissa Shendalman (202) 622-3040.

Reviewing attorney: James F. Ranson (202) 622-3040.

Treasury attorney: Heidi Ebel (202) 622-1334.

Agency Contact: Elissa Shendalman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3040

RIN: 1545-AO52

2905. AMOUNT RECEIVED AS COMPENSATION FOR PERSONAL INJURY OR SICKNESS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 104(a)(3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations established rules for whether amounts received under a Life Insurance Contract that also provides benefits prior to the death of the insured are received through accident and health insurance on account of personal injury or sickness.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: EE-48-92.

Drafting attorney: Felix Zech (202) 622-6080.

Reviewing attorney: Harry Beker (202) 622-6080.

Treasury attorney: Kurt Lawson (202) 622-1352.

Agency Contact: Felix Zech, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6080

RIN: 1545-AR36

2906. COORDINATION OF NONDISCRIMINATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 Internal Revenue Code of 1986; 26 USC 402 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.401(k)-1; 26 CFR 1.401(m)-1; 26 CFR 1.401(m)-2; 26 CFR 1.402(g)-1; 26 CFR 1.402(a)-1; 26 CFR 54.4979-1

TREAS—IRS

Prerule Stage

Legal Deadline: None

Abstract: This project will coordinate regulations under section 401(k) and (m) of the Internal Revenue Code of 1986 with nondiscrimination regulations under sections 401(a)(4) and 410(b). It will also make technical corrections to the regulations.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-86-91.

Drafting attorney: Catherine Livingston Fernandez (202) 622-6030.

Reviewing attorney: Richard M. Lent (202) 622-6030.

Treasury attorney: Kurt L.P. Lawson (202) 622-2647.

Agency Contact: Catherine Livingston Fernandez, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6030
RIN: 1545-AQ87

2907. SPECIAL ESTIMATED TAX PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 847 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provide rules for payment of special Estimated Taxes in an amount equal to the Tax Benefit of the special deduction allowed by section 847.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-022-89.

Drafting attorney: Michael J. Douglass (202) 622-3970.

Reviewing attorney: Donald J. Drees, Jr. (202) 622-3970.

Agency Contact: Michael J. Douglass, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3970

RIN: 1545-AN33

2908. FIRPTA CLEANUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897

Internal Revenue Code of 1986; 26 USC 1445 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Reporting requirements for 5 percent shareholders; equity kickers; establish securities market definition; other related issues.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-785-87.

Drafting attorney: Gwendolyn A. Rotter (202) 622-3860.

Reviewing attorney: Elizabeth U. Karzon (202) 622-3860.

Treasury attorney: Marlin Risinger (202) 622-1762.

Agency Contact: Gwendolyn A. Rotter, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3860
RIN: 1545-AJ72

2909. RESOURCING INCOME TO PREVENT AVOIDANCE OF FOREIGN TAX CREDIT LIMITATION RULES RELATING TO FOREIGN LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 904 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of the regulation is to require a taxpayer to resource the income of any member of an affiliated group of corporations, or, alternatively to modify the consolidated return regulations, to the extent necessary in order to prevent avoidance of the purposes of the foreign tax credit rules.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-6-90.

Drafting attorney: Kenneth D. Allison (202) 622-3860.

Reviewing attorney: Charles P. Besecky (202) 622-3860.

Treasury attorney: Joni Walser (202) 622-1781.

Agency Contact: Kenneth D. Allison, Attorney-Advisor, Department of the

Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, 202 622-3860

RIN: 1545-AN87

2910. CLARIFICATION OF TREATMENT OF SEPARATE LIMITATION LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Section 1203 of the Tax Reform Act of 1986 amends section 904(f) by adding paragraph (5) at the end thereof which requires that foreign source losses with respect to any income category first offset a taxpayer's other foreign source income before such losses offset the taxpayer's U.S. source income. The regulation will provide rules for the allocation of foreign source losses.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-338-89.

Drafting attorney: Willard W. Yates (202) 622-3850.

Reviewing attorney: Barbara Felker (202) 622-3850.

Treasury attorney: Joni Walser (202) 622-1781.

Agency Contact: Willard W. Yates, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3850

RIN: 1545-AM11

2911. SOURCE RULES WITHIN THE VIRGIN ISLANDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide sourcing rules for the determination as to whether income is derived from sources within the Virgin Islands or the United States or is effectively connected with the conduct of a trade or business within the Virgin Islands or the United States. To the extent possible, the rules will be similar to those set forth in IRC sections 861-865.

TREAS—IRS

Prerule Stage

Timetable: Next Action Undetermined
Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-613-87.

Drafting attorney: Ricardo A. Cadenas (202) 874-1490.

Reviewing attorney: George M. Sellinger (202) 874-1490.

Treasury attorney: Charles Cope (202) 622-1752.

Agency Contact: Ricardo A. Cadenas, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W. Room 3319, Washington, DC 20024, 202 874-1490

RIN: 1545-AL40

2912. SUBPART F—USE OF DEFICITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 952 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for determining the extent to which current year deficits in unrelated income categories or prior year deficits may reduce the amount included in the gross income of any U.S. shareholder under section 951(a)(1)(A)(i) for taxable years after 1986.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-954-86.

Drafting attorney: Valerie A. Mark (202) 622-3840.

Reviewing attorney: Phyllis E. Marcus (202) 622-3840.

Agency Contact: Valerie A. Mark, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3840

RIN: 1545-AJ71

2913. INCOME TAX—GAIN FROM SALE OR EXCHANGE OF STOCK IN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1248 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would amend existing regulations with respect to the section 1248 amount attributable to stock of lower tier subsidiaries and stock in less developed country corporations. The regulations would also provide rules for determining the section 1248 amount due to certain dispositions on which gain is not recognized. The regulations would also expand the foreign tax credit available with respect to the section 1248 amount attributable to third-tier subsidiaries.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-42-86.

Drafting attorney: Kathryn Horton O'Brien (202) 622-3860.

Reviewing attorney: Charles P. Besocky (202) 622-3860.

Treasury attorney: Peter Marrs (202) 622-0724.

Agency Contact: Kathryn Horton O'Brien, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3860

RIN: 1545-AC31

2914. DISPOSITION GAIN REPRESENTING ACCRUED MARKET DISCOUNT TREATED AS ORDINARY INCOME; DEFERRAL OF INTEREST DEDUCTION ALLOCABLE TO ACCRUED MARKET DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1276 Internal Revenue Code of 1986; 26 USC 1278 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the treatment of gain realized on the disposition of any Market Discount Bond as ordinary income. These regulations will also prescribe the extent to which a deduction for interest allocable to accrued market discount is deferred.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-21-85.

Drafting attorney: Carol A. Schwartz (202) 622-3411.

Reviewing attorney: Thomas J. Lyden (202) 622-3920.

Treasury attorney: P. Val Strehlow (202) 622-0869.

Agency Contact: Carol A. Schwartz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3411

RIN: 1545-AH82

2915. INFORMATION REPORTING AND RECORD MAINTENANCE UNDER SECTION 6038C

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7801 Internal Revenue Code of 1986; 26 USC 6038(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation project will implement the directives of newly passed section 6038C.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-102-90.

Drafting attorney: Carol P. Tello (202) 622-3880.

Reviewing attorney: Margaret O'Connor (202) 622-3880.

Treasury attorney: Warren Crowds (202) 622-1779.

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3880

RIN: 1545-AP10

2916. LIMITED LIABILITY COMPANY TAX MATTER PARTNER

Legal Authority: 26 USC 6320(i) Internal Revenue Code of 1986; 26 USC 6230(k) Internal Revenue Code of 1986; 26 USC 7805(a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6231(a)(7)-1T

Legal Deadline: None

Abstract: A tax matters partner (a "TMP") of a partnership must keep each partner informed of all

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administrative and judicial proceedings for the adjustment at the partnership level of partnership items. A TMP also may file a petition for readjustment, file an administrative adjustment, and extend the statute of limitations on behalf of all partners. A partnership may only designate a general partner as the TMP. If a partnership does not designate a TMP, a general partner will be designated as the TMP either by statute or by the Internal Revenue Service. If it is impractical to designate a general partner as the TMP, the Service will designate a limited partner as the TMP. Because a limited liability company does not have a general partner, a limited liability company cannot designate a TMP. Guidance is needed that will allow a limited liability company to designate a TMP.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: PS-34-92.

Drafting attorney: Lindsay Russell (202) 622-3050.

Reviewing attorney: Dianna K. Miosi (202) 622-3050.

Treasury attorney: Barksdale Penick (202) 622-1335.

Agency Contact: Lindsay Russell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3050

RIN: 1545-AQ47

2917. TIME FOR PERFORMING CERTAIN ACTS POSTPONED BY REASON OF SERVICE IN COMBAT ZONE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will address how service in a combat zone affects the time for performing certain actions required or allowed under the internal revenue laws.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-006-91.

Drafting attorney: Stuart Spielman (202) 622-4940.

Reviewing attorney: Alan Fraser (202) 622-4940.

Treasury attorney: Jim Miller (202) 622-1768.

Agency Contact: Stuart Spielman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4940

RIN: 1545-AP90

2918. COORDINATION OF U.S. AND CERTAIN POSSESSION INCOME TAXES (TEMP)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7654 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations relate to section 7654 of the Internal Revenue Code of 1986 which generally provides that net income tax collections from individuals described in sections 931 or 932(c), plus earned income of Federal personnel while bona fide residents of specified possessions, must be covered into the Treasury of the specified possession of which such individuals are bona fide residents.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-971-86.

Drafting attorney: Ricardo A. Cadenas (202) 874-1490.

Reviewing attorney: George Sellinger (202) 874-1490.

Treasury attorney: Charles Cope (202) 622-1752.

Temporary Regulation

Agency Contact: Ricardo A. Cadenas, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South SW., Suite 3319, Washington, DC 20024, 202 874-1490

RIN: 1545-AP85

2919. • REMIC REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 860E Internal Revenue Code of 1986; 26 USC 860G Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations will provide guidance to REMICS and to their investors concerning the operation, formation and taxation of the entity and the investors.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-31-93

Drafting attorney: Carol Schwartz (202) 622-3920.

Reviewing attorney: Marshall Feiring (202) 622-3960.

Treasury attorney: P. Val Strehlow (202) 622-0869.

Agency Contact: Carol A. Schwartz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3920

RIN: 1545-AR88

DEPARTMENT OF THE TREASURY (TREAS)

Proposed Rule Stage

Internal Revenue Service (IRS)

2920. STATEMENT OF PROCEDURAL RULES—UPDATE #2

Legal Authority: 5 USC 552 (a)(1)(C)

CFR Citation: 26 CFR 601.101; 26 CFR 601.102; 26 CFR 601.103; 26 CFR 601.104; 26 CFR 601.105; 26 CFR

601.107; 26 CFR 601.108; 26 CFR 601.109

Legal Deadline: None

Abstract: The regulation updates the statement of procedural rules that concern the basic return processing, examination, and collection functions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

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Additional Information: IA-21-93.
 Drafting attorney: John Moran (202) 622-4940.
 Reviewing attorney: George Bradley (202) 622-8104.
Agency Contact: John Moran, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC. 20224, 202 622-4940
RIN: 1545-AR44

2921. • CLEAR REFLECTION OF INCOME IN THE CASE OF CERTAIN FINANCIAL PRODUCTS
Legal Authority: 26 USC 7805 Internal Revenue Code of 1986
CFR Citation: 26 CFR 1.446-5
Legal Deadline: None
Abstract: The proposed regulations clarify the timing of the recognition of deduction, gain or loss for certain financial products.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Additional Information: FI-54-93
 Drafting attorney: Jo Lynn Ricks (202) 622-3920.
 Reviewing attorney: Mike Novey (202) 622-3267.
 Treasury attorney: Hal Gann (202) 622-1333.
Agency Contact: Jo Lynn Ricks, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3920
RIN: 1545-AR96

2922. • MCC REGULATIONS
Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 25(e)(4) Internal Revenue Code of 1986
CFR Citation: 26 CFR 1.25-3T (g)
Legal Deadline: None
Abstract: Under section 25(e)(4) of the Code the secretary is permitted to prescribe regulations to allow a mortgage credit certificate program administrator to reissue a mortgage credit certificate that replaces the outstanding balance of a certified

mortgage indebtedness of a mortgage credit certificate holder equal to or less than the interest payable on the remaining principal amount of the certified indebtedness. Until such time as the secretary issues regulations under this Code section 25(e)(4) mortgage credit certificate holders may not refinance their mortgages and have a mortgage credit certificate reissued. These regulations will permit reissuance. Benefits accrue to the mortgagor and to the Treasury by this regulation.

Timetable: Next Action Undetermined
Small Entities Affected: Undetermined
Government Levels Affected: Undetermined
Additional Information: FI-047-92
 Drafting attorney: L. Michael Wachtel (202) 622-3980.
 Reviewing attorney: Lon Smith (202) 622-3980.
 Treasury attorney: Mitch Rapaport (202) 622-0871.

Agency Contact: L. Michael Wachtel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3980
RIN: 1545-AR57

2923. • REISSUANCE OF MORTGAGE CREDIT CERTIFICATES (CROSS-REFERENCE TO TEMPORARY REGULATIONS)
Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 25(e)(4) Internal Revenue Code of 1986
CFR Citation: 26 CFR 1
Legal Deadline: None
Abstract: This regulation is a cross-reference to temporary regulations (RIN 1545-AR57) which provides guidance to issuers and holders of mortgage credit certificates on the reissuance of mortgage credit certificates.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None
Government Levels Affected: None
Additional Information: FI-47-92.
 Drafting Attorney: L. Michael Wachtel (202) 622-3980.
Agency Contact: L. Michael Wachtel, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3980
RIN: 1545-AR76

2924. MORTGAGE CREDIT CERTIFICATES AND TARGETED AREAS
Legal Authority: 26 USC 25 (c) Internal Revenue Code of 1986
CFR Citation: 26 CFR 1.25-4T(g)(2)
Legal Deadline: None
Abstract: The percentage of mortgage originations required by section 1.25-4T(g) (8 percent) was predicted of the 1:5 trade in rule contained in former section 25(c) of the Code to accommodate the new 1:4 rate contained in section 25(c). We are amending sections 1.25-4T(g).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Governmental Jurisdictions
Government Levels Affected: Local, State
Additional Information: FI-068-89.
 Drafting attorney: Harold Diamond (202) 622-3980.

Agency Contact: Harold Diamond, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3980
RIN: 1545-AO05

2925. LOW-INCOME HOUSING CREDIT RECAPTURE RULE
Legal Authority: 26 USC 38 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986; 26 USC 142(d) Internal Revenue Code of 1986; 26 USC 179 Internal Revenue Code of 1986; 26 USC 267(b) Internal Revenue Code of 1986; 26 USC 1274(d)(1) Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986; 26 USC 6622 Internal Revenue Code of 1986
CFR Citation: 26 CFR 1
Legal Deadline: None
Abstract: These regulations will provide guidance with respect to the recapture requirements of section

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42(j)) for the low-income housing credit. In addition, these regulations will clarify the types of housing that will qualify for the credit.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-108-87.

Drafting attorney: Christopher J. Wilson (202) 622-3040.

Reviewing attorney: James Ranson (202) 622-3040.

Agency Contact: Christopher J. Wilson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3040

RIN: 1545-AL12

2926. 10-YEAR WAIVER REGULATIONS UNDER SECTION 42 IRC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides rules on certain buildings acquired during a 10-year period.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-025-90.

Drafting attorney: Elissa Shendalman (202) 622-3040.

Reviewing attorney: Donna Young (202) 622-3040.

Treasury attorney: Heidi Ebel (202) 622-1334.

Agency Contact: Elissa Shendalman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3040

RIN: 1545-AO94

2927. STACKING RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide certain definitions and rules for determining the order in which housing credit dollar amounts are allocated under section 42(h)(3). These regulations also provide certain definitions and rules for determining which states qualify for an allocation of credit under section 42(h)(3)(D).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/01/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: PS-106-91.

Drafting attorney: Christopher J. Wilson (202) 622-3040.

Reviewing attorney: James Ranson (202) 622-3040.

Treasury attorney: Mitch Rappaport (202) 622-0871.

Agency Contact: Christopher Wilson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3040

RIN: 1545-AQ41

2928. DISABLED ACCESS CREDIT

Legal Authority: 26 USC 44(e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will explain who is eligible for the credit and what types of expenditures will qualify for the credit.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: PS-94-91.

Drafting attorney: Robert Pitzer (202) 622-3110.

Reviewing attorney: Susan Reaman (202) 622-3110.

Agency Contact: Robert Pitzer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3110

RIN: 1545-AQ20

2929. MINIMUM TAX CREDIT AND OTHER MISCELLANEOUS RULES RELATING TO THE ALTERNATIVE MINIMUM TAX

Significance: Regulatory Program

Legal Authority: 26 USC 55 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will address issues relating to the Alternative Minimum Tax for individuals and corporations. Changes to the applicable law were made by the Tax Reform Act of 1986 and the Technical and Miscellaneous Revenue Act of 1988. The regulations will provide individual and corporate taxpayers with the guidance necessary to determine their alternative minimum tax and their minimum tax credit.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-2-87.

Drafting attorney: Stephen J. Toomey (202) 622-4960.

Reviewing attorney: William Jackson (202) 622-4960.

Treasury attorneys: Hal Gann (202) 622-0868 and J. Paul Whitehead (202) 622-0868.

Agency Contact: Stephen J. Toomey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AJ86

2930. INCOME TAX—INVENTORY ADJUSTMENT FOR THE ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides guidance with respect to inventory adjustments for the alternative minimum tax.

Timetable: Next Action Undetermined

TREAS—IRS

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Small Entities Affected: Undetermined
Government Levels Affected:
 Undetermined

Additional Information: IA-85-87.

Drafting attorney: Edward C. Schwartz
 (202) 622-4960.

Reviewing attorney: William Jackson
 (202) 622-4960.

Treasury attorney: John Parcell (202)
 622-2578.

Agency Contact: Edward C. Schwartz,
 Attorney-Advisor, Department of the
 Treasury, Internal Revenue Service,
 1111 Constitution Avenue NW.,
 Washington, DC 20224, 202 622-4960

RIN: 1545-AL02

2931. INCOME TAX—INVENTORY ADJUSTMENT FOR THE ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal
 Revenue Code of 1986; 26 USC 56 (a)
 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides
 guidance with respect to inventory
 adjustment for the alternative minimum
 tax.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected:
 Undetermined

Additional Information: IA-84-87.

Drafting attorney: Edward C. Schwartz
 (202) 622-4960.

Reviewing attorney: William Jackson
 (202) 622-4960.

Treasury attorney: John Parcell (202)
 622-2578.

Temporary Regulation

Agency Contact: Edward C. Schwartz,
 Attorney Advisor, Department of the
 Treasury, Internal Revenue Service,
 1111 Constitution Avenue NW.,
 Washington, DC 20224, 202 622-4960

RIN: 1545-AL03

2932. APPLICATION OF SECTION 58(H) OF THE 1954 CODE TO SITUATIONS INVOLVING NOL CARRYBACKS

Legal Authority: 26 USC 7805 Internal
 Revenue Code of 1954; 26 USC 58(h)
 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: This regulation will give
 guidance on how to apply the special
 58(h) tax benefit rule when a taxpayer
 receives no tax benefit from items of
 tax preference because of net operating
 losses.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|---------|
| Temporary Regulation | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected:
 Undetermined

Additional Information: IA-060-89.

Drafting attorney: Kelly Richardson
 Berg (202) 622-4960.

Reviewing attorney: William Jackson
 (202) 622-4960.

Agency Contact: Kelly Richardson
 Berg, Tax Attorney, Department of the
 Treasury, Internal Revenue Service,
 1111 Constitution Avenue NW.,
 Washington, DC 20224, 202 622-4960

RIN: 1545-AO36

2933. ALTERNATIVE MINIMUM TAX FOREIGN TAX CREDIT

Significance: Agency Priority.

Legal Authority: 26 USC 7805 Internal
 Revenue Code of 1986; 26 USC 59
 Internal Revenue Code of 1986

CFR Citation: 26 CFR Not yet
 determined

Legal Deadline: None

Abstract: This regulation will provide
 taxpayers with the guidance necessary
 to correctly determine their alternative
 minimum tax foreign tax credit.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-95-91.

Drafting attorney: Edward C. Schwartz
 (202) 622-4960.

Reviewing attorney: William A. Jackson
 (202) 622-4960.

Agency Contact: Edward C. Schwartz,
 Attorney, Department of the Treasury,
 Internal Revenue Service, 1111
 Constitution Avenue NW., Washington,
 DC 20224, 202 622-4960

RIN: 1545-AQ33

2934. AMENDMENT TO THE REGULATIONS UNDER SECTION 61 TO CONFORM THE TREATMENT OF BOND PREMIUM INCOME TO THE CONSTANT YIELD METHOD

Legal Authority: 26 USC 7805 Internal
 Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide
 a method for determining how to
 include bond premium into income.
 The method is the constant yield
 method.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected:
 Undetermined

Additional Information: FI-70-88.

Drafting attorney: Richard Larkins (202)
 622-4441.

Reviewing attorney: Andrew Kittler
 (202) 622-3940.

Agency Contact: Richard Larkins,
 Attorney, Department of the Treasury,
 Internal Revenue Service, 1111
 Constitution Ave. NW., Washington, DC
 20224, 202 622-4441

RIN: 1545-AL92

2935. TO CLARIFY THAT THE SERVICE HAS AUTHORITY TO AMEND THE STANDARD INDUSTRY FARE LEVEL (SIFL) AIRCRAFT VALUATION FORMULA

Legal Authority: 26 USC 7805 Internal
 Revenue Code of 1986; 26 USC 61(a)
 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Taxpayers want more timely
 publication of the Standard Industry
 Fare Level (SIFL) rates, preferably
 publication in the last quarter of the
 year before the year in which the rates
 will be applicable. Difficulties arising
 from the need to coordinate with the
 Department of Transportation which
 furnishes the rates make it virtually
 impossible to satisfy the request for
 timeliness under the current system.
 Therefore, the Service proposes to
 adopt a Cost of Living adjustment to
 be published in the last quarter of each
 year. The rate adjustment will be

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applied to a base SIFL rate. The Service believes that adopting a COLA adjustment will meet taxpayers needs for timely information and that it will significantly reduce the volume of telephone calls that the Service currently receives on this issue.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: EE-71-91.

Drafting attorney: Robert Wheeler (202) 622-6060.

Reviewing attorney: Jerry Holmes (202) 622-6040.

Treasury attorney: Kurt Lawson (202) 622-1352.

Agency Contact: Robert Wheeler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6060

RIN: 1545-AQ16

2936. LOANS TREATED AS DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 72 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance on the application of rules for determining the income tax treatment to be accorded loans to participants or beneficiaries from qualified employer plans. The loan rules are provided in section 72(p) of the Internal Revenue Code of 1986.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-106-82.

Drafting attorney: Elizabeth Purcell (202) 622-6060.

Reviewing attorney: Michael Thrasher (202) 622-6000.

Agency Contact: Elizabeth A. Purcell, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave. NW., Washington, DC 20224, 202 622-6080

RIN: 1545-AE41

2937. TEN PERCENT ADDITIONAL TAX ON EARLY DISTRIBUTION FROM QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 72 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Guidance concerning the application of the tax to early distributions and an explanation of the exceptions, such as substantially equal periodic payments.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: EE-080-89.

Drafting attorney: Rebecca Wilson (202) 622-6040.

Reviewing attorney: Jerry Holmes (202) 622-6040.

Agency Contact: Rebecca Wilson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6040

RIN: 1545-AN16

2938. REMOVING GENDER DISTINCTION FROM MORTALITY TABLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 79 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations will gender-neutralize the mortality table used under section 79 to determine the value of group-term life insurance's permanent benefits provided to employees.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-111-88.

Drafting attorney: Betty Clary (202) 622-6070.

Reviewing attorney: James Brokaw (202) 622-6070.

Agency Contact: Betty Clary, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6070

RIN: 1545-AK50

2939. SECTION 79, TABLE I, UPDATE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 79 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulation will update the table used to determine the cost amount of group-term life insurance to be included in gross income.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-82-89.

Drafting attorney: Betty Clary (202) 622-6070.

Reviewing attorney: James Brokaw (202) 622-6070.

Agency Contact: Betty Clary, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6070

RIN: 1545-AN54

2940. STUDY OF APPLICATION OF SECTION 302 AND SECTION 1.83(D)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 83 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.83-6

Legal Deadline: None

Abstract: Regulation section 1.83-6(d) will be revised to distinguish between a section 302 transaction and a 1032 transaction. Also, a special rule will be added for transfers of stock from a parent corporation to employees of a subsidiary.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-81-88.

Drafting attorney: Charles T. Deliee (202) 622-6060.

Agency Contact: Charles T. Deliee, Attorney, Department of the Treasury,

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Proposed Rule Stage

Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6060
RIN: 1545-AN55

2941. DEFINITION OF "REISSUANCE" UNDER SECTION 103

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulations would provide guidance regarding whether changes in the terms of an outstanding obligation result in that obligation being treated as retired and reissued as a new obligation. Guidance on the definition of issuance appeared as Notice 88-130, 1988-52, IRB 12. The rules contained in the Notice will be incorporated in the regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: FI-29-86.

Drafting attorney: David White (202) 622-3980.

Treasury attorney: Mitch Rappaport (202) 622-0871.

Agency Contact: David White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AI65

2942. AMOUNT RECEIVED AS COMPENSATION FOR PERSONAL INJURY OR SICKNESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 104(a)(3) Internal Revenue Service Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Relates to the treatment of amounts received under contracts issued by life insurance companies.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-48-92.

Drafting attorney: Felix Zech (202) 622-6080.

Agency Contact: Felix Zech, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington DC 20224, 202 622-6080

RIN: 1545-AQ97

2943. INCOME TAX—DISCHARGE OF INDEBTEDNESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 108 Internal Revenue Code of 1986; 26 USC 1017 Internal Revenue Code of 1986; PL 96-589, Sec 2 Bankruptcy Tax Act 1980

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This proposal would provide rules relating to certain income from the discharge of indebtedness, including rules relating to the election to reduce the basis of assets in lieu of recognizing income.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-91-81.

Drafting attorney: Sharon Hall (202) 622-4930.

Reviewing attorney: Sharon Hall (202) 622-4930.

Agency Contact: Sharon Hall, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4930

RIN: 1545-AA67

2944. CONSOLIDATED ATTRIBUTE REDUCTION UNDER SECTION 108(B)

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 108 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide for the reduction of consolidated attributes under section 108(b) when discharge of indebtedness income

realized by a member of consolidated group is excluded from gross income under section 108(a).

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-44-91.

Agency Contact: William Alexander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7780

RIN: 1545-AP95

2945. PURCHASE MONEY DEBT REDUCTION TREATED AS PRICE REDUCTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 108(e)(5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance regarding the application of section 108(e)(5) under which a debt of a purchaser of property to the seller of such property is treated as a purchase price reduction, rather than as income from the cancellation of indebtedness.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-47-91.

Drafting attorney: Sharon L. Hall (202) 622-4930.

Reviewing attorney: Michael D. Finley (202) 622-4930.

Treasury attorney: Anne Alstott (202) 622-0865.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4930

RIN: 1545-AQ00

2946. • DEBT DISCHARGE INCOME, JOINT AND SEVERAL DEBTS

Legal Authority: 26 USC 7805; 26 USC 108

CFR Citation: 26 CFR 1

Legal Deadline: None

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Abstract: What is the proper tax treatment of joint and several debts for purposes of code sections 61(a)(12) and 108?

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-047-93

Drafting attorney: James Atkenson (202) 622-4950.

Reviewing attorney: Kelly Alton (202) 622-4890.

Agency Contact: James Atkenson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4950

RIN: 1545-AR86

2947. CONSOLIDATED ATTRIBUTE REDUCTION UNDER SECTION 108(B)

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The attribute reduction required by section 108(b) only applies on a single entity basis. This regulation sets forth rules for the reduction of attributes under section 108(b) on a consolidated basis.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|---------|
| Temporary Regulation | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-72-91.

Drafting attorney: Amy Sargent (202) 622-4930.

Reviewing attorney: Mark Schneider (202) 622-4890.

Agency Contact: Amy Sargent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4930

RIN: 1545-AQ84

2948. QUALIFIED TUITION REDUCTIONS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 117 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations contain rules explaining when qualified tuition reductions provided for education below the graduate level to an employee of an educational organization or to a person treated as an employee will be excluded from the employee's gross income. The proposed regulations include rules relating to tuition reductions which discriminate in favor of officers, owners or highly compensated employees and so are includible in income. The proposed regulations also provide rules relating to the treatment of tuition reductions in the case of graduate student teaching and research assistants.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-35-85.

Drafting attorney: Michael Schmit (202) 622-4960.

Reviewing attorney: William Jackson (202) 622-4960.

Agency Contact: Michael Schmit, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AI13

2949. DEPENDENT CARE ASSISTANCE

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 129 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance to employers and their employees concerning qualified dependent care assistance programs. Under 26 USC 129, an employee may exclude up to \$5,000 from gross income for dependent care.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-090-88.

Drafting attorney: Monice Rosenbaum (202) 622-6070.

Reviewing attorney: James L. Brokaw (202) 622-6070.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6070

RIN: 1545-AN17

2950. DEFINITION OF "PRIVATE ACTIVITY BOND," "QUALIFIED BOND"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1985; 26 USC 141 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides a definition of the term "private activity bond".

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-72-88.

Drafting attorney: Harold Diamond (202) 622-3980.

Agency Contact: Harold Diamond, Attorney/Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AM01

2951. • EXEMPT SEWAGE FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 142 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulation will define sewage facilities under section 142(a)(5).

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

TREAS—IRS

Proposed Rule Stage

Government Levels Affected:
Undetermined

Additional Information: PS-34-93

Drafting attorney: Joanne E. Johnson (202) 622-3110.

Reviewing attorney: Susan Reaman (202) 622-3110.

Agency Contact: Joanne E. Johnson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3110

RIN: 1545-AR64

2952. QUALIFIED 501(C)(3) BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 145 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance regarding the circumstances under which a private activity bond will be treated as a qualified 501(c)(3) bond.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-84-86.

Drafting attorney: Dave White (202) 622-3980.

Treasury attorney: Mitch Rappaport (202) 622-0871.

Agency Contact: David E. White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AJ39

2953. STATE VOLUME CAP FOR TAX-EXEMPT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 146 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide state volume cap rules for tax-exempt bonds.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Additional Information: FI-85-86.

Drafting attorney: Scott Lilienthal (202) 622-3980.

Agency Contact: Scott Lilienthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AJ37

2954. SUBSEQUENT INTENTIONAL ACTS TO EARN ARBITRAGE AND THE REASONABLE EXPECTATIONS TEST FOR ARBITRAGE BONDS

Legal Authority: 26 USC 148 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.103-13

Legal Deadline: None

Abstract: The proposed regulations provide that if subsequent intentional acts are taken after the date of issue to earn arbitrage, the reasonable expectations test does not prevent a bond from being declared an arbitrage bond.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|---------|
| Temporary Regulation | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-044-89.

Drafting attorney: David White (202) 622-3980.

Agency Contact: David White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AN69

2955. QUALIFIED RESIDENCE INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance regarding the definition of qualified residence interest, including the definition of acquisition debt and guidance regarding the computation of the limitation.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-27-88.

Drafting attorney: Sharon L. Hall (202) 622-4930.

Reviewing attorney: Kelly Alton (202) 622-4880.

Treasury attorney: Heidi Ebel (202) 622-1334.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, Washington, DC 20224, 202 622-4930

RIN: 1545-AL67

2956. INCOME TAX—ACCELERATED COST RECOVERY SYSTEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168 Internal Revenue Code of 1954; 26 USC 179 Internal Revenue Code of 1954; 26 USC 1245 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954; 26 USC 167 Internal Revenue Code of 1954; 26 USC 1250 Internal Revenue Code of 1954; 26 USC 57(a)(12) Internal Revenue Code of 1954; 26 USC 312(k) Internal Revenue Code of 1954; 26 USC 172(b) Internal Revenue Code of 1954; 26 USC 812(b) Internal Revenue Code of 1954; 26 USC 46(b) Internal Revenue Code of 1954; 26 USC 53(c) Internal Revenue Code of 1954; 26 USC 381(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To provide regulations under section 168 and accompanying provisions clarifying the operation of the accelerated cost recovery scheme. This cost recovery system generally applies to property placed in service after December 31, 1980. Generally, section 168 applies to "recovery property" which is defined as tangible property of a character subject to the allowance for depreciation which is used in a trade or business, or held for the production of income.

Timetable:

| Action | Date | FR Cite |
|--------|----------|------------|
| NPRM | 02/16/84 | 49 FR 5940 |

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Proposed Rule Stage

| Action | Date | FR Cite |
|----------------------------|--------------|------------|
| NPRM Comment Period End | 05/16/84 | 49 FR 5940 |
| Hearing held | 05/21/84 | |
| Next Action | Undetermined | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Additional Information: PS-185-81.

Drafting attorney: Mark Pitzer (202) 622-3110.

Reviewing attorney: Charles Ramsey (202) 622-3110.

Treasury attorney: Barksdale Penick (202) 622-1335.

Agency Contact: Mark Pitzer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3110

RIN: 1545-AA87

2957. MODIFICATION OF ACRS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide rules concerning the accelerated cost recovery system for property generally placed in service after December 31, 1986.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Additional Information: PS-86-86.

Drafting attorney: Mark Pitzer (202) 622-3110.

Reviewing attorney: Charles Ramsey (202) 622-3110.

Treasury attorney: Barksdale Penick (202) 622-1335.

Agency Contact: Mark Pitzer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3110

RIN: 1545-AJ38

2958. RECAPTURE—CLEAN FUEL/ELECTRIC VEHICLES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 179A Internal Revenue Code of 1986; 26 USC 30 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulations on the definition of a qualified electric vehicle under section 30(c) and the recapture of the benefit of any credit allowable for qualified electric vehicles under section 30 and any deduction allowable for qualified clean-fuel vehicle property or qualified clean-fuel vehicle refueling property under section 179A.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Additional Information: PS-72-92.

Drafting attorney: Joanne Johnson (202) 622-3110.

Reviewing attorney: Susan Reaman (202) 622-3110.

Agency Contact: Joanne Johnson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3110

RIN: 1545-AR23

2959. INCOME TAX—TO ADD PROVISIONS RELATING TO START-UP EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 195 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to taxpayers electing to amortize start-up expenditures relating to the creation or acquisition of an active trade or business.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-36-81.

Drafting attorney: David Selig (202) 622-3040.

Reviewing attorney: James Ranson (202) 622-3040.

Treasury attorney: Joan Leonard (202) 622-0864.

Agency Contact: David Selig, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3040

RIN: 1545-AB02

2960. DISTRIBUTIONS BY COOPERATIVE HOUSING ASSOCIATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 216 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide exceptions to the general rule of section 216(e) under which no gain or loss shall be recognized on the distribution by a cooperative housing association of a dwelling unit to a stockholder in such corporation if the exchange qualifies for nonrecognition under section 1034(f).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Additional Information: PS-047-90.

Drafting attorney: Lisa Shuman (202) 622-3120.

Reviewing attorney: Emil O. Muhs, Jr. (202) 622-3120.

Agency Contact: Lisa Shuman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3120

RIN: 1545-AO91

2961. CAPITALIZATION OF INTEREST EXPENSE BY RELATED PARTIES IN THE CASE OF THE PRODUCTION OF CERTAIN PROPERTY

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations provide related party rules necessary for taxpayers to comply with the requirement to capitalize interest with respect to certain property produced by the taxpayer.

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Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations
Government Levels Affected: None
Additional Information: IA-91-91.
 Drafting attorney: Mary Goode (202) 622-4960.
 Reviewing attorney: Eric Pleet (202) 622-4970.
 Treasury reviewer: John Parcell (202) 622-2578.
Agency Contact: Mary Goode, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960
RIN: 1545-AQ85

2962. • PROPOSED REGULATIONS UNDER SECTION 265(B)(3)

Legal Authority: 26 USC 265
CFR Citation: 26 CFR 1
Legal Deadline: None
Abstract: The regulation will provide comprehensive rules under section 265(b)(3) which excepts qualified tax exempt exceptions from the interest disallowance rule of section 265(b)(1).
Timetable: Next Action Undetermined
Small Entities Affected: Undetermined
Government Levels Affected: None
Agency Contact: Sharon Galm, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 202 622-3920
RIN: 1545-AR98

2963. RULES FOR TREATMENT OF FOREIGN CORPORATION WHOSE STOCK IS STAPLED TO THE STOCK OF A DOMESTIC CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 268B Internal Revenue Code of 1986
CFR Citation: 26 CFR 1
Legal Deadline: None
Abstract: The regulation will provide a general rule that where a U.S.-owned foreign corporation and a U.S.-owned domestic corporation are stapled entities, the foreign corporation will be treated as a domestic corporation and

that the deemed conversion will be treated as a reorganization under section 368(a)(1)(F) of the Code. The regulations will also provide exceptions to this general rule.

Timetable: Next Action Undetermined
Small Entities Affected: Undetermined
Government Levels Affected: Undetermined
Additional Information: INTL-237-89.
 Drafting attorney: Patricia A. Bray (202) 622-3840.
 Reviewing attorney: David I. Bower (202) 622-3840.
 Treasury attorney: Marlin Risinger (202) 622-1762.
Agency Contact: Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840
RIN: 1545-AN20

2964. LIMITATION OF DEDUCTIONS ON PASSENGER AUTOMOBILES AND OTHER LISTED PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986
CFR Citation: 26 CFR 1
Legal Deadline: None
Abstract: The regulations will clarify the rules limiting the Investment Tax Credit (if any) and Cost Recovery deductions allowable with respect to passenger automobiles and certain other "listed property."
Timetable: Next Action Undetermined
Small Entities Affected: Businesses
Government Levels Affected: Undetermined
Additional Information: PS-015-89.
 Drafting attorney: Bernard P. Harvey (202) 622-3110.
 Reviewing attorney: Harold E. Burghart (202) 622-3110.
 Treasury attorney: John H. Parcell (202) 622-2578.
Agency Contact: Bernard P. Harvey, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3110
RIN: 1545-AN05

2965. THE SUBSTANTIATION OF DEDUCTIONS CLAIMED FOR THE USE OF CELLULAR TELEPHONES AND COMPUTERS IN A TAXPAYER'S TRADE OR BUSINESS

Significance: Agency Priority
Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986; 26 USC 61 Internal Revenue Code of 1986; 26 USC 132 Internal Revenue Code of 1986; 26 USC 274 Internal Revenue Code of 1986
CFR Citation: 26 CFR 1
Legal Deadline: None
Abstract: The regulations provide the public with the guidance needed to substantiate the use of cellular telephones and computers in a trade or business. The regulations proposed for cellular telephones and computers follow the safe harbor rules of listed properties such as automobiles, and consider the possibility of exceptions to the rules for listed property when the use of a cellular telephone in a trade or business occurs under special conditions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses
Government Levels Affected: None
Additional Information: PS-114-90.
 Drafting attorney: Bernard P. Harvey (202) 622-3110.
 Reviewing Tax Law Specialist: Harold E. Burghart (202) 622-3110.
 Treasury attorney: John H. Parcell (202) 622-2578.
Agency Contact: Bernard P. Harvey, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3110
RIN: 1545-AP46

2966. SECTION 304 REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 304 Internal Revenue Code of 1986
CFR Citation: 26 CFR 1
Legal Deadline: None
Abstract: Amend section 304 regulations to apply section 1059 and make proper adjustments to basis and

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earnings and profits of an affiliated group of corporations not filing a consolidated return to prevent results similar to mirror subsidiary transactions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/31/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-44-92.

Drafting attorney: Brendan O'Hara (202) 622-7530.

Reviewing attorney: Mark Jennings (202) 622-7530.

Agency Contact: Brendan O'Hara, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7530

RIN: 1545-AR40

2967. TREATMENT OF PREMIUMS ON STOCK CALLABLE AT THE OPTION OF THE ISSUER

Legal Authority: 26 USC 305(c)(1) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.305-5(b)(1); 26 CFR 1.305-5(b)(2)

Legal Deadline: None

Abstract: In section 11322(a) of Pub. L. 101-508, Congress amended section 305(c) of the Code to modify the treatment of preferred stock issued with a redemption premium. The amendment to section 305(c) applies the economic accrual rules that are applicable to debt instruments issued with OID to certain preferred stock issued with a redemption premium if the stock will be redeemed, or it can reasonably be assumed that the stock will be redeemed, on a fixed date. The regulations under 305(c) will be amended to provide for the economic accrual, rather than the ratable inclusion, of redemption premiums, in accordance of OID principles.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-008-91.

Drafting attorney: Kirsten Simpson (202) 622-7790.

Reviewing attorney: William Alexander (202) 622-7780.

Agency Contact: Kirsten L. Simpson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7790

RIN: 1545-AQ42

2968. APPLICATION OF GENERAL UTILITIES REPEAL REGULATORY AUTHORITY TO RICS AND REITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 337(d) Internal Revenue Code 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulations project is one of several dealing with the implementation of the repeal of the General Utilities doctrine by section 631 of the Tax Reform Act of 1986. This project deals with the regulations necessary to ensure the repeal is implemented with respect to regulated investment companies and real estate investment companies.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-15-88.

Drafting attorney: Thomas Matrigrano (202) 622-7530.

Reviewing attorney: Mark S. Jennings (202) 622-7530.

Treasury attorney: Andrew Dubroff (202) 622-1766.

Agency Contact: Thomas Matrigrano, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7530

RIN: 1545-AL65

2969. SCOPE OF GENERAL UTILITIES REPEAL

Legal Authority: 26 USC 337(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Tax Reform Act of 1986 (the "Act") repealed the last vestiges of the General Utilities doctrine ("GU repeal"), and corporations must recognize gain in most cases upon the distribution of appreciated property to their shareholders. The Act granted the Secretary authority to promulgate regulations necessary to carry out the

purposes of the Act. It has been determined that GU repeal can be circumvented by conversion of for-profit corporations to tax-exempt entities and other transactions involving tax-exempt entities. This project will develop regulations to prevent the circumvention of corporate-level gain in such transactions.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-014-89.

Drafting attorney: Stephen R. Cleary (202) 622-7530.

Reviewing attorney: Wayne T. Murray (202) 622-7530.

Agency Contact: Stephen R. Cleary, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7530

RIN: 1545-AN21

2970. AMENDMENT OF SECTION 1.338-5T REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address problems that have surfaced in the section 1.338-5T regulations since their publication, issues raised by the repeal of the General Utilities doctrine, as well as issues presented by the passage of section 338(h)(16) in 1988.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: INTL-177-90.

Drafting attorney: Kenneth D. Allison (202) 622-3860.

Reviewing attorney: Charles Besecky (202) 622-3860.

Treasury attorney: Peter Marrs (202) 622-0724.

Agency Contact: Kenneth D. Allison, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3860

RIN: 1545-AO73

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2971. FRINGE BENEFIT SOURCING UNDER SECTION 861

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will address the clarification that an allocation of income of an individual for the performance of services both within and without the United States is appropriately made only on the time basis.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-107-90.

Drafting attorney: Robert W. Lorence (202) 622-3880.

Reviewing attorney: Thomas P. Fuller (202) 622-3880.

Treasury attorney: Charles Cope (202) 622-1752.

Agency Contact: Robert W. Lorence, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3880
RIN: 1545-AO72

2972. SECTION 361 OUTBOUND TRANSFERS OF PROPERTY TO FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The income tax regulations under section 367(a) will be amended to reflect the changes made to that section by the Technical and Miscellaneous Corrections Act of 1988. Section 367(a)(5) now provides that a transfer of assets to a foreign corporation in an exchange described in section 361 is subject to section 367(a)(1) unless certain ownership requirements and other conditions are met. The regulations will provide guidance regarding the application of this section. The change in the statute was necessitated by the repeal of "General Utilities."

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Additional Information: INTL-089-89.

Drafting attorney: Philip Tretiak (202) 622-3860.

Reviewing attorney: Bernard T. Bress (202) 622-3850.

Treasury attorney: Peter Marrs (202) 622-0724.

Agency Contact: Philip Tretiak, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3860
RIN: 1545-AM97

2973. REORGANIZATIONS IN BANKRUPTCY; STOCK-FOR-DEBT EXCHANGES; USE OF PARENT CORPORATION STOCK; TRIANGULAR "G" REORGANIZATIONS

Legal Authority: 26 USC 108 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for members of an affiliated group of corporations filing consolidated returns which are reorganized in bankruptcy. The issuance of parent corporation stock in cancellation of subsidiary corporation indebtedness will come within the common law stock-for-debt exception to cancellation of indebtedness income (as limited by section 108(e)(8) and section 108(e)(10) without resort to a recapitalization analysis (whether deemed or actual). Collateral consolidation return and reorganization issues will be considered.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Additional Information: CO-078-89.

Drafting attorney: Victor Penico (202) 622-7750.

Reviewing attorney: Charles Whedbee (202) 622-7750.

Agency Contact: Victor Penico, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7750
RIN: 1545-AO30

2974. SUSPENSION OF PARTNERSHIP INCOME AND EXPENSES ARISING FROM UNPAID GUARANTEED PAYMENTS ACCRUED BY CERTAIN PARTNERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These proposed regulations suspend the recognition of income and expenses if certain partners, such as loss corporations, accrue unpaid guaranteed payments. The partner's income as well as the partnership's expense will be recognized in the taxable year in which the partnership pays, with an unrestricted transfer of money, the accrued guaranteed payment. The proposed regulations prevent loss corporations, and other covered taxpayers not subject to U.S. tax, from structuring partnership guaranteed payment that diverts taxable income to the loss corporation or other non U.S. taxpayer which is greater than the ultimate economic benefit realized from the guaranteed payment.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-95-90.

Drafting attorney: Susan Pace Hamill (202) 622-3050.

Reviewing attorney: David R. Haglund (202) 622-3050.

Treasury attorney: Heidi Ebel (202) 622-1334.

Agency Contact: Susan Pace Hamill, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3050
RIN: 1545-AP43

2975. PERMISSIBILITY OF SECTION 401(H) ACCOUNT IN COMBINATION WITH AN ESOP

Significance: Agency Priority

Legal Authority: 26 USC 401(h) Internal Revenue Code of 1986; 26 USC 4975 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

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CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address the permissibility of retiree health accounts under section 401(h) in combination with employee stock ownership plans.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-52-91.

Drafting attorney: John Ricotta (202) 622-6080.

Reviewing attorney: Steven Miller (202) 622-6000.

Agency Contact: John Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6080

RIN: 1545-AP88

2976. CASH OR DEFERRED ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.401(k)-1(g)(11)(iii)(A); 26 CFR 1.401(k)-1(g)(11)(iii)(D)(2)

Legal Deadline: None

Abstract: This project will simplify the treatment of section 401(k) plans of employees who are members of collective bargaining units and addresses certain practical issues raised for plan sponsors by final regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|----------|
| NPRM | 01/04/93 | 58 FR 43 |

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-42-92.

Drafting attorney: Cheryl Press (202) 622-6030.

Reviewing attorney: Richard Lent (202) 622-6030.

Agency Contact: Cheryl Press, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6030

RIN: 1545-AQ77

2977. NONDISCRIMINATION AND OTHER RULES APPLICABLE TO SECTION 403(B) ANNUITIES

Legal Authority: 26 USC 403(b)(12) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance regarding the nondiscrimination and other rules applicable to tax-sheltered section 403(b) annuities.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-163-86.

Drafting attorney: Richard M. Lent (202) 622-6030.

Reviewing attorney: Nancy Marks (202) 622-6000.

Agency Contact: Richard M. Lent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6030

RIN: 1545-AI90

2978. TREATMENT OF DIVIDENDS DEDUCTIBLE UNDER SECTION 404(K) FOR PURPOSES OF CASH OR DEFERRED ARRANGEMENTS DESCRIBED IN SECTION 401(K)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 404(k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will address the issue of how to treat dividends paid under section 404(k) for purposes of section 401(k) & (m).

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-74-91.

Drafting attorney: John Ricotta (202) 622-6080.

Reviewing attorney: James Brokaw (202) 622-6080.

Agency Contact: John Ricotta, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6080

RIN: 1545-AQ96

2979. INCOME TAX—PART 1; ESTATE TAX—PART 20, EMPLOYEE STOCK OWNERSHIP PLAN RULES AFFECTED BY TRA 1986

Legal Authority: 26 USC 409 Internal Revenue Code of 1986; 26 USC 401(a)(28) Internal Revenue Code of 1986; 26 USC 401(a)(23) Internal Revenue Code of 1986; 26 USC 133 Internal Revenue Code of 1986; 26 USC 404(k) Internal Revenue Code of 1986; 26 USC 2057 Internal Revenue Code of 1986; 26 USC 1042 Internal Revenue Code of 1986; 26 USC 2210 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 20

Legal Deadline: None

Abstract: The proposed regulations would set forth requirements for the tax qualification of ESOPs and for various ESOP tax incentives.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-164-86.

Drafting attorney: John Ricotta (202) 622-6080.

Reviewing attorney: James Brokaw (202) 622-6070.

Agency Contact: John Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6080

RIN: 1545-AI87

2980. SPECIAL RULES IN MERGER AND ACQUISITION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410(b) Internal Revenue Code of 1986; 26 USC 401(a)(4) Internal Revenue Code of 1986; 26 USC 401(a)(26) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations are intended to provide special rules for employee plans in mergers and acquisitions.

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Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-108-88.

Drafting attorney: Richard M. Lent (202) 622-6030.

Reviewing attorney: Richard Wickersham (202) 622-6030.

Agency Contact: Richard Lent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6030

RIN: 1545-AM94

2981. REVISING THE DRAFTING OF THE FULL FUNDING LIMITATION FOR PURPOSES OF THE MINIMUM FUNDING REQUIREMENT FOR PENSION PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 412(c)(7) Internal Revenue Code of 1986; 26 USC 401(a)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, August 5, 1988.

Abstract: This project will interpret the new full funding limitation on deductible contributions to pension plans.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-62-88.

Drafting attorney: Linda Marshall (202) 622-6030.

Reviewing attorney: Steve Miller (202) 622-6000.

Treasury attorney: Harlan Weller (202) 622-1001.

Agency Contact: Linda Marshall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6030

RIN: 1545-AL53

2982. DISCLOSURE GUIDELINES FOR QJSA WAIVER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance on information required to be disclosed on spousal consent forms waiving rights to a QJSA.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-100-91.

Drafting attorney: Terri Harris (202) 622-6070.

Reviewing attorney: Nancy Marks (202) 622-6070.

Agency Contact: Terri Harris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6070

RIN: 1545-AQ36

2983. TREATMENT OF FUNDED WELFARE BENEFIT PLANS

Legal Authority: 26 USC 419 Internal Revenue Code of 1986; 26 USC 419A Internal Revenue Code of 1986; 26 USC 1239 (d) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance concerning the treatment of contributions made by an employer to a welfare benefit plan.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-66-84.

Drafting attorney: Michael J. Roach (202) 622-6060.

Reviewing attorney: Mark Schwimmer (202) 622-6060.

Treasury attorney: Kurt Lawson (202) 622-1352.

Agency Contact: Michael J. Roach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6060

RIN: 1545-AG14

2984. INCOME TAX—PART 1—AMENDMENT OF SECTION 1.442-1 TO PROVIDE SIMPLIFIED PROCEDURES FOR CHANGES OF ANNUAL ACCOUNTING PERIOD BY CERTAIN EXEMPT ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 442 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Revenue Procedure 85-58 provides change of accounting period approval procedures for exempt organizations. It substantially simplifies the former procedures in Revenue Procedure 76-9. The regulations under section 1.442-1 will be amended to reflect Revenue Procedure 85-58.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-06-86.

Drafting attorney: Linda Conway (202) 622-6080.

Reviewing attorney: Paul G. Accettura (202) 622-6070.

Agency Contact: Linda Conway, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6080

RIN: 1545-AI68

2985. HYBRID INSTRUMENTS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 446 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation provides accounting rules for hybrid financial instruments that contain a significant debt component. In addition, the regulation provides tax accounting methods for certain instruments

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derived from a bond stripping transaction.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-70-92.

Drafting attorney: Alan Munro (202) 622-3950.

Reviewing attorney: Alice Bennett (202) 622-3950.

Agency Contact: Alan Munro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3950

RIN: 1545-AR13

2986. NOTIONAL PRINCIPAL CONTRACTS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulation provides rules relating to training of income and deductions with respect to notional principal contracts under section 446.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-2-93.

Drafting attorney: Alan Munro (202) 622-3950.

Agency Contact: Alan Munro, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3950

RIN: 1545-AR22

2987. NONACCRUAL-EXPERIENCE METHOD OF ACCOUNTING—CLARIFICATION OF AMOUNTS DETERMINED TO BE UNCOLLECTIBLE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 448(d)(5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation project will clarify amounts determined to be uncollectible with respect to the nonaccrual-experience method of accounting under section 448(d)(5).

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|---------|
| Temporary Regulation | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-79-88.

Drafting attorney: Michael Montemurro (202) 622-4910.

Reviewing attorney: Robert Casey (202) 622-4910.

Temporary Regulation

Agency Contact: Mike Montemurro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4910

RIN: 1545-AM33

2988. CHANGES TO METHOD OF ACCOUNTING FOR CERTAIN TAXPAYERS USING ACCRUAL METHOD OF ACCOUNTING FOR REDEMPTION OF TRADING STAMPS AND COUPONS PURSUANT TO SECTION 461(H) OF THE CODE

Significance: Agency Priority

Legal Authority: 26 USC 451 Internal Revenue Code of 1986; 26 USC 461 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The current regulations allow reserves for future estimated redemption expenses for trading stamp companies. This is contrary to rules set forth in section 461 of the Internal Revenue Code. The current section should either be removed or amended.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-075-90.

Drafting attorney: Rochelle Hodes (202) 622-4910.

Reviewing attorney: Linda Kroening (202) 622-4910.

Agency Contact: Rochelle Hodes, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Avenue NW., Washington, DC 20224, 202 622-4910

RIN: 1545-AP04

2989. INCOME TAX—DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 457 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Internal Revenue Code section 457 provides an exclusion from gross income, in the case of a participant in an eligible deferred compensation plan, for any amounts deferred under the plan and any income attributable to the amounts so deferred.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-166-86.

Drafting attorney: Cheryl Press (202) 622-6030.

Reviewing attorney: A. Thomas Brisendine (202) 622-6030.

Agency Contact: Cheryl Press, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6030

RIN: 1545-AI89

2990. DEFINITION OF A LONG-TERM CONTRACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 460(h) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will address the definition of a "long-term contract" for purposes of IRC section 460. This definition is necessary for taxpayers to determine whether their activities must be accounted for under IRC section 460 in determining their taxable income.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-58-91.

Drafting attorney: Leo F. Nolan II (202) 622-4970.

TREAS—IRS

Proposed Rule Stage

Reviewing attorney: Eric Pleet (202) 622-4970.
 Treasury accountant: J. Paul Whitehead III (202) 622-0868.
Agency Contact: Leo F. Nolan II, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4970
RIN: 1545-AQ30

2991. SUBCONTRACTS BETWEEN RELATED PARTIES THAT BENEFIT A LONG-TERM CONTRACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 460(b) Internal Revenue Code of 1986
CFR Citation: 26 CFR 1
Legal Deadline: None

Abstract: These regulations are intended to coordinate accounting rules for members of a consolidated return group of corporations with regulations being developed by CC:Corporate in the consolidated return area (CO-11-90).

Timetable: Next Action Undetermined
Small Entities Affected: None
Government Levels Affected: None
Additional Information: IA-57-91.

Drafting attorney: Leo F. Nolan II (202) 622-4970.

Reviewing attorney: Eric Pleet (202) 622-4970.

Treasury accountant: J. Paul Whitehead III (202) 622-0868.

Agency Contact: Leo F. Nolan II, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4970
RIN: 1545-AQ31

2992. LOOK-BACK METHOD FOR LONG-TERM CONTRACTS (MID-CONTRACT CHANGE IN TAXPAYER)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 460 Internal Revenue Code of 1986
CFR Citation: 26 CFR 1.460-6
Legal Deadline: None

Abstract: Final income tax regulations identifying the taxpayer that is responsible for applying the look-back method and the taxpayer that is liable for paying (or is entitled to receive) interest computed under the look-back

method when there is a mid-contract change in the taxpayer reporting income from a long-term contract.

Timetable: Next Action Undetermined
Small Entities Affected: Businesses, Organizations
Government Levels Affected: None
Additional Information: IA-56-91.

Drafting attorney: Cheryl Oseekey (202) 622-4970.

Reviewing attorney: Eric Pleet (202) 622-4970.

Agency Contact: Cheryl Oseekey, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4970
RIN: 1545-AQ32

2993. AGGREGATION OF CERTAIN ACTIVITIES FOR PURPOSES OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986
CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Regulation will provide rules for aggregating certain activities for purposes of applying the at-risk rules under section 465. In general, the at-risk rules limit the amount of loss deductible in a taxable year with respect to an activity to the amount the taxpayer is at risk in the activity.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None
Government Levels Affected: None
Additional Information: PS-108-85.

Drafting attorney: Christopher Kehoe (202) 622-3065.

Reviewing attorney: Frances D. Schafer (202) 622-3070.

Treasury attorney: John H. Parcell (202) 622-2578.

Agency Contact: Christopher Kehoe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3065
RIN: 1545-AI02

2994. APPLICATION OF AT-RISK LIMITATIONS TO THE HOLDING OF REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986; 26 USC 752 Internal Revenue Code of 1986; 26 USC 46 Internal Revenue Code of 1986
CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will explain the application of the at risk limitations to the activity of holding real property and the exception for qualified nonrecourse financing.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None
Government Levels Affected: None
Additional Information: PS-124-86.

Drafting attorney: Donna Welch (202) 622-3080.

Reviewing attorney: Francis D. Schafer (202) 622-3070.

Treasury attorney: John H. Parcell (202) 622-2578.

Agency Contact: Donna Welch, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3080
RIN: 1545-AK08

2995. GUIDANCE ON WHAT CONSTITUTES AN INTEREST OTHER THAN THAT OF A CREDITOR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986
CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide guidance on what constitutes an interest other than that of a creditor.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/31/93 | |

Small Entities Affected: None
Government Levels Affected: None
Additional Information: PS-063-89.

Drafting attorney: Donna Welch (202) 622-3080.

Reviewing attorney: Donna Young (202) 622-3070.

TREAS—IRS

Proposed Rule Stage

Treasury attorney: John Parcell (202) 622-2578.

Agency Contact: Donna Welch, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, 202 622-3080

RIN: 1545-AO32

2996. TEMPORARY INCOME TAX REGULATIONS—DEFERRED PAYMENTS FOR USE OF PROPERTY OR SERVICES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 467 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules to the accrual of rents for the use of tangible property (and interest on rent that accrues but is not paid) under a section 467 rental agreement. A section 467 rental agreement will be defined. Certain tax avoidance transactions will be defined. Rules will be provided for the recapture of prior understated inclusions. Comparable rules for services will be provided.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-292-84.

Drafting attorney: Sharon L. Hall (202) 622-4930

Treasury attorney: John Parcell (202) 622-2578.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4930

RIN: 1545-AG81

2997. APPLICATION OF PASSIVE ACTIVITY LOSS AND CREDIT LIMITATIONS TO TRUSTS, ESTATES, AND THEIR BENEFICIARIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469(a)(2)(A) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-8T

Legal Deadline: None

Abstract: This regulation will describe how the passive loss limitations affect trusts and estates.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/31/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-036-89.

Drafting attorney: Donna Welch (202) 622-3080.

Reviewing attorney: Frances D. Schafer (202) 622-3070.

Treasury attorney: John Parcell (202) 622-2578.

Agency Contact: Donna Welch, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3080

RIN: 1545-AN62

2998. ALLOCATION OF INTEREST EXPENSE AMONG EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469(l)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.163-8

Legal Deadline: None

Abstract: The regulations will set forth rules pursuant to which interest expense will be allocated among (1) trade or business interest (which is deductible), (2) investment interest (which is deductible subject to the limitations of section 163(d), (3) passive activity interest (which is deductible subject to the limitations of section 469), and (4) personal interest (which, pursuant to section 103(h), is not deductible). Finalizing temporary regulations used in T.D. 8145 (7/1/87).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-043-90.

Drafting attorney: George Wright (202) 622-4950.

Reviewing attorney: John Fischer (202) 622-4950.

Agency Contact: George F. Wright, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4950

RIN: 1545-AO93

2999. SPECIAL RULES FOR ALLOCATION OF INTEREST EXPENSE AMONG EXPENDITURES IN THE CASE OF PASSTHROUGH ENTITIES

Legal Authority: 26 USC 469(l) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.163-8T

Legal Deadline: None

Abstract: The regulation will address the treatment of interest expense on (1) debt allocated to distributions by passthrough entities; (2) repayment of passthrough entity debt; (3) debt allocated to expenditures for interests in passthrough entities; and (4) allocation of debt to loans between passthrough entities and interest holders.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-109-87.

Drafting attorney: Ronald M. Gootzeit (202) 622-3080.

Reviewing attorney: William P. O'Shea (202) 622-3070.

Treasury attorney: John H. Parcell (202) 622-2578.

Agency Contact: Ronald M. Gootzeit, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3080

RIN: 1545-AM79

3000. SIMPLIFIED DOLLAR-VALUE LIFO METHOD FOR CERTAIN SMALL BUSINESSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 474 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to certain small businesses that are eligible to elect a simplified dollar-value LIFO method of inventory valuation. This method requires the use of published government indexes.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

TREAS—IRS

Proposed Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-31-87.

Drafting attorney: Harry-Todd Astrov (202) 622-4970.

Reviewing attorney: Eric Pleet (202) 622-4970.

Treasury accountant-advisor: J. Paul Whitehead (202) 622-2668.

Agency Contact: Harry-Todd Astrov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4970

RIN: 1545-AK64

3001. SIMPLIFIED DOLLAR VALUE LIFO METHOD FOR CERTAIN SMALL BUSINESSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 474 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The temporary regulations would provide guidance to certain small businesses that are eligible to elect a simplified dollar-value LIFO method of inventory valuation. This method requires the use of published government indexes.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|---------|
| Temporary Regulation | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-30-87.

Drafting attorney: Harry-Todd Astrov (202) 622-4970.

Reviewing attorney: Eric Pleet (202) 622-4970.

Treasury attorney: J. Paul Whitehead (202) 622-2668.

Agency Contact: Harry-Todd Astrov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4970

RIN: 1545-AN09

3002. INTERCOMPANY TRANSFER PRICING FOR SERVICES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will address the transfer pricing of services between related parties.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-051-92.

Drafting attorney: Sim S. Seo (202) 622-3840.

Reviewing attorney: Kenneth Wood (202) 874-1490.

Treasury attorney: Warren Crowdus (202) 622-1779.

Agency Contact: Sim S. Seo, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840

RIN: 1545-AR32

3003. INCOME TAX—UNRELATED TRADE OR BUSINESS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 512 (a) Internal Revenue Code of 1986; 26 USC 514 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address the issue of what constitutes real property acquired by a qualified trust. The guidance provided on this issue will determine the scope of the exception under 26 USC 514(c)(9) for such acquisitions from the term acquisition indebtedness. Under 26 USC 514, the existence of such indebtedness on income producing property gives rise to unrelated debt-financed taxable income. The regulation will also address the issue of the proper allocation method to determine fixed indirect expenses connected with the unrelated trade or business use of an exempt organization's property.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-27-81.

Drafting attorney: Monice Rosenbaum (202) 622-6070.

Reviewing attorney: James L. Brokaw (202) 622-6070.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6070

RIN: 1545-AE00

3004. UNRELATED DEBT-FINANCED INCOME OF QUALIFIED SERVICE

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 514(g) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The project relates to unrelated trade or business income tax that may result when certain qualified organizations invest in debt-financed real estate.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-27-81.

Drafting attorney: Monice Rosenbaum (202) 622-6070.

Reviewing attorney: James Brokaw (202)622-6070.

Agency Contact: Monice Rosenbaum, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6070

RIN: 1545-AR17

3005. MERGER OR DIVISION OF COMMON TRUST FUNDS—SECTION 584

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 584 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Amendment of section 1.584-4 of the regulations relating to the diversification requirement for mergers or divisions of common trust funds.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-29-92.

Drafting attorney: H. Grace Kim (202) 622-3060.

TREAS—IRS

Proposed Rule Stage

Reviewing attorney: Richard G. Blumenreich (202) 622-3060.

Treasury attorney: Monte Jackel (202) 622-0865.

Agency Contact: H. Grace Kim, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 202 622-3060

RIN: 1545-AQ64

3006. STATEMENT OF PROCEDURAL RULES—APPEALS FUNCTION

Significance: Agency Priority

Legal Authority: 5 USC 552(a)(1)(C)

CFR Citation: 26 CFR 601

Legal Deadline: None

Abstract: This portion of the SPR updates the rules for appealing an examination within the Service. It also revises the rule prescribing the information that a taxpayer must submit to initiate an appeal.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-085-91.

Drafting attorney: John M. Moran (202) 622-4940.

Reviewing attorney: George Bradley (202) 622-4800.

Agency Contact: John M. Moran, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4940

RIN: 1545-AQ18

3007. PROPERTY DISTRIBUTED IN KIND AND TREATMENT OF MULTIPLE TRUSTS (SECS. 81 AND 82 OF THE TAX REFORM ACT OF 1984)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 643 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the tax consequences when property is distributed in kind from a trust or estate, including rules specifying what gain is recognized upon distribution, who recognizes such gain, and what the

basis of the distributed property is in the hands of the distributee. The regulations also explain election rules available to the distributing trust or estate. The regulations also explain rules under which certain multiple trusts will be treated as a single trust.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-34-85.

Drafting attorney: Robert Rio (202) 622-3060.

Reviewing attorney: Thomas J. Hines (202) 622-3060.

Agency Contact: Robert Rio, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3060

RIN: 1545-AI06

3008. CLARIFICATION OF SECTION 1.643(A)(3) RELATING TO THE INCLUSION OF CAPITAL GAIN IN DISTRIBUTABLE NET INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 643(a)(3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulation will revise rules specifying when capital gains will be included in distributable net income.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-148-85.

Drafting attorney: Robert Rio (202) 622-3060.

Reviewing attorney: Thomas J. Hines (202) 622-3060.

Treasury attorney: Robert Weaver (202) 622-0871.

Agency Contact: Robert Rio, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3060

RIN: 1545-AI31

3009. ACCUMULATION TRUSTS

Legal Authority: 26 USC 667 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Tax Reform Act of 1986 provides for a new method of computing the tax on distributions of income accumulated by a trust in prior years. The new method, in effect, determines the tax attributable to an accumulation distribution by averaging the distribution over the number of years during which the income was earned by the trust. This is accomplished by including, for purposes of tentative computations, a fraction of the income received from the trust in the beneficiaries' income for 3 of the 5 preceding years. Those 3 years are determined by taking from the 5 preceding years the year with the highest taxable income and the year with the lowest. The fraction of the income included in each of the 3 years is based upon the number of years during which the income is accumulated by the trust. The average yearly additional tax determined by recomputing the tax for the 3 years is then multiplied by the number of years during which the distribution was accumulated. The resulting tax so computed may be offset by a credit for any taxes previously paid by the trust with respect to the accumulated income. (cont)

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-184-76.

Drafting attorney: James A. Quinn (202) 622-3060.

Reviewing attorney: Tom Hines (202) 622-3060.

Treasury attorney: Monte Jackel (202) 622-0865.

ABSTRACT CONT: Any remaining tax liability is then due and payable in the same year as the tax on the beneficiary's other income in the year of the distribution.

Agency Contact: James A. Quinn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3060

RIN: 1545-AM78

TREAS—IRS

Proposed Rule Stage

3010. INCOME TAXATION OF TRUSTS AND ESTATES

Legal Authority: 26 USC 672 Internal Revenue Code of 1986; 26 USC 673 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules regarding taxation of certain grantor trusts.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-108-86.

Drafting attorney: James Quinn (202) 622-3060.

Reviewing attorney: J. Thomas Hines (202) 622-3060.

Treasury attorney: Monte Jackel (202) 622-0865.

Agency Contact: James Quinn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3060

RIN: 1545-AJ20

3011. • INCOME TAXATION OF TRUST AND ESTATE—SECTION 672(F)

Legal Authority: 26 USC 0672

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulation provides guidance for a special rule under subpart E of subchapter J that treats the beneficiary of a trust as the owner of the trust in certain cases where the grantor (a foreign person) otherwise would be treated as the owner.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-18-93

Drafting attorney: Dina Del Principe (202) 622-3060.

Reviewing attorney: Thomas Hines (202) 622-3060.

Treasury attorney: Monte Jackel (202) 622-0865.

Agency Contact: Dina Del Principe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3060

RIN: 1545-AR65

3012. FOREIGN GRANTOR TRUSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 679 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance to taxpayers concerning the income tax treatment of transfers by U.S. persons to foreign trusts having U.S. beneficiaries. The amendments will conform to changes made by section 1013 of the Tax Reform Act of 1976.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-243-89.

Drafting attorney: Jeffrey L. Vinnik (202) 622-3860.

Reviewing attorney: Elizabeth Karzon (202) 622-3860.

Agency Contact: Jeffrey L. Vinnik, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3860

RIN: 1545-AO75

3013. • ALLOCATIONS REFLECTING BUILT-IN GAIN OR LOSS ON PROPERTY CONTRIBUTED TO A PARTNERSHIP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: The regulations will provide rules relating to the requirement to allocate income, gain, loss and deduction so as to take account of the variation between the basis of the property and the fair market value at the time of contribution.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-164-84

Drafting Attorney: David Edquist (202) 622-3050.

Reviewing Attorney: Claire E. Toth (202) 622-3050.

Treasury Attorney: Jose Berra (202) 622-0999.

Agency Contact: David Edquist, Attorney, Department of the Treasury, Internal Revenue Service, 202 622-3050

RIN: 1545-AR74

3014. • RECOGNITION OF PRE-CONTRIBUTION GAIN OR LOSS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 704(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations will address the determination of pre-contribution gain or loss under section 704(c)(1)(B) of the Internal Revenue Code.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/30/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-51-93

Drafting attorney: Robert Rio (202) 622-3060.

Reviewing attorney: Thomas J. Hines (202) 622-3060.

Treasury attorney: Monte Jackel (202) 622-0865.

Agency Contact: Robert Rio, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3060

RIN: 1545-AR93

3015. INCOME TAX—ITEMS ALLOCATED TO PORTION OF YEAR PARTNER HELD INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 706 (d) Internal Revenue Code of 1986; 26 USC 704 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

TREAS—IRS

Proposed Rule Stage

Legal Deadline: None

Abstract: The regulations would provide the methods to be used for allocating partnership items to partners whenever a partner's interest varies during the partnership taxable year.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-265-76.

Drafting attorney: Ann Veninga (202) 622-3080.

Reviewing attorney: William P. O'Shea (202) 622-3050.

Agency Contact: Ann Veninga, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3080

RIN: 1545-AB81

3016. INCOME TAX—TREATMENT OF PAYMENTS TO PARTNERS NOT ACTING IN THEIR CAPACITY AS PARTNERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 707 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance to taxpayers relating to the treatment of certain allocations and distributions to partners for services and transfers of property where the partner is not acting in his capacity as a partner.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-234-84.

Drafting attorney: Brad Saunders (202) 622-3050.

Reviewing attorney: David R. Haglund (202) 622-3050.

Agency Contact: Brad Saunders, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave. NW., Washington, DC 20224, 202 622-3050

RIN: 1545-AG83

3017. SECTION 737 DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 737 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulations under section 737 relating to the regulation of pre-contribution gain in the case of certain distributions to the contributing partner.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-76-92.

Drafting attorney: Robert Rio (202) 622-3060.

Reviewing attorney: Thomas J. Hines (202) 622-3060.

Treasury attorney: David Weisbach (202) 622-1129.

Agency Contact: Robert Rio, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3060

RIN: 1545-AR48

3018. • PARTNERSHIP LIABILITIES

Legal Authority: 26 USC 752

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These proposed regulations define a liability for purposes of section 752 of the Code.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-36-93

Drafting attorney: Mary A. Berman (202) 622-3050.

Reviewing attorney: David R. Haglund (202) 622-3050.

Treasury attorney: Jose Berra (202) 622-0999.

Agency Contact: Mary A. Berman, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3050

RIN: 1545-AR62

3019. IMPUTED EARNINGS RATE FOR MUTUAL LIFE INSURANCE COMPANIES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 809 (d) Internal Revenue Code of 1986; 26 USC 809 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance to mutual life insurance companies regarding the computation of the imputed earnings rate.

Timetable:

| Action | Date | FR Cite |
|-------------------------|--------------|-------------|
| NPRM | 08/19/92 | 57 FR 37495 |
| NPRM Comment Period End | 11/16/92 | 57 FR 37495 |
| Hearing | 12/07/92 | 57 FR 37495 |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-159-84.

Drafting attorney: Katherine A. Hossofsky (202) 622-3477.

Reviewing attorney: Steve Hooe (202) 622-3970.

Agency Contact: Katherine A. Hossofsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3477

RIN: 1545-AG63

3020. • MANDATORY SECURITIES VALUATION RESERVE

Legal Authority: 26 USC 0809

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The notice of proposed rulemaking by cross-reference to the temporary regulations and notice of public hearing state that the regulations provide that the equity base included the amount of any asset valuation reserve and interest maintenance reserve reported on the annual statement.

TREAS—IRS

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-29-93

Drafting attorney: Katherine Hossofsky (202) 622-3477.

Reviewing attorney: Steven Hooe (202) 622-3970.

Treasury attorney: Judith Dunn (202) 622-1776.

Agency Contact: Katherine Hossofsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3477

RIN: 1545-AR59

3021. • COMPUTATION OF EQUITY BASE

Legal Authority: 26 USC 809 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The temporary regulations provides guidance concerning the computation of the equity base due to the replacement of the mandatory securities valuation reserve for purposes of section 809.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-29-93

Drafting Attorney: Katherine A. Hossofsky (202) 622-3477.

Reviewing Attorney: Stephen D. Hooe (202) 622-3970.

Agency Contact: Katherine A. Hossofsky, Attorney, Department of the Treasury, Internal Revenue Service, 202 622-3477

RIN: 1545-AR75

3022. TAXATION OF FOREIGN INSURANCE COMPANIES DOING BUSINESS IN THE UNITED STATES, INCLUDING THE EXPLICATION OF THE MINIMUM NET INVESTMENT INCOME CALCULATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 842 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will describe the proper rules applicable to the taxation of foreign insurance companies doing business in the United States. In particular, the regulation will address the computation of an insurance company's minimum effectively connected net investment income. Also the procedures by which an insurance company may elect to use its worldwide current investment yields will be discussed.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-020-89.

Drafting attorney: Thomas M. Preston (202) 622-3970.

Reviewing attorney: Steve Hooe (202) 622-3970.

Treasury attorney: Carol Dunahoo (202) 622-0726.

Agency Contact: Thomas M. Preston, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3970

RIN: 1545-AN31

3023. FOREIGN INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 842 Internal Revenue Code of 1986; 26 USC 864(c)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulation will prescribe rules for determining income effectively connected with the conduct of an insurance business in the United States.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-024-88.

Drafting attorney: Mary Gillmarten (202) 622-3870

Reviewing attorney: Jacob Feldman (202) 622-3870.

Treasury attorney: Carol Dunahoo (202) 622-0726.

Agency Contact: Mary Gillmarten, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AL82

3024. • SHORT/FISCAL YEAR DISCOUNT FACTORS

Legal Authority: 26 USC 846 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations provide guidance to insurance companies concerning the computation of discounted unpaid losses for taxable years other than a calendar year.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-37-93

Drafting attorney: Michael J. Douglass (202) 622-3970.

Reviewing attorney: Stephen D. Hooe (202) 622-3970.

Treasury attorney: Terry Jacobs (202) 622-1332.

Agency Contact: Michael J. Douglass, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3970

RIN: 1545-AR58

3025. RECOMPUTATION OF ALLOCATION AND APPORTIONMENT OF DEDUCTION FOR STATE INCOME TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986; 26 USC 862 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.861-8

TREAS—IRS

Proposed Rule Stage

Legal Deadline: None

Abstract: These regulations will address acceptable methods of recomputing allocation and apportionment of deduction for state income taxes after recomputation of state tax liability.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-009-91.

Drafting attorney: David F. Chan (202) 622-3810.

Reviewing attorney: Thomas D. Fuller (202) 622-3880.

Treasury attorney: Emily McMahon (202) 622-1763.

Agency Contact: David F. Chan, Legislative Assistant, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3810

RIN: 1545-AP86

3026. TRANSPORTATION INCOME SOURCE RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the source of income attributable to transportation which begins or ends in the United States.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-947-86.

Drafting attorney: Patricia A. Bray (202) 622-3840.

Reviewing attorney: David I. Bower (202) 622-3840.

Treasury attorney: Charles Cope (202) 622-1752.

Agency Contact: Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3840

RIN: 1545-AJ68

3027. SOURCING RULE APPLICABLE TO CERTAIN INSURANCE INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will source insurance product income comprising amounts paid or credited to foreign policy holders of qualified and failed insurance annuity contracts sold by US insurance companies through foreign branches.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-0093-91.

Drafting attorney: Mary Gillmarten (202) 622-3870.

Reviewing attorney: Barbara A. Felker (202) 622-3870.

Treasury attorney: Carol Dunahoo (202) 622-0726.

Agency Contact: Mary Gillmarten, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AQ37

3028. TIERED PARTNERSHIP RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address whether a foreign partner in a tiered partnership arrangement is engaged in a trade or business in the United States by virtue of membership in that tiered partnership where the second tier partnership meets the requirements of being in U.S. trade or business. The alternatives are 1) to conclude the foreign partner is engaged in U.S. trade or business because any member of the tiered partnership arrangements is; and 2) to conclude the foreign partner is not engaged in a U.S. trade of business where the first tier partnership is not so engaged. Other considerations include the meaning of "principal place of business" and whether an entity may have more than one, and attribution rules applicable to the entities. A problem with the second alternative is

that it arguably gives priority to form over substance, however, there are several methods by which the first alternative could be avoided and their appears to be no policy reason to prefer one form of doing business over another. Furthermore, no additional tax would be collected by following alternative 1.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-063-90.

Drafting attorney: Mary Gillmarten (202) 622-3870.

Reviewing attorney: Jeffrey L. Dorfman (202) 622-3870.

Agency Contact: Mary Gillmarten, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AO26

3029. INTEGRATED FINANCIAL TRANSACTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864(e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.861-10(c)

Legal Deadline: None

Abstract: The regulation addresses whether matched book sale and repurchase transactions conducted by securities dealers qualify as integrated financial transactions under section 1.861-10(c).

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-001-93.

Drafting attorney: Karl T. Walli (202) 622-3870.

Reviewing attorney: Jeffrey L. Dorfman (202) 622-3870.

Treasury attorney: Emily McMahon (202) 622-1763.

Agency Contact: Karl T. Walli, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AR20

TREAS—IRS

Proposed Rule Stage

3030. TREATMENT OF DEFERRED PAYMENTS AND APPRECIATION ARISING OUT OF BUSINESS CONDUCTED WITHIN THE UNITED STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance on the treatment of certain deferred payments and property transactions in sourcing effectively connected income.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-662-88.

Drafting attorney: Kristine K. Schlaman (202) 622-3850.

Reviewing attorney: Charles C. Saverude (202) 622-3800.

Agency Contact: Kristine K. Schlaman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3850

RIN: 1545-AM53

3031. SOURCE RULES FOR PERSONAL PROPERTY SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 865 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for determining the source of income from sales of personal property. The regulation will set forth rules for sales by U.S. residents and non-residents and specify special rules for depreciable personal property, intangibles, sales connected with an office or other fixed place of business, and sales of a foreign affiliate by a U.S. corporation.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-946-86.

Drafting attorney: Carol P. Tello (202) 622-3880.

Reviewing attorney: Neil Auerbach (202) 622-3880.

Treasury attorney: Charles Cope (202) 622-1752.

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3880

RIN: 1545-AJ83

3032. INCOME TAX—RECIPROCAL EXEMPTIONS FOR CERTAIN TRANSPORTATION INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 883 Internal Revenue Code of 1986; 26 USC 872 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide rules with respect to whether a foreign country will be considered to grant a reciprocal Aircraft/Shipping exemption to U.S. corporations for purposes of section 883 of the Code, or to U.S. citizens for purposes of section 872 of the Code.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-948-86.

Drafting attorney: Patricia A. Bray (202) 622-3840.

Reviewing attorney: David I. Bower (202) 622-3840.

Treasury attorney: Charles Cope (202) 622-1752.

Agency Contact: Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840

RIN: 1545-AJ57

3033. BANK EXCLUSION FROM PORTFOLIO INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 881 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Exception to 30 percent withholding on portfolio interest does not apply to banks. This regulation will address what a bank is for purposes of section 881(c)(3)(A).

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-080-91.

Drafting attorney: Leslie B. Van Der Wal (202) 622-3850.

Reviewing attorney: Charles Saverude (202) 622-3800.

Treasury attorney: Emily McMahon (202) 622-1763.

Agency Contact: Leslie B. Van Der Wal, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3850

RIN: 1545-AQ39

3034. • TEFRA PORTFOLIO INTEREST REGULATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0881 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will amend TEFRA and portfolio interest regulations.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-032-93

Drafting attorney: Leslie B. van der Wal (202) 622-3850.

Reviewing attorney: Bernard Bress (202) 622-3850.

Agency Contact: Leslie B. van der Wal, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3850

RIN: 1545-AR90

3035. • CLARIFICATION OF SECTION 883(C) PUBLICLY TRADED EXCEPTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 883 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would clarify the rules regarding the publicly traded

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Proposed Rule Stage

exception to section 883(c)(1) of the code.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-0048-93

Drafting attorney: Patricia A. Bray (202) 622-3840.

Reviewing attorney: Phyllis E. Marcus (202) 622-3840.

Treasury attorney: Charles Cope (202) 622-1752.

Agency Contact: Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3840

RIN: 1545-AR77

3036. PROPOSED REGULATIONS UNDER SECTION 1.884-3

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 884 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide guidance on the coordination of the branch profits with second-tier withholding tax on dividends.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-028-92.

Drafting attorney: Kathryn Horton O'Brien (202) 622-3860.

Reviewing attorney: Elizabeth U. Karzon (202) 622-3860.

Treasury attorney: P. Ann Fisher (202) 622-1755.

Agency Contact: Kathryn Horton O'Brien, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, 202 622-3860

RIN: 1545-AQ72

3037. DIVIDEND WITHHOLDING—LUXEMBOURG CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulation is intended to ensure compliance by Luxembourg Corporations with U.S. - Luxembourg income tax treaty.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-017-92.

Drafting attorney: Joseph S. Henderson (202) 622-3850.

Treasury attorney: Charles Cope (202) 622-1752.

Agency Contact: Joseph S. Henderson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3850

RIN: 1545-AQ54

3038. INCOME TAX—PARTNERSHIP RULES REGARDING TAXATION OF FOREIGN INVESTMENT IN UNITED STATES REAL PROPERTY INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897(g) Internal Revenue Code of 1986; 26 USC 897(e)(2) Internal Revenue Code of 1986; 26 USC 1445(e)(5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To provide rules for foreign partners disposing of an interest in a partnership holding United States real property interests, to determine the amount of gain or loss from such disposition for purposes of section 897(a).

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-384-88.

Drafting attorney: Robert Lorence (202) 622-3880.

Reviewing attorney: Charles Besocky (202) 622-3860.

Treasury attorney: Peter Marrs (202) 622-0724.

Agency Contact: Robert Lorence, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3880

RIN: 1545-AL77

3039. DEEMED PAID CREDIT UNDER SECTION 902 DETERMINED ON ACCUMULATED BASIS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 902(c)(7) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will modify the existing regulations to reflect changes in the computation of the indirect credit under the 1986 Act. The regulations will incorporate a pooling mechanism (rather than year-by-year) and will also reflect the separate basket computations under section 904(d).

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-933-86.

Drafting attorney: Caren S. Shein (202) 622-3850.

Treasury attorney: Joni Walser (202) 622-1781.

Agency Contact: Caren S. Shein, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3850

RIN: 1545-AL98

3040. SECTION 905(B) REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 905 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will address the substantiation of foreign tax credits.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-087-90.

Drafting attorney: Carl M. Cooper (202) 622-3840.

Reviewing attorney: Phyllis E. Marcus (202) 622-3840.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840

RIN: 1545-AP36

TREAS—IRS

Proposed Rule Stage

3041. SECTION 936 REGULATIONS**Significance:** Agency Priority**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936(h) Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation will simplify the computation of combined taxable income for companies making an election under section 936(h) of the Code; it will revise the determination of the deemed sales price for purposes of the leasing rules applicable to such corporations.**Timetable:** Next Action Undetermined**Small Entities Affected:** Undetermined**Government Levels Affected:** None**Additional Information:** INTL-68-92.

Drafting attorney: Mary Gillmarten (202) 622-3870.

Reviewing attorney: Jacob Feldman (202) 622-3870.

Treasury attorney: Carol Doran Klein (202) 622-1762.

Agency Contact: Mary Gillmarten, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870**RIN:** 1545-AR18**3042. FOREIGN INSURANCE COMPANY—DOMESTIC ELECTION****Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 953(d) Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation will provide substantive and procedural rules regarding the election under section 953(d) to treat certain controlled foreign corporations engaged in the insurance business as domestic corporations.**Timetable:** Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** None**Additional Information:** INTL-765-89.

Drafting attorney: Valerie A. Mark (202) 622-3840.

Reviewing attorney: David I. Bower (202) 622-3810.

Treasury attorney: Carol Dunahoo (202) 622-0726.

Agency Contact: Valerie A. Mark, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840**RIN:** 1545-AO25**3043. AMENDMENT TO SUBPART F DEFINITIONS****Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1.954-2(b); 26 CFR 1.954-2(g); 26 CFR 1.954-2(h)**Legal Deadline:** None**Abstract:** These proposed regulations contain provisions governing the definitions of foreign base company income and foreign personal holding company income of a CFC. The regulations are necessary because of changes to the prior law by the Tax Reform Act of 1986, the Technical and Miscellaneous Revenue Act of 1988, and the Revenue Reconciliation Act of 1989.**Timetable:** Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** Undetermined**Additional Information:** INTL-75-92.

Drafting attorney: Valerie A. Mark (202) 622-3840.

Reviewing attorney: Phyllis E. Marcus (202) 622-3840.

Treasury attorney: Carol Dunahoo (202) 622-0726.

Agency Contact: Valerie A. Mark, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840**RIN:** 1545-AR31**3044. SUBPART F SHIPPING AMENDMENTS****Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** This regulation will address statutory changes under the Tax Reform Act of 1986, with respect to foreign base company shipping income and amounts invested in and withdrawn from foreign base company shipping operations.**Timetable:** Next Action Undetermined**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Additional Information:** INTL-654-88.

Drafting attorney: Valerie A. Mark (202) 622-3840.

Reviewing attorney: Jack Feldman (202) 622-3870.

Agency Contact: Valerie A. Mark, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840**RIN:** 1545-AM46**3045. DEEMED-PAID CREDIT UNDER SECTION 960, DETERMINED ON ACCUMULATED BASIS****Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 902(c)(7) Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The regulation will modify the existing regulations to reflect changes in the computation of the indirect credit under the 1986 Act. The regulations will incorporate a pooling mechanism (rather than year-by-year) and will also reflect the separate basket computations under section 904(d).**Timetable:** Next Action Undetermined**Small Entities Affected:** Undetermined**Government Levels Affected:** None**Additional Information:** INTL-0084-91.

Drafting attorney: Caren S. Shein (202) 622-3850.

Reviewing attorney: Barbara A. Felker (202) 622-3850.

Treasury attorney: Joni Walser (202) 622-1781.

Agency Contact: Caren S. Shein, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3850**RIN:** 1545-AQ34**3046. EFFECT OF ACQUISITIVE REORGANIZATIONS ON EARNINGS AND PROFITS POOLS****Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 964 Internal Revenue Code of 1986

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Proposed Rule Stage

CFR Citation: 26 CFR 1**Legal Deadline:** None

Abstract: Proposal would address the effect of acquisitive reorganizations on earnings and profits pools as required by the Tax Reform Act of 1986.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INTL-105-90.

Drafting attorney: Carol E. Murphy (202) 622-3870.

Reviewing attorney: Barbara A. Felker (202) 622-3870.

Agency Contact: Carol E. Murphy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AO71

3047. CHANGE FROM THE DOLLAR APPROXIMATE SEPARATE TRANSACTION METHOD (DASTM) TO THE PROFIT-AND-LOSS METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 985 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This document provides a change in method of accounting to QBU's that are no longer hyperinflationary.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-66-92.

Drafting attorney: Jack Feldman (202) 622-3870.

Agency Contact: Jack Feldman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AR24

3048. CHANGE IN METHOD OF ACCOUNTING FOR QBU'S THAT ARE NO LONGER HYPERINFLATIONARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 985 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules for qualified business units ("QBUs") whose currency is no longer hyperinflationary including any necessary adjustment.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: INTL-066-92.

Drafting attorney: Jacob Feldman (202) 622-3870.

Reviewing attorney: Jeffrey Dorfman (202) 622-3870.

Treasury attorney: Charles Cope (202) 622-1752.

Agency Contact: Jacob Feldman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AR29

3049. DETERMINATION OF FOREIGN TAXES AND FOREIGN CORPORATIONS' EARNINGS AND PROFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 986 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules for translating foreign earnings and profits and taxes into dollars, as well as timing and computation rules relating to the taxation of exchange gain or loss on previously taxed income that is distributed through a chain of controlled foreign corporations.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-107-89.

Drafting attorney: Carol Murphy (202) 622-3870.

Reviewing attorney: Barbara Felker (202) 622-3870.

Agency Contact: Carol Murphy, Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AN37

3050. DISC REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Conforming DISC regulations to FSC regulations.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-114-88.

Drafting attorney: Leslie B. Van Der Wal (202) 622-3850.

Reviewing attorney: Richard L. Chewning (202) 622-3870.

Agency Contact: Leslie B. Van Der Wal, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3850

RIN: 1545-AM05

3051. • BASIS ADJUSTMENT 1016(A)(2)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1016 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1016-3

Legal Deadline: None

Abstract: Determination of basis adjustment for depreciation allowable for property subject to section to section 168, as amended by the Tax Reform Act of 1986 (MACRS property).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-35-93

Drafting attorney: Kathleen Reed (202) 622-3110.

Reviewing attorney: Charles B. Ramsey (202) 622-3110.

Treasury attorney: J. Paul Whitehead (202) 622-0868.

Agency Contact: Kathleen Reed, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3110

RIN: 1545-AR60

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Proposed Rule Stage

3052. BASIS REDUCTION DUE TO CANCELLATION OF INDEBTEDNESS

Significance: Agency Priority
Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1017(b)(1) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1
Legal Deadline: None

Abstract: The proposed regulations will explain the ordering rules that a taxpayer must use to reduce its tax attributes in accordance with sections 108(b) and 1017 of the Internal Revenue Code for discharges of indebtedness that occur after December 31, 1986.

Timetable: Next Action Undetermined
Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Additional Information: IA-48-91.
 Drafting Attorney: Leo F. Nolan II (202) 622-4970.
 Reviewing Attorney: Kelly Alton (202) 622-4890.

Agency Contact: Leo F. Nolan II, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4970
RIN: 1545-AP77

3053. INCOME TAX—TAX STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 Internal Revenue Code of 1986; 26 USC 6653 Internal Revenue Code of 1986; 26 USC 263 (g) Internal Revenue Code of 1986; 26 USC 1256 Internal Revenue Code of 1986; 26 USC 1212 Internal Revenue Code of 1986; 26 USC 1236 Internal Revenue Code of 1986; 26 USC 1234A Internal Revenue Code of 1986; 26 USC 1232 Internal Revenue Code of 1986; 26 USC 1221 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1
Legal Deadline: None

Abstract: These regulations will provide the rules under title 5 of the Economic Recovery Tax Act of 1981 for tax straddles. These regulations will affect the tax treatment of regulated futures contracts, forward contracts, and positions in commodities.

Timetable: Next Action Undetermined

Small Entities Affected: None
Government Levels Affected: None
Additional Information: FI-187-81.
 Drafting attorney: Robert Williams (202) 622-3960.
Agency Contact: Robert Williams, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3960
RIN: 1545-AC21

3054. CHARACTER OF GAINS AND LOSSES IN CASE OF STRADDLES WHERE AT LEAST ONE POSITION IS ORDINARY AND AT LEAST ONE POSITION IS CAPITAL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 Internal Revenue Code of 1986
CFR Citation: 26 CFR 1
Legal Deadline: None

Abstract: The regulation will provide guidance with respect to the timing and character of gains and losses in case of straddles where at least one position is ordinary and at least one position is capital.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|---------|
| Temporary Regulation | 00/00/00 | |

Small Entities Affected: None
Government Levels Affected: None
Additional Information: FI-106-88.
 Drafting attorney: Robert B. Williams (202) 622-3960.
 Reviewing attorney: Alice Bennett (202) 622-3950.
Agency Contact: Robert B. Williams, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3960
RIN: 1545-AM57

3055. • CAPITAL ASSET DEFINED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986
CFR Citation: 26 CFR 1.1221-2T
Legal Deadline: None

Abstract: The regulation attempts to define the types of property that are capital assets.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|---------|
| Temporary Regulation | 10/00/93 | |

Small Entities Affected: Businesses
Government Levels Affected: None
Additional Information: FI-46-93
 Drafting attorney: Jo Lynn Ricks (202) 622-3920.
 Reviewing attorney: Mike Novey (202) 622-3267.
 Treasury attorney: Hal Gann (202) 622-1333.
Agency Contact: JoLynn Ricks, Attorney--Advisor, Department of the Treasury, Internal Revenue Service, 202 622-3920
RIN: 1545-AR71

3056. • CAPITAL ASSET DEFINED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6001 Internal Revenue Code of 1986
CFR Citation: 26 CFR 1.1221-2T
Legal Deadline: None

Abstract: The regulation interprets the statutory definition of "capital asset".
Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Additional Information: FI-46-93
 Drafting attorney: Jo Lynn Ricks (202) 622-3920.
 Reviewing attorney: Mike Novey (202) 622-3267.
 Treasury attorney: Hal Gann (202) 622-1333.
Agency Contact: Jo Lynn Ricks, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 202 622-3920
RIN: 1545-AR73

3057. SECTION 1244 REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1244 Internal Revenue Code of 1986
CFR Citation: 26 CFR 1.1244(c)-1(e)
Legal Deadline: None

Abstract: These regulations revise section 1244 regulations to provide

TREAS—IRS

Proposed Rule Stage

ordinary loss treatment to shareholders of corporations that earn royalties, rents, dividends, interest, annuities and gains from the sale of exchange of stock to securities in the active conduct of business.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-39-92.

Drafting attorney: Kirsten L. Simpson (202) 622-7258.

Reviewing attorney: Charles Whedbee (202) 622-7550.

Agency Contact: Kirsten L. Simpson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7258

RIN: 1545-AQ80

3058. GAINS FROM CERTAIN SALES OR EXCHANGES IN CERTAIN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Temporary regulations that amend the regulations under section 1248 to partially suspend the application of section 1248(e) and to limit the application of section 1248(f) to those situations in which gain is not required.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-039-87.

Drafting attorney: David F. Bergkuist (202) 622-3860.

Reviewing attorney: Charles Saverude (202) 622-3800.

Agency Contact: David F. Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3860

RIN: 1545-AL89

3059. INCOME TAX—GAIN FROM DISPOSITION OF INTEREST IN OIL, GAS, GEOTHERMAL, OR OTHER MINERAL PROPERTIES BY S CORPORATIONS AND THEIR SHAREHOLDERS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1254 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986; PL 94-455, Sec 205 Tax Reform Act of 1976; PL 94-455, Sec 1901 Tax Reform Act of 1976; PL 95-618, Sec 402 Energy Tax Act of 1978

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will determine the tax treatment by S corporations and their shareholders from the disposition of certain oil, gas, geothermal, or other mineral properties. Gain subject to recapture under section 1254 will be accorded ordinary income treatment. The regulations also will determine the tax treatment of sales of shares of stock in an S corporation that holds oil, gas, geothermal, or other mineral properties.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/01/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-7-89.

Drafting attorney: James A. Quinn (202) 622-3060.

Reviewing attorney: Arthur H. Ernst (202) 622-6060.

Treasury attorney: Monte Jackel (202) 622-0865.

Agency Contact: James A. Quinn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3060

RIN: 1545-AM98

3060. HEDGING EXCEPTION TO MARK-TO-MARKET RULES FOR SECTION 1256 CONTRACTS, DEFERRAL OF CERTAIN STRADDLE LOSSES, AND WASH-SALE AND SHORT-SALE PRINCIPLES APPLICABLE TO CERTAIN STRADDLE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1256 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the hedging transaction exception for section 1256 contracts and straddles.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: FI-10-86.

Drafting attorney: Robert B. Williams (202) 622-3960.

Reviewing attorney: Alice M. Bennett (202) 622-3950.

Agency Contact: Robert B. Williams, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3960

RIN: 1545-AI72

3061. CONTINGENT AND VARIABLE DEBT INSTRUMENTS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1275(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address the proper accrual of original issue discount on debt instruments that provide for contingent or variable payments. This regulation will clarify existing uncertainties under the present law.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-059-91.

Drafting attorney: Frederick S. Campbell-Mohn (202) 622-3940.

Reviewing attorney: William Blanchard (202) 622-3930.

TREAS—IRS

Proposed Rule Stage

Agency Contact: Frederick S. Campbell-Mohn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3940
RIN: 1545-AQ86

3062. BASIC ISSUES UNDER SECTION 1286

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1286 Internal Revenue Code of 1986
CFR Citation: 26 CFR 1
Legal Deadline: None

Abstract: These proposed regulations will address selected basic issues relating to stripped bonds and stripped coupons under Code Section 1286.

Timetable: Next Action Undetermined

Small Entities Affected: None
Government Levels Affected: None
Additional Information: FI-104-91.

Drafting attorney: Richard Larkins (202) 622-3940.
Drafting attorney: Jo Lynn Ricks (202) 622-3920.
Reviewing attorney: Sharon Galm (202) 622-3920.
Reviewing attorney: Mark Smith (202) 622-3930.

Agency Contact: Richard Larkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3940
RIN: 1545-AQ25

3063. CERTAIN STRIPPING TRANSACTIONS

Significance: Regulatory Program
Legal Authority: 26 USC 7805; 26 USC 1286
CFR Citation: 26 CFR 1
Legal Deadline: None

Abstract: The regulation provides accounting rules for certain instruments that are derived from bond stripping transactions. In addition, the regulation provides rules for determining the tax-exempt portion for certain instruments derived from tax-exempt bond stripping transactions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined
Additional Information: FI-69-92.
Drafting attorney: Alan B. Munro (202) 622-3950.
Reviewing attorney: Alice Bennett (202) 622-3950.

Agency Contact: Alan Munro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3950
RIN: 1545-AR12

3064. QEF SHAREHOLDER ELECTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1295 Internal Revenue Code of 1986
CFR Citation: 26 CFR 1
Legal Deadline: None

Abstract: The regulation will address QEF shareholder election as it applies to section 1295.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Additional Information: INTL-579-88.
Drafting attorney: Joseph S. Henderson (202) 622-3850.
Reviewing attorney: Margaret O'Connor (202) 622-3850.

Agency Contact: Joseph S. Henderson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3850
RIN: 1545-AM41

3065. INCOME TAX—PASS-THROUGH OF S CORPORATION ITEMS TO SHAREHOLDERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1366 Internal Revenue Code of 1986
CFR Citation: 26 CFR 1
Legal Deadline: None

Abstract: The regulations would provide rules relating to the tax treatment of income and loss items passed through to the shareholders.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/94 | |

Small Entities Affected: None
Government Levels Affected: None
Additional Information: PS-261-82.
Drafting attorney: Deane Burke (202) 622-3080.
Reviewing attorney: Frances Schafer (202) 622-3070.

Agency Contact: Deane Burke, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3080
RIN: 1545-AE85

3066. INCOME TAX—APPLICATION OF SUBCHAPTER C RULES TO S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1371 Internal Revenue Code of 1986
CFR Citation: 26 CFR 1
Legal Deadline: None

Abstract: The proposed regulations would provide guidance in applying the rules of subchapter C to subchapter S.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Additional Information: PS-265-82.
Drafting attorney: Channing Brackey (202) 622-3080.
Reviewing attorney: Frances Schafer (202) 622-3070.
Treasury attorney: Heidi Ebel (202) 622-0864.

Agency Contact: Channing Brackey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3080
RIN: 1545-AE90

3067. INCOME TAX—DEFINITIONS AND SPECIAL RULES PERTAINING TO S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1377 Internal Revenue Code of 1986
CFR Citation: 26 CFR 1
Legal Deadline: None

TREAS—IRS

Proposed Rule Stage

Abstract: Regulations would define and interpret special rules contained in Section 1377 of the Internal Revenue Code of 1986, thereby giving guidance on how the Internal Revenue Service intends to interpret that section.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-268-82.

Drafting attorney: Barbara Walker (202) 622-3060.

Reviewing attorney: Arthur H. Ernst (202) 622-3060.

Treasury attorney: Jim Miller (202) 622-1768.

Agency Contact: Barbara B. Walker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3060

RIN: 1545-AE94

3068. SECTION 1398 SUBSTANTIVE CONSOLIDATION IN BANKRUPTCY

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1398 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The rules provided by section 1398 for the administration of tax attribute of individuals in Title 11 cases do not provide for the administration of the tax attributes of debtors whose estates have been substantively consolidated. This regulation sets forth rules for the administration of the tax attributes of debtors whose estates have been substantively consolidated.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-54-92.

Drafting attorney: Christie Jacobs (202) 622-4930.

Reviewing attorney: Amy Sargent (202) 622-4930.

Agency Contact: Christie Jacobs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC. 20224, 202 622-4930

RIN: 1545-AR45

3069. REGULATIONS UNDER SECTIONS 1491, 1492, AND 1494

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1491 Internal Revenue Code of 1986; 26 USC 1492 Internal Revenue Code of 1986; 26 USC 1494 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of these regulations is to provide guidance to taxpayers regarding both the types of outbound property transfers that are subject to the tax imposed by section 1491 and the types of outbound property transfers that are exempt from the tax by reasons of section 1492.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: INTL-102-89.

Drafting attorney: Gwendolyn A. Rotter (202) 622-3860.

Reviewing attorney: Elizabeth U. Karzon (202) 622-3860.

Treasury attorney: Peter Marrs (202) 622-0724.

Agency Contact: Gwendolyn A. Rotter, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3860

RIN: 1545-AN39

3070. INCOME TAX—APPLICATION OF SECTION 465, AT-RISK LIMITATIONS TO MEMBERS THAT JOIN IN FILING CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would amend the consolidated returns regulations to provide rules applying the at-risk limitations of section 465 of the

Internal Revenue Code of 1954 to affiliated groups filing consolidated returns, thereby giving the public needed guidance as to how these rules apply to such groups.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-75-79.

Drafting attorney: Richard E. Coss (202) 622-7790.

Reviewing attorney: Peter G. Lynard (202) 622-7710.

Agency Contact: Richard E. Coss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7790

RIN: 1545-AC55

3071. CLARIFYING DELETION OF REQUIREMENT OF SECTION 1.1502-47(D)(12)(C) THAT IN APPLYING THE TACKLING RULE, PROFIT LIFE ACTIVITIES NOT BE SEPARATED FROM LOSS LIFE ACTIVITIES

Legal Authority: 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Section 1.1502-47(d)(12)(C) restricted the separation of profitable life activities from loss life activities to prevent the gaming that otherwise could occur under the "bottom-line" consolidation rule mandated by section 818(f) as in existence prior to the Enactment of the Tax Reform Act of 1984 (TRA 1984), Public Law 98-369. As a result of the new method of taxing life insurance companies enacted in the TRA 1984, the bottom-line consolidation abuse potential is eliminated, thus eliminating the need for section 1.1502-47(d)(12)(C). Removing this provision will remove an unnecessary restraint on transactions, and a potential device to voluntarily deconsolidate.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-157-86.

Drafting attorney: William Barry (202) 622-7770.

Reviewing attorney: Richard Osborne (202) 622-7770.

TREAS—IRS

Proposed Rule Stage

Treasury attorney: Andrew Dubroff (202) 622-1766.
Agency Contact: William F. Barry, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7770
RIN: 1545-AI98

3072. SECTION 1.1502-33
Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986
CFR Citation: 26 CFR 1
Legal Deadline: None

Abstract: This regulation will provide new rules for determining earnings and profits of each member of the consolidated group.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None
Government Levels Affected: None
Additional Information: CO-68-88.
 Drafting attorney: Steven Teplinsky (202) 622-7770.
 Reviewing attorney: John Broadbent (202) 622-7710.
 Treasury attorney: Andrew Dubroff (202) 622-1766.
Agency Contact: Steven Teplinsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7770
RIN: 1545-AL60

3073. CONSOLIDATED RETURNS: SEPARATE RETURN LIMITATION YEARS AND THE CARRYBACK AND CARRYOVER OF INVESTMENT CREDITS, FOREIGN TAX CREDITS, NET OPERATING LOSSES, AND NET CAPITAL LOSSES
Legal Authority: 26 USC 1502
CFR Citation: 26 CFR 1
Legal Deadline: None

Abstract: Possible revision of separate return year rules in consolidated return regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined
Additional Information: CO-71-92.
 Drafting attorney: Steven Teplinsky (202) 622-7770.
 Reviewing attorney: David Kessler (202) 622-7770.
Agency Contact: Steven Teplinsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7770
RIN: 1545-AR11

3074. • SECTION 1.1502-47 REGULATIONS—SUPPLEMENTAL
Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986
CFR Citation: 26 CFR 1
Legal Deadline: None

Abstract: The regulation will provide guidance on the proper computation of the foreign tax credit limitation amount for life/non-life consolidated returns.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined
Additional Information: INTL-025-93
 Drafting attorney: Mary Gillmarten (202) 622-3870.
 Reviewing attorney: Barbara Felker (202) 622-3870.
Agency Contact: Mary Gillmarten, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870
RIN: 1545-AR89

3075. APPLICATIONS OF SECTION 1503(D) TO PARTNERSHIPS AND OTHER ITEMS
Legal Authority: 26 USC 7805 Internal Revenue Code of 1986
CFR Citation: 26 CFR 1
Legal Deadline: None

Abstract: Determination of when and how section 1503(d), treatment of dual consolidated losses, will apply to partnerships.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined
Additional Information: INTL-037-92.
 Drafting attorney: Sim S. Seo (202) 622-3840.
 Reviewing attorney: David Bower (202) 622-3810.
 Treasury attorney: Peter Marrs (202) 622-0724.
Agency Contact: Sim S. Seo, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840
RIN: 1545-AR26

3076. INCOME TAX—INCLUDIBILITY IN AN AFFILIATED GROUP OF SUBSIDIARIES FORMED TO COMPLY WITH FOREIGN LAWS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to an election to treat a foreign subsidiary of a United States corporation as a domestic corporation if the subsidiary is formed in a contiguous country to comply with foreign law.

Timetable: Next Action Undetermined

Small Entities Affected: None
Government Levels Affected: None
Additional Information: INTL-338-88.
 Drafting attorney: Kenneth Allison (202) 622-3860.
 Reviewing attorney: Charles Saverude (202) 622-3800.
 Treasury attorney: Joni Walser (202) 622-1781.

Agency Contact: Kenneth Allison, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3860
RIN: 1545-AC58

3077. • DEFINITION OF AFFILIATED GROUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

TREAS—IRS

Proposed Rule Stage

Legal Deadline: None

Abstract: The regulation will eliminate the application of the rule which provides that in the case of options issued under a plan, a measurement date for one option constitutes a measurement date for all options if the options was issued prior to December 28, 1992. The regulation will also clarify that an option issued under a bankruptcy plan is not an option for purposes of the regulation prior to or on the effective date of the plan.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-44-93

Drafting attorney: Ken Cohen (202) 622-7790.

Reviewing attorney: Edward S. Cohen (202) 622-7760.

Agency Contact: Kenneth E. Cohen, Senior Technical Reviewer, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7790
RIN: 1545-AR70

3078. ESTATE AND GIFT TAXES—UNIFIED CREDIT IN LIEU OF EXEMPTION, UNIFIED RATE SCHEDULE FOR ESTATE AND GIFT TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2001 Internal Revenue Code of 1986; 26 USC 2010 Internal Revenue Code of 1986; 26 USC 2011 Internal Revenue Code of 1986; 26 USC 2012(a) Internal Revenue Code of 1986; 26 USC 2012(c) Internal Revenue Code of 1986; 26 USC 2013(b) Internal Revenue Code of 1986; 26 USC 2013(e)(1) Internal Revenue Code of 1986; 26 USC 2014(b)(2) Internal Revenue Code of 1986; 26 USC 2035 Internal Revenue Code of 1986; 26 USC 2038(a) Internal Revenue Code of 1986; 26 USC 2044 Internal Revenue Code of 1986; 26 USC 2052 Internal Revenue Code of 1986; 26 USC 2104 Internal Revenue Code of 1986; 26 USC 2106 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 25; 26 CFR 1

Legal Deadline: None

Abstract: The unified rate schedule for estate and gift taxes and unified credit

in lieu of exemptions will be implemented by the regulation. The regulations also relate to the estate tax consequences of transfers made within three years of death.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-212-76.

Drafting attorney: Deborah S. Ryan (202) 622-3090.

Reviewing attorney: Lee A. Dunn (202) 622-3090.

Agency Contact: Deborah S. Ryan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington DC 20224, 202 622-3090

RIN: 1545-AC60

3079. ESTATE TAX—VALUATION OF CERTAIN FARM, ETC., REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2032A Internal Revenue Code of 1986; 26 USC 2013 (f) Internal Revenue Code of 1986; 26 USC 1016 (c) Internal Revenue Code of 1986; 26 USC 1040 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 1

Legal Deadline: None

Abstract: Special use valuation of certain farm and closely held business real property is available to qualifying estates. The regulation will contain definitions and rules relating to the various requirements which an estate must satisfy and will provide rules governing the imposition and payment of the "additional estate tax" should a qualified heir fail to meet the post-death requirements.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-209-81.

Drafting attorney: Deborah Ryan (202) 622-3090.

Reviewing attorney: Lee Dunn (202) 622-3090.

Treasury attorney: Monte Jackel (202) 622-0865.

Agency Contact: Deborah Ryan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3090

RIN: 1545-AC62

3080. ESTATE TAX—ANNUITY EXCLUSION REPEAL

Legal Authority: 26 USC 2039 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 25

Legal Deadline: None

Abstract: Section 2039 of the Internal Revenue Code, as amended by section 525(a) of the Tax Reform Act of 1984 and section 1852(e)(3) of the Tax Reform Act of 1986, provides for the inclusion in a decedent's gross estate of the value of a survivor annuity or other payment attributable to an employer's contribution and the value of an individual retirement annuity or payment. The regulations will address the application of the transitional rules set forth in section 525(a) of TRA 84 and section 1852(e)(3) of TRA 86. It will also address the repeal of the gift tax treatment of the transfer of an annuity under section 2517.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-31-91.

Drafting attorney: William L. Blodgett (202) 622-3090.

Reviewing attorney: George Masnik (202) 622-3090.

Agency Contact: William Blodgett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3090

RIN: 1545-AP60

3081. REFORMATION OF CHARITABLE TRANSFERS—DEFINITION OF GUARANTEED ANNUITY AND LEAD UNITRUST INTEREST

Legal Authority: 26 USC 2055 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20

Legal Deadline: None

Abstract: This project will address a number of issues including the following: (1) defining commencement

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under the 90-day rule; (2) defining what is a reformable interest; (3) reforming a nonremainder interest; and (4) reforming a remainder interest in a trust.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-070-89.

Drafting attorney: John McQuillan (202) 622-3090.

Reviewing attorney: George Masnik (202) 622-3090.

Treasury attorney: Monte Jackel (202) 622-0865.

Agency Contact: John McQuillan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3090

RIN: 1545-AO31

3082. SITUS OF PARTNERSHIP INTERESTS HELD BY A NONRESIDENT ALIEN FOR ESTATE TAX PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2104 Internal Revenue Code of 1986; 26 USC 2105 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20

Legal Deadline: None

Abstract: This regulation will determine the amount of partnership interests that will have a United States situs for estate tax purposes.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-079-90.

Drafting attorney: Leslie A. Cracraft (202) 622-3860.

Reviewing attorney: Elizabeth U. Karzon (202) 622-3860.

Treasury attorney: Carol Dunahoo (202) 622-0726.

Agency Contact: Leslie A. Cracraft, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3860

RIN: 1545-AP07

3083. LOAN GUARANTEES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2511 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation relates to the gift tax treatment of loan guarantees.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-57-92.

Drafting attorney: Debra Ryan (202) 622-3090.

Agency Contact: Debra Ryan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3090

RIN: 1545-AR16

3084. GENERATION-SKIPPING TRANSFER TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Temporary and proposed regulations relating to the respective liabilities of a decedent's executor and the trustee of a trust arrangement with respect to any generation-skipping transfer (GST) tax incurred in connection with a direct skip from a trust arrangement at the decedent's death. Temporary and proposed regulations relating to the circumstances under which the exercise of a nongeneral power of appointment over a trust that is otherwise "grandfathered" for GST tax purposes will constitute a constructive addition to the trust.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-21-92.

Drafting attorney: John Franklin (202) 622-3090.

Reviewing attorney: George Masnik (202) 622-3090.

Treasury attorney: Monte Jackel (202) 622-0865.

Agency Contact: John Franklin, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3090

RIN: 1545-AQ65

3085. • WITHDRAWAL OF PROPOSED REGULATIONS RELATING TO HOME OFFICE DEDUCTION

Legal Authority: 26 USC 7805

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Withdrawal of a portion of a proposed regulation relating to the home office deduction, principal place of business in the home.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-023-93

Drafting Attorney: Marilyn Brookens (202) 622-4940.

Reviewing Attorney: George Bradley (202) 622-4940.

Agency Contact: Marilyn Brookens, Attorney, Department of the Treasury, Internal Revenue Service, 202 622-4920

RIN: 1545-AR80

3086. • DEMOLITION OF STRUCTURES DEFINITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280B Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: How are the terms "structure" and "demolition" defined for purposes of section 280B of the Code? Specifically to what extent does section 280B apply to demolitions of structures that are not buildings and to partial demolitions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

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Government Levels Affected:
Undetermined

Additional Information: PS-39-93

Drafting attorney: Bernard Harvey (202) 622-3110.

Reviewing attorney: Peter Friedman (202) 622-3110.

Agency Contact: Bernard Harvey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3110

RIN: 1545-AR63

3087. TREATMENT OF CERTAIN DEFERRED COMPENSATION AND SALARY REDUCTION ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6302 (c) Internal Revenue Code of 1886

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: Proposal would provide rules concerning the treatment of certain deferred compensation and salary reduction arrangements under section 3121 (v) and section 3306 (r) of the Internal Revenue Code of 1954, thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret those sections of the Code.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-142-87.

Drafting attorney: David Fuller (202) 622-6040.

Reviewing attorney: Jerry Holmes (202) 622-6040.

Agency Contact: David Fuller, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6040

RIN: 1545-AF97

3088. • ELECTRONIC FILING OF FORM W-4

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31.3402(f)(2)-2 (New)

Legal Deadline: None

Abstract: The statute an existing regulations require employees to furnish employers with withholding exemption certificates (Forms w-4). The regulation would permit employees to file Forms W-4 electronically under certain circumstances.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: EE-45-93

Drafting attorney Karin Loverud (202) 622-6060.

Reviewing Attorney Mark Schwimmer (202) 622-6060.

Agency Contact: Karin Loverud, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6060

RIN: 1545-AR67

3089. TAXPAYER IDENTIFYING NUMBER MATCHING PROGRAM

Significance: Agency Priority

Legal Authority: 26 USC 3406 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Under the regulations payors can pre-check the name/TIN combinations furnished by payees prior to their filing an information return and thereby carryout the purposes of section 3406 in obtaining correct TIN/name combinations. Accordingly, prior to filing an information return a payor may contact the Service concerning the TIN furnished by a payee. Upon receiving such an inquiry, the Service will advise the payor whether the name/TIN combination furnished matches the name/TIN combination contained in the Service's records. If the name/TIN combination does not match, then the payor has the opportunity to contact the payee for correction before filing the information return, thus reducing the likelihood of a notice to start backup withholding and of a penalty for filing an information return.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-8-92.

Drafting attorney: Renay France (202) 622-4910.

Reviewing attorney: John M. Coulter, Jr. (202) 622-4910.

Treasury attorney: Larry Garrett (202) 622-1778.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4910

RIN: 1545-AQ51

3090. • BACKUP WITHHOLDING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations constitute an exercise of authority under section 3406(i) of the Internal Revenue Code of 1986 for the Internal Revenue Service to implement a Taxpayer Identification Number matching program for new accounts of persons receiving reportable payments as defined under section 3406(b)(1) of the Code.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|---------|
| Temporary Regulation | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-8-92

Drafting attorney: Renay France (202) 622-4910.

Reviewing attorney: John Coulter (202) 622-4910.

Treasury attorney: Elizabeth Wagner (202) 622-1778.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington DC 20224, 202 622-4910

RIN: 1545-AR68

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3091. • BACKUP WITHHOLDING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406(i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations would allow the Internal Revenue Service to implement a Tax Payer Identification Number (TIN) matching program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/30/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-08-92

Drafting attorney: Renay France (202) 622-4910

Reviewing attorney: John Coulter (202) 622-4910

Treasury attorney: Elizabeth Wagner (202) 622-1778

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 202 622-4910

RIN: 1545-AR72

3092. EXCISE TAX ON DIESEL FUEL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4091 to 4093 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: This regulation provides rules on diesel and aviation fuel taxes under the Revenue Act of 1987 and the Technical and Miscellaneous Revenue Act of 1988.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/01/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: PS-3-88.

Drafting attorney: Frank Boland (202) 622-3130.

Reviewing attorney: Dick Kocak (202) 622-3130.

Agency Contact: Frank Boland, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3130

RIN: 1545-AL43

3093. REGISTRATION UNDER SECTION 4101

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4101 Internal Revenue Code of 1986; 26 USC 4221 Internal Revenue Code of 1986; 26 USC 6427 Internal Revenue Code of 1936

CFR Citation: 26 CFR 48.4101-1; 26 CFR 48.4081-6; 26 CFR 48.4221-3; 26 CFR 48.6416(b)(2)-2; 26 CFR 48.6427-8

Legal Deadline: None

Abstract: Regulations will provide rules for registration and bonding of certain persons involved with gasoline; and rules relating to gasohol blending.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/01/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-77-91.

Drafting attorney: Frank Boland (202) 622-3130.

Reviewing attorney: Richard Kocak (202) 622-3130.

Treasury attorney: Elizabeth Wagner (202) 622-1778.

Agency Contact: Frank Boland, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3130

RIN: 1545-AQ10

3094. VACCINE EXPORTS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4221 Internal Revenue Code of 1986; 26 USC 6416 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The extent to which vaccines may be exported free of the tax imposed by section 4131.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-7-93.

Drafting attorney: Frank Boland (202) 622-3130.

Reviewing attorney: Richard Kocak (202) 622-3130.

Treasury attorney: John Parcell (202) 622-2578.

Agency Contact: Frank Boland, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3130

RIN: 1545-AR38

3095. COMMUNICATIONS TAX REGULATIONS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4251 Internal Revenue Code of 1986; 26 USC 4252 Internal Revenue Code of 1986; 26 USC 4253 Internal Revenue Code of 1986; 26 USC 4254 Internal Revenue Code of 1986

CFR Citation: 26 CFR 49

Legal Deadline: None

Abstract: The regulations will provide rules with respect to the application of the communications excise tax.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| ANPRM | 07/31/92 | 57 FR 33918 |
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: PS-017-91.

Drafting attorney: Bernard Webberman (202) 622-3130.

Reviewing attorney: Edward Madden (202) 622-3130.

Agency Contact: Bernard Webberman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3130

RIN: 1545-AP67

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3096. AIR TRANSPORTATION TAX REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4041 Internal Revenue Code of 1986; 26 USC 4091 Internal Revenue Code of 1986; 26 USC 4261 Internal Revenue Code of 1986; 26 USC 4271 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48; 26 CFR 49

Legal Deadline: None

Abstract: The regulations will revise rules relating to the tax on the transportation of persons by air and provide rules for the tax on the transportation of property by air, and will provide rules relating to fuel taxes.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Organizations

Government Levels Affected: None

Additional Information: PS-16-91.

Drafting attorney: Tyrone Montague (202) 622-3130.

Reviewing attorney: Frank Boland (202) 622-3130.

Agency Contact: Tyrone Montague, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3130

RIN: 1545-AP68

3097. CHEMICAL TAX UNDER SECTION 4461 AND IMPORTED SUBSTANCE TAX UNDER SECTION 4671

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4671 Internal Revenue Code of 1986; 26 USC 4661 Internal Revenue Code of 1986

CFR Citation: 26 CFR 52

Legal Deadline: None

Abstract: These are proposed regulations relating to taxable chemicals and taxable imported substances.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-71-88.

Drafting attorney: Ruth Hoffman (202) 622-3130.

Reviewing attorney: Jeff Nelson (202) 622-3130.

Treasury attorney: Elizabeth Wagner (202) 622-1778.

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3130

RIN: 1545-AL73

3098. • ESCROW FUNDS AND OTHER SIMILAR FUNDS

Legal Authority: 26 USC 7805

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Further guidance relating to certain escrow funds and other similar funds.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-017-93

Drafting attorney: Lisa Bernardini (202) 622-4910.

Reviewing attorney: Linda Kroening (202) 622-4910.

Agency Contact: Lisa Bernardini, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4910

RIN: 1545-AR82

3099. EXCISE TAX—PART 54, REVERSION OF QUALIFIED PLAN ASSETS TO EMPLOYER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4980 Internal Revenue Code of 1986; PL 99-514, Sec 1132

CFR Citation: 26 CFR 54

Legal Deadline: None

Abstract: The regulations would provide guidance regarding the excise tax on reversions of qualified plan assets imposed by section 4980 of the Internal Revenue Code of 1986.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-165-86.

Tax Law Specialist: Vernon Carter (202) 622-6070.

Reviewing attorney: James L. Brokaw (202) 622-6070.

Agency Contact: Vernon S. Carter, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6070

RIN: 1545-AI82

3100. RETURNS AND PAYMENTS OF TAX UNDER FEDERAL INSURANCE CONTRIBUTIONS ACT

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31.6011(a)-1(a); 26 CFR 31.6071(a)-1(a); 26 CFR 31.6151-1; 26 CFR 31.6302(b)-1

Legal Deadline: None

Abstract: These regulations simplify the reporting and requirements for individual employers of domestic workers by reducing the frequency of filing returns that report the tax imposed by Federal Insurance Contributions Act (FICA). Amendments also permit employers paying wages of less than \$10,000 to remit the tax imposed by FICA with the annual return.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|---------|
| Temporary Regulation | 12/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-14-92.

Drafting attorney: David Meyer (202) 622-4940.

Reviewing attorney: Rudolph Planert (202) 622-4940.

Treasury attorney: Anne Alstott (202) 622-0865.

Agency Contact: David Meyer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4940

RIN: 1545-AQ62

TREAS—IRS

Proposed Rule Stage

3101. • REMOVAL OF SIGNATURE REQUIREMENT FROM REGULATIONS GOVERNING REQUESTS FOR TAXPAYER IDENTIFICATION NUMBERS

Legal Authority: 26 USC 7805; 26 USC 6011

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Removal of signature requirement from regulations governing requests for taxpayer identification numbers.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-020-93

Drafting attorney: Vince Surabian (202) 622-4940.

Reviewing attorney: Rudolf Planert (202) 622-4940.

Agency Contact: Vince Surabian, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4940

RIN: 1545-AR81

3102. • TELEFILE VOICE SIGNATURE TEST/VOICE SIGNATURE ALTERNATIVE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6012

CFR Citation: 26 CFR 1.6001-1 to 1.6109-2; 26 CFR 602

Legal Deadline: None

This regulation needs to be published by January 5, 1994, so that eligible taxpayers may participate in the test.

Abstract: The regulations will provide that an individual Federal income tax return completed as part of the Telefile Voice Signature test will be treated as a return that is signed, authenticated, verified, and filed by the taxpayer as required by the Internal Revenue Code.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: IA-38-93

Drafting attorney: Celia Gabrysh (202) 622-4940.

Reviewing attorney: Rudolf Planert (202) 622-4940.

Treasury attorney: Val Strehlow (202) 622-0869.

Agency Contact: Celia Gabrysh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4940

RIN: 1545-AR69

3103. • TELEFILE VOICE SIGNATURE TEST/VOICE SIGNATURE ALTERNATIVE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6012 Persons Required to Make Returns of Income

CFR Citation: 26 CFR 1.6001-1 to 1.6109-2; 26 CFR 602

Legal Deadline: None

Abstract: This regulation, relating to the telefile voice signature, will provide each 1993 individual income tax return that is deemed signed, authenticated and verified by the taxpayer.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-38-93

Drafting attorney: Celia Gabrysh (202) 622-4940.

Reviewing attorney: Rudolf Planert (202) 622-4940.

Treasury attorney: Val Strehlow (202) 622-0869.

Agency Contact: Celia Gabrysh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4940

RIN: 1545-AR97

3104. AMENDMENT OF SECTION 1.6033-2(G)(5) RELATING TO RETURNS BY AN INTEGRATED AUXILIARY OF A CHURCH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 91-172, Sec 101 (d) (1) Tax Reform Act of 1969

CFR Citation: 26 CFR 1.6033-2(g)

Legal Deadline: None

Abstract: These regulations will revise the definition of integrated auxiliary of a church in section 1.6033-2(g)(5) of the Treasury Regulations to be consistent with Rev. Proc. 86-23, 1986-1 CB 564.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-41-86.

Drafting attorney: Terri Harris (202) 622-6070.

Reviewing attorney: Paul Accettura (202) 622-6070.

Agency Contact: Terri Harris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6070

RIN: 1545-AI52

3105. BROKER REPORTING OF OPTION TRANSACTIONS

Legal Authority: 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6045-1(m)

Legal Deadline: None

Abstract: The proposed regulation will establish standards for brokers to report options transactions to the Service.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: FI-004-90.

Drafting attorney: Jonathan Silver (202) 622-3441.

Reviewing attorney: Alvin Kraft (202) 622-3920.

Agency Contact: Jonathan Silver, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3441

RIN: 1545-AO40

3106. INCOME TAX—RETURNS AS TO INTERESTS IN FOREIGN PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6046A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

TREAS—IRS

Proposed Rule Stage

Abstract: The regulations would give guidance for determining which United States persons who acquire, dispose of or change their interests in foreign partnerships must report their activities. Additionally, guidance would be given as to how, when and where such persons must report and what information they must supply.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-879-86.

Drafting attorney: Kathryn Horton O'Brien (202) 622-3860.

Reviewing attorney: Charles Besecky (202) 622-3860.

Agency Contact: Kathryn Horton O'Brien, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3860

RIN: 1545-AK75

3107. SECTION 6048 REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6048 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Revision of regulations under section 6048, return as to certain foreign trusts.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-067-92.

Drafting attorney: Joseph S. Henderson (202) 622-3850.

Reviewing attorney: Margaret O'Connor (202) 622-3880.

Agency Contact: Joseph S. Henderson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3850

RIN: 1545-AR25

3108. INCOME TAX—TO REQUIRE ISSUERS OF CERTIFICATES OF DEPOSIT TO FURNISH ISSUE PRICE TO BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulations would amend existing regulations to require issuers to furnish the issue price to brokers.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-63-87.

Drafting attorney: Dianne O. Umberger (202) 622-3960.

Reviewing attorney: Alice Bennett (202) 622-3950.

Agency Contact: Dianne O. Umberger, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, D. C. 20224, 202 622-3960

RIN: 1545-AK36

3109. INFORMATION REPORTING OF POINTS ON MORTGAGE LOANS

Significance: Agency Priority

Legal Authority: 26 USC 6050H Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6050H-1; 26 CFR 1.6050H-2

Legal Deadline: NPRM, Statutory, December 31, 1990.

P.L. 101-239 OBRA 1989, 7646 requires the reporting of points received after 12/31/90; however, the reporting will first occur in 1992 for 1991 closings.

Abstract: Amend regulations to require the information reporting of the points received on a mortgage.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: IA-017-90.

Drafting attorney: James Atkinson (202) 622-4950.

Reviewing attorney: Douglas Fahey (202) 622-4950.

Treasury attorney: Heidi Ebel (202) 622-1334.

Agency Contact: James Atkinson, Attorney-Advisor, CC:IT&A:05, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4950

RIN: 1545-AO57

3110. IRC SECTION 6051

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6051 Internal Revenue Code of 1986; 26 USC 6071 Internal Revenue Code

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: Project will modify existing regulations to require employers who terminate their business or otherwise cease operations to file Forms W-2 and W-3 within 30 calendar days after termination.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-083-89.

Drafting attorney: Jean Whalen (202) 622-6040.

Reviewing attorney: Jerry Holmes (202) 622-6040.

Agency Contact: Jean Whalen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6040

RIN: 1545-AN57

3111. VOICE SIGNATURE ALTERNATIVE

Legal Authority: 26 USC 7805; 26 USC 6061

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Telefile voice signature project that will provide a 1993 individual income tax return that is deemed signed, authenticated, and verified by taxpayer.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 07/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

TREAS—IRS

Proposed Rule Stage

Additional Information: IA-038-93
 Drafting attorney: Celia Gabrysh (202) 622-4940.
 Reviewing attorney: Rudolph Planert (202) 622-4940.
Agency Contact: Celia Gabrysh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4940
RIN: 1545-AR84

3112. • EXTENSION OF TIME TO FILE

Legal Authority: 26 USC 7805; 26 USC 6081
CFR Citation: 26 CFR 1
Legal Deadline: None
Abstract: Extension of time for filing returns
Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: None
Government Levels Affected: None
Additional Information: IA-041-93
 Drafting attorney: Stuart Spielman (202) 622-4940.
 Reviewing attorney: Norlyn Miller (202) 622-4940.
Agency Contact: Stuart Spielman, Attorney, Department of the Treasury, Internal Revenue Service, 202 622-4940
RIN: 1545-AR85

3113. AGREEMENTS FOR PAYMENT FOR TAX LIABILITY IN INSTALLMENTS

Legal Authority: 26 USC 6159 Internal Revenue Code of 1986
CFR Citation: 26 CFR 301
Legal Deadline: None
Abstract: Prior law did not address the authority of the Internal Revenue Service to enter into installment payment agreements with taxpayers. New code section 6159, as added by the Technical and Miscellaneous Revenue Act of 1988, authorizes such agreements and specifies the circumstances under which the Service may modify or terminate such an agreement and when the Service must provide prior notice of a determination to modify or terminate an agreement. New regulations implementing section

6159 will be drafted in order to provide taxpayers and the Service specific guidance on the requirements and responsibilities imposed by this provision.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Additional Information: GL-708-88.
 Drafting attorney: Kevin B. Connelly (202) 622-3640.
 Reviewing attorney: Robert Miller (202) 622-3640.

Agency Contact: Kevin B. Connelly, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640
RIN: 1545-AM66

3114. MISCELLANEOUS RULES RELATING TO CONSOLIDATED ADMINISTRATIVE AND JUDICIAL PROCEEDINGS TO DETERMINE THE TAX TREATMENT OF PARTNERSHIP ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6222 Internal Revenue Code of 1986; 26 USC 6223 Internal Revenue Code of 1986; 26 USC 6224 Internal Revenue Code of 1986; 26 USC 6227 Internal Revenue Code of 1986; 26 USC 6230 Internal Revenue Code of 1986; 26 USC 6231 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301
Legal Deadline: None

Abstract: The proposed regulations would set forth miscellaneous procedural rules for consolidated administrative and judicial proceedings to determine the tax treatment of partnership items. The regulations would provide guidance for various elections under these new procedures and for filing requests for an administrative adjustment.

Timetable:

| Action | Date | FR Cite |
|-------------------------|--------------|-------------|
| NPRM | 04/18/86 | 51 FR 13231 |
| NPRM Comment Period End | 06/17/86 | |
| Next Action | Undetermined | |

Small Entities Affected: None
Government Levels Affected: None

Additional Information: PS-205-82.

Drafting attorney: Lindsay Russell (202) 622-3050.
 Reviewing attorney: Dianna Miosi (202) 622-3050.

Treasury attorney: S. Barksdale Penick (202) 622-1335.

Agency Contact: Lindsay Russell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3050

RIN: 1545-AE51

3115. DETERMINATION OF THE TAX TREATMENT OF SUBCHAPTER S ITEMS AT THE CORPORATE LEVEL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6242 Internal Revenue Code of 1986; 26 USC 6243 Internal Revenue Code of 1986; 26 USC 6244 Internal Revenue Code of 1986; 26 USC 6233 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 51

Legal Deadline: None

Abstract: Proposed regulations would provide new rules for determining the tax treatment of any subchapter S item at the corporate level. Regulations would provide rules similar to rules for determining the tax treatment of partnership items.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None
Government Levels Affected: None
Additional Information: PS-269-82.

Drafting attorney: D. Lindsay Russell (202) 622-3050.

Reviewing attorney: Dianna K. Miosi (202) 622-3050.

Treasury attorney: Barksdale Penick (202) 622-1335.

Agency Contact: D. Lindsay Russell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3050

RIN: 1545-AE96

TREAS—IRS

Proposed Rule Stage

3116. DEPOSIT OF TAX WITHHELD FROM NONRESIDENT ALIENS AND OTHERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6302 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This notice of proposed rulemaking revises and updates regulations setting forth deposit requirement for income tax withheld at source from nonresident aliens and foreign corporations.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-19-91.

Drafting attorney: Vincent Surabian (202) 622-4940.

Reviewing attorney: Norlyn Miller (202) 622-4940.

Agency Contact: Vincent Surabian, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4940

RIN: 1545-AP92

3117. FORM 941 SIMPLIFICATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6302 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Changing the Federal employment tax deposit regulations to reflect revision of form 941 and development of form 945 for use in reporting non-wage item.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/30/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-60-92.

Drafting attorney: Vincent Surabian (202) 622-4940.

Reviewing attorney: Norlyn Miller (202) 622-4940.

Agency Contact: Vincent Surabian, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4940

RIN: 1545-AR42

3118. MANNER OF PAYMENT OF RAILROAD RETIREMENT EMPLOYMENT TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6302 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This document changes the manner whenever employers deposit Federal railroad retirement employment taxes.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-61-92.

Drafting attorney: Vincent Surabian (202) 622-4940.

Reviewing attorney: Norlyn Miller (202) 622-4940.

Agency Contact: Vincent Surabian, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4940

RIN: 1545-AR43

3119. PROCEDURE AND ADMINISTRATION REGULATIONS—PAYMENT OF TAXES BY CHECK OR MONEY ORDER AND LIABILITY OF FINANCIAL INSTITUTIONS FOR UNPAID TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6311 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will describe the circumstances under which taxpayers may pay taxes by check, money order or other guaranteed draft and the circumstances under which financial institutions on which such instruments are drawn may be liable for unpaid taxes.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-549-87.

Drafting attorney: Jerome D. Sekula (202) 622-3640.

Reviewing attorney: Robert Miller (202) 622-3640.

Agency Contact: Jerome D. Sekula, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AI24

3120. PROCEDURE AND ADMINISTRATION—RELEASE OF LIENS, NOTICE BEFORE LEVY, PROPERTY EXEMPT FROM LEVY REDEMPTION OF LEVIED REAL PROPERTY, AND AMOUNT OF DAMAGES IN CASE OF WRONGFUL LEVY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6325 Internal Revenue Code of 1986; 26 USC 6331 Internal Revenue Code of 1986; 26 USC 6334 Internal Revenue Code of 1986; 26 USC 6337 Internal Revenue Code of 1986; 26 USC 7426 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation will provide guidance in obtaining the issuance of a certificate of release of a notice of Federal tax lien. The regulation will revise existing regulations relating to the size of the exemption from levy available for certain property. The proposed regulation also increases the length of post-sale redemption period currently specified in the regulations. The proposed regulations provide rules for service employees administering the Code for providing notice of intention to levy upon the property of a delinquent taxpayer. The proposed regulations increase the amount of damages allowed where property has been levied wrongfully.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-547-87.

Drafting attorney: Kevin B. Connelly (202) 622-3640.

TREAS—IRS

Proposed Rule Stage

Reviewing attorney: Robert A. Miller (202) 622-3640.

Agency Contact: Kevin B. Connelly, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AE82

3121. SUSPENSION OF RUNNING OF PERIOD OF LIMITATIONS DURING PROCEEDING TO ENFORCE DESIGNATED SUMMONS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6503 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance to taxpayers with regard to the changes made to section 6503 by the Omnibus Budget Reconciliation Act of 1990. Under those changes, the period of limitations for assessment with respect to a corporation is suspended when a court proceeding is instituted to enforce or quash a designated summons or related summons issued within 30 days of the issuance of the designated summons.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: GL-804-90.

Drafting attorney: Jerome D. Sekula (202) 622-3640.

Reviewing attorney: Robert A. Miller (202) 622-3640.

Agency Contact: Jerome D. Sekula, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AQ01

3122. DIFFERENTIAL INTEREST RATES AND EXPANDED CREDITING OF OVERPAYMENTS AGAINST UNDERPAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 602

Legal Deadline: None

Abstract: The regulations will explain the computation of interest on underpayments and overpayments of tax, including the extent to which underpayments and overpayments will be offset in computing interest.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 07/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-123-86.

Drafting attorney: Forest Boone (202) 622-4960.

Reviewing attorney: Norlyn Miller (202) 622-4940.

Agency Contact: Forest Boone, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AK06

3123. SECTION 6655 TO PROVIDE SPECIAL RULE FOR ANNUALIZATION EXCEPTION TO ESTIMATED TAX PENALTY APPLICABLE TO FOREIGN SALES CORPORATIONS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6655 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules for FSC and its related supplier using annualization exception to determine estimated tax payments.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-24-92.

Drafting attorney: Rochelle Hodes (202) 622-4910.

Reviewing attorney: John Coulter (202) 622-4910.

Treasury attorney: J. Paul Whitehead (202) 622-0868.

Agency Contact: Rochelle Hodes, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4910

RIN: 1545-AQ63

3124. FAILURE TO MAKE A DEPOSIT OF TAXES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6656 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Proposal will provide rules for application of the four-tiered failure-to-deposit penalty imposed by section 6656 of the Internal Revenue Code. The proposal will also deal with the manner in which a taxpayer's account will be credited for deposits being made in light of the time-sensitive nature of the penalty.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-027-90.

Drafting attorney: Vincent Surabian (202) 622-4940.

Reviewing attorney: Norlyn Miller (202) 622-4940.

Agency Contact: Vincent Surabian, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4940

RIN: 1545-AO87

3125. • REVISE SECTION 1.6695-1(B) OF THE INCOME TAX REGULATIONS TO REQUIRE TAX RETURN PREPARERS TO RETAIN ATTESTATIONS RATHER THAN SUBMITTING WITH RETURN

Legal Authority: 26 USC 6695(b)

CFR Citation: 26 CFR 1.6695-1(b)(4)(i)

Legal Deadline: None

Abstract: The Regulation will Delete the Requirement that Tax Return Preparers Submit Return Attestations with the Return.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/31/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: IA-33-93

Drafting Attorney: David Meyer (202) 622-4940.

Reviewing Attorney: Pete Fredericks (202) 622-4940.

TREAS—IRS

Proposed Rule Stage

Treasury Attorney: Eve Elgin (202) 622-1338.

Agency Contact: David Meyer, Attorney/Advisor, Department of the Treasury, Internal Revenue Service, 202 622-4940

RIN: 1545-AR78

3126. • REVISION OF REGULATIONS TO REQUIRE RETURN PROCEDURE RETAIN SIGNATURE ATTESTATIONS RATHER THAN FORWARDING WITH THE RETURN

Legal Authority: 26 USC 7805; 26 USC 6695

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Tax return preparers will be required to retain signature attestations instead of sending them to the IRS when the return is submitted.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-033-93

Drafting attorney: David Meyer (202) 622-4940.

Reviewing attorney: Rudolf Planert (202) 622-4940.

Agency Contact: David Meyer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4940

RIN: 1545-AR83

3127. PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6700 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations would provide rules and definitions relating to the penalty for promoting abusive tax shelters.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-273-82.

Drafting attorney: Michael F. Schmit (202) 622-4960.

Reviewing attorney: Vincent Cardella (202) 622-4960.

Agency Contact: Michael F. Schmit, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AE99

3128. PENALTY FOR AIDING AND ABETTING IN THE UNDERSTATEMENT OF TAX LIABILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6701 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Proposal will provide rules with respect to the penalty imposed on a person who aids and abets in the understatement of a third party's tax liability. The proposal also provides the standards which will subject one to the penalty.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-274-82.

Drafting attorney: Michael Schmit (202) 622-4960.

Reviewing attorney: Vincent Cardella (202) 622-4960.

Agency Contact: Michael Schmit, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AF01

3129. INCOME TAX—PRESUMPTION OF JEOPARDY IN THE CASE OF ILLEGAL ACTIVITY CASH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6867 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance for applying the presumptions that an amount of cash in excess of ten thousand dollars without an acknowledged owner (1) represents gross income to a single individual, (2) is taxable at the highest rate of tax specified in section 1, and (3) that collection of the tax is in

jeopardy for the purposes of sections 6851 and 6881.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-548-87

Drafting attorney: Jerome D. Sekula (202) 622-3640.

Reviewing attorney: Robert A. Miller (202) 622-3640.

Agency Contact: Jerome D. Sekula, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AE30

3130. POLITICAL ACTIVITY INJUNCTION

Legal Authority: 26 USC 7409 Internal Revenue Code of 1986 as amended; 26 USC 6852 Internal Revenue Code of 1986 as amended; 26 USC 4955 Internal Revenue Code of 1986 as amended

CFR Citation: 26 CFR 53; 26 CFR 301

Legal Deadline: None

Abstract: The regulation will provide the procedures necessary to provide a two-tiered test on political expenditures of section 501(c)(3) organizations and our agreement to the expenditures by organization managers, to enjoin and/or make termination assessments in the case of a flagrant political expenditure by a section 501(c)(3) organization.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-48-90.

Drafting attorney: Cynthia Morton (202) 622-6070.

Reviewing attorney: Paul Accettura (202) 622-6070.

Agency Contact: Cynthia Morton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6070

RIN: 1545-AO77

TREAS—IRS

Proposed Rule Stage

3131. FORFEITURE OF LAND SALES CONTRACT WITH RESPECT TO DISCHARGE OF FEDERAL TAX LIEN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation will address the issue of when a land sales contract is considered to be forfeited for Federal tax purposes. It may be necessary, in so doing, to provide a definition or other guidelines as to what constitutes a land sales contract for purposes of this provision.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-550-87.

Drafting attorney: Kevin Connelly (202) 622-3640.

Reviewing attorney: Robert A. Miller (202) 622-3640.

Agency Contact: Kevin Connelly, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AK24

3132. REDEMPTIONS OF REAL PROPERTY UNDER IRC 7425—EXCESS EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7425 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Section 301.7425-4(b)(3)(ii), which deals with excess expenses incurred by a purchaser of property after a foreclosure sale and before redemption, provides that the Service may request a written itemized statement from the purchaser regarding excess expenses. If the purchaser does not respond within 15 days, it shall be presumed that no excess expenses are payable. However, even after the 15-day period expires, a payment for excess expenses shall be made after the redemption within a reasonable time following the verification by the district director of a written itemized statement

submitted by the purchaser. There is no specific time frame set for the purchaser to submit his claim after the redemption and after the expiration of the 15-day period. We are examining the feasibility of establishing a 30-day time limit within which a final claim for excess expenses must be submitted by the purchaser after the sale of the property. This will eliminate claims for reimbursement of expenses that may be submitted after redemption and sale of the property, where the liens were fully satisfied and released, and all surplus funds returned to the taxpayer.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-520-87.

Drafting attorney: Susan B. Watson (202) 622-3640.

Reviewing attorney: Robert A. Miller (202) 622-3640.

Agency Contact: Susan B. Watson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3620

RIN: 1545-AL20

3133. WRONGFUL LEVY ACTIONS INVOLVING GOVERNMENT AGENCIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7426 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The existing language of the regulations under IRC section 7426 is ambiguous and confusing. It has been used in at least one court case as support for the proposition that whenever the Service attempts to seize property of a delinquent taxpayer that is in the custody of a Government agency, regardless of the form of the seizure (i.e., service of a Notice of Levy or of a Request for Setoff), such a seizure is always a setoff, and any third party injured by such a seizure has no cause of action under IRC section 7426. This is not the Service's position. The regulations should be clarified to rectify this misinterpretation.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: GL-0351-90.

Drafting attorney: Jerome D. Sekula (202) 622-3640.

Reviewing attorney: Robert A. Miller (202) 622-3640.

Agency Contact: Jerome D. Sekula, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AO60

3134. ACTUARIAL TABLES EXCEPTIONS

Legal Authority: 26 USC 7520 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.7520-3; 26 CFR 20.7520-3; 26 CFR 25.7520-3

Legal Deadline: None

Abstract: Section 7520 of the Internal Revenue Code, as added by section 5031 of the Technical and Miscellaneous Review Act of 1988, requires that the value of any annuity, any interest for life or a term of years, and any remainder or reversionary interest be determined under valuation tables revised periodically by the service. Section 7520(b) of the code authorizes the service to issue regulations excepting any provision from application of section 7520 valuation. The regulations provide for deviation from use of the tables in certain areas where use of the tables would produce unreasonable results.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-26-93

Drafting attorney: William L. Blodgett (202) 622-3090.

Reviewing attorney: Lee A. Dunn (202) 622-3090.

Agency Contact: William L. Blodgett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3090

RIN: 1545-AR56

3135. EXTENSION OF STATUTE OF LIMITATIONS IN JOHN DOE SUMMONS DISPUTES

Legal Authority: 26 USC 7609 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

TREAS—IRS

Proposed Rule Stage

Abstract: Under the Tax Reform Act of 1986, statutes of limitations are suspended in certain cases in which there is no resolution of a third-party recordkeeper's response to a summons. Section 7609(e)(2) was amended by the Technical and Miscellaneous Revenue Act of 1988 so that the suspension applies to all John Doe summonses, whether or not the summoned party is a third-party recordkeeper as defined in IRC section 7609(a)(3). The new regulations will make changes to 26 CFR 301.7609 to conform with the 1986 and 1988 amendments.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-723-88.

Drafting attorney: Jerome D. Sekula (202) 622-3640.

Reviewing attorney: Robert Miller (202) 622-3640.

Agency Contact: Jerome D. Sekula, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AM67

3136. DEFINITION OF LIFE INSURANCE CONTRACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7702 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules to define a life insurance contract under the Internal Revenue Code.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-107-87.

Drafting attorney: Ann H. Logan (202) 622-3970.

Reviewing attorney: Stephen D. Hooe (202) 622-3970.

Agency Contact: Ann H. Logan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3970

RIN: 1545-AL08

3137. CERTAIN PUBLICLY TRADED PARTNERSHIPS TREATED AS CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 1.7704-1T

Legal Deadline: None

Abstract: The regulations provide rules relating to the classification of publicly traded partnerships.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-13-88.

Drafting attorney: Ann Veninga (202) 622-3080.

Reviewing attorney: William P. O'Shea (202) 622-3070.

Treasury attorney: Barksdale Penick (202) 622-1335.

Agency Contact: Ann Veninga, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3080

RIN: 1545-AL57

3138. TECHNICAL CORRECTIONS FOR CHAPTER 14

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 25

Legal Deadline: None

Abstract: The regulation provides technical corrections under sections 2701, 2702, 2703 and 2704.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/30/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-8-93.

Drafting attorney: Fred Grundeman (202) 622-3090.

Agency Contact: Fred Grundeman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3090

RIN: 1545-AR49

3139. • DISCLAIMER OF INTERESTS AND POWER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 25

Legal Deadline: None

Abstract: Amend regulation regarding disclaimer of joint property.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-002-91

Drafting attorney: Dale Carlton (202) 622-3090.

Reviewing attorney: George Masnik (202) 622-3090.

Agency Contact: Dale Carlton, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3090

RIN: 1545-AR52

3140. • LIMITATION OF ANNUAL COMPENSATION

Legal Authority: 26 USC 7805

CFR Citation: 26 CFR 1.401(a)(17)-1

Legal Deadline: None

Abstract: The regulations will amend the final regulations under section 401(a)(17) of the Internal Revenue Code of 1986.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: EE-8-93

Drafting attorney: Marjorie Hoffman (202) 622-6030.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 202 622-6030

RIN: 1545-AR54

3141. • QUALIFIED SEPARATE LINES OF BUSINESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410(b)

TREAS—IRS

Proposed Rule Stage

Internal Revenue Code of 1986; 26 USC 414(r) Internal Revenue Code of 1986
CFR Citation: 26 CFR 1.410(b)-6; 26 CFR 1.410(b)-7; 26 CFR 1.414(r)-0 to 1.414(r)-11

Legal Deadline: None

Abstract: This rule will make it easier for employer to use the rules for determining qualified separate line of business.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-40-93

Drafting attorney: Patricia McDermott (202) 622-4606.

Reviewing attorney: Steve Miller (202) 622-4606.

Treasury attorney: Catherine Creech (202) 622-2647.

Agency Contact: Patricia McDermott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4606
RIN: 1545-AR61

3142. • MODIFICATION OF REGULATIONS RELATING TO NEGATIVE 481(A) ADJUSTMENTS

Legal Authority: 26 USC 7805

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Modification of IRC section 481(a) regulations relating negative adjustments in changes in methods of accounting.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-042-93

Drafting Attorney: Rosemary DeLeone (202) 622-4970.

Reviewing Attorney: Thomas Luxner (202) 622-4970.

Agency Contact: Rosemary DeLeone, Attorney, Department of the Treasury, Internal Revenue Service, 202 622-4970
RIN: 1545-AR79

3143. • STATEMENT OF PROCEDURAL RULES UPDATE

Legal Authority: 26 USC 7805

CFR Citation: 26 CFR 601

Legal Deadline: None

Abstract: Update Number 2 of The Statement of Procedural Rules

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-021-93

Drafting attorney: John Moran (202) 622-4940.

Reviewing attorney: George Bradley (202) 622-8104.

Agency Contact: John Moran, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4940
RIN: 1545-AR87

3144. • FUEL FLOOR STOCKS TAX OF 1993

Legal Authority: 26 USC 7805(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 47

Legal Deadline: None

Abstract: The proposed regulations provide guidance for paying and filing returns of floor stocks tax on fuel under the Omnibus Budget Reconciliation Act of 1993.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: PS-49-93

Drafting attorney: Edward Madden (202) 622-4537.

Reviewing attorney: Richard A. Kocak (202) 622-4537.

Treasury attorney: Elizabeth C. Wagner (202) 622-1778.

Agency Contact: Edward Madden, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4537
RIN: 1545-AR94

3145. • VACCINE FLOOR STOCK TAX OF 1993

Legal Authority: 26 USC 7805(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 47

Legal Deadline: None

Abstract: The proposed regulations provide guidance for paying and filing returns of floor stocks tax on vaccine under the Omnibus Budget Reconciliation Act of 1993.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: PS-50-93

Drafting attorney: Edward Madden (202) 622-4537.

Reviewing attorney: Richard A. Kocak (202) 622-4537.

Treasury attorney: John Parcell (202) 622-2578.

Agency Contact: Edward Madden, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4537
RIN: 1545-AR95

3146. • ALLOCATIONS REFLECTING GAIN OR LOSS ON PROPERTY CONTRIBUTED TO A PARTNERSHIP

Legal Authority: 26 USC 7805

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation describes the deferred sale method as a reasonable section 704(c). In addition, the regulation permits certain securities partnerships to aggregate securities for purposes of section 704(c).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-164-84

Drafting attorney: David Edquist (202) 622-3050.

Reviewing attorney: Clara Toth (202) 622-3050.

Treasury attorney: Jose Berra (202) 622-0999.

Agency Contact: David Edquist, Attorney, Department of the Treasury,

TREAS—IRS

Proposed Rule Stage

Internal Revenue Service, 1111
Constitution Ave. NW., Washington, DC
20224, 202 622-3050
RIN: 1545-AS00

**3147. • STATEMENT OF
PROCEDURAL RULES—PART 601.702**

Legal Authority: 5 USC 552; 5 USC 301

CFR Citation: 26 CFR 601.702

Legal Deadline: None

Abstract: The document contains final rules amending the Statement of Procedural Rules (SPR) (26 CFR 601.702). Some amendments reflect

procedures heretofore only made available to the public in the Internal Revenue Manual, which is maintained in Internal Revenue Service reading rooms. The SPR also reflects changes in the title and nomenclature and changes of addresses to be contacted for Freedom of Information requests. The rules affect persons requesting records from the Internal Revenue Service.

Timetable:

| Action | Date | FR Cite |
|----------------------------------|----------|---------|
| Statement of Procedural Rules | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CC:EL:D-51-84-93

Drafting attorney: Margo Stevens (202) 622-4570.

Agency Contact: Margo L. Stevens, Attorney, Department of the Treasury, Internal Revenue Service, 202 622-4570

RIN: 1545-AR99

DEPARTMENT OF THE TREASURY (TREAS)

Final Rule Stage

Internal Revenue Service (IRS)

**3148. MORTGAGE CREDIT
CERTIFICATES**

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 25 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.25-1T to 1.25-8T; 26 CFR 1.6709-1

Legal Deadline: None

Abstract: The regulations will provide guidance on the issuance of mortgage credit certificates rules. Guidance will be provided with respect to the various eligibility requirements that mortgagors must satisfy as well as the various program requirements that issuers must satisfy.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/08/85 | 50 FR 19383 |
| NPRM Comment Period End | 07/08/85 | 50 FR 19383 |
| Hearing | 08/14/85 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: FI-245-84.

Drafting attorney: Harold N. Diamond (202) 622-3980.

Agency Contact: Harold N. Diamond, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AH06

**3149. INCOME TAX—INFORMATION
REPORTING FOR MORTGAGE CREDIT
CERTIFICATES**

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 25 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.25-1T to 1.25-8T

Legal Deadline: None

Abstract: The regulations would provide guidance to issuers of mortgage credit certificates relating to the information to be collected with respect to each recipient of a mortgage credit certificate. The regulations will also provide guidance regarding the time and manner of filing this information with the Internal Revenue Service.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/03/85 | 50 FR 35572 |
| NPRM Comment Period End | 11/04/85 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional Information: FI-114-85.

Drafting attorney: Harold N. Diamond (202) 622-3980.

Reviewing attorney: Lon B. Smith (202) 622-3980.

Agency Contact: Harold N. Diamond, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AI39

**3150. MORTGAGE CREDIT
CERTIFICATES IN TARGETED AREAS**

Legal Authority: 26 USC 25(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.25-4T(g)(2)

Legal Deadline: None

Abstract: The percentage of mortgage originations required by section 1.25-4T(g) (8 percent) was predicated on the 1:5 trade-in rate contained in former section 25(c) of the Code. To accommodate the new 1:4 rate contained in section 25(c), we are amending section 1.25-4T(g).

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|---------|
| Temporary Regulation | 00/00/00 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: FI-068-89.

Drafting attorney: Harold Diamond (202) 566-3980.

Agency Contact: Harold Diamond, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AN93

3151. LOW-INCOME HOUSING CREDIT ALLOCATION RULES AND INFORMATION REPORTING REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide low-income housing credit allocation and reporting rules.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/22/87 | 52 FR 23471 |
| NPRM Comment Period End | 08/21/87 | 52 FR 23471 |
| Hearing | 11/09/87 | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-83-86.

Drafting attorney: Jeffrey Erickson (202) 622-3040.

Reviewing attorney: James F. Ranson (202) 622-3040.

Treasury attorney: Heidi Ebel (202) 622-1334.

Agency Contact: Jeffrey A. Erickson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3040

RIN: 1545-AJ65

3152. SPECIAL RULES TO AVOID SUBSTANTIAL DISTORTION FOR RECOVERY OF BASIS ON A CONTINGENT SALE

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 15a

Legal Deadline: None

Abstract: Regulations will clarify that the Internal Revenue Service may require an alternative method of basis recovery in the event that the general rules of section 15a.453-(1)(c) substantially and inappropriately defer recovery of basis.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|---------|
| Temporary Regulation | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-071-90.

Drafting attorney: George Kelley (202) 622-4910.

Reviewing attorney: Mike Montemurro (202) 622-4910.

Agency Contact: George Kelley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4910

RIN: 1545-AP41

3153. ADMINISTRATIVE ERRORS—HOUSING CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation allows State and local housing credit agencies an opportunity to correct administrative errors and omissions. The regulation also allows the Secretary to provide guidance necessary or appropriate to carry out the purposes of section 42.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|----------|
| NPRM | 01/04/93 | 58 FR 44 |
| Hearing | 04/05/93 | 58 FR 47 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-50-92.

Drafting attorney: Jeffrey A. Erickson (202) 622-3040.

Reviewing attorney: Donna M. Young (202) 622-3040.

Agency Contact: Jeffrey A. Erickson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3040

RIN: 1545-AQ98

3154. CARRYOVER ALLOCATIONS AND OTHER RULES RELATING TO THE LOW-INCOME HOUSING CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations provide guidance with respect to: (1) eligibility for a carryover allocation; (2) procedures for electing an appropriate percentage month; (3) the general public use requirement; (4) utility allowances to be used in determining gross rent; and (5) the inclusion of the cost of certain services in gross rent.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/29/92 | 57 FR 51852 |
| NPRM Comment Period End | 01/26/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State

Additional Information: PS-19-92.

Drafting attorney: Christopher Wilson (202) 622-3040.

Agency Contact: Christopher Wilson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3040

RIN: 1545-AR15

3155. RULES TO CARRY OUT THE PURPOSES OF SECTION 42 AND FOR CORRECTING ADMINISTRATIVE ERRORS AND OMISSIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations address the Secretary's authority to provide under section 42(n). The regulation also provides State and local housing credit agencies an opportunity to correct administrative errors and omissions made in connection with allocations of low-income housing credit dollar amounts and recordkeeping within a reasonable period after their discovery.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|----------|
| NPRM | 01/04/93 | 58 FR 44 |
| Hearing | 04/05/93 | 58 FR 47 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-50-92.

TREAS—IRS

Final Rule Stage

Drafting attorney: Jeffrey A. Erickson
(202) 622-3040.

Agency Contact: Jeffrey A. Erickson,
Attorney, Department of the Treasury,
Internal Revenue Service, 1111
Constitution Ave. NW., Washington, DC
20224, 202 622-3040

RIN: 1545-AR46

**3156. INCOME TAX—SPECIAL RULES
ADDED BY SEC 223(C) OF CRUDE OIL
WINDFALL PROFIT TAX ACT 1980,
RELATING TO REDUCTION OF
CREDIT WHERE PROPERTY IS
FINANCED BY SUBSIDIZED, ETC**

Legal Authority: 26 USC 7805 Internal
Revenue Code of 1986; 26 USC 48 (l)
Internal Revenue Code of 1986; PL 96-
223, sec 223(c)

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide
that subsidized energy financing and
proceeds of exempt industrial
development bonds used to finance a
facility reduce the qualified investment
in the energy property contained in that
facility for purposes of determining the
amount of the energy tax credit.

Timetable:

| Action | Date | FR Cite |
|----------------------------|--------------|-------------|
| NPRM | 01/26/82 | 47 FR 03559 |
| NPRM Comment Period End | 03/20/82 | 47 FR 03559 |
| Hearing | 06/03/82 | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-176-80.

Drafting attorney: Winston H. Douglas
(202) 622-3110.

Reviewing attorney: Susan Reaman
(202) 622-3110.

Agency Contact: Winston H. Douglas,
Attorney, Department of the Treasury,
Internal Revenue Service, 1111
Constitution Ave. NW., Washington, DC
20224, 202 622-3110

RIN: 1545-AA26

**3157. TAXATION OF FRINGE
BENEFITS**

Legal Authority: 26 USC 7805 Internal
Revenue Code of 1986; 26 USC 61
Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would amend
section 1.61-21(d)(3)(ii) which concerns
the valuation of employer-paid fuel.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/09/92 | 57 FR 46525 |
| NPRM Comment Period End | 11/09/92 | 57 FR 46525 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-101-91.

Drafting attorney: Marianna Dyson
(202) 622-6040.

Reviewing attorney: Jerry Holmes (202)
622-6040.

Treasury attorney: Catherine Creech
(202) 622-1341.

Agency Contact: Marianna Dyson,
Attorney, Department of the Treasury,
Internal Revenue Service, 1111
Constitution Ave. NW., Washington, DC
20224, 202 622-6040

RIN: 1545-AQ28

**3158. 2-PERCENT FLOOR ON
MISCELLANEOUS ITEMIZED
DEDUCTIONS**

Legal Authority: 26 USC 7805 Internal
Revenue Code of 1986; 26 USC 67 (c)
Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would
provide guidance regarding the
miscellaneous itemized deductions that
are subject to the 2-percent floor and
provide expense allocation rules for
regulated investment companies and
REMICs.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 03/28/88 | 53 FR 9951 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-97-86.

Drafting attorney: Beverly A. Baughman
(202) 622-4940.

Reviewing attorney: George B. Baker
(202) 622-4920.

Treasury attorney: J. Judge Kelley (202)
622-1339.

Agency Contact: Beverly A.
Baughman, Attorney, Department of the

Treasury, Internal Revenue Service,
1111 Constitution Ave. NW.,
Washington, DC 20224, 202 622-4940

RIN: 1545-AJ49

**3159. NOTICE OF ALLOCATION OF
ALLOCABLE INVESTMENT EXPENSE**

Legal Authority: 26 USC 7805 Internal
Revenue Code of 1986; 26 USC 67
Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This proposed regulation
would provide that issuers of single-
class REMICS furnish notice to interest
holders in the manner generally
provided for REMICS in section 1.6049-
7 of the regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/02/92 | 57 FR 40378 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-61-91.

Drafting attorney: Carol E. Schultze
(202) 622-3960.

Agency Contact: Carol E. Schultze,
Attorney, Department of the Treasury,
Internal Revenue Service, 1111
Constitution Avenue NW., Washington,
DC 20224, 202 622-3960

RIN: 1545-AQ28

**3160. TREATMENT OF TRANSFER OF
PROPERTY BETWEEN SPOUSES, TAX
TREATMENT OF ALIMONY AND
SEPARATE MAINTENANCE
PAYMENTS, AND DEPENDENCY
EXEMPTION IN THE CASE OF CHILD
OF DIVORCED PARENTS**

Legal Authority: 26 USC 7805 Internal
Revenue Code of 1986; 26 USC 71
Internal Revenue Code of 1986; 26 USC
215 Internal Revenue Code of 1986; 26
USC 1041 Internal Revenue Code of
1986; 26 USC 152 Internal Revenue
Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide
guidance to assist taxpayers in
determining whether alimony and
separate maintenance payments are
deductible from income by the payor
and includible in income by the payee,
whether property transferred between

TREAS—IRS

Final Rule Stage

spouses or between spouses incident to divorce has a carryover basis and whether the custodial or noncustodial parent is entitled to the dependency exemption.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/31/84 | 49 FR 34528 |
| NPRM Comment | 10/20/84 | 49 FR 34528 |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-153-84.

Drafting attorney: Edward C. Schwartz (202) 622-4960.

Reviewing attorney: Stephen J. Toomey (202) 622-4960.

Agency Contact: Edward C. Schwartz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4960
RIN: 1545-A149

3161. NONDISCRIMINATION RULES FOR NON-PENSION EMPLOYEE BENEFIT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 89 Internal Revenue Code of 1986; 26 USC 125 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide the following: an explanation of the eligibility, benefits and alternative tests contained in section 89; an explanation as to which plans are subject to section 89 requirements; and rules concerning how the requirements will be applied in actual operation. Also, these regulations will provide additional guidance for cafeteria plans under section 125.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 03/07/89 | 54 FR 9460 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: EE-174-86.

Drafting attorney: Munroe/Zech (202) 622-6080.

Reviewing attorney: Nancy Marks (202) 622-6000.

Agency Contact: David Munroe/Felix Zech, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6080

RIN: 1545-A178

3162. THE TREATMENT OF ACCELERATED DEATH BENEFITS UNDER SECTIONS 101, 7702 AND 7702A OF THE INTERNAL REVENUE CODE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 101(a) Internal Revenue Code of 1986; 26 USC 7702 Internal Revenue Code of 1986; 26 USC 7702A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules regarding whether accelerated death benefits paid under a life insurance contract are excludable from income under section 101(a) of the Internal Revenue Code. The regulations will provide the rules regarding the treatment of accelerated death benefits under sections 7702 and 7702A of the Code.

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-------------|
| NPRM | 12/15/92 | 57 FR 59319 |
| NPRM Comment | 02/26/93 | 57 FR 59324 |
| Period End | | |
| Hearing | 03/19/93 | 57 FR 59324 |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-25-92.

Drafting attorney: Ann H. Logan (202) 622-3970.

Reviewing attorney: Stephen D. Hooe (202) 622-3970.

Agency Contact: Ann H. Logan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3970

RIN: 1545-AQ70

3163. INCOME TAX—EXEMPTION FOR INDUSTRIAL DEVELOPMENT BONDS FOR WATER FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 142 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide guidance to determine the rules under which facilities for furnishing water to members of the general public can be financed with tax-exempt industrial development bonds under section 142 (e) of the Internal Revenue Code of 1986.

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-------------|
| NPRM | 08/22/84 | 49 FR 33283 |
| NPRM Comment | 10/22/84 | 49 FR 33283 |
| Period End | | |
| Hearing | 01/30/85 | 49 FR 45449 |
| Next Action | Undetermined | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-190-78.

Drafting attorney: L. Michael Wachtel (202) 622-3980.

Reviewing attorney: Lon Smith (202) 622-3980.

Treasury attorney: Mitch Rappaport (202) 622-0871.

Agency Contact: L. Michael Wachtel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AA49

3164. INCOME TAX—TO DEFINE THE TERM "PRINCIPAL USER OF A FACILITY"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 144 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would define the meaning of the term "principal user of a facility" for purposes of applying the limitation set by the Internal Revenue Code upon the permissible size of a small issue of tax-exempt bonds, as diminished by certain other capital expenditures. This regulation would help identify other facilities the

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capital expenditures from which must be taken into account in determining whether that issue exceeds the small issue limitation.

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|------------|
| NPRM | 02/21/86 | 51 FR 6274 |
| NPRM Comment | 04/22/86 | 51 FR 6274 |
| Period End | | |
| Hearing | 06/04/86 | 51 FR 6273 |
| Next Action | Undetermined | |

Small Entities Affected: Undetermined

Government Levels Affected:

Undetermined

Additional Information: FI-59-74.

Drafting attorney: Dave White (202) 622-3980.

Treasury attorney: Mitch Rappaport (202) 622-0871.

Agency Contact: David E. White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AA56

3165. INCOME TAX—MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules which interpret the provisions of section 103A, relating to Mortgage Subsidy Bonds. Mortgage Subsidy Bonds are any obligations a significant portion of the proceeds of which are used to provide financing for owner-occupied residences.

Timetable:

| Action | Date | FR Cite |
|-----------------|--------------|-------------|
| NPRM - Previous | 07/01/81 | 46 FR 34348 |
| Hearing | 11/05/81 | |
| NPRM | 11/10/81 | 46 FR 55513 |
| NPRM Comment | 01/09/82 | 46 FR 55513 |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: Undetermined

Government Levels Affected:

Undetermined

Additional Information: FI-10-81.

Drafting attorney: Suzanne Reynolds (202) 622-3980.

Agency Contact: Suzanne Reynolds, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AA63

3166. REQUIRING CERTAIN DEBT OBLIGATIONS TO BE ISSUED IN REGISTERED FORM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149.(a) Internal Revenue Code of 1986; 26 USC 163 (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The rules will provide that certain debt obligations issued after December 31, 1982, must be in registered form. The rules will provide examples of certain obligations that are not subject to the registration requirements. The sanctions for not issuing an obligation in registered form are the denial of an interest deduction, loss of capital gains treatment, loss of an earnings and profits adjustment, and loss of tax-exempt interest status.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/15/82 | 47 FR 51414 |
| NPRM Comment | 01/14/83 | 47 FR 51414 |
| Period End | | |
| Hearing | 01/25/83 | 47 FR 51414 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: FI-255-82.

Drafting attorney: Dianne O. Umberger (202) 622-3960.

Reviewing attorney: Alice Bennett (202) 622-3950.

Agency Contact: Dianne O. Umberger, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3960

RIN: 1545-AE18

3167. SECTIONS 103(K) AND (L)—RELATING TO PUBLIC APPROVAL AND INFORMATION REPORTING REQUIREMENTS FOR PRIVATE ACTIVITY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposal will clarify the information reporting requirements with respect to private activity bonds. Industrial development bonds must be publicly approved—failure to fulfill this requirement results in loss of tax exemption for the interest on these bonds. Issuers of student loan bonds, charitable use bonds and industrial development bonds are required to supply certain information to the Internal Revenue Service. Failure to comply with this requirement will result in the loss of tax exemption for the bond's interest.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/11/83 | 48 FR 21166 |
| NPRM Comment | 07/11/83 | 48 FR 21166 |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-221-82.

Drafting attorney: Suzanne Reynolds (202) 622-3980.

Reviewing attorney: Lon B. Smith (202) 622-3980.

Agency Contact: Suzanne Reynolds, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AE24

3168. \$40 MILLION SMALL ISSUE LIMIT ON TAX-EXEMPT BONDS PER TAXPAYER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 144(a)(10) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations would provide guidance regarding the circumstances under which a bond is not treated as a qualified small issue bond if any test period beneficiary of the bond has more than \$40 million of tax-exempt financing. These regulations would also provide guidance regarding how the proceeds of an issue of industrial development bonds are to be allocated among its beneficiaries.

TREAS—IRS

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|------------|
| NPRM | 02/21/86 | 51 FR 6270 |
| NPRM Comment | 04/22/86 | 51 FR 6270 |
| Period End | | |
| Hearing | 06/04/86 | 51 FR 6273 |
| Next Action | Undetermined | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-157-84.

Drafting attorney: Dave White (202) 622-3980.

Treasury attorney: Mitch Rappaport (202) 622-0871.

Agency Contact: David E. White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AH19

3169. TAX EXEMPTION OF OBLIGATIONS TO FINANCE MIXED-USE RESIDENTIAL RENTAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.103-8

Legal Deadline: None

Abstract: The regulations will clarify the rule relating to obligations to provide residential rented property. The regulations will make clear that a residential rental project can consist in part of non-residential rental property.

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-------------|
| NPRM | 10/07/85 | 50 FR 46303 |
| NPRM Comment | 01/06/86 | |
| Period End | | |
| Hearing | 02/10/86 | 51 FR 1392 |
| Next Action | Undetermined | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-269-84.

Drafting attorney: L. Michael Wachtel (202) 622-3980.

Reviewing attorney: Lon Smith (202) 622-3980.

Agency Contact: L. Michael Wachtel, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave. NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AH68

3170. SECTION 108; DISCHARGE OF INDEBTEDNESS

Legal Authority: 26 USC 108 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules for determining whether stock is nominal or token.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| Hearing | 03/08/91 | 55 FR 53005 |
| NPRM | 11/04/92 | 57 FR 2601 |
| NPRM Comment | 12/21/92 | 57 FR 2601 |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: CO-076-90.

Drafting attorney: Annette Ahlers (202) 622-7750.

Reviewing attorney: Nelson Crouch (202) 622-7740.

Treasury attorney: David Weisbach (202) 622-1129.

Agency Contact: Annette Ahlers, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7750

RIN: 1545-AP19

3171. COMBAT ZONE COMPENSATION OF MEMBERS OF THE ARMED FORCES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 112 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.112-1

Legal Deadline: None

Abstract: Regulations are an update of regulations on combat zone compensation excludable from gross income under section 112. The regulations provide guidance to armed forces payroll centers and to service members for determining the conditions for the exclusion and the amount excludable.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/11/91 | 56 FR 10211 |
| NPRM Comment | 05/10/91 | 56 FR 10211 |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: EE-4-91.

Drafting attorney: Robert Goettlich (202) 622-6040.

Reviewing attorney: Mary Oppenheimer (202) 622-6010.

Treasury attorney: Jim Miller (202) 622-1768.

Agency Contact: Robert Goettlich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6040

RIN: 1545-AP53

3172. EXCLUSION OF QUALIFIED SCHOLARSHIPS AND FELLOWSHIPS FROM GROSS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 117 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide rules relating to the exclusion of certain amounts received as a qualified scholarship. Regulations will also provide rules relating to withholding from certain payments and return of information requirements.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/09/88 | 53 FR 21688 |
| Final Action | 07/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-3-87.

Drafting attorney: Kelly Richardson Berg (202) 622-4960.

Reviewing attorney: William Jackson (202) 622-4960.

Agency Contact: Kelly Richardson Berg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AJ87

TREAS—IRS

Final Rule Stage

3173. INCOME TAX—TAX TREATMENT OF CAFETERIA PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 125 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations establish rules for the tax treatment of cafeteria plans meeting certain nondiscrimination standards. A cafeteria plan permits participating employees to select the particular fringe benefits desired from a package of employer-provided benefits which include statutory nontaxable benefits and cash.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/31/84 | 49 FR 50733 |
| NPRM Comment Period End | 01/30/85 | |
| Hearing | 03/11/85 | |
| NPRM | 03/07/89 | 54 FR 9500 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-16-79.

Drafting attorney: Felix Zech (202) 622-6080.

Reviewing attorney: Harry Beker (202) 622-6080.

Treasury attorney: Kurt Lawson (202) 622-1352.

Agency Contact: Felix Zech, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6080

RIN: 1545-AD63

3174. INCOME TAX—EXCLUSION FROM INCOME OF CERTAIN COST-SHARING PAYMENTS UNDER GOVERNMENT PROGRAMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 126 Internal Revenue Code of 1986; 26 USC 1255 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules on the exclusion from gross income of certain cost-sharing payments made by the Department of Agriculture and State governments to

taxpayers for purposes of conservation, reclamation or restoration and on the amount recaptured when the property improved with the excluded income is sold within a certain specified period of time.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/21/81 | 46 FR 27723 |
| NPRM Comment Period End | 07/20/81 | 46 FR 27723 |
| Hearing | 12/01/81 | 46 FR 50808 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-222-78.

Drafting attorney: A. Michael Santoro, Jr. (202) 622-3120.

Reviewing attorney: Emil O. Muhs, Jr. (202) 622-3120.

Agency Contact: A. Michael Santoro, Jr., Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3120

RIN: 1545-AA73

3175. INCOME TAX—PART I EXCLUSION FROM GROSS INCOME FOR CERTAIN FOSTER CARE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 131 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation project will explain what foster care payments a foster care provider may exclude from gross income.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 02/01/85 | 50 FR 4702 |
| NPRM Comment Period End | 04/02/85 | 50 FR 4702 |
| Hearing | 06/25/85 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-83-83.

Drafting attorney: Victoria J. Driscoll (202) 622-4910.

Reviewing attorney: John Coulter (202) 622-4910.

Agency Contact: Victoria J. Driscoll, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4910

RIN: 1545-AF52

3176. CONTINUATION COVERAGE REQUIREMENTS OF GROUP HEALTH PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 106(b) Internal Revenue Code of 1986; 26 USC 162(i)(2) Internal Revenue Code of 1986; 26 USC 162(k) Internal Revenue Code of 1986; 26 USC 4980B Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 54

Legal Deadline: None

Abstract: These regulations will provide guidance relating to the requirement that a group health plan provide continuation coverage to individuals who would otherwise lose coverage as a result of certain events.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/15/87 | 52 FR 22716 |
| NPRM Comment Period End | 08/14/87 | 52 FR 22716 |
| Hearing | 11/04/87 | |
| Final Action | 12/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-143-86.

Drafting attorney: Russell Weinheimer (202) 622-6060.

Review attorney: Mark Schwimmer (202) 622-6060.

Treasury attorney: Kurt Lawson (202) 622-2647.

Agency Contact: Russell Weinheimer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6060

RIN: 1545-AI93

3177. INCOME TAX—LIMITATIONS ON DEDUCTIONS FOR NONBUSINESS INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance relating to the disallowance of a deduction for personal interest, including guidance regarding the definitions of qualified residence, qualified residence interest and qualified indebtedness.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 12/22/87 | 52 FR 48452 |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-137-86.

Drafting attorney: Sharon L. Hall (202) 622-4930.

Reviewing attorney: Kelly Alton (202) 622-4880.

Treasury attorney: Heidi Ebel (202) 622-1334.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4930

RIN: 1545-AK17

3178. EARNINGS STRIPPING PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation addresses the deductibility of interest under section 163 being limited when paid by a corporation to related persons not subject to U.S. tax.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/18/91 | 56 FR 27907 |
| Hearing | 09/25/91 | 56 FR 27927 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-870-89.

Drafting attorney: Jacob Feldman (202) 622-3870.

Reviewing attorney: Jeffrey L. Dorfman (202) 622-3870.

Treasury attorney: Marlin Risinger (202) 622-1762.

Agency Contact: Jacob Feldman, Attorney-Advisor, Department of the

Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870
RIN: 1545-AO24

3179. INCOME TAX—TAX STRADDLES RELATING TO SECTION 108 OF THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 165 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules under section 108 of the Tax Reform Act of 1984 and section 1808 (d) of the Tax Reform Act of 1986, relating to the treatment of certain losses on straddles entered into before the effective date of the Economic Recovery Tax Act of 1981.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/23/84 | 49 FR 33458 |
| NPRM Comment Period End | 10/22/84 | 49 FR 33458 |
| Hearing | 11/29/84 | |
| Final Action | 12/00/84 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-147-84.

Drafting attorney: Robert B. Williams (202) 622-3960.

Reviewing attorney: Alice A. Bennett (202) 622-3950.

Agency Contact: Robert B. Williams, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3960

RIN: 1545-AG57

3180. SECTION 165

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 165(f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation project will finalize all outstanding proposed and temporary regulations under section 1.165-5.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/21/93 | 58 FR 5316 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-115-90.

Drafting attorney: Carl M. Cooper (202) 622-3840.

Reviewing attorney: Phyllis E. Marcus (202) 622-3840.

Treasury attorney: Emily McMahon (202) 622-1763.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3840

RIN: 1545-AP33

3181. BANK BAD DEBTS—CONCLUSIVE PRESUMPTION

Significance: Regulatory Program

Legal Authority: 26 USC 7805

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation project will make minor substantive changes to section 1.66-2(d)(3) of the Income Tax Regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/02/92 | 57 FR 45587 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-49-92.

Drafting attorney: Bernita Thigpen (202) 622-4122.

Reviewing attorney: Al Kraft (202) 622-3097.

Treasury attorney: Eve Elgin (202) 622-1338.

Agency Contact: Bernita Thigpen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4122

RIN: 1545-AR02

3182. BANK BAD DEBTS—CONCLUSIVE PRESUMPTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

TREAS—IRS

Final Rule Stage

Abstract: Amendments to conformity presumption regulation to clarify the scope of the required "Express Determination" letter.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/02/92 | 57 FR 45587 |
| NPRM Comment | 12/02/92 | 57 FR 45587 |

Period End

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected:

Undetermined

Additional Information: FI-49-92

Drafting attorney: Craig Wojay (202) 622-4016.

Reviewing attorney: Alvin Kraft (202) 622-3097.

Treasury attorney: Eve Elgin (202) 622-1338.

Agency Contact: Craig Wojay, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4016

RIN: 1545-AR47

3183. TAX-EXEMPT ENTITY LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules concerning tax-exempt entity leasing and service contracts.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/02/85 | 50 FR 27297 |
| NPRM Comment | 09/03/85 | 50 FR 27297 |

Period End

Hearing 11/25/85

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: IA-31-85.

Drafting attorney: Edward C. Schwartz (202) 622-4960.

Reviewing attorney: Stephen J. Toomey (202) 622-4960.

Agency Contact: Edward C. Schwartz, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AH76

3184. APPLICABLE CONVENTIONS UNDER THE ACCELERATED COST RECOVERY SYSTEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide rules relating to the half-year and mid-quarter conventions under the accelerated cost recovery system applicable to property generally placed in service after December 31, 1986.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/31/90 | 55 FR 53571 |
| NPRM Comment | 02/14/91 | 55 FR 53571 |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected:

Undetermined

Additional Information: PS-054-89.

Drafting attorney: Mark Pitzer (202) 622-3110.

Reviewing attorney: Peter Friedman (202) 622-3110.

Treasury attorney: Barksdale Penick (202) 622-1335.

Agency Contact: Mark Pitzer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3110

RIN: 1545-AN81

3185. GENERAL ASSET ACCOUNTS UNDER THE ACCELERATED COST RECOVERY SYSTEM

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 602

Legal Deadline: None

Abstract: The regulation would provide rules relating to the treatment of General Asset Accounts under the Accelerated Cost Recovery System. The

regulation applies to property placed in service in taxable years ending on or after the date of publication of the final regulation in the Federal Register.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/31/92 | 57 FR 39374 |
| NPRM Comment | 10/15/92 | |

Period End

Hearing 11/04/92

Final Action 10/00/93

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-055-89.

Drafting attorney: Kathleen Reed (202) 622-3110.

Reviewing attorney: Susan Reaman (202) 622-3110.

Treasury attorney: P. Val Strehlow (202) 622-0869.

Agency Contact: Kathleen Reed, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3110

RIN: 1545-AN82

3186. DEFINITION OF RESEARCH AND EXPERIMENTAL EXPENDITURES UNDER SECTION 174 OF THE CODE

Legal Authority: 26 USC 7805(a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.174-2; 26 CFR 1

Legal Deadline: None

Abstract: The regulations clarify the definition of "research or experimental expenditures" under section 174 of the Internal Revenue Code. The regulations also clarify the definition of "research and experimental expenditures" for purposes of section 41 of the Code, because section 41 relies on the definition of that item in section 174. The regulation also provides a rule interpreting the reasonableness requirement of section 174(e).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/17/89 | 54 FR 21224 |
| NPRM Comment | 07/17/89 | |
| Period End | | |
| Hearing | 12/05/89 | 54 FR 37947 |
| NPRM | 01/12/93 | |
| NPRM | 03/24/93 | 58 FR 15819 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses

TREAS—IRS

Final Rule Stage

Government Levels Affected: None
Additional Information: PS-002-89.
 Drafting attorney: David Hudson (202) 622-3120.
 Reviewing attorney: Christine Ellison (202) 622-3120.
 Treasury attorney: Michael Schultz (202) 622-1343.
Agency Contact: David Hudson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3120
RIN: 1545-AM92

3187. • DETERMINATION OF SECTION 30 CREDIT AND SECTION 179A DEDUCTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 179A Internal Revenue Code of 1986; 26 USC 30 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations will assist taxpayers in determining what costs are eligible for the section 30 credit and section 179A deduction and how to compute this credit and deduction.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 06/09/93 | 58 FR 32317 |
| Next Action Undetermined | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-43-93

Drafting attorney: Joanne E. Johnson (202) 622-3110.

Reviewing attorney: Susan Reaman (202) 622-3110.

Agency Contact: Joanne Johnson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3110

RIN: 1545-AR66

3188. DIVIDENDS RECEIVED DEDUCTION—HOLDING PERIOD REDUCED FOR PERIODS WHERE RISK OF LOSS IS DIMINISHED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 246(c)

Internal Revenue Code of 1986; 26 USC 1092(d)(3)(B) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.246-5; 26 CFR 1.1092(d)-2

Legal Deadline: None

Abstract: Proposed regulations determining when a taxpayer must reduce its holding period of stock for purposes of the dividends received deduction because it has diminished its risk of loss by holding a position in substantially similar or related property. Proposed regulations relating to tax straddles involving stock and substantially similar or related property.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/27/93 | 58 FR 30727 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-22-92.

Drafting attorney: Robert N. Deitz (202) 622-4443.

Drafting attorney: Richard G. Larkins (202) 622-4441.

Reviewing attorney: William Coppersmith (202) 622-3930.

Treasury attorney: David Weisbach (202) 622-1129.

Agency Contact: Richard Larkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4441

RIN: 1545-AR10

3189. CAPITALIZATION AND INCLUSION IN INVENTORY COSTS OF CERTAIN EXPENSES

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the costs incurred in the production and acquisition of property for resale in a trade or business or activity conducted for profit.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 03/30/87 | 52 FR 10118 |
| NPRM Comment Period End | 05/29/87 | |
| Hearing | 12/07/87 | |
| Next Action Undetermined | | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-168-86.

Drafting attorney: Ellen McElroy (202) 622-4970.

Reviewing attorney: Tom Luxner (202) 622-4970.

Agency Contact: Ellen McElroy, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4970

RIN: 1545-AK05

3190. PRODUCED PROPERTY

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These rules provide guidance regarding the capitalization of costs associated with produced property.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 03/30/87 | 52 FR 10118 |
| ANPRM Comment Period End | 05/29/87 | 52 FR 10118 |
| Hearing | 12/08/87 | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-63-91.

Drafting attorney: Ellen McElroy (202) 622-7272.

Reviewing attorney: Tom Luxner (202) 622-4970.

Treasury attorney: J. Paul Whitehead (202) 622-0868.

Agency Contact: Ellen McElroy, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7272

RIN: 1545-AQ89

TREAS—IRS

Final Rule Stage

3191. RESELLERS**Significance:** Agency Priority**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** These rules provide guidance for resellers subject to the uniform capitalization rules.**Timetable:**

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 03/30/87 | 52 FR 10118 |
| ANPRM Comment Period End | 05/29/87 | 52 FR 10118 |
| Hearing | 12/08/87 | |
| NPRM | 08/09/93 | 58 FR 42263 |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** IA-64-91.

Drafting attorney: Ellen McElroy (202) 622-7272.

Reviewing attorney: Tom Luxner (202) 622-4970.

Treasury attorney: J. Paul Whitehead (202) 622-0868.

Agency Contact: Ellen McElroy, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7272**RIN:** 1545-AQ90**3192. FARMERS****Significance:** Agency Priority**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The rules provide general rules regarding the application of the uniform capitalization rules to taxpayers engaged in farming.**Timetable:**

| Action | Date | FR Cite |
|-------------------------------|------|---------|
| Temporary Regulation 00/00/00 | | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** IA-65-91.

Drafting attorney: Merrill Feldstein (202) 622-4970.

Reviewing attorney: Tom Luxner (202) 622-4970.

Treasury attorney: J. Paul Whitehead (202) 622-0868.

Agency Contact: Merrill Feldstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4970**RIN:** 1545-AQ91**3193. CREATIVE PROPERTY****Significance:** Agency Priority**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** The rules provide general rules regarding the application of the uniform capitalization rules to creative properties.**Timetable:**

| Action | Date | FR Cite |
|-------------------------------|------|---------|
| Temporary Regulation 00/00/00 | | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** IA-66-91.

Drafting attorney: Merrill Feldstein (202) 622-4970.

Reviewing attorney: Tom Luxner (202) 622-4970.

Treasury attorney: J. Paul Whitehead (202) 622-0868.

Agency Contact: Merrill Feldstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4970**RIN:** 1545-AQ92**3194. FOREIGN TAXPAYERS****Significance:** Agency Priority**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** These rules provide guidance regarding the application of the uniform capitalization rules to foreign taxpayers.**Timetable:**

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 03/30/87 | 52 FR 10118 |
| ANPRM Comment Period End | 05/29/87 | 52 FR 10118 |
| Hearing | 12/08/87 | |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** IA-67-91.

Drafting attorney: Ellen McElroy (202) 622-7272.

Reviewing attorney: Tom Luxner (202) 622-4970.

Treasury reviewer: J. Paul Whitehead (202) 622-0868.

Agency Contact: Ellen McElroy, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7272**RIN:** 1545-AQ93**3195. METHOD CHANGE RULES FOR THE UNIFORM CAPITALIZATION RULES****Significance:** Agency Priority**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None**Abstract:** These rules provide guidance regarding the method change requirement of section 263A.**Timetable:**

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 03/30/87 | 52 FR 10118 |
| ANPRM Comment Period End | 05/29/87 | 52 FR 10118 |
| Hearing | 12/08/87 | |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** IA-68-91.

Drafting attorney: Ellen McElroy (202) 622-7272.

Reviewing attorney: Tom Luxner (202) 622-4970.

Treasury reviewer: J. Paul Whitehead (202) 622-0868.

Agency Contact: Ellen McElroy, Attorney, Department of the Treasury, Internal Revenue Service, 1111

TREAS—IRS

Final Rule Stage

Constitution Avenue NW., Washington,
DC 20224, 202 622-7272

RIN: 1545-AQ94

3196. CAPITALIZATION OF INTEREST EXPENSE RELATING TO PRODUCTION OF PROPERTY

Significance: Regulatory Program

Legal Authority: 26 USC 263A(f)
Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations concerning the capitalization of interest expense in the case of the production of designated property.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/16/91 | 56 FR 40815 |
| Hearing | 11/20/91 | 56 FR 40842 |
| Final Action | 04/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Additional Information: IA-120-86.

Drafting attorney: Mary Goode (202)
622-4960.

Reviewing attorney: Eric Pleet (202)
622-4970.

Treasury attorney: John Parcell (202)
622-2578.

Agency Contact: Mary Goode,
Attorney, Department of the Treasury,
Internal Revenue Service, 1111
Constitution Avenue NW., Washington,
DC 20224, 202 622-4960

RIN: 1545-AK03

3197. LOSSES, EXPENSES, AND INTEREST IN TRANSACTIONS BETWEEN RELATED TAXPAYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0267 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The primary purpose of this project is to provide final regulations under section 267 of the Internal Revenue Code concerning the deferral and restoration of loss on the intercompany sale of property from one member of a controlled group of corporations to another member.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/30/84 | 49 FR 47048 |
| NPRM Comment | 01/29/85 | 49 FR 47048 |
| Period End | | |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-023-89.

Drafting attorney: Keith E. Stanley (202)
622-7750.

Reviewing attorney: Nelson R. Crouch
(202) 622-7740.

Treasury attorney: Andrew Dubroff
(202) 622-1766.

Agency Contact: Keith E. Stanley,
Attorney, Department of the Treasury,
Internal Revenue Service, 1111
Constitution Avenue NW., Washington,
DC 20224, 202 622-7750

RIN: 1545-AN19

3198. INCOME TAX—PERSONAL SERVICE CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 269A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will provide rules for determining when the Internal Revenue Service may reallocate income or tax benefits between a personal service corporation and its employee-owners.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/31/83 | 48 FR 13438 |
| NPRM Comment | 05/31/83 | 48 FR 13438 |
| Period End | | |
| Hearing | 07/19/83 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Additional Information: CO-188-82.

Drafting attorney: Brendan O'Hara (202)
622-7530.

Reviewing attorney: Nelson Crouch
(202) 622-7740.

Agency Contact: Brendan O'Hara,
Attorney/Advisor, Department of the
Treasury, Internal Revenue Service,
1111 Constitution Ave. NW.,
Washington, DC 20224, 202 622-7530

RIN: 1545-AF11

3199. INCOME TAX—SUBSTANTIATION REQUIREMENTS WITH RESPECT TO LISTED PROPERTY AND SUBSTANTIATION REQUIREMENTS RELATING TO THE TAXATION OF FRINGE BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will set forth the requirements to substantiate any deduction or credit for certain business-related expenses with adequate records or sufficient evidence corroborating a taxpayer's own statement.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 11/06/85 | 50 FR 46006 |
| NPRM Comment | 01/06/86 | 50 FR 46006 |
| Period End | | |
| Hearing | 03/04/86 | 51 FR 02898 |
| Next Action Undetermined | | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Additional Information: IA-140-86.

Drafting attorney: Joel Rutstein (202)
622-4930.

Reviewing attorney: Michael Finley
(202) 622-4930.

Agency Contact: Joel Rutstein,
Attorney, Department of the Treasury,
Internal Revenue Service, 1111
Constitution Avenue NW., Washington,
DC 20224, 202 622-4930

RIN: 1545-AJ40

3200. INCOME TAX—DEDUCTIONS FOR EXPENSES ATTRIBUTABLE TO BUSINESS USE OF HOMES, RENTAL OF VACATION HOMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules for determining the deductibility of expenses incurred in connection with the business use, or rental to others, of a dwelling unit. The regulations provide rules for determining when the taxpayer uses a dwelling unit for personal use or when use by another person of the unit is treated as personal use of the unit by the taxpayer.

TREAS—IRS

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/21/83 | 48 FR 33326 |
| NPRM Comment Period End | 09/21/83 | |
| Hearing | 10/04/83 | |
| Next Action Undetermined | | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Additional Information: IA-261-76.

Drafting attorney: Cynthia Davis (202) 622-4920.

Reviewing attorney: Robert Berkovsky (202) 622-4920.

Agency Contact: Cynthia Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4920

RIN: 1545-AB09

3201. AUTOMOBILE INCLUSION AMOUNTS FOR CALENDAR YEARS AFTER 1988

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide the requirements and tables to be used to determine the dollar amount, if any, that a lessee of a passenger automobile or other listed property must add to gross income. Further, the tax law applicable to automobiles placed in service after 1988 requires annual adjustments in the tables to reflect the automobile price inflation index.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 04/12/90 | 55 FR 13808 |
| NPRM Comment Period End | 06/11/90 | 55 FR 13808 |
| NPRM | 01/24/92 | 57 FR 2862 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected:
Undetermined

Additional Information: PS-53-89.

Drafting attorney: Bernard P. Harvey (202) 622-3110.

Reviewing attorney: Harold E. Burghart (202) 622-3110.

Treasury attorney: John H. Parcell (202) 622-2578.

Agency Contact: Bernard P. Harvey, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3110

RIN: 1545-AN80

3202. THE SUBSTANTIATION OF DEDUCTIONS CLAIMED FOR THE USE OF CELLULAR TELEPHONES AND COMPUTERS IN A TAXPAYER'S TRADE OR BUSINESS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986; 26 USC 61 Internal Revenue Code of 1986; 26 USC 132 Internal Revenue Code of 1986; 26 USC 274 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide the public with the guidance needed to substantiate the use of cellular telephones and computers in a trade or business. The regulations proposed for cellular telephones and computers follow the safe harbor rules for listed property, when the use of a cellular telephone in a trade or business occurs under special conditions.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|---------|
| Temporary Regulation | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-114-90.

Drafting attorney: Bernard P. Harvey (202) 622-3110.

Reviewing Tax Law Specialist: Harold E. Burghart (202) 622-3110.

Treasury attorney: John E. Parcell (202) 622-2578.

Agency Contact: Bernard P. Harvey, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3110

RIN: 1545-AP45

3203. GOLDEN PARACHUTE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280G Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to restrictions on golden parachute payments. The regulations will provide guidance to taxpayers, who must comply with section 280G, by delineating the circumstances under which payments may be considered excess parachute payments.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/05/89 | 54 FR 19390 |
| NPRM Comment Period End | 07/05/89 | |
| Hearing | 11/21/89 | 54 FR 39548 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-30-90.

Drafting attorney: Robert Misner (202) 622-6060.

Agency Contact: Robert Misner, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6060

RIN: 1545-AH49

3204. RECOGNITION OF GAIN OR LOSS ON LIQUIDATING SALES AND DISTRIBUTIONS OF PROPERTY

Legal Authority: 26 USC 336 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Tax Reform Act of 1986 (the "Act") repealed the last vestiges of the General Utilities doctrine ("GU repeal"), and corporations must recognize gain in most cases upon the distribution of appreciated property to their shareholders. The Act granted the Secretary authority to promulgate regulations necessary to carry out the purposes of the Act. This project addresses issues related to the operating rules of sections 311, 331, 334, 336, and 337. Additional areas related to GU repeal, such as the scope of the repeal, will be addressed in a specific project.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|---------|
| Temporary Regulation | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Additional Information: CO-117-86.

Drafting attorney: Tom Matragrano
(202) 622-7530.

Reviewing attorney: Don A. Leatherman
(202) 622-7520.

Agency Contact: Tom Matragrano,
Attorney, Department of the Treasury,
Internal Revenue Service, 1111
Constitution Avenue NW., Washington,
DC 20224, 202 622-7530

RIN: 1545-AJ01

**3205. GUIDANCE IN NOTICE 89-37,
WHICH TREATS THE RECEIPT OF A
CORPORATE PARTNER'S STOCK BY
THE CORPORATE PARTNER AS A
CIRCUMVENTION OF GENERAL
UTILITIES REPEAL**

Legal Authority: 26 USC 337(d)
Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will implement the guidance provided in Notice 89-37, 1989-1 C.B. 679, on the treatment of the receipt of a corporation partner's stock by other corporation partner in exchange for appreciated property from the other corporation partner.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM Comment Period End | 01/20/92 | 57 FR 59327 |
| NPRM | 12/15/92 | 57 FR 59324 |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-91-90.

Drafting attorney: Channing Brackey
(202) 622-3080.

Reviewing attorney: William P. O'Shea
(202) 622-3070.

Agency Contact: Channing Brackey,
Attorney, Department of the Treasury,
Internal Revenue Service, 1111
Constitution Avenue NW., Washington,
DC 20224, 202 622-3080

RIN: 1545-AP52

**3206. DEEMED PURCHASE PRICE
WHEN CERTAIN STOCK PURCHASES
ARE TREATED AS ASSET
ACQUISITIONS**

Legal Authority: 26 USC 7805 Internal
Revenue Code of 1986; 26 USC 338
Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will prescribe rules for computing the basis of stock purchased in certain stock acquisitions and for allocating this basis among the assets of the corporation whose stock was thus acquired.

Timetable:

| Action | Date | FR Cite |
|----------------------------|--------------|-------------|
| NPRM | 07/01/86 | 51 FR 23790 |
| NPRM Comment Period End | 09/02/86 | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-191-82.

Drafting attorney: Keith Medleau (202)
622-7550.

Reviewing attorney: Charles Whedbee
(202) 622-7550.

Agency Contact: Keith Medleau,
Attorney, Department of the Treasury,
Internal Revenue Service, 1111
Constitution Ave. NW., Washington, DC
20224, 202 622-7550

RIN: 1545-AF29

**3207. INCOME TAX—ELECTIONS
UNDER SECTION 338, AS ADDED BY
SECTION 224 OF THE TAX EQUITY
AND FISCAL RESPONSIBILITY ACT
OF 1982, AS AMENDED BY THE
TECHNICAL CORRECTIONS ACT OF
1982**

Legal Authority: 26 USC 7805 Internal
Revenue Code of 1986; 26 USC 338
Internal Revenue Code of 1986; PL 97-
248, Sec 224; PL 97-448, Sec 306

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules for making elections under section 338, which permits certain stock purchases to be treated as asset acquisitions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 09/06/84 | 49 FR 35144 |

Action Date FR Cite

NPRM Comment 11/05/84
Period End
Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-26-83.

Drafting attorney: Keith Medleau (202)
622-7550.

Reviewing attorney: Charles Whedbee
(202) 622-7550.

Agency Contact: Keith Medleau,
Attorney, Department of the Treasury,
Internal Revenue Service, 1111
Constitution Ave. NW., Washington, DC
20224, 202 622-7550

RIN: 1545-AF38

**3208. SECTION 338(H)(10) AS ADDED
TO THE CODE BY SECTION 306 OF
THE TECHNICAL CORRECTIONS ACT
OF 1982, RELATING TO SPECIAL
ELECTIVE RECOGNITION OF GAIN OR
LOSS**

Legal Authority: 26 USC 7805 Internal
Revenue Code of 1986; 26 USC 338
Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would interpret the rules of section 338(h)(10) under which a special election can be made so that target corporation recognizes gain or loss on the demand sale of its assets. The proposal is necessary so that affected taxpayers can make election under the provision.

Timetable:

| Action | Date | FR Cite |
|----------------------------|--------------|-----------|
| NPRM | 01/08/86 | 51 FR 763 |
| NPRM Comment Period End | 03/10/86 | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-218-83.

Drafting attorney: Keith Medleau (202)
622-7550.

Reviewing attorney: Charles Whedbee
(202) 622-7550.

Agency Contact: Keith Medleau,
Attorney, Department of the Treasury,
Internal Revenue Service, 1111
Constitution Ave. NW., Washington, DC
20224, 202 622-7550

RIN: 1545-AF93

TREAS—IRS

Final Rule Stage

3209. QUESTIONS AND ANSWERS RELATING TO MISCELLANEOUS MATTERS UNDER SECTION 338

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide guidance on a broad range of issues under section 338.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 08/24/85 | 50 FR 16430 |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-33-85.

Drafting attorney: Keith Medleau (202) 622-7550.

Reviewing attorney: Charles Whedbee (202) 622-7550.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7550

RIN: 1545-AH88

3210. STATEMENTS OF ELECTION AND DUE DATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations provide guidance to taxpayers who make express elections under section 338 pursuant to the extended July 15, 1986, filing deadline where the statute of limitations in the target's taxable year which includes the acquisition date has expired prior to July 15, 1986, or will expire shortly thereafter.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 05/16/86 | 51 FR 17989 |
| NPRM Comment | 07/15/86 | 51 FR 17989 |
| Period End | | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-8-86.

Drafting attorney: Keith Medleau (202) 622-7550.

Reviewing attorney: Charles Whedbee (202) 622-7550.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7550

RIN: 1545-AI53

3211. CONSISTENCY RULES UNDER SECTION 338

Significance: Agency Priority

Legal Authority: 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.338-1T to 6T; 26 CFR 1.338(b)-1T to 4T; 26 CFR 1.338(h)(10)-1T

Legal Deadline: None

Abstract: These regulations will modify or revise the consistency rules under Section 338.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/14/92 | 57 FR 1409 |
| NPRM Comment | 03/12/92 | 57 FR 1409 |
| Period End | | |
| Hearing | 03/26/92 | 57 FR 1408 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-111-90.

Drafting attorneys: Kenneth Allison (202) 622-3860.

Reviewing attorney: Don Leatherman (202) 622-7520.

Treasury attorney: Andrew Dubroff (202) 622-1766.

Agency Contact: Don Leatherman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7520

RIN: 1545-AQ05

3212. INCOME TAX—TRIANGULAR REORGANIZATIONS, BASIS AND OTHER CONSEQUENCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to basis of stock

of a corporation acquiring property in exchange for stock of a corporation in control of the acquiring corporation.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-----------|
| NPRM | 01/02/81 | 46 FR 112 |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-993-71.

Drafting attorney: Dean Lekos (202) 622-7550.

Reviewing attorney: Rose Williams (202) 622-7550.

Treasury attorney: Andrew Dubroff (202) 622-1766.

Agency Contact: Dean Lekos, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7550

RIN: 1545-AB21

3213. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 367 OF THE CODE (TRANSFERS TO FOREIGN CORPORATIONS) TO REFLECT SECTION 131 OF THE TAX REFORM ACT OF 1984 (P.L. 98-369)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Income Tax Regulations under section 367 will be amended to reflect the changes made to that section by the Tax Reform Act of 1984. Section 367 now provides generally that a foreign corporation will not be considered to be a corporation, for purposes of certain nonrecognition provisions of the Code, upon the transfer of property to such corporation by a U.S. person. The statute provides certain exceptions to that rule, exemptions to those exceptions, and special rules applicable to certain specified transfers. The regulations will provide guidance concerning the applicability of the general rule and its exceptions and special rules, including guidance concerning transfers of assets for use in the active conduct of a trade or business, stock transfers, transfers of intangible assets, and transfers of branch operations that have operated at a loss.

TREAS—IRS

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/16/88 | 51 FR 17990 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined**Additional Information:** INTL-610-86.

Drafting attorney: Philip Tretiak (202) 622-3860.

Reviewing attorney: Charles Saverude (202) 622-3800.

Treasury attorney: Peter Marrs (202) 622-0724.

Agency Contact: Philip Tretiak, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3860
RIN: 1545-AK74

3214. TRANSFERS OF STOCK ON SECURITIES BY U.S. PERSONS TO FOREIGN CORPORATIONS**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None

Abstract: These proposed regulations will replace, when finalized, the temporary income tax regulations under section 1.367(a)-1T(c)(2) and section 1.367(a)-3T. They provide guidance on the application of section 367(a) to transfers of stock or securities by U.S. persons to foreign corporations. This regulation has been broken out of a larger regulation project (listed under INTL-610-86, RIN 1545-AK74) that will amend the remainder of the temporary income tax regulations under section 367(a).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/26/91 | 56 FR 41993 |
| Hearing | 11/22/91 | 56 FR 41992 |
| Final Action | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** INTL-54-91.

Drafting attorney: Philip Tretiak (202) 622-3860.

Reviewing attorney: Charles Saverude (202) 622-3800.

Treasury attorney: Peter Marrs (202) 622-0724.

Agency Contact: Philip Tretiak, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3860
RIN: 1545-AP81

3215. INCOME TAX—PART 1—STOCK TRANSFER RULES**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 (b) Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None

Abstract: The extent to which a foreign corporation shall be considered to be a corporation in connection with an exchange described in sections 332, 351, 354, 355, 356 or 361.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/26/91 | 56 FR 41993 |
| Hearing | 11/22/91 | 56 FR 41992 |
| Final Action | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Additional Information:** INTL-178-86.

Drafting attorney: Irwin Halpern (202) 622-3850.

Reviewing attorney: Bernard Bress (202) 622-3850.

Treasury attorney: Peter Marrs (202) 622-0724.

Agency Contact: Irwin Halpern, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3850
RIN: 1545-AI32

3216. INCOME TAX—OWNERSHIP CHANGE**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None

Abstract: The regulation will provide guidance on what constitutes "ownership change" under section 382 of the Internal Revenue Code of 1986 (generally, an "ownership change" is a shift in loss corporation stock

ownership (after which the corporation's net operating loss carryovers are limited)).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/11/87 | 52 FR 29704 |
| NPRM Comment | 10/13/87 | |
| Period End | | |

Next Action Undetermined

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** CO-106-86.

Drafting attorney: Keith E. Stanley (202) 622-7750.

Reviewing attorney: Charles M. Whedbee (202) 622-7550.

Treasury attorney: Andrew Dubroff (202) 622-1766.

Agency Contact: Keith Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7750
RIN: 1545-AJ00

3217. SECTION 382—LIMITATION ON GROUPS FILING CONSOLIDATED RETURNS**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None

Abstract: This NPRM provides rules for applying section 382 to consolidated groups.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 02/04/91 | 56 FR 4195 |
| NPRM Comment | 03/29/91 | 56 FR 4195 |
| Period End | | |
| Hearing | 04/08/91 | 56 FR 4243 |
| Final Action | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** CO-132-87.

Drafting attorney: David P. Madden (202) 622-7540.

Reviewing attorney: Charles Whedbee (202) 622-7550.

Treasury attorney: Andrew Dubroff (202) 622-1766.

Agency Contact: David Madden, Attorney, Department of the Treasury,

TREAS—IRS

Final Rule Stage

Internal Revenue Service, 1111
Constitution Avenue NW., Washington,
DC 20224, 202 622-7540

RIN: 1545-AL36

**3218. ALLOCATION OF A LOSS
CORPORATION'S INCOME OR LOSS
FOR THE TAXABLE YEAR THAT
INCLUDES THE CHANGE DATE
BETWEEN THE PERIODS ENDING
WITH AND AFTER THE CHANGE
DATE**

Legal Authority: 26 USC 7805 Internal
Revenue Code of 1986; 26 USC 382
Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Except as provided in
regulations, sections 382(b)(3)(A) and
(d)(1) of the Internal Revenue Code of
1986 provide that income or net
operating loss for the taxable year that
includes the change date is allocated
ratably. Notice 87-79, 1987-2 C.B. 387,
states that regulations will, in certain
cases, provide taxpayers with an
election to allocate income and loss
between the periods ending with and
after the change date on the basis of
a closing of their books. This regulation
project provides a closing of the books
election.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 11/19/92 | 57 FR 54535 |
| Next Action Undetermined | | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-49-88.

Drafting attorney: Roberta Mann (202)
622-7550.

Treasury attorney: Mike Schultz (202)
622-1778.

Reviewing attorney: Keith Stanley (202)
622-7750.

Agency Contact: Roberta Mann,
Attorney, Department of the Treasury,
Internal Revenue Service, 1111
Constitution Ave. NW., Washington, DC
20224, 202 622-7550

RIN: 1545-AL58

**3219. AMENDMENTS OF SECTION
1.382-2T(R)(4)(X) TO EXCEPT
ADDITIONAL OPTIONS FROM THE
OPTION ATTRIBUTION RULES OF
SECTION 1.382-2T(H)(4)(I)**

Legal Authority: 26 USC 7805 Internal
Revenue Code of 1986; 26 USC 382
Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of this project
is to modify the rules that treat options
as exercised for purposes of
determining whether and ownership
change occurs under section 382. The
proposed regulations generally treat
only options issued for an abusive
purpose as exercised.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/05/92 | 57 FR 52743 |
| NPRM Comment Period End | 01/12/93 | 57 FR 52743 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-18-90.

Drafting attorney: Annette Ahlers (202)
622-7750.

Reviewing attorney: Charles M.
Whedbee (202) 622-7750.

Treasury attorney: Michael Schultz
(202) 622-1343.

Agency Contact: Annette Ahlers,
Attorney, Department of the Treasury,
Internal Revenue Service, 1111
Constitution Avenue NW., Washington,
DC 20224, 202 622-7750

RIN: 1545-AO54

**3220. SHORT TAXABLE YEARS AND
CONTROL GROUPS**

Legal Authority: 26 USC 382 Internal
Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulations will
provide rules regarding the application
of section 382 in the case of short
taxable years and of controlled groups
of corporations.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 02/04/91 | 56 FR 4183 |
| NPRM Comment Period End | 03/29/91 | 56 FR 4183 |

| Action | Date | FR Cite |
|--------------|----------|------------|
| Hearing | 04/08/91 | 56 FR 4243 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-77-90.

Drafting attorney: David Madden (202)
622-7540.

Reviewing attorney: Charles Whedbee
(202) 622-7550.

Treasury attorney: Andrew Dubroff
(202) 622-1766.

Agency Contact: David Madden,
Attorney, Department of the Treasury,
Internal Revenue Service, 1111
Constitution Ave. NW., Washington, DC
20224, 202 622-7540

RIN: 1545-AP14

**3221. MODIFICATION OF THE
SECTION 1.382-2T(J)(2) RULES**

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal
Revenue Code of 1986; 26 USC 382
Internal Revenue Code of 1986

CFR Citation: 23 CFR 1

Legal Deadline: None

Abstract: The section 382 segregation
rules (S. 1.382-2T(j)(2)(iii)) divide
groups of less than 5% shareholders
into separate public groups following
certain transactions. The proposed
regulations exempt certain de minimis
transfers of loss corporation stock from
the application of the segregation rules.
The proposed regulations also modify
the segregation rules to apply only to
a certain portion of the stock issued
by the loss corporation for cash during
the taxable year.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 11/05/92 | 57 FR 52738 |
| Next Action Undetermined | | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Additional Information: CO-99-91.

Drafting attorney: Roberta Mann (202)
622-7550.

Reviewing attorney: David P. Madden
(202) 622-7540.

Treasury attorney: Mike Schultz (202)
622-1343.

Agency Contact: Roberta Mann,
Attorney, Department of the Treasury,

TREAS—IRS

Final Rule Stage

Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7550
RIN: 1545-AQ59

3222. • REGULATIONS UNDER SECTION 382 OF THE INTERNAL REVENUE CODE OF 1986; LIMITATIONS ON CORPORATE NET OPERATING LOSS CARRYFORWARDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382(l)(5) Internal Revenue Code of 1986
CFR Citation: 26 CFR 1.382-9
Legal Deadline: None

Abstract: This document contains proposed amendments to the income tax regulations (26 CFR part 1) under section 382 of the Internal Revenue Code of 1986. The amendments provide rules relating to the determination whether certain indebtedness qualifies under section 382(l)(5)(E).

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 05/10/93 | 58 FR 27498 |
| NPRM Comment | 07/06/93 | 58 FR 27498 |
| Period End | | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-045-91

Drafting attorney: Diana C. Mackeen (202) 622-7550.

Agency Contact: Diana C. Mackeen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7550

RIN: 1545-AR91

3223. VALUE OF A LOSS CORPORATION IN AN OWNERSHIP CHANGE TO WHICH SECTION 382(L)(6) APPLIES

Significance: Agency Priority

Legal Authority: 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The final regulations will provide guidance on the time, manner, and revocability of the election under section 382(l)(5)(H) of the Internal Revenue Code to forego section

382(l)(5); the manner of calculating the increase in value of the loss corporation under section 382(l)(6); the interaction of section 382(l)(6) and other value rules, and the effect of a second ownership change within two years.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 08/06/92 | 57 FR 34736 |
| Next Action Undetermined | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-88-90.

Drafting attorney: Robert Liquerman (202) 622-7750.

Reviewing attorney: Victor Penico (202) 622-7750.

Treasury attorney: Mike Schultz (202) 622-1343.

Agency Contact: Robert Liquerman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7750

RIN: 1545-AQ60

3224. INCOME TAX—REFUND OF MISTAKEN CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(a)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations describe those circumstances under which an employer contribution or withdrawal liability payment to a multiemployer pension plan may be refunded due to a mistake of law or fact.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/11/83 | 48 FR 10374 |
| NPRM Comment | 05/10/83 | 48 FR 10374 |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-133-80.

Drafting attorney: John T. Ricotta (202) 622-6080.

Reviewing attorney: Michael A. Thrasher (202) 622-6000.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6080

RIN: 1545-AD68

3225. INCOME TAX—REQUIRED DISTRIBUTIONS FROM QUALIFIED PLANS AND INDIVIDUAL RETIREMENT ACCOUNTS AND PARTIAL ROLLOVERS OF INDIVIDUAL RETIREMENT ACCOUNTS

Legal Authority: 26 USC 408(a)(6) Internal Revenue Code of 1986; 26 USC 401(a)(9) Internal Revenue Code of 1986; 26 USC 408(b)(3) Internal Revenue Code of 1986; 26 USC 408(d)(3)(C) Internal Revenue Code of 1986; 26 USC 219(d)(4) Internal Revenue Code of 1986; 26 USC 403(b)(10) Internal Revenue Code of 1986; 26 USC 4974 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will revise the Income Tax Regulations to incorporate the changes made in the law by the Tax Equity and Fiscal Responsibility Act of 1982 and the Tax Reform Act of 1984, and Income Tax Reform Act of 1986 concerning the required distributions from qualified plans, individual retirement accounts and 403(b) annuities and custodial accounts.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| NPRM | 07/27/87 | 52 FR 28070 |
| HEARING | 12/04/87 | |
| Final Action' | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-113-82.

Drafting attorney: Marjorie Hoffman (202) 622-6030.

Reviewing attorney: Thomas A. Brisendine (202) 622-6030.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6030

RIN: 1545-AE95

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Final Rule Stage

3226. NONDISCRIMINATION REQUIREMENTS FOR QUALIFIED PLANS**Significance:** Agency Priority**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1.401-4; 26 CFR 1.401(a)-4; 26 CFR 1.401(a)(4)-0 to 1.401(a)(4)-13; 26 CFR 1.401(a)(5)-1; 26 CFR 1.401(a)(17)-1; 26 CFR 1.401(a)(26)-9; 26 CFR 1.401(k)-0 to 1.401(k)-1; 26 CFR 1.401(l)-0 to 1.401(l)-6; 26 CFR 1.401(m)-1; 26 CFR 1.402(a)-1; 26 CFR 1.410(b)-0 to 1.410(b)-10; 26 CFR 1.411(d)-4; 26 CFR 1.414(r)-1; 26 CFR 1.414(s)-1**Legal Deadline:** None**Abstract:** The proposed regulations delay the effective date of the final regulations.**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/10/92 | 57 FR 35536 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Local, State**Additional Information:** EE-6-92.

Drafting attorney: Dave Munroe (202) 622-6080.

Reviewing attorney: Nancy J. Marks (202) 622-6000.

Treasury attorney: Catherine Creech (202) 622-2647.

Agency Contact: David D. Munroe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6080

RIN: 1545-AQ76

3227. NONDISCRIMINATION REQUIREMENTS FOR QUALIFIED PLANS**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1.401(a)(4)-0 to 1.401(a)(4)-13**Legal Deadline:** None**Abstract:** The proposed regulations amend the final regulations under section 401(a)(4).**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/12/93 | 58 FR 3876 |
| NPRM Comment | 03/15/93 | 58 FR 3876 |

Period End
Next Action Undetermined**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Local, State**Additional Information:** EE-62-92.

Drafting attorney: David Munroe (202) 622-6080.

Reviewing attorney: Nancy Marks (202) 622-6000.

Agency Contact: David Munroe, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6080

RIN: 1545-AR09

3228. TWENTY PERCENT WITHHOLDING ON ELIGIBLE ROLLOVER DISTRIBUTION**Significance:** Agency Priority**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 Internal Revenue Code of 1986; 26 USC 402 Internal Revenue Code of 1986; 26 USC 3405 Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1; 26 CFR 31**Legal Deadline:** None**Abstract:** This project provides cross-reference notice of proposed rulemaking published in conjunction with temporary income tax regulations relating to eligible rollover distribution from tax-qualified retirement plans and section 403(b) annuities. This document provides the general public the opportunity to comment on the temporary and proposed regulations providing needed guidance on the changes made by the Unemployment Compensation Amendments of 1992 (UCA). The UCA expanded the types of retirement plan distributions with regard to which income tax can be deferred by a rollover to an individual retirement account, another qualified plan, or section 403(b) annuity. The UCA also requires qualified pension plans and 403(b) annuities to provide a direct rollover option. Also, the UCA imposes mandatory 20 percent income tax withholding on any eligible rollover

distribution that the employee does not elect to have transferred in a direct rollover.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/22/92 | 57 FR 48194 |
| NPRM Comment | 12/28/92 | 57 FR 48194 |
| Period End | | |
| Hearing | 01/15/93 | 57 FR 48193 |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Local, State, Federal**Additional Information:** EE-43-92.

Drafting attorney: John Tolleris (202) 622-6030.

Reviewing attorney: Marjorie Hoffman (202) 622-6030.

Treasury attorney: Catherine Creech (202) 622-1341.

Agency Contact: John Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6030

RIN: 1545-AR35

3229. TWENTY PERCENT WITHHOLDING ON ELIGIBLE ROLLOVER DISTRIBUTION**Significance:** Agency Priority**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 402(c) Internal Revenue Code of 1986; 26 USC 403(b) Internal Revenue Code of 1986; 26 USC 3405(b) Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1.401(a)(31)-1T; 26 CFR 1.402(c)-2T; 26 CFR 1.402(f)-2T; 26 CFR 1.403(b)-2T; 26 CFR 31.3405(c)-1T**Legal Deadline:** None**Abstract:** This project provides a cross-reference notice of proposed rulemaking providing guidance to implement statutory changes enacted by the Unemployment Compensation Amendments of 1992 (UCA). The UCA expands the types of pension distributions with regard to income retirement account or annuity, another qualified plan or a section 403(b) annuity. Also, the UCA requires plans and 403(b) plans to provide employees with a direct rollover option. Also, the UCA imposes a mandatory 20 percent

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income tax withholding upon any eligible rollover distribution that the employee does not elect to have paid in a direct rollover.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/22/92 | 57 FR 48194 |
| NPRM Comment | 12/28/92 | 57 FR 48194 |
| Period End | | |
| Hearing | 01/15/93 | 57 FR 48193 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: EE-43-92.

Drafting attorney: Marjorie Hoffman (202) 622-6030.

Reviewing attorney: Mary Oppenheimer (202) 622-6010.

Treasury attorney: Catherine Creech (202) 622-1341.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6030

RIN: 1545-AR01

3230. INCOME TAX—DEDUCTION FOR CERTAIN FOREIGN DEFERRED COMPENSATION PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 404A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance relating to the limitations on deductions and adjustments to earnings and profits (or accumulated profits) with respect to certain foreign deferred compensation plans.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/07/93 | 58 FR 27219 |
| NPRM Comment | 05/07/93 | 58 FR 27219 |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-14-81.

Drafting attorney: Elizabeth A. Purcell (202) 622-6080.

Reviewing attorney: Michael A. Thrasher (202) 622-6080.

Agency Contact: Elizabeth A. Purcell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6080

RIN: 1545-AD81

3231. MINIMUM COVERAGE REQUIREMENTS

Legal Authority: 26 USC 7805

CFR Citation: 26 CFR 1.410(b)-2 to 1.410(b)-10

Legal Deadline: None

Abstract: The regulations will amend the final regulations under section 410(b) of the Internal Revenue Code of 1986.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 04/21/93 | 58 FR 21417 |
| Hearing | 06/07/93 | 58 FR 21426 |
| NPRM Comment | 06/21/93 | 58 FR 21417 |
| Period End | | |

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: EE-4-93.

Drafting attorney: David Munroe (202) 622-6080.

Agency Contact: David Munroe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6080

RIN: 1545-AR51

3232. INCOME TAX—PART 1—BENEFIT ACCRUAL BEYOND NORMAL RETIREMENT AGE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 411(b)(1)(H) Internal Revenue Code of 1986; 26 USC 411(b)(2) Internal Revenue Code of 1986; 26 USC 410(a)(2) Internal Revenue Code of 1986; 26 USC 411(a)(8)(B) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Final, Statutory, February 1, 1988.

Final regulations are required to be issued by February 1, 1988.

Abstract: The regulations would provide rules with regard to benefit accruals after attainment of normal retirement age and maximum age conditions on participating in certain type of plans.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 04/11/88 | 53 FR 11876 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-184-86.

Drafting attorney: Linda Marshall (202) 622-6030.

Agency Contact: Linda Marshall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6030

RIN: 1545-AI85

3233. INCOME TAX—PART 1—MINIMUM VESTING STANDARDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410 Internal Revenue Code of 1986; PL 99-514, Sec 1113 Tax Reform Act of 1986; PL 99-514, Sec 1141 Tax Reform Act of 1986; 26 USC 411 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Final, Statutory, February 1, 1988.

Deadline set by Section 1141 of PL 99-514 "Tax Reform Act of 1986."

Abstract: These regulations will amend existing rules to reflect changes made by section 1113 of the Tax Reform Act of 1986, relating to minimum vesting standards and participation standards.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-----------|
| NPRM | 01/06/88 | 53 FR 261 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-167-86.

Drafting attorney: T. Wolf (202) 622-6070.

Reviewing attorney: James Brokaw (202) 622-6070.

Cross-Reference to EE-73-87

Agency Contact: T. Wolf, Attorney, Department of the Treasury, Internal

TREAS—IRS

Final Rule Stage

Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6070

RIN: 1545-A188

3234. MINIMUM FUNDING REQUIREMENTS—PLAN RESTORATION

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 412 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.412(c)(1)-3

Legal Deadline: None

Abstract: This document provides proposed rules by cross-reference to temporary regulations for the treatment of plans that have been or are being restored to their sponsoring employees after having been terminated pursuant to section 4041 and at 4042 of the Employee Retirement Income Security Act of 1974 (ERISA).

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/23/90 | 55 FR 42728 |
| NPRM Comment Period End | 12/24/90 | 55 FR 42728 |
| Hearing | 07/19/91 | 56 FR 19055 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-86-90.

Drafting attorney: Michael Roach (202) 622-6060.

Reviewing attorney: Nancy Marks (202) 622-6000.

Treasury attorney: Evelyn Petschek (202) 622-0170.

Agency Contact: Michael Roach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6060

RIN: 1545-AP13

3235. INCOME TAX—EMPLOYEES OF AN AFFILIATED SERVICE GROUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414 (m) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules with regard to the

aggregation of employees of certain organizations for purposes of certain pension requirements.

Timetable:

| Action | Date | FR Cite |
|----------------------------|--------------|------------|
| NPRM | 02/28/83 | 48 FR 8293 |
| NPRM Comment Period End | 04/29/83 | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-3-81.

Drafting attorney: Robin Ehrenberg (202) 622-6080.

Review attorney: Nancy J. Marks (202) 622-6000.

Treasury attorney: Catherine Creech (202) 622-1341.

Agency Contact: Robin Ehrenberg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6080

RIN: 1545-AD90

3236. INCOME TAX—AFFILIATED SERVICE GROUPS AND EMPLOYEE LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414(n) Internal Revenue Code of 1986; 26 USC 414(m)(5) Internal Revenue Code of 1986; 26 USC 414(o) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules regarding the treatment of certain leased employees. In addition, the regulations will provide guidance regarding the aggregation of certain management companies as affiliated service groups.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/27/87 | 52 FR 32502 |
| NPRM Comment Period End | 10/26/87 | |
| Hearing | 12/02/87 | 52 FR 45835 |
| Hearing | 02/25/88 | |
| Withdrawn | 04/27/93 | 58 FR 25587 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-111-82.

Drafting attorney: Robin Ehrenberg (202) 622-6080.

Reviewing attorney: Nancy J. Marks (202) 622-6000.

Treasury attorney: Catherine Creech (202) 622-1341.

Agency Contact: Robin Ehrenberg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6080

RIN: 1545-AE91

3237. DEFINITION OF "HIGHLY COMPENSATED EMPLOYEE"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.414(q)-1T

Legal Deadline: None

Abstract: The proposed and temporary regulations define the term "highly compensated employee" under section 414(q) of the Code.

Timetable:

| Action | Date | FR Cite |
|----------------------------|--------------|------------|
| NPRM | 02/19/88 | |
| NPRM Comment Period End | 04/19/88 | 53 FR 4999 |
| Next Action | Undetermined | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: EE-32-92.

Drafting attorney: Patricia McDermott (202) 622-6030.

Reviewing attorney: Nancy J. Marks (202) 622-6000.

Treasury attorney: Evelyn A. Patschek (202) 622-0170.

Temporary and proposed regulations under sections 414(g) and 414(s) were published February 19, 1988 (53 FR 4965); and final regulations under section 414(s) were published September 19, 1991 (56 FR 47659), under project EE-129-86. The regulations under section 414(q) were split off from project EE-129-86. It is anticipated that final regulations under section 414(q) will be published in the future under project EE-32-92.

Agency Contact: Patricia McDermott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6030

RIN: 1545-AQ74

TREAS—IRS

Final Rule Stage

3238. • DEFINITION OF COMPENSATION FOR QUALIFIED PLANS

Legal Authority: 26 USC 414(s); 26 USC 7805

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules for defining compensation for purposes of Internal Revenue Code provisions that incorporate section 414(s) by reference.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 04/21/93 | 58 FR 71412 |
| ANPRM Comment | 06/21/93 | 58 FR 71412 |
| Period End | | |

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-5-93

Drafting attorney: Marjorie Hoffman (202) 622-6030.

Reviewing attorney: Nancy Marks (202) 622-6000.

Treasury attorney: Catherine Creech (202) 622-13341.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 633-6030

RIN: 1545-AR55

3239. TIMING OF INCOME WITH RESPECT TO NOTIONAL PRINCIPAL CONTRACTS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations address the timing and nature of income and deductions from notional principal contracts, which encompasses interest rate swaps, interest rate caps, and interest rate floors.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/10/91 | 56 FR 31350 |
| NPRM Comment | 09/23/91 | 56 FR 31350 |
| Period End | | |

| Action | Date | FR Cite |
|--------------|----------|-------------|
| Hearing | 10/07/91 | 56 FR 31350 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-016-89.

Drafting attorney: Alan Munro (202) 622-3950.

Treasury attorney: Hal Gann (202) 622-1333.

Agency Contact: Alan Munro, Attorney Adviser, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3950

RIN: 1545-AN15

3240. TAXATION OF TAX-EXEMPT ORGANIZATIONS' INCOME FROM CORPORATE SPONSORSHIP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 512(a) Internal Revenue Code of 1986; 26 USC 513 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This document provides guidance concerning whether sponsorship payments received by exempt organizations are unrelated business taxable income.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/22/93 | 58 FR 5687 |
| Hearing | 07/08/93 | 58 FR 5691 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-74-92.

Drafting attorney: Regina L. Oldak (202) 622-6080.

Agency Contact: Regina L. Oldak, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6080

RIN: 1545-AR19

3241. LIMITATION OF THE USE OF THE CASH METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 448 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to certain C Corporations, partnerships with a corporate partner and tax shelters prohibited from using the cash method of accounting.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/16/87 | 52 FR 22796 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-122-86.

Drafting attorney: Mike Montemurro (202) 622-4910.

Reviewing attorney: Mike Montemurro (202) 622-4910.

Agency Contact: Mike Montemurro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4910

RIN: 1545-AJ52

3242. UNTIMELY COMPLIANCE WITH SECTION 448

Significance: Agency Priority

Legal Authority: 26 USC 448 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.448-1T

Legal Deadline: None

Abstract: Proposal would provide guidance to taxpayers that failed to comply with the effective date provision of Section 448 and the regulations thereunder.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-----------|
| NPRM | 01/07/91 | 56 FR 508 |
| Next Action Undetermined | | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-52-89.

Drafting attorney: Lisa Bernardini (202) 622-4910.

Reviewing attorney: Mike Montemurro (202) 622-4910.

Agency Contact: Lisa Bernardini, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4910

RIN: 1545-AO65

TREAS—IRS

Final Rule Stage

3243. INCOME TAX—GENERAL RULES FOR INSTALLMENT SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 15A.453-1(c); 26 CFR 15A.453-1

Legal Deadline: None

Abstract: Treasury decision will provide general rules and rules for reporting contingent installment obligations.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 02/04/81 | 46 FR 10749 |
| NPRM Comment Period End | 04/06/81 | 46 FR 10749 |
| Hearing | 10/01/81 | 46 FR 40774 |
| Final Action | 12/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-173-80.

Drafting attorney: George Wright (202) 622-4950.

Reviewing attorney: Dave Crawford (202) 622-4950.

Agency Contact: George Wright, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4950

RIN: 1545-AB42

3244. INCOME TAX—INSTALLMENT REPORTING—ASSET SALES AND LIQUIDATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for reporting gain in respect of installment obligations received as liquidating distributions from corporations under a plan of complete liquidation. Additionally includes rules regarding the allocation of consideration received in a multiple asset sale if a disposition of any one of the properties would qualify for installment sale treatment.

Timetable:

| Action | Date | FR Cite |
|--------|----------|------------|
| NPRM | 01/13/84 | 49 FR 1742 |

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM Comment Period End | 03/16/84 | 49 FR 1742 |
| Final Action | 12/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-184-80.

Drafting attorney: George Wright (202) 622-4950.

Reviewing attorney: Doug Fahey (202) 622-4950.

Agency Contact: George Wright, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4950

RIN: 1545-AB43

3245. INCOME TAX—INSTALLMENT OBLIGATIONS RECEIVED IN TRANSACTIONS IN WHICH GAIN OR LOSS IS GENERALLY NOT RECOGNIZED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for reporting installment obligations that are received as boot in certain exchanges in which gain may not be recognized.

Timetable:

| Action | Date | FR Cite |
|-------------|--------------|-------------|
| NPRM | 05/03/84 | 49 FR 18866 |
| Next Action | Undetermined | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-186-80.

Drafting attorney: Keith Medleau (202) 622-7550.

Reviewing attorney: Charles Whedbee (202) 622-7550.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7550

RIN: 1545-AB44

3246. SPECIAL RULES FOR NONDEALERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules relating to the pledging rules and special interest charge of section 453A.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|---------|
| Temporary Regulation | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-025-89.

Drafting attorney: Mike Montemurro (202) 622-4910.

Reviewing attorney: Mike Montemurro (202) 622-4910.

Agency Contact: Mike Montemurro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4910

RIN: 1545-AN13

3247. INCOME TAX—DETERMINATION OF AMOUNTS AT RISK WITH RESPECT TO CERTAIN ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986; PL 94-455, Sec 204 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to taxpayers for purposes of determining the amount the taxpayer is at risk in certain activities. This guidance is necessary because a taxpayer's deductions are limited to the amount the taxpayer is at risk in the activity. This at risk limit applies to most activities except the holding of real property and certain equipment leasing by closely-held corporations.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/05/79 | 44 FR 32235 |
| NPRM Comment Period End | 08/06/79 | 44 FR 32235 |
| Hearing | 09/27/79 | 44 FR 49701 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

TREAS—IRS

Final Rule Stage

Government Levels Affected: None

Additional Information: PS-168-76.

Drafting attorney: Channing Brackey (202) 622-3080.

Reviewing attorney: William P. O'Shea (202) 622-3070.

Treasury attorney: John H. Parcell (202) 622-2578.

Agency Contact: Channing Brackey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3080

RIN: 1545-AB52

3248. DISPOSITION OF AN INTEREST IN A NUCLEAR POWER PLANT

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.468A-0 (Revision); 26 CFR 1.468A-1(b) (Revision); 26 CFR 1.468A-1(d) (New); 26 CFR 1.468A-3(h) (Revision); 26 CFR 1.468A-3(i) (Revision); 26 CFR 1.468A-5(a) (Revision); 26 CFR 1.468A-5(b) (Revision); 26 CFR 1.468A-6 (New)

Legal Deadline: None

Abstract: Final regulations relating to Nuclear Decommissioning Funds did not include provisions for treatment upon disposition of an interest in a nuclear power plant. The proposed regulations will provide guidance to determine the tax consequences of such disposition on a Nuclear Decommissioning Fund and on taxpayers that establish such funds. In addition, the proposed regulations will make a number of needed changes and clarifications to the existing regulations that will aid in the administration and processing of requests for schedules of ruling amounts.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/20/82 | 57 FR 54734 |
| NPRM Comment Period End | 01/11/93 | 57 FR 54734 |
| Hearing | 02/01/93 | 57 FR 54734 |
| Final Action | 12/31/93 | |

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 491 Electric Services; 493 Combination Electric and Gas, and Other Utility Services

Additional Information: PS-004-89.

Drafting attorney: Peter C. Friedman (202) 622-3110.

Reviewing attorney: Charles B. Ramsey (202) 622-3110.

Treasury attorney: Eve Elgin (202) 622-1338.

Agency Contact: Peter C. Friedman, Senior Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3110

RIN: 1545-AN06

3249. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469 (l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-0; 26 CFR 1.469-1T; 26 CFR 1.469-2T; 26 CFR 1.469-3T; 26 CFR 1.469-5T; 26 CFR 1.469-1; 26 CFR 1.469-2; 26 CFR 1.469-3; 26 CFR 1.469-5; 26 CFR 1.469-11

Legal Deadline: None

Abstract: The proposed regulations address essential issues in connection with passive activity losses and credits.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 02/25/88 | 53 FR 5733 |
| Hearing | 06/28/88 | |
| Final Action | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-14-88.

Drafting attorney: Ronald Gootzeit (202) 622-3080.

Reviewing attorney: William P. O'Shea (202) 622-3070.

Treasury attorney: John H. Parcell (202) 622-2578.

Agency Contact: Ronald M. Gootzeit, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3080

RIN: 1545-AB26

3250. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS—DEFINITION OF ACTIVITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469(l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-0; 26 CFR 1.469-1T; 26 CFR 1.469-2T; 26 CFR

1.469-3T; 26 CFR 1.469-1; 26 CFR 1.469-5T; 26 CFR 1.469-2; 26 CFR 602.101; 26 CFR 1.469-3; 26 CFR 1.469-4; 26 CFR 1.469-5; 26 CFR 1.469-11

Legal Deadline: None

Abstract: Pursuant to the grant of authority in section 469(l), the regulations define "activity."

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/12/89 | 54 FR 20606 |
| NPRM Comment Period End | 08/31/89 | 54 FR 20606 |
| NPRM | 05/15/92 | 57 FR 20802 |
| Hearing | 09/03/92 | 57 FR 23356 |
| Final Action | 12/31/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-001-89.

Drafting attorney: Ronald M. Gootzeit (202) 622-3080.

Reviewing attorney: Donna M. Young (202) 622-3070.

Treasury attorney: John H. Parcell (202) 622-2578.

Agency Contact: Ronald M. Gootzeit, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3080

RIN: 1545-AM88

3251. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS—SELF-CHARGED ITEMS

Legal Authority: 26 USC 469 (l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-7

Legal Deadline: None

Abstract: The regulation will address the treatment of self-charged items of income and expense in connection with transactions between passthrough entities and owners of interests in those entities.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 04/05/91 | 56 FR 14034 |
| Hearing | 09/06/91 | 56 FR 14040 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: PS-039-89.

Drafting attorney: Ann Veninga (202) 622-3080.

TREAS—IRS

Final Rule Stage

Reviewing attorney: Donna M. Young (202) 622-3070.

Treasury attorney: Val Strehlow (202) 622-2578.

Agency Contact: Ann Veninga, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3080

RIN: 1545-AN64

3252. INCOME TAX—THREE-YEAR AVERAGING FOR INCREASES IN INVENTORY VALUE WHEN ELECTING LIFO METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 472 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide for three-year averaging for increases in inventory value when electing the LIFO method of accounting.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 04/11/83 | 48 FR 6134 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-254-81.

Drafting attorney: Harry-Todd Astrov (202) 622-4970.

Reviewing attorney: Eric Pleet (202) 622-4970.

Agency Contact: Harry-Todd Astrov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4970

RIN: 1545-AB55

3253. SECTION 482 REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 482 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To revise the regulations under section 482, as amended by the Internal Revenue Code of 1986.

Timetable:

| Action | Date | FR Cite |
|--------|----------|------------|
| NPRM | 01/30/92 | 57 FR 3571 |

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM Comment | 07/22/93 | |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-401-88.

Drafting attorney: Sim S. Seo (202) 622-3840.

Reviewing attorney: Ken Wood (202) 874-1490.

Treasury attorney: Warren Crowdus (202) 622-1779.

Agency Contact: Sim S. Seo, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840

RIN: 1545-AL80

3254. SECTION 482, COST SHARING REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 482 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Transfer of intangibles between affiliates; intercompany pricing issues.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 01/30/92 | 57 FR 3571 |
| Hearing | 08/31/92 | 57 FR 33663 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-372-88.

Drafting attorney: Lisa L. Sams (202) 622-3840.

Reviewing attorney: Ken Wood (202) 874-1490.

Treasury attorney: Warren Crowdus (202) 622-1779.

Agency Contact: Lisa L. Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840

RIN: 1545-AM00

3255. TAXATION OF GLOBAL TRADING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 Internal Revenue Code of 1986; 26 USC 482 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations to improve the taxation of global trading.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/28/90 | 55 FR 35152 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-070-90.

Drafting attorney: Richard L. Chewning (202) 622-3870.

Reviewing attorney: Jeffrey L. Dorfman (202) 622-3870.

Treasury attorney: Emily McMahon (202) 622-1763.

Agency Contact: Richard L. Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AP01

3256. VEBA QUALIFICATION—GEOGRAPHIC LOCALE RESTRICTION

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 501 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.501(c)(9)-2(a)(1); 26 CFR 1.501(c)(9)-2(d)

Legal Deadline: None

Abstract: The regulations will supplement the existing regulations by providing rules for determining whether membership in a VEBA consists of persons who have an employment related common bond because they are all employees of employers engaged in the same line of business in the same geographic locale.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/07/92 | 57 FR 34886 |
| Hearing | 12/03/92 | |
| Final Action | 00/00/00 | |

TREAS—IRS

Final Rule Stage

Small Entities Affected: Undetermined
Government Levels Affected: None
Additional Information: EE-23-92.
 Drafting attorney: Michael Roach (202) 622-6060.
 Reviewing attorney: Mark Schwimmer (202) 622-6060.
 Treasury attorney: Kurt Lawson (202) 622-1352.
Agency Contact: Michael J. Roach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-6060
RIN: 1545-AQ66

3257. TAXATION OF CERTAIN QUALIFIED EXEMPT ORGANIZATIONS ON INCOME FROM DEBT-FINANCED PROPERTY OWNED THROUGH A PARTNERSHIP
Significance: Agency Priority
Legal Authority: 26 USC 514(c)(9) Internal Revenue Code of 1986
CFR Citation: 26 CFR 1
Legal Deadline: None

Abstract: These regulations will provide rules governing the application of section 514(c)(9)(E) of the IRC to certain partnerships in which one or more (but not all) of the partners are qualified tax-exempt organizations within the meaning of 514(c)(9)(C).

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/12/92 | 57 FR 53634 |
| NPRM Comment Period End | 03/04/93 | 57 FR 54857 |

Next Action Undetermined

Small Entities Affected: None
Government Levels Affected: None
Additional Information: PS-056-90.
 Drafting attorney: Christopher Kehoe (202) 622-3065.
 Reviewing attorney: William P. O'Shea (202) 622-3070.
 Treasury attorney: Jose Bertra (202) 622-2099.

Agency Contact: Christopher Kehoe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3065
RIN: 1545-AQ78

3258. BAD DEBT RESERVES OF FINANCIAL INSTITUTIONS
Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 585 Internal Revenue Code of 1986
CFR Citation: 26 CFR 1

Legal Deadline: None
Abstract: This document will provide final regulations that relate to the repeal of the bad debt reserves for large banks.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/12/90 | 55 FR 51124 |
| NPRM Comment Period End | 02/11/91 | 55 FR 51124 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined
Additional Information: FI-81-86.
 Drafting attorney: Craig Wojay (202) 622-4122.
 Reviewing attorney: Sharon Galm (202) 622-3920.

Agency Contact: Craig Wojay, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4122
RIN: 1545-AJ31

3259. INCOME TAX—LIMITATION ON ADDITIONS TO BANK LOSS RESERVES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 585 Internal Revenue Code of 1986; PL 97-34, Sec 273
CFR Citation: 26 CFR 1

Legal Deadline: None
Abstract: The regulations would impose a requirement of a minimum addition to bad debt reserves of mutual savings banks in order to conform the treatment of these institutions to financial institutions described in section 585.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/19/83 | 48 FR 56083 |
| NPRM Comment Period End | 02/17/84 | 48 FR 56083 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined
Government Levels Affected: None

Additional Information: FI-152-79.
 Drafting attorney: Eric E. Boody (202) 622-3960.
 Reviewing attorney: Alice Bennett (202) 622-3950.

Agency Contact: Eric E. Boody, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3960

RIN: 1545-AD66

3260. BAD DEBT RESERVE RECAPTURE FOR THRIFT INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 593 Internal Revenue Code of 1986; 26 USC 446 Internal Revenue Code of 1986; 26 USC 481 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation addresses the recapture of bad debt reserves of thrift institutions that either fail the 60 percent-asset test or convert their charter to that of a commercial bank.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 01/13/92 | 57 FR 1232 |
| NPRM Comment Period End | 04/13/92 | 57 FR 1232 |
| Hearing | 06/05/92 | 57 FR 1243 |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Additional Information: FI-042-90.

Drafting attorney: Jo Lynn Ricks (202) 622-3920.
 Reviewing attorney: Sharon Galm (202) 622-3920.

Agency Contact: Jo Lynn Ricks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3920

RIN: 1545-AO69

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3261. TAX CONSEQUENCES OF FEDERAL FINANCIAL ASSISTANCE PROVIDED IN CONNECTION WITH TAXABLE ASSET ACQUISITIONS OF TROUBLED FINANCIAL INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 597 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: Purpose of regulation is to implement changes to section 597 by FIRREA. The FDIC needs this guidance to facilitate the reorganization of failed S&L's.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 04/23/92 | 57 FR 14804 |
| NPRM Comment Period End | 06/26/92 | 57 FR 14804 |
| Hearing | 07/17/92 | 57 FR 14803 |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: FI-046-89.

Drafting attorney: Bernita Thigpen (202) 622-4016.

Reviewing attorney: Steven Glickstein (202) 622-4439.

Treasury attorney: Eve Elgin (202) 622-1338.

Agency Contact: Bernita Thigpen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4016

RIN: 1545-AN71

3262. ALLOCATIONS REFLECTING BUILT-IN GAIN OR LOSS ON PROPERTY CONTRIBUTED TO A PARTNERSHIP

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: The regulations will provide rules and examples relating to the requirement to allocate income, gain, loss, and deduction so as to take into account the variation between the basis of the property and its fair market value at the time of contribution.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/24/92 | 57 FR 61345 |
| NPRM Comment Period End | 03/26/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-164-84.

Drafting attorney: David Edquist (202) 622-3050.

Reviewing attorney: Claire Toth (202) 622-3050.

Treasury attorney: Jose Berra (202) 622-0999.

Agency Contact: David Edquist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3050

RIN: 1545-AG98

3263. TAXABLE YEARS OF CERTAIN PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 706 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules for determining the appropriate taxable year for certain partnerships.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/29/87 | 52 FR 49030 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-101-86.

Drafting attorney: Beverly A. Baughman (202) 622-4940.

Reviewing attorney: Rudi Planert (202) 622-4940.

Treasury attorney: Barksdale Penick (202) 622-1335.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4940

RIN: 1545-AJ47

3264. PARTNERSHIP TERMINATION DISTRIBUTIONS

Significance: Agency Priority

Legal Authority: 26 USC 708 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.708-1

Legal Deadline: None

Abstract: In order to prevent the shifting of the tax consequences between partners with respect to pre-contribution gain or loss Congress amended section 704(c) of the Code in the Tax Reform Act of 1984 and again in the Revenue Reconciliation Act of 1989. Treasury believes that in order to fully implement the Congressional intent, the regulations under section 708(b)(1)(B) of the Code need to be amended to insure that the pre-contribution gain or loss is properly accounted for when a partnership liquidates and is reformed. Accordingly, it has been proposed that the regulations under section 708(b)(1)(B) be amended to insure that the pre-contribution gain or loss will be preserved in the liquidation reformation process.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|---------|
| Temporary Regulation | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-024-90.

Drafting attorney: Steve Coleman (202) 622-3060.

Reviewing attorney: J. Thomas Hines (202) 622-3060.

Treasury attorney: Heidi Ebel (202) 622-1334.

Agency Contact: Steve Coleman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3060

RIN: 1545-AO20

3265. ELECTION OUT OF SUBCHAPTER K FOR PRODUCERS OF NATURAL GAS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 761 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide additional requirements for producers of natural gas electing under section

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761 to be excluded from the subchapter K partnership rules.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/16/92 | 57 FR 42712 |
| Hearing | 11/17/92 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-103-90.

Drafting attorney: H. Grace Kim (202) 622-3060.

Reviewing attorney: Richard G. Blumenreich (202) 622-3060.

Treasury attorney: S. Barksdale Penick (202) 622-1335.

Agency Contact: H. Grace Kim, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3060

RIN: 1545-AP23

3266. EXTENSION OF TIME FOR REAL ESTATE MORTGAGE INVESTMENT CONDUITS TO PROVIDE REPORTING INFORMATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 860F Internal Revenue Code of 1986; 26 USC 6049 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This proposed regulation would extend the deadline for REMICs or issuers of CDOs to furnish reporting information.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/30/91 | 56 FR 49525 |
| Hearing | 12/05/91 | 56 FR 49526 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-38-91.

Drafting attorney: Carol E. Schultze (202) 622-3960.

Agency Contact: Carol E. Schultze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3960

RIN: 1545-AP73

3267. CHARITABLE CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed section 1.861-8(e) would provide new guidance regarding the allocation of charitable deductions to U.S. or foreign source income. A taxpayer would allocate such a deduction solely to U.S. source income if he designated the contribution for U.S. use and reasonably believed that it would be so used. He would allocate such a deduction solely to foreign source income if he knows or has reason to know that it would be used solely outside the United States or that it must necessarily be so used. In all other cases, he would ratably apportion such a deduction.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/12/91 | 56 FR 10395 |
| Hearing | 08/01/91 | 56 FR 23823 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-116-90.

Drafting attorney: Carl M. Cooper (202) 622-3840.

Reviewing attorney: Charles C. Saverude (202) 622-3800.

Treasury attorney: P. Ann Fisher (202) 622-1755.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840

RIN: 1545-AP30

3268. SPECIAL RULES FOR DETERMINING SOURCE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863(a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.863-1(d)

Legal Deadline: None

Abstract: The regulations provide rules for determining the source of scholarships and fellowship grants as defined under section 117 of the Internal Revenue Code.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 06/15/93 | 58 FR 33060 |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-041-92.

Drafting attorney: Carol P. Tello (202) 622-3880.

Reviewing attorney: Thomas D. Fuller (202) 622-3880.

Treasury attorney: Emily McMahon (202) 622-1763.

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3880

RIN: 1545-AQ81

3269. ALLOCATION AND APPORTIONMENT OF INTEREST EXPENSE AND CERTAIN OTHER EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Notice of proposed rulemaking by cross-reference to temporary regulations providing rules for affiliated group allocation and apportionment of expenses other than interest that are not traceable to specific income-producing activities or property of corporations.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| NPRM | 03/12/91 | 56 FR 10397 |
| Hearing | 06/21/91 | 56 FR 21640 |
| Interim Final Rule | 04/15/92 | 57 FR 13019 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-952-86.

Drafting attorney: David F. Bergkuist or Judith Cavell (202) 622-3860.

Reviewing attorney: Charles Saverude (202) 622-3800.

Treasury attorney: Emily McMahon (202) 622-1763.

Agency Contact: David F. Bergkuist/Judith Cavell, Attorney-Advisors, Department of the Treasury,

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Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3860

RIN: 1545-AM20

3270. TREATMENT OF RELATED PERSON FACTORING INCOME; CERTAIN INVESTMENTS IN UNITED STATES PROPERTY; AND STOCK REDEMPTIONS THROUGH RELATED CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 (d) Internal Revenue Code of 1986; 26 USC 956 Internal Revenue Code of 1986; 26 USC 304 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These rules will relate to the treatment of income derived by foreign corporations from factoring the receivables of related persons, rules relating to certain investments in U.S. property and stock redemptions through related corporations.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/14/88 | 53 FR 22186 |
| NPRM Comment Period End | 08/15/88 | 53 FR 22186 |
| Hearing | 02/09/89 | 53 FR 49895 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-49-86.

Drafting attorney: Laura C. Apelbaum (202) 622-3840.

Reviewing attorney: Phyllis E. Marcus (202) 622-3840.

Treasury attorney: Carol Dunahoo (202) 622-0726.

Agency Contact: Laura C. Apelbaum, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3840

RIN: 1545-AH85

3271. COMPUTATION OF INTEREST EXPENSE DEDUCTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 882 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will revise the rules for the computation of the interest expense deduction of a foreign corporation.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 04/24/92 | 57 FR 15038 |
| NPRM Comment Period End | 10/14/92 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-309-88.

Drafting attorney: Karl T. Walli (202) 622-3870.

Reviewing attorney: Jeffrey L. Dorfman (202) 622-3870

Treasury attorney: Emily McMahon (202) 622-1763.

Agency Contact: Karl T. Walli, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC, 202 622-3870

RIN: 1545-AL84

3272. AMENDMENTS TO THE BRANCH PROFITS TAX UNDER SECTIONS 884 AND 864

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 884 Internal Revenue Code of 1986; 26 USC 864 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will revise the "asset-use" test under section 864 to exclude stock. This regulation will explain what percentage of an interest in a partnership, trust or estate is a U.S. asset under section 884. In addition, this regulation amends the definition of "branch interest" under section 884.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/11/92 | 57 FR 41707 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-003-92.

Drafting attorney: Kathryn Horton O'Brien (202) 622-3860.

Reviewing attorney: Elizabeth U. Karzon (202) 622-3860.

Treasury attorney: P. Ann Fisher (202) 622-1755.

Agency Contact: Kathryn Horton O'Brien, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3860

RIN: 1545-AQ58

3273. FINAL REGULATIONS UNDER SECTION 1.884-2

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 884 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will finalize temporary regulations that provide special rules for termination or incorporation of a U.S. trade or business or liquidation or reorganization of a foreign corporation or its domestic subsidiary.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-027-92.

Drafting attorney: Kathryn Horton O'Brien (202) 622-3860.

Reviewing attorney: Elizabeth U. Karzon (202) 622-3860.

Treasury attorney: P. Ann Fisher (202) 622-1755.

Agency Contact: Kathryn Horton O'Brien, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3860

RIN: 1545-AQ73

3274. INCOME OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 892 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Notice of Proposed Rulemaking by Cross-reference to temporary regulations regarding the taxation of income of foreign

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governments and international organizations.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/27/88 | 53 FR 24100 |
| NPRM Comment Period End | 08/26/88 | 53 FR 24100 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-285-88.

Drafting attorney: David A. Juster (202) 622-3850.

Reviewing attorney: Bernard T. Bress (202) 622-3850.

Treasury attorney: Charles Cope (202) 622-1752.

Agency Contact: David A. Juster, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3850

RIN: 1545-AL93

3275. NONRECOGNITION OF CORPORATE DISTRIBUTIONS AND REORGANIZATIONS UNDER THE FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules concerning the effect of certain distributions including dividends, redemptions, distributions pursuant to reorganizations, and liquidations on corporations and their shareholders under the Foreign Investment in Real Property Tax Act. Proposal would also provide rules for determining the extent to which nonrecognition would apply to certain transfers of real property interests and the extent to which certain reorganizations will be treated as sales of property at fair market value.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/05/88 | 53 FR 16233 |
| Hearing | 03/01/89 | 54 FR 1189 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-491-87.

Drafting attorney: Leslie A. Cracraft (202) 622-3860.

Reviewing attorney: Charles C. Saverude (202) 622-3810.

Treasury attorney: Peter Marrs (202) 622-0724.

Agency Contact: Leslie A. Cracraft, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3860

RIN: 1545-AK79

3276. CONFORMING TAXABLE YEARS OF CFCS AND FPHCS: 1989 CHANGE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 898 Internal Revenue Code of 1986; 26 USC 902 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation provides guidance to taxpayers concerning new section 898 of the Internal Revenue Code, added to the Code by the Omnibus Budget Reconciliation Act of 1989. Section 898 requires the taxable years of certain specified foreign corporations to conform to the taxable years of their majority U.S. shareholders.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-----------|
| NPRM | 01/05/93 | 58 FR 290 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-848-89.

Drafting attorney: William T. Lundeen (202) 622-3870.

Reviewing attorney: David I. Bower (202) 622-3810.

Treasury attorney: Carol Doran Klein (202) 622-1762.

Agency Contact: William T. Lundeen, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AO22

3277. APPLICATION OF SECTION 904 TO INCOME SUBJECT TO SEPARATE LIMITATIONS AND SECTION 864(E) AFFILIATED GROUP EXPERT ALLOCATION RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 904(d)(5) Internal Revenue Code of 1986; 26 USC 864(e)(7) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations modify proposed income tax regulations relating to affiliated group expense allocation rules of section 864(c)(5) and (6). In addition, the regulations propose changes to the section 904(d) final foreign tax credit limitation regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/14/92 | 57 FR 20660 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-001-92.

Drafting attorney: Caren S. Shein (202) 622-3850.

Reviewing attorney: Barbara A. Felker (202) 622-3850.

Treasury attorney: Joni Walser (202) 622-1781.

Agency Contact: Caren S. Shein, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3850

RIN: 1545-AQ43

3278. INCOME TAX—TAXPAYER'S OBLIGATION TO FILE A NOTICE OF REDETERMINATION OF FOREIGN TAX AND CIVIL PENALTIES FOR FAILURE TO FILE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 905 (c) Internal Revenue Code of 1986; 26 USC 6689 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301; 26 CFR 602

Legal Deadline: None

Abstract: The regulations will establish procedures for taxpayers by which they must notify the Service of a change in foreign tax liability for a taxable year for which they claimed the foreign tax credit. The regulations provide special

rules for redetermining the taxpayer's United States tax liability when the dollar value of the foreign currency fluctuates between the time for which the foreign tax credit is originally claimed and the time for which the foreign tax credit is redetermined. In addition, the regulations set forth deadlines for compliance with the notification requirements.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/23/88 | 53 FR 23659 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-61-86.

Drafting attorney: Laura C. Apelbaum (202) 622-3840.

Reviewing attorney: Barbara A. Felker (202) 622-3850.

Treasury attorney: Joni Walser (202) 622-1781.

Agency Contact: Laura C. Apelbaum, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3840

RIN: 1545-AC09

3279. FSC TRANSFER PRICING RULES, DISTRIBUTIONS, DIVIDENDS RECEIVED, DEDUCTION, AND OTHER SPECIAL RULES FOR FSC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 925(b)(1) Internal Revenue Code of 1986; 26 USC 925(b)(2) Internal Revenue Code of 1986; 26 USC 927(d)(2)(B) Internal Revenue Code of 1986; 26 USC 927(e)(1) to 927(e)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for application of the FSC transfer pricing rules, distributions, dividends received, deductions and other special FSC provisions.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 03/03/87 | 52 FR 6467 |
| NPRM Comment Period End | 05/02/87 | 52 FR 6467 |
| Hearing | 01/19/88 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-153-86.

Drafting attorney: Richard L. Chewning (202) 622-3870.

Reviewing attorney: Jeffrey L. Dorfman (202) 622-3870.

Treasury attorney: Charles Cope (202) 622-1752.

Agency Contact: Richard L. Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AI16

3280. INCOME TAX—DEFINITION OF QUALIFIED POSSESSION SOURCE INVESTMENT INCOME FOR PURPOSES OF PUERTO RICO AND POSSESSION TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936(d)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules with respect to what constitutes qualified possession source investment income for purposes of the Puerto Rico and possession tax credit.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/21/86 | 51 FR 2726 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-44-86.

Drafting attorney: W. Edward Williams (202) 874-1490.

Reviewing attorney: George M. Sellinger (202) 874-1490.

Treasury attorney: Warren Crowds (202) 622-1779.

Agency Contact: W. Edward Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South SW., Washington, DC 20024, 202 874-1490

RIN: 1545-AC10

3281. CBI INVESTMENTS OF SECTION 936 FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936(d)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Will define investments made in qualified Caribbean Basin countries that give rise to interests or dividends available for the section 936 credit.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/13/91 | 56 FR 21963 |
| Hearing | 07/12/91 | 56 FR 21963 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-088-89.

Drafting attorney: W. Edward Williams (202) 874-1490.

Reviewing attorney: George M. Sellinger (202) 874-1490.

Agency Contact: W. Edward Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South SW., Washington, DC 20024, 202 874-1490

RIN: 1545-AM91

3282. INSURANCE INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 953 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation defines related person insurance income; and sets forth rules regarding the amount of related person insurance income to be included in gross income. In addition, the regulation defines insurance income under section 953(a), prescribes rules of allocation and apportionment of deductions, and prescribes rules for the interaction of subchapter L and subchapter N.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 04/17/91 | 56 FR 15540 |
| Hearing | 06/21/91 | 56 FR 15570 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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Additional Information: INTL-939-86.
 Drafting attorney: Valerie A. Mark (202) 622-3840.
 Reviewing attorney: Phyllis E. Marcus (202) 622-3840.
 Treasury attorney: Carol Dunahoo (202) 622-0726.
Agency Contact: Valerie A. Mark, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3840
 RIN: 1545-AJ70

3283. SUBPART F DEFINITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986; 26 USC 957 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Definition of FPHC income. Particular issues include income equivalent to interest of property which does not give rise to income.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/21/88 | 53 FR 27532 |
| Hearing | 02/09/89 | 53 FR 49895 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-362-88.

Drafting attorney: Lisa G. Sams (202) 622-3840.

Reviewing attorney: Phyllis E. Marcus (202) 622-3840.

Treasury attorneys: Carol Dunahoo (202) 622-0726.

Agency Contact: Lisa G. Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3840

RIN: 1545-AM15

3284. EARNINGS AND PROFITS OF CONTROLLED FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 964 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will develop procedures for foreign corporations or U.S. shareholders to make tax elections in computing functional currency earnings and profits under the 1986 Code.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/25/90 | 55 FR 2535 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-087-89.

Drafting attorney: Margaret A. Hogan (202) 622-3870.

Reviewing attorney: Barbara A. Felker (202) 622-3870.

Treasury attorney: Charles Cope (202) 622-1752.

Agency Contact: Margaret A. Hogan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AM90

3285. USE OF GAAP EARNINGS AS E&P OF FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 964 Internal Revenue Code of 1986; 26 USC 952 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations are proposed as part of Treasury's ongoing simplification efforts. The proposed regulations would modify the computation of earnings and profits (E&P) of foreign corporations by allowing taxpayers to account for inventory costs using capitalization methods used for financial accounting purposes rather than the uniform capitalization rules required by section 263A. The proposed regulations would also permit reliance on financial accounting conventions in computing depreciation for foreign corporations deriving less than 20% of gross income from U.S. sources and maintaining assets with tax bases not materially different from financial book bases. Use of these simplified rules may result in an accounting method change which would ordinarily require the filing of Form 3115 (Application for Change in Accounting Method). However, the

proposed regulations waive this filing requirement if its conditions are met.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/01/92 | 57 FR 29246 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-018-92.

Drafting attorney: Margaret A. Hogan (202) 622-3870.

Reviewing attorney: Barbara A. Felker (202) 622-3870.

Treasury attorney: Charles Cope (202) 622-1752.

Agency Contact: Margaret A. Hogan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AQ55

3286. COMPUTATION AND CHARACTERIZATION OF INCOME OF EARNINGS AND PROFITS UNDER THE DOLLAR APPROXIMATE SEPARATE TRANSACTIONS METHOD OF ACCOUNTING (DASTM)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 904 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986; 26 USC 985 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will address the computation of income in hyperinflationary environments.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/17/91 | 56 FR 32525 |
| Hearing | 09/13/91 | 56 FR 32533 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-029-91.

Drafting attorney: Jacob Feldman (202) 622-3870.

Reviewing attorney: Jeffrey L. Dorfman (202) 622-3870.

Treasury attorney: Charles Cope (202) 622-1752.

TREAS—IRS

Final Rule Stage

Agency Contact: Jacob Feldman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870
RIN: 1545-AP70

3287. RULES FOR A QBU CHANGING FROM THE PROFIT-AND-LOSS METHOD TO DASTM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for a qualified business unit ("QBU") changing from the profit and loss method of accounting to DASTM and also rules for any adjustments required due to the change in method.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-----------|
| NPRM | 01/05/93 | 58 FR 300 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: INTL-045-92.

Drafting attorney: Jacob Feldman (202) 622-3870.

Reviewing attorney: Barbara Felker (202) 622-3870.

Treasury attorney: Charles Cope (202) 622-1752.

Agency Contact: Jacob Feldman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870
RIN: 1545-AR28

3288. COMPUTATION OF A BRANCH'S TAXABLE INCOME TAXATION OF EXCHANGE GAIN OR LOSS ON BRANCH REMITTANCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Branch rules on how to translate branch income. Taxation of exchange gain or loss on branch remittances.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/25/91 | 56 FR 48457 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-965-86.

Drafting attorney: Margaret A. Hogan (202) 622-3870.

Reviewing attorney: Barbara Felker (202) 622-3870.

Treasury attorney: Charles Cope (202) 622-1752.

Agency Contact: Margaret A. Hogan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AM12

3289. MARK-TO-MARKET METHOD OF ACCOUNTING UNDER SECTION 988

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 989(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations allow taxpayers to elect to account for exchange gains and losses under a mark-to-market method of accounting. The proposed regulation also addresses other matters including dual currency bonds, contingent payment bonds denominated in a nonfunctional currency, hyperinflationary instruments and certain hedging transactions.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 03/17/92 | 57 FR 9217 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: INTL-015-91.

Drafting attorney: Jacob Feldman (202) 622-3870.

Reviewing attorney: Jeffrey L. Dorfman (202) 622-3870.

Treasury attorney: Charles Cope (202) 622-1752.

Agency Contact: Jacob Feldman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AP78

3290. INCOME TAX—TAX REFORM ACT OF 1984 RELATING TO INTEREST CHARGE DISCS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 995 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Regulations will provide guidance relating to the Interest Charge imposed on DISC shareholders for taxable years ending after 1984. The regulations will explain how the Deemed Distribution is computed and how the Interest Charge is computed.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 02/02/87 | 52 FR 3256 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-043-86.

Drafting attorney: David Bergkuist (202) 622-3860.

Reviewing attorney: Jacob Feldman (202) 622-3870.

Agency Contact: David Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3860

RIN: 1545-AG71

3291. MODIFICATIONS OF DEBT INSTRUMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1001 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This document relates to the treatment of modifications of debt instruments as realization events under section 1001 of the Internal Revenue Code.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/02/92 | 57 FR 57034 |
| Hearing | 02/17/93 | 57 FR 57033 |
| Final Action | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-31-92.

TREAS—IRS

Final Rule Stage

Drafting attorney: Tom Kelly (202) 622-3940.

Agency Contact: Tom Kelly, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3940

RIN: 1545-AR04

3292. LIKE-KIND EXCHANGES—COORDINATION WITH SECTION 453

Significance: Agency Priority

Legal Authority: 26 USC 1031(a)(3) Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These proposed income tax regulations under section 1031(a)(3) of the Internal Revenue Code of 1986 relate to the coordination of section 1031(a)(3) with section 453. The proposed regulations would affect taxpayers who engage in certain like-kind exchanges under section 1031.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/02/92 | 57 FR 49432 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-107-91.

Drafting attorney: Christopher Kane (202) 622-4800.

Reviewing attorney: Michael Montemurro (202) 622-4910.

Treasury attorney: Heidi Ebel (202) 622-1334.

Agency Contact: Christopher Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4800

RIN: 1545-AQ48

3293. INCOME TAX—TRANSFERS OF SECURITIES UNDER CERTAIN AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1058 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide that so long as the provisions

of section 1058 and these regulations are met, the lender will neither recognize gain or loss on the transfer of securities nor upon the return of identical securities.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/26/83 | 48 FR 33912 |
| NPRM Comment Period End | 09/26/83 | 48 FR 33912 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-182-78.

Drafting attorney: Mark Smith (202) 622-3905.

Reviewing attorney: Al Kraft (202) 622-3920.

Agency Contact: Mark Smith, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3905

RIN: 1545-AC20

3294. CERTAIN PAYMENTS MADE PURSUANT TO A SECURITIES LENDING TRANSACTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986; 26 USC 871 Internal Revenue Code of 1986; 26 USC 881 Internal Revenue Code of 1986; 26 USC 894 Internal Revenue Code of 1986; 26 USC 1058 Internal Revenue Code of 1986; 26 USC 1441 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations concern the source, character and income tax treaty treatment of substitute interest and dividend payments made pursuant to a transfer of securities described in section 1058(a) or a substantially similar transaction between a U.S. person and a foreign person. To determine the source and character of cross-order substitute payments, a substitute payment will be treated as interest or dividend income received with respect to the transferred security. Where a treaty looks to U.S. law to define a payment subject to a withholding tax, a substitute payment will be treated as interest or dividend income with respect to the transferred security.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-----------|
| NPRM | 01/09/92 | 57 FR 860 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-106-89.

Drafting attorney: Teresa B. Hughes (202) 622-3870.

Reviewing attorney: Richard Chewning (202) 622-3870.

Treasury attorney: Emily McMahon (202) 622-1763.

Agency Contact: Teresa B. Hughes, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AP71

3295. INCOME TAX—SPECIAL ALLOCATION RULES FOR CERTAIN ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1060 Internal Revenue Code of 1986; 26 USC 755 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986; 26 USC 1031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will explain and illustrate the application of the residual method of allocation to the purchase price in certain asset acquisitions. It will also provide certain informational reporting requirements.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/18/88 | 53 FR 27053 |
| NPRM Comment Period End | 11/15/88 | 53 FR 32899 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-119-86.

Drafting attorney: Keith Medleau (202) 622-7550.

Reviewing attorney: William Alexander (202) 622-7780.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111

TREAS—IRS

Final Rule Stage

Constitution Avenue NW., Washington,
DC 20224, 202 622-7550

RIN: 1545-AJ06

3296. INCOME TAX—TAX REFORM ACT OF 1984 RELATING TO MIXED STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092(b)(1) Internal Revenue Code of 1986; 26 USC 1092(b)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to mixed straddles. The regulations will explain the application of the straddle-by-straddle identification rules of mixed straddles and the establishment of mixed straddle accounts.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 01/24/85 | 50 FR 3351 |
| NPRM Comment Period End | 03/25/85 | 50 FR 3351 |
| Hearing | 05/02/85 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-299-84.

Drafting attorney: Robert B. Williams (202) 622-3960.

Reviewing attorney: Alice Bennett (202) 622-3950.

Agency Contact: Robert B. Williams, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3960

RIN: 1545-AH59

3297. INCOME TAX—ECONOMIC RECOVERY TAX ACT OF 1981 AND THE TAX REFORM ACT OF 1984, RELATING TO STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to tax straddles. The regulations will explain the general loss deferral rule under section 1092, and the application of rules similar to section 1091 and 1233 to straddles.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 01/24/85 | 50 FR 3352 |
| NPRM Comment Period End | 03/25/85 | 50 FR 3352 |
| Hearing | 05/02/85 | |
| Final Action | 12/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-297-84.

Drafting attorney: Robert B. Williams (202) 622-3960.

Reviewing attorney: Alice Bennett (202) 622-3950.

Agency Contact: Robert B. Williams, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3960

RIN: 1545-AH60

3298. INCOME TAX—GAIN FROM DISPOSITION OF INTEREST IN OIL OR GAS PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1254 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986; PL 94-455, Sec 205 Tax Reform Act of 1976; PL 94-455, Sec 1901 Tax Reform Act of 1976; PL 95-618, Sec 402 Energy Tax Act of 1978

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will determine the tax treatment of gain from the disposition of certain oil, gas, or geothermal property to determine how much of the gain from the disposition is subject to recapture under section 1254 and accorded ordinary income treatment. The regulations also will define intangible drilling and development costs, disposition, and oil, gas and geothermal property for purposes of section 1254.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/11/80 | 45 FR 39512 |
| NPRM Comment Period End | 08/11/80 | 45 FR 39512 |
| Hearing | 09/09/80 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-276-76.

Drafting attorney: Brenda Stewart (202) 622-3120.

Reviewing attorney: Joseph H. Makurath (202) 622-3120.

Treasury attorney: Barksdale Penick (202) 622-1335.

Agency Contact: Brenda Stewart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3120

RIN: 1545-AC35

3299. SECTIONS 1271 THROUGH 1275 RELATING TO TAX TREATMENT OF DEBT INSTRUMENTS HAVING ORIGINAL ISSUE DISCOUNT

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1275 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations would provide guidance as to computation of amount to be included in income by holders and amount to be deducted by issuers of certain bonds issued after July 1, 1982. With respect to these bonds, original issue discount is computed under a constant yield method. Guidance is also provided as to the computation of original issue discount in special circumstances. A separate regulations project for contingent and variable instruments has been established (FI-59-91).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| Hearing | 11/17/86 | 51 FR 24162 |
| NPRM | 07/12/91 | 56 FR 31887 |
| Hearing | 08/23/91 | 56 FR 31890 |
| NPRM | 12/21/92 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-189-84.

Drafting attorney: William E. Blanchard (202) 622-3950.

Reviewing attorney: Andrew Kittler (202) 622-3940.

Treasury attorney: Val Strehlow (202) 622-0869.

Agency Contact: William E. Blanchard, Attorney, Department of the Treasury, Internal Revenue Service,

1111 Constitution Ave. NW.,
Washington, DC 20224, 202 622-3950
RIN: 1545-AH46

3300. TREATMENT OF PRICE LEVEL ADJUSTMENT MORTGAGES UNDER THE ORIGINAL ISSUE DISCOUNT PROVISIONS OF THE CODE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1275(d) Internal Revenue Code of 1986; 26 USC 163(h) Internal Revenue Code of 1986; 26 USC 6050H Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Final, Statutory, January 8, 1993.
Section 7805(e)(2)

Abstract: The regulations provide rules concerning the treatment of a price level adjusted mortgage under the provisions of the Code concerning original issue discount and qualified residence interest. The regulations also clarify the meaning of the term "interest" for purposes of information reporting for mortgage interest.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-----------|
| NPRM | 01/09/90 | 55 FR 739 |
| NPRM Comment | 04/09/90 | 55 FR 739 |
| Period End | | |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-064-89.

Drafting attorney: William E. Blanchard (202) 622-3950.

Reviewing attorney: Andrew Kittler (202) 622-3940.

Treasury attorney: Heidi Ebel (202) 622-1343.

Agency Contact: William E. Blanchard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3950

RIN: 1545-AO03

3301. TREATMENT OF SHAREHOLDERS OF PASSIVE FOREIGN INVESTMENT COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0446 Internal Revenue Code of 1986; 26 USC 1291 Internal Revenue Code of 1986; 26 USC 1293 Internal Revenue Code of

1986; 26 USC 1295 Internal Revenue Code of 1986; 26 USC 1297 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation relates to the treatment of shareholders of passive foreign investment companies.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 04/01/92 | 57 FR 11024 |
| NPRM Comment | 07/30/92 | 57 FR 11024 |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-656-87.

Drafting attorney: Gayle Novig (202) 622-3880.

Reviewing attorney: Margaret O'Connor (202) 622-3880.

Treasury attorney: Anne Fisher (202) 622-1755.

Agency Contact: Gayle Novig, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3880

RIN: 1545-AC06

3302. PASSIVE FOREIGN INVESTMENT COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1294 Internal Revenue Code of 1986; 26 USC 1297(b)(1) Internal Revenue Code of 1986; 26 USC 1291(d)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provide guidance to passive foreign investment companies and their shareholders that are United States persons about the time, manner and other requirements for making certain elections.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 03/02/88 | 53 FR 6781 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-941-86.

Drafting attorney: Gayle Novig (202) 622-3880.

Reviewing attorney: Margaret O'Connor (202) 622-3880.

Treasury attorney: Anne Fisher (202) 622-1755.

Agency Contact: Gayle Novig, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3880

RIN: 1545-AI33

3303. INCOME TAX—DEFINITION OF S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1361 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will address the following matters: (1) the number of permitted shareholders of a small business corporation, (2) the types of trusts that are permitted to be shareholders of a small business corporation, (3) whether shares are permitted to be owned as a split interest and (4) the rules relating to corporations that are ineligible to be an S corporation.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/07/87 | 51 FR 35659 |
| NPRM Comment | 12/08/87 | |
| Period End | | |

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: PS-262-82.

Drafting attorney: Dina Del Principe (202) 622-3060.

Reviewing attorney: Thomas Hines (202) 622-3060.

Treasury attorney: Barksdale Penick (202) 622-1335.

Agency Contact: Dina Del Principe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3060

RIN: 1545-AE86

TREAS—IRS

Final Rule Stage

3304. MERGER OF A C CORPORATION INTO AN S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations dealing with the merger of C corporations into S corporations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/18/93 | 58 FR 43827 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-16-93.

Drafting attorney: Elissa Shendalman (202) 622-3040.

Agency Contact: Elissa Shendalman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3040

RIN: 1545-AR50

3305. INCOME TAX—RULES RELATING TO ADJUSTMENT TO BASIS OF STOCK OF SHAREHOLDERS OF S CORPORATIONS AND TO DETERMINATION OF BASIS OF PROPERTY DISTRIBUTION BY CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1367 Internal Revenue Code of 1986; 26 USC 1368 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The final regulations would provide rules for adjusting the basis of stock of a shareholder in an S corporation and rules for determining the treatment of property distributions by an S corporation.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/09/92 | 57 FR 24426 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-264-82.

Drafting attorney: Deane Burke (202) 622-3080.

Reviewing attorney: Christine Ellison (202) 622-3120.

Treasury attorney: Barksdale Penick (202) 622-1335.

Agency Contact: Deane Burke, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3080

RIN: 1545-AE88

3306. CROSS-REFERENCE—APPLICATION OF SECTION 1374 BUILT-IN GAINS TAX C CORPORATIONS ELECTING S CORPORATION STATUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1374 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will provide rules relating to the section 1374 built-in gains tax to C corporations electing S corporation status.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/08/92 | 57 FR 57971 |
| NPRM Comment | 04/02/93 | 57 FR 57971 |
| Period End | | |
| Final Action | 12/31/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-80-87.

Drafting attorney: Mark S. Jennings (202) 622-7530.

Reviewing attorney: Nelson F. Crouch (202) 622-7740.

Treasury attorney: David Weisbach (202) 622-1129.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7530

RIN: 1545-AK93

3307. USE OF PASSIVE ACTIVITY LOSS CARRYOVERS BY BANKRUPTCY ESTATES

Significance: Agency Priority

Legal Authority: 26 USC 1398(g)(8) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Section 1398(g) which enumerated certain attributes of individual debtors that pass to the bankruptcy estate in cases under chapter 7 of or chapter 11 of the Bankruptcy Code was enacted in 1980. Section 1398(g)(8) provides that the Secretary can designate by regulation additional attributes that pass to the bankruptcy estate to the extent necessary or appropriate to carry out the purposes of section 1398. Section 469 which created passive activity losses was enacted in 1986. Passive activity losses are not attributes that are specifically enumerated in section 1398(g). This regulation addresses whether passive activity losses should be designated as an attribute that passes to the estate under section 1398(g). This regulation will provide guidance in an area of the law that is unclear.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/09/92 | 57 FR 53300 |
| NPRM Comment | 12/03/92 | 57 FR 53300 |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-5-92.

Drafting attorney: Amy Sargent (202) 622-4930.

Reviewing attorney: Karin Gross (202) 622-4930.

Agency Contact: Amy Sargent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4930

RIN: 1545-AQ50

3308. WITHHOLDING ON ITEMS OF INCOME COVERED BY AN INCOME TAX CONVENTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1441 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None

Abstract: These regulations relate to the withholding on certain items of income subject to a reduced rate of, or exemption from, U.S. tax under an income tax convention to which the

United States is a party. These regulations would amend the existing regulations to provide a certification requirement for obtaining reduced rates of, or exemption from, U.S. withholding tax on payments of fixed or determinable annual or periodical income and certain other income.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/10/84 | 49 FR 35511 |
| NPRM Comment Period End | 11/09/84 | 49 FR 35511 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-176-86.

Drafting attorney: Lilo A. Hester (202) 874-1490.

Reviewing attorney: George M. Sellinger (202) 874-1490.

Treasury attorney: P. Ann Fisher (202) 622-1755.

Agency Contact: Lilo A. Hester, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South SW., Suite 3319, Washington, DC 20024, 202 874-1490

RIN: 1545-AH86

3309. WITHHOLDING OF TAX ON NONRESIDENT ALIENS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1441 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Section 864(c)(6) of the Code, added in 1986, had the unintended effect of allowing nonresident alien individuals to elect out of all withholding on pension payments from qualified plans. The regulation corrects this inadvertent loophole and requires withholding on such payments.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 02/05/90 | 55 FR 3750 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: INTL-660-89.

Drafting attorney: Carol P. Tello (202) 622-3880.

Reviewing attorney: Thomas D. Fuller (202) 622-3880.

Treasury attorney: P. Ann Fisher (202) 622-1755.

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3880

RIN: 1545-AN75

3310. GENERAL REVISION OF SECTION 1441 REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: General revision of section 1441 withholding regulations to accommodate changes to the tax law since these rules were issued.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| ANPRM | 04/25/90 | 55 FR 17455 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: INTL-062-90.

Drafting attorney: Robert Lorence (202) 622-3880.

Reviewing attorney: Charles Saverude (202) 622-3800.

Agency Contact: Robert Lorence, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3880

RIN: 1545-AO27

3311. TEMPORARY REGULATION ON WITHHOLDING TAX ON PAYMENTS FROM PARTNERSHIPS TO FOREIGN PARTNERS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1446 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation explains under what circumstances withholding is required under section 1446. It also

explains the timing of withholding and how to pay over the withheld amounts to the Internal Revenue Service. Section 1446 was substantially amended by the Technical and Miscellaneous Revenue Act of 1988.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|---------|
| Temporary Regulation | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-938-86.

Drafting attorney: Thomas L. Ralph (202) 622-3880.

Reviewing attorney: Margaret O'Connor (202) 622-3880.

Agency Contact: Thomas L. Ralph, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3880

RIN: 1545-AL32

3312. CONSOLIDATED RETURN REGULATIONS; ADJUSTMENT ON DISPOSITION OF STOCK OF SUBSIDIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will finalize temporary regulation 1.1502-32T concerning basis reduction accounts that are created when a subsidiary is deconsolidated but members of the affiliated group retain some stock in the deconsolidated subsidiary.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 03/14/88 | 53 FR 8773 |
| NPRM Comment Period End | 05/16/88 | 53 FR 8773 |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-28-88.

Drafting attorney: Steven Teplinsky (202) 622-7770.

Reviewing attorney: John Broadbent (202) 622-7710.

Agency Contact: Steve Teplinsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111

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Constitution Avenue NW., Washington, DC 20224, 202 622-7770

RIN: 1545-AL59

3313. ADJUSTMENTS REFLECTING A RESTRUCTURING OF A CONSOLIDATED GROUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides rules for determining the basis and the earnings and profits of members of a consolidated group following certain changes in the structure of the group where the group remains in existence. This regulation also provides for alternative agents of the group if the common parent ceases to be the common parent.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/08/88 | 53 FR 34779 |
| Hearing | 09/18/89 | 54 FR 28683 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-66-88.

Drafting attorney: Steven Teplinsky (202) 622-7770.

Reviewing attorney: John Broadbent (202) 622-7710.

Treasury attorney: Andrew Dubroff (202) 622-1766.

Agency Contact: Steven Teplinsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7770

RIN: 1545-AL62

3314. MODIFICATION OF RESTORATION RULES RELATING TO DEFERRED GAIN PROPERTY SOLD OUTSIDE THE GROUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-13

Legal Deadline: None

Abstract: The regulations will provide guidance relating to the treatment of intercompany transactions and distribution between members of a consolidated group.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 04/18/88 | 53 FR 12705 |
| NPRM Comment Period End | 06/17/88 | 53 FR 12705 |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-11-91.

Drafting attorney: Roy Hirschhorn (202) 622-7770.

Reviewing attorney: Edward S. Cohen (202) 622-7760.

Reviewing attorney: John Broadbent (202) 622-7710.

Treasury attorney: Andrew Dubroff (202) 622-1766.

Agency Contact: Roy Hirschhorn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7770

RIN: 1545-AL63

3315. CONSOLIDATED ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 1502 Internal Revenue Code of 1986; 26 USC 53 Internal Revenue Code of 1986; 26 USC 55 Internal Revenue Code of 1986; 26 USC 56 Internal Revenue Code of 1986; 26 USC 57 Internal Revenue Code of 1986; 26 USC 58 Internal Revenue Code of 1986; 26 USC 59 Internal Revenue Code of 1986; 26 USC 59A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide corporate taxpayers joining in the filing of a consolidated federal income return with guidance necessary to calculate their alternative minimum tax liability.

Timetable:

| Action | Date | FR Cite |
|-------------|--------------|-------------|
| NPRM | 12/30/92 | 57 FR 62251 |
| Next Action | Undetermined | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: IA-057-89.

Drafting attorney: Martin Scully (202) 622-4960.

Reviewing attorney: Stephen Toomey (202) 622-4960.

Treasury attorney: Hal Gann (202) 622-1333.

Agency Contact: Martin Scully, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AN73

3316. LIMITATIONS ON THE USE OF CERTAIN LOSSES AND BUILT-IN DEDUCTIONS

Legal Authority: 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulations provide rules for computing the limitation with respect to separate return limitation year losses.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 02/04/91 | 56 FR 4229 |
| NPRM Comment Period End | 03/29/91 | 56 FR 4229 |
| Hearing | 04/08/91 | 56 FR 4243 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-078-90.

Drafting attorney: David Madden (202) 622-7540.

Reviewing attorney: Charles Whedbee (202) 622-7550.

Treasury attorney: Andrew Dubroff (202) 622-1766.

Agency Contact: David Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7540

RIN: 1545-AP15

3317. INVESTMENT ADJUSTMENTS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 1503 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-11; 26 CFR 1.1502-19; 26 CFR 1.1502-20; 26 CFR 1.1502-31; 26 CFR 1.1502-32; 26 CFR 1.1502-33; 26 CFR 1.1502-76; 26 CFR 1.1502-80

Legal Deadline: None

Abstract: The proposed regulations modify and simplify the investment

adjustment rules of the consolidated return regulations. In addition, various related provisions of the consolidated return regulations are also revised.

Timetable:

| Action | Date | FR Cite |
|----------------|----------|-------------|
| NPRM | 11/12/92 | 57 FR 53634 |
| First Hearing | 12/18/92 | 57 FR 53634 |
| Second Hearing | 03/04/93 | 58 FR 54957 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-030-92.

Drafting attorney: Steve Teplinsky (202) 622-7770.

Reviewing attorney: Edward S. Cohen (202) 622-7760.

Treasury attorney: Andrew Dubroff (202) 622-1766.

Agency Contact: Steven Teplinsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7770

RIN: 1545-AQ69

3318. CROSS-REFERENCE—ALASKA NATIVE CORPORATIONS; REQUIREMENTS FOR AFFILIATION IN ORDER TO FILE A CONSOLIDATED RETURN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will provide rules relating to the affiliated requirements of Alaska Native Corporations with certain other corporations in order to file a consolidated return.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 03/18/87 | 52 FR 8471 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-23-87.

Drafting attorney: Mark S. Jennings (202) 622-7530.

Reviewing attorney: Don Leatherman (202) 622-7520.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7530

RIN: 1545-AK88

3319. ESTATE AND GIFT TAXES— INCLUSION OF STOCK IN ESTATE WHERE DECEDENT RETAINED VOTING RIGHTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2036 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 20

Legal Deadline: None

Abstract: These regulations will provide the extent to which the retention of voting rights by a transferor of stock will require that the value of that stock be included in the transferor's gross estate.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/03/83 | 48 FR 35143 |
| NPRM Comment Period End | 11/03/83 | 48 FR 35143 |
| Final Action | 12/01/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-181-76.

Drafting attorney: Lane H. Damazo (202) 622-3090.

Reviewing attorney: Lee Dunn (202) 622-3090.

Treasury attorney: Monte Jackel (202) 622-1338.

Agency Contact: Lane H. Damazo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3090

RIN: 1545-AC63

3320. ESTATE AND GIFT TAXES— INCREASE IN LIMITATIONS ON MARITAL DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2012 Internal Revenue Code of 1986; 26 USC 2014 Internal Revenue Code of 1986; 26 USC 2055 Internal Revenue Code of 1986; 26 USC 2056 Internal Revenue Code of 1986; 26 USC 2207A Internal Revenue Code of 1986; 26 USC 2519 Internal Revenue Code of 1986; 26 USC 2523 Internal Revenue Code of 1986; 26 USC 6019 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 25

Legal Deadline: None

Abstract: These regulations will clarify the estate and gift tax treatment of transfers of property between spouses. They will provide how an executor may elect to treat certain property as qualified terminable interest property, in which case the imposition of transfer taxes will be delayed until the latter of (1) the surviving spouse's disposition of an interest in the property or (2) the surviving spouse's death.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/21/84 | 49 FR 21350 |
| NPRM Comment Period End | 07/20/84 | 49 FR 21350 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-211-76.

Drafting attorney: Susan Hurwitz (202) 622-3090.

Reviewing attorney: George Masnik (202) 622-3090.

Treasury attorney: Robert Weaver (202) 622-0871.

Agency Contact: Susan Hurwitz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3090

RIN: 1545-AC67

3321. ALIEN SPOUSE MARITAL DEDUCTION

Legal Authority: 26 USC 2056 Internal Revenue Code of 1986; 26 USC 2056A Internal Revenue Code of 1986; 26 USC 2523 Internal Revenue Code of 1986; 26 USC 2106 Internal Revenue Code of 1986; 26 USC 6324 Internal Revenue Code of 1986; 26 USC 2503 Internal Revenue Code of 1986; 26 USC 2001 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 25

Legal Deadline: None

Abstract: These regulations will clarify the estate and gift tax treatment of transfers of property where the surviving spouse or donee spouse is not a United States citizen. The regulations will prescribe how certain transfers to a qualified domestic trust for the benefit of an alien spouse will qualify

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for the estate tax marital deduction. The regulations will also describe the manner on which an estate tax is imposed in the case of any principal distribution from a qualified domestic trust before the death of the surviving spouse and upon the value of the property remaining in the trust upon the surviving spouse's death.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-----------|
| NPRM | 01/05/93 | 58 FR 305 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-102-88.

Drafting attorney: Susan Hurwitz (202) 622-3090.

Reviewing attorney: George Masnik (202) 622-3090.

Agency Contact: Susan Hurwitz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3090

RIN: 1545-AM85

3322. ESTATE TAX—GENERATION SKIPPING TRANSFER TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2653 Internal Revenue Code of 1986; 26 USC 2662 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986

CFR Citation: 26 CFR 26; 26 CFR 26a

Legal Deadline: None

Abstract: The regulations will provide rules relating to the effective date provisions, return requirements, definitions, and certain special rules for the tax on generation skipping transfers.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 03/15/88 | 53 FR 8469 |
| NPRM Comment | 05/16/88 | 53 FR 8469 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-128-86.

Drafting attorney: John B. Franklin (202) 622-3090.

Reviewing attorney: Fred E. Grundeman (202) 622-3090.

Treasury attorney: Monte Jackel (202) 622-0871.

Agency Contact: John B. Franklin, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3090

RIN: 1545-AJ11

3323. ESTATE TAX—GENERATION SKIPPING TRANSFER TAX

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986

CFR Citation: 26 CFR 26

Legal Deadline: None

Abstract: The regulations will provide rules relating to certain definitions, the allocation of the transferor's GST exemption, and the determination of inclusion ratio. The project will also consider amendments made in 1989 by sections 7811(j)(2) and (4) of P.L. 101-239 to code sections 2642(b)(1) and (3) and 2654(a)(1).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/24/92 | 57 FR 61356 |
| NPRM Comment | 03/31/93 | 58 FR 4372 |
| Period End | | |
| Hearing | 04/21/93 | 58 FR 4372 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-73-88.

Drafting attorney: John B. Franklin (202) 622-3090.

Reviewing attorney: Fred Grundeman (202) 622-3090.

Treasury attorney: Monte Jackel (202) 622-0871.

Agency Contact: John B. Franklin, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3090

RIN: 1545-AL75

3324. EXPLAIN RULES UNDER SECTION 2701

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2701

Internal Revenue Code of 1986; 26 USC 2702 Internal Revenue Code of 1986; 26 USC 2704 Internal Revenue Code of 1986

CFR Citation: 26 CFR 25

Legal Deadline: None

Abstract: Special adjustment provisions where interests previously valued under sections 2701 and 2702 are subsequently transferred.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/11/91 | 56 FR 46244 |
| Hearing | 11/01/91 | 56 FR 46244 |
| NPRM Comment | 11/04/91 | 56 FR 46244 |
| Period End | | |
| NPRM | 02/04/92 | 57 FR 4279 |
| Final Action | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-030-91.

Drafting attorney: Fred Grundeman (202) 622-3090.

Reviewing attorney: Lee Dunn (202) 622-3090.

Treasury attorney: Monte Jackel (202) 622-1338.

Agency Contact: Fred Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3090

RIN: 1545-AM86

3325. EMPLOYMENT TAX—TO REQUIRE WITHHOLDING OF SOCIAL SECURITY AND RAILROAD RETIREMENT TAX FROM CERTAIN PAYMENTS OF SICK PAY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986; 26 USC 3231 Internal Revenue Code of 1986; PL 97-123, Sec 3

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: The regulations will provide guidance to third parties paying sick pay which is subject to social security or railroad retirement tax, employees receiving the sick pay, and employers of the employees.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action Effective | 01/01/82 | |
| NPRM | 07/06/82 | 47 FR 29266 |

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| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM Comment | 09/06/82 | |
| Period End | | |
| Final Action | 04/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-23-82.

Drafting attorney: Renay France (202) 622-4910.

Reviewing attorney: John M. Coulter (202) 622-4910.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4910

RIN: 1545-AC77

3326. UPDATE OF RAILROAD RETIREMENT TAX ACT REGULATIONS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.3201-1; 26 CFR 1.3202-1; 26 CFR 1.3202-2; 26 CFR 1.3211-1; 26 CFR 1.3211-2; 26 CFR 1.3221-1; 26 CFR 1.3221-2; 26 CFR 1.3231(a)-1; 26 CFR 1.3231(e)-1

Legal Deadline: None

Abstract: Update existing regulations by removing obsolete provisions and adding new provisions to reflect statutory changes since the publication of the existing regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/13/93 | 58 FR 28366 |
| NPRM Comment | 07/12/93 | |
| Period End | | |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-63-92.

Drafting attorney: Jean Whalen (202) 622-6040.

Reviewing attorney: Jerry Holmes (202) 622-6040.

Treasury attorney: Kurt Lawson (202) 622-1352.

Agency Contact: Jean Whalen, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave. NW., Washington, DC 20224, 202 622-6040

RIN: 1545-AR08

3327. SUPPLEMENTAL ANNUITY TAX—RAILROAD RETIREMENT SUPPLEMENTAL ANNUITY TAX—RAILROAD RETIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31.3211-3; 26 CFR 31.3221-3

Legal Deadline: None

Abstract: The proposed regulations contain rules for calculating the work-hours subject to the supplemental annuity tax imposed by the Railroad Retirement Tax Act. The proposed regulations also contain a safe harbor that railroad employers may use to determine the taxable work-hours in lieu of calculating work-hours separately for each employee.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/13/93 | 58 FR 28371 |
| NPRM Comment | 07/12/93 | 58 FR 28371 |
| Period End | | |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-9-92.

Drafting attorney: Karin Loverud (202) 622-6060.

Reviewing attorney: Mary Oppenheimer (202) 622-6010.

Agency Contact: Karin Loverud, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6060

RIN: 1545-AR07

3328. BACKUP WITHHOLDING UNDER SECTION 3406

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: The regulations will provide that a tax equal to 20 percent of any reportable payment is required to be withheld if certain conditions exist. With respect to reportable interest or dividends, backup withholding applies

if (1) no number is provided in the manner required, (2) the Service notifies the payor that the payee's taxpayer identification number is not correct, (3) the payee is subject to backup withholding due to a notified payee underreporting, and (4) the payee fails to certify when required that he or she is not subject to backup withholding due to notified payee underreporting. With respect to other reportable payments (such as rents, royalties, nonemployee compensation, broker transactions, or barter exchanges), backup withholding applies if (1) no taxpayer identification number is provided, or (2) the Service notifies the payor that the payee's taxpayer identification number is not correct.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/27/90 | 55 FR 39427 |
| Hearing | 03/04/91 | 55 FR 48867 |
| NPRM | 09/23/91 | 56 FR 47929 |
| Hearing | 11/19/91 | 56 FR 47921 |
| Final Action | 04/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-224-82.

Drafting attorney: Renay France (202) 622-4910.

Reviewing attorney: John M. Coulter, Jr. (202) 622-4910.

Treasury attorney: Elizabeth Wagner (202) 622-1778.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4910

RIN: 1545-AE20

3329. INFORMATION REPORTING AND BACKUP WITHHOLDING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31; 26 CFR 35a

Legal Deadline: None

Abstract: This regulation relates to the requirement that certain payments must be reported to the Internal Revenue Service and that in certain instances 31 percent of a reportable payment must be deducted and withheld under section 3406 of the Internal Revenue Code. However, where a foreign person

is an exempt recipient or has submitted a Form W-8, 1001 or 4224, no reporting or backup withholding is required.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 02/29/88 | 53 FR 05991 |
| Hearing | 06/15/89 | 54 FR 11236 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-052-86.

Drafting attorney: Teresa B. Hughes (202) 622-3870.

Reviewing attorney: Charles Saverude (202) 622-3800.

Treasury attorney: Emily McMahon (202) 622-1763.

Agency Contact: Teresa B. Hughes, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3870

RIN: 1545-AL99

3330. TREATMENT OF REAL ESTATE AGENTS AND DIRECT SELLERS AS NONEMPLOYEES FOR EMPLOYMENT TAX PURPOSES—REPORTING REQUIREMENTS WITH RESPECT TO DIRECT SELLERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3508 Internal Revenue Code of 1986; 26 USC 3509 Internal Revenue Code of 1986; 26 USC 6041A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31

Legal Deadline: None

Abstract: The proposed regulations would provide rules for the treatment of real estate agents and direct sellers as independent contractors for employment tax purposes. The proposed rules would also provide guidance for the reporting requirements of sales to direct sellers. The proposed rules would also provide guidance for computing certain employer liability for employment taxes.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-----------|
| NPRM | 01/07/86 | 51 FR 619 |
| NPRM Comment Period End | 03/10/86 | 51 FR 619 |
| Hearing | 06/18/86 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-37-88.

Drafting attorney: Alfred Kelley (202) 622-6040.

Reviewing attorney: Jerry Holmes (202) 622-6040.

Agency Contact: Alfred Kelley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6040

RIN: 1545-AE62

3331. RETAIL EXCISE TAXES ON CERTAIN LUXURY ITEMS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4004 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: Rules relating to the retailers excise taxes on certain luxury items

Timetable:

| Action | Date | FR Cite |
|----------------------------|--------------|-------------|
| NPRM | 01/02/91 | 56 FR 36 |
| NPRM Comment Period End | 03/04/91 | 56 FR 38 |
| Hearing | 04/29/91 | 56 FR 11979 |
| Next Action | Undetermined | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-094-90.

Drafting attorney: Edward Madden (202) 622-3130.

Reviewing attorney: Jeffrey Nelson (202) 622-3130.

Treasury attorney: Hal Gann (202) 622-1333.

Agency Contact: Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3130

RIN: 1545-AP24

3332. EXCISE TAX—EXCISE TAX ON HEAVY TRUCKS, TRUCK TRAILERS AND SEMITRAILERS, AND TRACTORS

Legal Authority: 26 USC 4052 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: These regulations will clarify the definition of first retail sale.

Timetable:

| Action | Date | FR Cite |
|-------------|--------------|-------------|
| NPRM | 05/12/88 | 53 FR 16882 |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-17-86.

Drafting attorney: Edward Madden (202) 622-3130.

Reviewing attorney: Richard A. Kocak (202) 622-3130.

Treasury attorney: James Miller (202) 622-1768.

Agency Contact: Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3130

RIN: 1545-AI51

3333. DIESEL FUEL EXCISE TAX

Legal Authority: 26 USC Internal Revenue Code of 1986; 26 USC Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: Diesel fuel excise tax effective January 1, 1994. Determination of taxable events; person liable for tax; exemptions including dying; rules for ultimate vendors who claim credit or refund.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/26/93 | 58 FR 45081 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-52-93

Drafting attorney: Frank Boland (202) 622-3130.

Reviewing attorney: Richard Kocale (202) 622-3130.

Treasury attorney: Elizabeth Wagner (202) 622-1778.

Agency Contact: Frank Boland, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington DC 20224, 202 622-3130

RIN: 1545-AR92

3334. TAX ON PETROLEUM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4611 Internal Revenue Code of 1986; 26 USC 4612 Internal Revenue Code of 1986

CFR Citation: 26 CFR 52

Legal Deadline: None

Abstract: The regulations relate to tax on petroleum under section 4611 of the Code.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|------|----------|-------------|
| NPRM | 04/26/93 | 58 FR 21963 |
|------|----------|-------------|

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-158-86.

Drafting attorney: Ruth Hoffman (202) 622-3130.

Reviewing attorney: Dick Kocak (202) 622-3130.

Treasury attorney: Elizabeth Wagner (202) 622-1778.

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3130

RIN: 1545-AJ23

3335. EXPORTS OF OZONE-DEPLETING CHEMICALS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4682(d)(3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 52

Legal Deadline: None

Abstract: Rules relating to exemption from tax for exports of ozone-depleting chemicals.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|------|----------|------------|
| NPRM | 01/15/93 | 58 FR 4625 |
|------|----------|------------|

| | | |
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| NPRM Comment | 03/16/93 | |
|--------------|----------|--|

Period End

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-89-91.

Drafting attorney: Ruth Hoffman (202) 622-3130.

Reviewing attorney: Dick Kocak (202) 622-3130.

Treasury attorney: Elizabeth Wagner (202) 622-1778.

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3130

RIN: 1545-AQ23

3336. EXCISE TAX—EXCESS DISTRIBUTIONS FROM QUALIFIED RETIREMENT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4981A Internal Revenue Code of 1986; 26 USC 4980A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules for determining the amount of the excise tax on excess distributions from qualified retirement plans.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|------|----------|-------------|
| NPRM | 12/10/87 | 52 FR 46782 |
|------|----------|-------------|

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|--------------|----------|-------------|
| NPRM Comment | 02/08/88 | 52 FR 46782 |
|--------------|----------|-------------|

Period End

Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-162-86.

Drafting attorney: Marjorie Hoffman (202) 622-6030.

Reviewing attorney: A. Thomas Brisendine (202) 622-6030.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6030

RIN: 1545-AI81

3337. EXCISE TAX—ISSUES ARISING WHERE MULTIPLE PARTIES SHARE IN PRODUCTION, INCLUDING UNITIZATIONS, PARTNERSHIPS, TRUSTS, AND ESTATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4986 to 4998 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: These regulations would provide rules relating to production from a unitized property of imputed stripper well crude oil, imputed heavy

crude oil, and imputed newly discovered crude oil for purposes of the windfall profit tax. The regulations would provide rules for determining the amount of imputed oil and rules for allocating the imputed oil among the producers of the unitized property.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|------|----------|-------------|
| NPRM | 09/30/86 | 51 FR 34653 |
|------|----------|-------------|

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|--------------|----------|--|
| NPRM Comment | 12/01/86 | |
|--------------|----------|--|

Period End

Final Action 00/00/00

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-225-81.

Drafting attorney: Lisa Shuman (202) 622-3120.

Reviewing attorney: Walter Woo (202) 622-3120.

Treasury attorney: Barksdale Penick (202) 622-1335.

Agency Contact: Lisa Shuman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3120

RIN: 1545-AC94

3338. EXCISE TAX—DEFINITION OF PROPERTY UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4996 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: These proposed regulations would provide rules relating to the definition of "property" for purposes of the crude oil windfall profit tax. These regulations are important because the rate of tax depends, in part, on the characteristics of the property from which the crude oil is produced.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|------|----------|-------------|
| NPRM | 09/25/86 | 51 FR 34095 |
|------|----------|-------------|

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|--------------|----------|-------------|
| NPRM Comment | 11/24/86 | 51 FR 34095 |
|--------------|----------|-------------|

Period End

Hearing 02/25/87

Final Action 00/00/00

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-34-82.

Drafting attorney: Lisa Shuman (202) 622-3120.

Reviewing attorney: Walter Woo (202) 622-3120.

Treasury attorney: Barksdale Penick (202) 622-1335.

Agency Contact: Lisa Shuman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3120

RIN: 1545-AD08

3339. EXCISE TAX—PART 54—PROCEDURE AND ADMINISTRATION; PART 301 —FILING OF RETURNS FOR PAYMENT OF PENSION EXCISE TAX ON REVERSIONS OF QUALIFIED PLAN ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4980 Internal Revenue Code of 1986

CFR Citation: 26 CFR 54; 26 CFR 602

Legal Deadline: None

Abstract: The regulations would provide guidance regarding the payment of the excise tax by employers receiving reversions of qualified plan assets imposed by section 4980 of the Internal Revenue Code of 1986.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 04/02/87 | 52 FR 10583 |
| NPRM Comment Period End | 06/01/87 | 52 FR 10583 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-151-86.

Drafting Tax Law Specialist: Vernon Carter (202) 622-6070.

Reviewing attorney: James L. Brokaw (202) 622-6070.

Agency Contact: Vernon Carter, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6070

RIN: 1545-AI83

3340. INCOME TAX—AMENDMENTS TO REQUIREMENTS FOR RETURN OF PARTNERSHIP INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidelines for determining when and what information a partnership must provide to its partners. The regulations also provide guidelines for determining what foreign partnerships must file information returns.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/23/86 | 51 FR 3075 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-198-82.

Drafting attorney: Christopher Kehoe (202) 622-3065.

Agency Contact: Christopher Kehoe, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3065

RIN: 1545-AE40

3341. INFORMATION RETURNS REQUIRED OF UNITED STATES PERSONS WITH RESPECT TO CERTAIN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6038 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This notice of proposed rulemaking would clarify certain requirements of section 1.6038-2 of the income tax regulations relating to Form 5471 (Information Return requires of certain U.S. persons with respect to annual accounting periods of certain foreign corporations).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/07/92 | 57 FR 29851 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IL-079-91.

Drafting attorney: Carl Cooper (202) 622-3840

Reviewing attorney: David Bower (202) 622-3840

Treasury attorney: Charles Cope (202) 622-1752.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3840

RIN: 1545-AQ06

3342. INFORMATION FROM PASSPORT AND IMMIGRATION APPLICANTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6039E Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation will prescribe the information to be gathered by the State Department and Immigration and Naturalization Service on passport and green card applicants and the penalties to be imposed on such applicants if they do not supply the information.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/24/92 | 57 FR 61373 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-978-86.

Drafting attorney: Ricardo A. Cadenas (202) 874-1490.

Reviewing attorney: George Sellinger (202) 874-1490.

Treasury attorney: P. Ann Fisher (202) 622-1755.

Agency Contact: Ricardo A. Cadenas, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South SW., Suite 3319, Washington, DC 20024, 202 874-1490

RIN: 1545-AJ93

3343. INFORMATION RETURNS ON SALES THROUGH COD ACCOUNTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide a special rule for broker reporting with respect to transactions made through a cash on delivery account (COD). In addition, these regulations make technical corrections to the list of

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recipients exempted from coverage under the reporting requirement, and expand the class of brokers which qualify for the multiple broker rule.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/29/84 | 49 FR 22343 |
| NPRM Comment Period End | 07/30/84 | 49 FR 22343 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-62-84.

Drafting attorney: John Moriarty (202) 622-4950.

Reviewing attorney: David L. Crawford (202) 622-4950.

Agency Contact: John Moriarty, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4950

RIN: 1545-AG52

3344. OBLIGATION OF BROKERS TO REPORT ORIGINAL ISSUE DISCOUNT ON FORM 1099

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6049 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: The regulation explains the revised reporting requirements for original issue discount on debt instruments held by brokers and other middlemen as nominees to make it clear that a broker or middleman has an unqualified obligation to report original issue discount on certain debt instruments held as a nominee.

Timetable:

| Action | Date | FR Cite |
|----------------------------|--------------|-------------|
| NPRM | 12/17/86 | 51 FR 45131 |
| NPRM Comment Period End | 02/17/87 | 51 FR 45131 |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-144-85.

Drafting attorney: Dianne Umberger (202) 622-3960.

Reviewing attorney: Alice Bennett (202) 622-3950.

Agency Contact: Dianne O. Umberger, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3960

RIN: 1545-AM80

3345. INFORMATION REPORTING FOR REIMBURSEMENTS OF INTEREST ON QUALIFIED MORTGAGES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050H Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations provide that interest recipients must report on Form 1098 any reimbursement of overpayments of interest on a mortgage if the reimbursement relates to interest required to be reported on a Form 1098 by any interest recipient.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/16/92 | 57 FR 47428 |
| Hearing | 11/30/92 | |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-33-92.

Drafting attorney: Stephen J. Toomey (202) 622-4960.

Reviewing attorney: William Jackson (202) 622-4960.

Treasury attorney: Heidi Ebel (202) 622-1334.

Agency Contact: Steve Toomey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AQ78

3346. VOICE SIGNATURES

Legal Authority: 26 USC 6061 Internal Revenue Code of 1986; 26 USC 6012 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6012-7T; 26 CFR 1.6061-2T; 26 CFR 1.6065-2T

Legal Deadline: None

Abstract: The regulations will enable the Service to accept a voice signature in lieu of a handwritten signature. This will allow the Service to test the feasibility of voice signatures for one

year with certain taxpayers who live in the geographic area of the Cincinnati district office. The regulations also address the effect of a taxpayer using a voice signature.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/13/93 | 58 FR 4125 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-15-92.

Drafting attorney: Celia Gabrysh (202) 622-4940.

Reviewing attorney: Rudolf Planert (202) 622-4940.

Agency Contact: Celia Gabrysh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AQ68

3347. AUTHORITY OF THE FCIC TO REQUIRE EMPLOYER IDENTIFICATION NUMBERS FOR CERTAIN TAXPAYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 25 CFR 301.6109-3

Legal Deadline: None

Abstract: The regulations would provide that the manager of the Federal Crop Insurance Corporation may require each policyholder and each reinsured company to furnish to the insurer or the manager the employer identification number of the policyholder.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/31/92 | 57 FR 39379 |
| NPRM Comment Period End | 09/30/92 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-4-92.

Drafting attorney: Beverly Baughman (202) 622-4940.

Reviewing attorney: George Baker (202) 622-4920.

Treasury attorney: Evelyn Elgin (202) 622-1338.

Agency Contact: Beverly Baughman, Attorney, Department of the Treasury,

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Internal Revenue Service, 1111
Constitution Ave. NW., Washington, DC
20224, 202 622-4940
RIN: 1545-AQ49

3348. SECTION 6111, RELATING TO TAX SHELTER REGISTRATION

Legal Authority: 26 USC 7805 Internal
Revenue Code of 1986; 26 USC 6111
Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: This project will provide
rules explaining what investments are
tax shelters that must be registered with
the Internal Revenue Service. The
project will also provide rules relating
to the persons required to register tax
shelters and to the furnishing of tax
shelter registration numbers to
investors in tax shelters.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/15/84 | 49 FR 32728 |
| NPRM Comment Period End | 10/15/84 | 49 FR 32728 |
| Hearing held | 01/17/85 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-142-84.

Drafting attorney: Christopher Kehoe
(202) 622-3065.

Reviewing attorney: William P. O'Shea
(202) 622-3070.

Agency Contact: Christopher Kehoe,
Attorney, Department of the Treasury,
Internal Revenue Service, 1111
Constitution Ave. NW., Washington, DC
20224, 202 622-3065

RIN: 1545-AG45

3349. 6114 REPORTING REQUIREMENTS WAIVED

Legal Authority: 26 USC 7805 Internal
Revenue Code of 1986; 26 USC 6114
Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 602

Legal Deadline: None

Abstract: The regulation will provide
that reporting under section 6114 is
required in situations where the
residency of an individual is
determined under a treaty and apart
from the Code.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 04/27/92 | 57 FR 15272 |
| NPRM Comment Period End | 06/26/92 | 57 FR 15272 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected:
Undetermined

Additional Information: INTL-121-90.

Drafting attorney: David A. Juster (202)
622-3850.

Reviewing attorney: Unassigned.

Treasury attorney: P. Ann Fisher (202)
622-1755.

Agency Contact: David A. Juster,
Attorney-Advisor, Department of the
Treasury, Internal Revenue Service,
1111 Constitution Avenue NW.,
Washington, DC 20224, 202 622-3850
RIN: 1545-AP35

3350. INTEREST-FREE ADJUSTMENTS

Legal Authority: 26 USC 7805 Internal
Revenue Code of 1986; 26 USC 6205
Internal Revenue Code of 1986

CFR Citation: 26 CFR 31.6205-1(a)(3);
26 CFR 31.6205-1(b); 26 CFR 31.6205-
1(c); 26 CFR 31.6205-1(d)

Legal Deadline: None

Abstract: Under section 6205(a)(1) of
the Code if less than the correct amount
of tax imposed under the FICA, the
RRTA, or the income tax withholding
provisions is paid with respect to any
payment of wages or compensation,
proper adjustments; with respect to
both the tax and amount to be
deducted, must be made without
interest in such manner and in such
times as the Secretary may by
regulations prescribe. The proposed
amendments would add language to
clarify that an interest-free adjustment
can be made in certain situations in
which the error is ascertained before the
appropriate return is filed. The
proposed amendments are intended to
apply only to situations in which no
return was filed because the employer
improperly failed to treat its workers
as employees.

Timetable:

| Action | Date | FR Cite |
|----------------------------|--------------|-------------|
| NPRM | 12/10/92 | 57 FR 58423 |
| NPRM Comment Period End | 02/08/93 | 57 FR 58423 |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-12-92.

Drafting Tax Law Specialist: Karin
Loverud (202) 622-6060.

Reviewing attorney: Ronald Moore
(202) 622-6050.

Agency Contact: Karin Loverud, Tax
Law Specialist, Department of the
Treasury, Internal Revenue Service,
1111 Constitution Ave. NW.,
Washington, DC 20224, 202 622-6060

RIN: 1545-AQ61

3351. SMALL S CORPORATION EXCEPTION AND DEFINITION OF SUBCHAPTER S ITEM

Legal Authority: 26 USC 7805 Internal
Revenue Code of 1986; 26 USC 6241
Internal Revenue Code of 1986; 26 USC
6245 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 602;
26 CFR 51

Legal Deadline: None

Abstract: These regulations will
provide a small S corporation exception
to the unified corporate audit
procedures of subchapter D of chapter
63 of the Internal Revenue Code. These
regulations also will define subchapter
S items for purposes of the income tax
and windfall profit tax.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 01/30/87 | 52 FR 3027 |
| NPRM Comment Period End | 03/31/87 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-74-86.

Drafting attorney: D. Lindsay Russell
(202) 622-3050.

Reviewing attorney: Dianna K. Miosi
(202) 622-3050.

Treasury attorney: Barksdale Penick
(202) 622-1335.

Agency Contact: D. Lindsay Russell,
Attorney, Department of the Treasury,
Internal Revenue Service, 1111
Constitution Avenue NW., Washington,
DC 20224, 202 622-3050

RIN: 1545-AJ99

3352. RAILROAD UNEMPLOYMENT REPAYMENT TAX

Legal Authority: 26 USC 6302 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: The new regulations will restore the authority of the Service to require quarterly payments of the Railroad Unemployment Repayment Tax. The authority was inadvertently eliminated under section 7106 of TAMRA.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/13/93 | 58 FR 28374 |
| NPRM Comment | 07/12/93 | |
| Period End | | |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-079-89.

Drafting attorney: Jean Whalen (202) 622-6040.

Reviewing attorney: Jerry Holmes (202) 622-6040.

Treasury attorney: Kurt Lawson (202) 622-1352.

Agency Contact: Jean Whalen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6040

RIN: 1545-AN40

3353. NOTICE OF LIEN ON PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6323 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of these regulations is to solve the problem that arose in the case of United States v. Air Florida, Inc. 56 B.R. 732 (S.D. Fla. 1985). The regulations will provide that if a State has adopted a Federal law establishing a place for the filing of liens under a national filing system, the State is not considered to have a second office for filing of the notice of lien. The regulations will also provide that the filing of a notice of Federal tax lien is governed solely by the Internal Revenue Code and is not

subject to any other Federal law establishing a national filing system.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM Comment | 04/22/93 | 58 FR 21550 |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-719-88.

Drafting attorney: Susan B. Watson (202) 622-3640.

Reviewing attorney: Robert Miller (202) 622-3640.

Agency Contact: Susan B. Watson, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AM64

3354. LEVY AND DISTRAINT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6331 Internal Revenue Code of 1986; 26 USC 6332 Internal Revenue Code of 1986; 26 USC 6334 Internal Revenue Code of 1986; 26 USC 6335 Internal Revenue Code of 1986; 26 USC 6343 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6331-1; 26 CFR 301.6331-2

Legal Deadline: None

Abstract: Section 6331 of the Internal Revenue Code was amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to preclude certain levies. The Treasury regulations promulgated under Code section 6331 must be changed to conform to the new statutory language.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/11/92 | 57 FR 58760 |
| NPRM Comment | 02/09/93 | 57 FR 58761 |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: GL-709-88.

Drafting attorney: Susan B. Watson (202) 622-3640.

Reviewing attorney: Robert Miller (202) 622-3640.

Agency Contact: Susan Watson, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AM70

3355. PROPERTY EXEMPT FROM LEVY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6334 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6334-1; 26 CFR 301.6334-2; 26 CFR 301.6334-3; 26 CFR 301.6334-4; 26 CFR 301.6334-5; 26 CFR 301.6334-6; 26 CFR 301.6334-7

Legal Deadline: None

Abstract: Section 6334 of the Internal Revenue Code of 1986 was amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to increase certain exemptions from levy, and to exempt a taxpayer's principal residence from levy with written authorization from the District Director or Assistant District Director in the absence of jeopardy. The Treasury regulations promulgated under this section must be changed to conform to the new statutory language.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/27/92 | 57 FR 22189 |
| NPRM Comment | 07/31/92 | 57 FR 22194 |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-173-89.

Drafting attorney: Jerome D. Sekula (202) 622-3417.

Reviewing attorney: Robert Miller (202) 622-3640.

Agency Contact: Jerome D. Sekula, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AN46

3356. AUTHORITY TO RELEASE LEVY AND RETURN PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6343 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6343-1

Legal Deadline: None

Abstract: Section 6343 of the Internal Revenue Code of 1986 was amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to provide new procedures for the release of levies and return of property. The Treasury regulations promulgated under this section must be changed to reflect the new statutory language.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/16/91 | 56 FR 51857 |
| NPRM Comment Period End | 11/21/91 | 56 FR 51857 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-175-89.

Drafting attorney: Jerome D. Sekula (202) 622-3640.

Reviewing attorney: Robert Miller (202) 622-3640.

Agency Contact: Jerome D. Sekula, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AN48

3357. PROCEDURE AND ADMINISTRATION—ABATEMENT OF INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance on the definition of ministerial act.

Timetable:

| Action | Date | FR Cite |
|-------------|--------------|-------------|
| NPRM | 08/13/87 | 52 FR 30177 |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-34-87.

Drafting tax law specialist: John J. McGreevy (202) 622-4910.

Reviewing attorney: John M. Coulter, Jr. (202) 622-4910.

Agency Contact: John J. McGreevy, Tax Law Specialist, Department of the Treasury, Internal Revenue Service,

1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4910

RIN: 1545-AK71

3358. PROCEDURE AND ADMINISTRATION REGULATIONS—MODIFICATIONS OF INTEREST PAYMENTS FOR CERTAIN PERIODS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6611 Internal Revenue Code of 1986; 26 USC 6601 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation would provide rules for determining the period during which interest accrues on an underpayment or an overpayment of tax as provided in sections 6601 and 6611 of the Internal Revenue Code of 1954. The period would be determined, in part, by the dates the return and the claim for refund are filed and by whether they were filed in a way that they can be processed.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/09/84 | 49 FR 39566 |
| NPRM Comment Period End | 12/10/84 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-280-82.

Drafting tax law specialist: Gail M. Winkler (202) 622-4940.

Reviewing attorney: Norlyn Miller (202) 622-4940.

Agency Contact: Gail M. Winkler, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4940

RIN: 1545-AF10

3359. CLARIFICATION OF PERIOD DURING WHICH INTEREST IS ALLOWED WITH RESPECT TO CERTAIN OVERPAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Under section 6611(b)(1), if an overpayment is credited against an underpayment, interest on the

overpayment runs from the date of the overpayment until the due date of the amount against which the credit is taken. Section 301.6611-1(h)(2)(v) of the regulations provides that in the case of a credit against assessed interest, the due date is the assessment of such interest. Section 301.6611-1(h)(2)(vi) of the regulations provides that in the case of a credit against an amount assessed as an additional amount, addition to the tax or assessable penalty, the due date is the date of assessment. A literal application of these regulations' provisions may give a taxpayer interest, where none should be paid. The proposed regulations correct this problem by changing the due dates of interest and certain additions to the tax.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/25/92 | 57 FR 38457 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-055-90.

Drafting attorney: Forest Boone (202) 622-4960.

Reviewing attorney: Norlyn Miller (202) 622-4940.

Agency Contact: Forest Boone, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AO79

3360. FRAUDULENT FAILURE TO FILE TAX RETURN; IMPOSITION OF FRAUD PENALTY

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6651-5; 26 CFR 1.6663-1

Legal Deadline: None

Abstract: Provide guidance to taxpayers on the fraud penalty and fraudulent failure to file penalty as amended by the Revenue Reconciliation Act of 1989.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|---------|
| Temporary Regulation | 05/31/94 | |

Small Entities Affected: None

Government Levels Affected: None

TREAS—IRS

Final Rule Stage

Additional Information: IA-036-90.

Drafting attorney: John Moran (202) 622-4940.

Reviewing attorney: Rudolf Planert (202) 622-4940.

Agency Contact: John Moran, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4940

RIN: 1545-AO84

3361. ACCELERATED PAYMENT OF ESTIMATED TAXES BY CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6655 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Rules will provide for acceleration of estimated payments by corporations, new seasonal income exception, and clarify the annualization rules.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/26/84 | 49 FR 11186 |
| Hearing | 06/28/84 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-228-82.

Drafting attorney: Rochelle Hodes (202) 622-4910.

Reviewing attorney: John Couiter (202) 622-4910.

Agency Contact: Rochelle Hodes, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4910

RIN: 1545-AE37

3362. SECTION 482 PENALTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6662 Internal Revenue Code of 1986; 26 USC 6664 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To develop regulations per sections 6662 and 6664 as they pertain to section 482.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/21/93 | 58 FR 5304 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-021-91.

Drafting attorney: Thomas L. Ralph (202) 622-3880.

Reviewing attorney: Kenneth W. Wood (202) 874-1490.

Treasury attorney: Warren Crowdus (202) 622-1779.

Agency Contact: Thomas L. Ralph, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, 202 622-3880

RIN: 1545-AQ45

3363. USE OF FACSIMILE SIGNATURES BY INCOME TAX RETURN PREPARERS OF FORMS 1041, U.S. FIDUCIARY INCOME TAX RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6695 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6695-1 (b)

Legal Deadline: None

Abstract: Section 1.6695-1 (b) currently requires that, with one exception, income tax return preparers must manually sign returns or claims for refund signed by them. The exception does allow preparers of returns and refund claims for nonresident aliens to use facsimile signatures under certain circumstances. Section 645 (a) of the Internal Revenue Code, added by section 1403 (a) of the Tax Reform Act of 1986, requires trusts, with certain limited exceptions, to use a calendar taxable year. The calendar year requirement means that, instead of being able to spread their duty to sign trust returns over the entire course of a year, preparers must now sign all trust returns before April 15 in order to present them to clients for timely filing. To alleviate this hardship, we are examining the advisability of permitting income tax return preparers of Forms 1041, U.S. Fiduciary Income Tax Returns, to use facsimile signatures and under what conditions such use would be permitted and appropriate.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 04/22/93 | 58 FR 21548 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-238-88.

Drafting attorney: Susan Watson (202) 622-3640.

Reviewing attorney: Robert A. Miller (202) 622-3840.

Agency Contact: Susan Watson, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AL49

3364. CERTIFICATES OF COMPLIANCE WITH INCOME TAX LAWS BY DEPARTING ALIENS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6851(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will exempt certain alien students, industrial trainees, and exchange visitors from the requirement of obtaining a certificate of compliance with U.S. income tax laws before departing the United States. This action is necessary because of changes to the applicable tax laws made by the Technical Amendments and Miscellaneous Revenue Act of 1988.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/28/91 | 56 FR 3061 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-735-89.

Drafting attorney: Thomas L. Ralph (202) 622-3880.

Reviewing attorney: Margaret O'Connor (202) 622-3880.

Agency Contact: Thomas L. Ralph, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3880

RIN: 1545-AN97

3365. PROCEDURE AND ADMINISTRATION—PROPERTY SEIZED BY THE INTERNAL REVENUE SERVICE UNDER THE MONEY LAUNDERING CONTROL ACT OF 1986

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7103 (b) Internal Revenue Code of 1986; 26 USC 7301 to 7328 Internal Revenue Code of 1986; 18 USC 981

CFR Citation: 26 CFR 403; 26 CFR 405

Legal Deadline: None

Abstract: This regulation provides guidance with respect to property seized by the Internal Revenue Service pursuant to 26 USC 7301 - 7302, and pursuant to 18 USC 981.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: GL-006-90.

Drafting attorney: Richard Delmar (202) 622-4470.

Agency Contact: Richard Delmar, Branch Chief, Criminal Tax Division, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4470

RIN: 1545-AL04

3366. RECOVERY OF ADMINISTRATIVE COSTS

Legal Authority: 26 USC 7430 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Section 6239 of the Technical and Miscellaneous Revenue Act expands section 7430 of the Internal Revenue Code to allow the recovery of administrative costs incurred after the earlier of the date of the receipt by the taxpayer of the notice of decision of the IRS Office of Appeals or the date of the notice of deficiency, if the taxpayer prevails against a position of the United States that is not substantially justified. The regulations will define essential terms in the statute and develop procedures to administer the statute.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/08/92 | 57 FR 19828 |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: IA-3-89.

Drafting attorney: Tom Moffitt (202) 622-7860.

Reviewing attorney: Jerry Horan (202) 622-7900.

Agency Contact: Thomas Moffitt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7860

RIN: 1545-AN02

3367. PROCEDURE AND ADMINISTRATION—AMENDMENT OF REGULATIONS RELATING TO THE TIMELY MAILING OF RETURNS, TAXES, AND DEPOSITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations would amend existing regulations, relating to the timely mailing of documents, to provide for the timely mailing of returns, taxes and deposits.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/11/79 | 44 FR 71430 |
| NPRM Comment | 02/11/80 | 44 FR 71430 |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-406-71.

Drafting attorney: Renay France (202) 622-4910.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4910

RIN: 1545-AD42

3368. ESTATE AND GIFT TAX VALUATION TABLES

Legal Authority: 26 USC 7520 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.7520-1; 26 CFR 1.642(c)-6; 26 CFR 1.664-4; 26 CFR 20.2031-7; 26 CFR 25.2512-5; 26 CFR 20.7520-1; 26 CFR 25.7520-1

Legal Deadline: None

Abstract: Section 7520 of the Internal Revenue Code, as added by section 5031 of the Technical and Miscellaneous Revenue Act of 1988, requires that the value of any annuity, any interest for life or a term of years, and any remainder or reversionary interest be determined under valuation tables, revised periodically and the applicable Federal interest rate for the month of the valuation of the interest. The regulations will address the use of the tables, which will be published separately, and will contain rules for making an election where charitable transfers are involved. It will also include rules for rounding the applicable interest rates. In addition, the regulations will modify the current regulations for gift, estate, and charitable transfers of annuity trusts, and unitrusts and pooled income funds.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/02/92 | 57 FR 49514 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-100-88.

Drafting attorney: William L. Blodgett (202) 622-3090.

Reviewing attorney: Lee Dunn (202) 622-3090.

Agency Contact: William L. Blodgett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3090

RIN: 1545-AM81

3369. TAXABLE MORTGAGE POOLS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7701(i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: This regulation will provide rules related to taxable mortgage pools.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/23/92 | 57 FR 61029 |
| NPRM Comment | 04/12/93 | 57 FR 61029 |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

TREAS—IRS

Final Rule Stage

Government Levels Affected:
Undetermined

Additional Information: FI-055-91.

Drafting attorney: Susan E. Overlander (202) 622-3960.

Reviewing attorney: Marshall Feiring (202) 622-3960.

Treasury attorney: David Weisbach (202) 622-1129.

Agency Contact: Susan E. Overlander, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 290224, 202 622-3960
RIN: 1545-AP98

3370. INDIAN TRIBAL GOVERNMENTS TREATED AS STATES FOR CERTAIN PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7701 Internal Revenue Code of 1986; 26 USC 7871 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations would provide guidance to certain Indian tribal governments as to their treatment as States under designated sections of the Internal Revenue Code of 1954.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/07/84 | 49 FR 19329 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-221-83.

Drafting attorney: Adrian L. Michur (202) 622-3940.

Reviewing attorney: William Coppersmith (202) 622-3930.

Agency Contact: Adrian L. Michur, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3940

RIN: 1545-AF77

3371. REASONABLE MORTALITY CHARGES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7702 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, December 31, 1989.

Abstract: Provide rules relating to the required use of reasonable mortality charges in determining whether a contract qualifies as a life insurance contract for purposes of the Internal Revenue Code.

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-------------|
| NPRM | 07/06/91 | 56 FR 30718 |
| NPRM Comment | 09/04/91 | 56 FR 30718 |
| Period End | | |
| Hearing | 09/25/91 | 56 FR 30721 |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-069-89.

Drafting attorney: Ann H. Logan (202) 622-3970.

Reviewing attorney: Steve Hooe (202) 622-3970.

Agency Contact: Ann H. Logan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3970

RIN: 1545-AO12

3372. CIRCULAR 230 REVISIONS

Significance: Agency Priority

Legal Authority: 31 USC 330

CFR Citation: 31 CFR 10

Legal Deadline: None

Abstract: Amendments to the regulations governing practice before the Internal Revenue Service. Areas to be addressed include standards for preparation of Federal tax returns, fees limited practice, expedited suspension from eligibility to practice, for cause, and dual enrollment and professional licensing.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/08/92 | 57 FR 46356 |
| NPRM Comment | 11/16/92 | |
| Period End | | |
| Hearing | 12/16/92 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-20-92.

Drafting attorney: David L. Meyer (202) 622-4940.

Reviewing attorney: George Baker (202) 622-4920.

Treasury attorney: Eve Elgin (202) 622-1338.

Agency Contact: David Meyer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4940

RIN: 1545-AQ57

3373. PERMITTED DISPARITY WITH RESPECT TO BENEFITS AND CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.401(l) to 1.401(l)-6

Legal Deadline: None

Abstract: This project will provide rules for employers to comply with the permitted disparity requirements for qualified plans.

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-------------|
| NPRM | 04/21/93 | 58 FR 21426 |
| Hearing | 06/07/93 | |
| NPRM Comment | 06/20/93 | |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: EE-003-93

Drafting Attorney: Patricia McDermott (202) 622-6030.

Reviewing Attorney: Nancy Marks (202) 622-6000.

Treasury Attorney: Harlan Weller (202) 622-2647

Agency Contact: Patricia McDermott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6030

RIN: 1545-AR53

3374. REGULATIONS ON INCOME TAX UNDER THE TAX REFORM ACT OF 1984, RELATING TO BELOW-MARKET LOANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7872 Internal Revenue Code of 1986

TREAS—IRS

Final Rule Stage

CFR Citation: 26 CFR 1**Legal Deadline:** None

Abstract: These regulations provide guidance to taxpayers who enter into certain below-market interest rate loan transactions. The regulations explain what type of transactions are treated as loans and what type of loans are subject to the provisions of section 7872. If the loan is subject to section 7872, the below-market loan will be recharacterized as an arm's length market-interest rate loan coupled with a payment by the lender to the

borrower in an amount generally equal to the amount of imputed interest. The regulations provide rules for determining the amount and the character of the imputed transfers.

Timetable:

| Action | Date | FR Cite |
|-------------------------|--------------|-------------|
| NPRM | 08/20/85 | 50 FR 33553 |
| NPRM Comment Period End | 10/20/85 | 50 FR 33553 |
| Hearing | 01/09/86 | 50 FR 46460 |
| Next Action | Undetermined | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** FI-165-84.

Drafting attorney: David B. Silber (202) 622-3930.

Reviewing attorney: William Coppersmith (202) 622-3930.

Agency Contact: David B. Silber, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3930

RIN: 1545-AH72

DEPARTMENT OF THE TREASURY (TREAS)

Completed Actions

Internal Revenue Service (IRS)

3375. CREDIT FOR COSTS RELATED TO ENHANCED OIL RECOVERY PROJECTS**Significance:** Agency Priority**Legal Authority:** PL 101-508 Revenue Reconciliation Act of 1990**CFR Citation:** 26 CFR 1**Legal Deadline:** None

Abstract: The regulations will determine when a credit is allowed for costs paid or incurred in connection with an enhanced oil recovery project, including which costs are included, the credit base, and the methods that qualify as qualified tertiary recovery methods.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 12/30/91 | 56 FR 67256 |
| Hearing | 04/07/92 | 56 FR 67256 |
| Final Action T.D. 8448 | 11/23/92 | 57 FR 54919 |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** PS-101-90.

Drafting attorney: Brenda Stewart (202) 622-3120.

Reviewing attorney: Joseph Makurath (202) 622-3120.

Treasury attorney: Barksdale Penick (202) 622-1335.

Agency Contact: Brenda Stewart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3120

RIN: 1545-AP64

3376. CERTIFICATION OF ENHANCED OIL RECOVERY PROJECTS**Significance:** Agency Priority**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 43(c)(2)(B) Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1.43-3T**Legal Deadline:** None

Abstract: The proposed regulations provide procedures whereby an operator or designated owner of an enhanced oil recovery project certifies to the Internal Revenue Service that the project satisfies the requirements of section 43(c) of the Internal Revenue Code.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 12/30/91 | 56 FR 67255 |
| Hearing | 04/07/92 | 56 FR 67255 |
| Final Action T.D. 8448 | 11/23/92 | 57 FR 54919 |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** PS-97-91.

Drafting attorney: Brenda M. Stewart (202) 622-3120.

Reviewing attorney: Joseph H. Makurath (202) 622-3120.

Treasury attorney: Barksdale Penick (202) 566-1335.

Agency Contact: Brenda M. Stewart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3120

RIN: 1545-AQ22

3377. INCOME TAX—ALTERNATIVE MINIMUM TAX**Legal Authority:** 26 USC 7805 Internal Revenue Code of 1986; 26 USC 55 Internal Revenue Code of 1986; 26 USC 57 Internal Revenue Code of 1986; 26 USC 58 Internal Revenue Code of 1986**CFR Citation:** 26 CFR 1**Legal Deadline:** None

Abstract: The Regulations will provide rules for the computation of the alternative minimum tax and the computation of the credits that may be used to reduce that tax, as well as rules for determining the amount of tax preference for excluded dividends and interest, mining exploration and development costs, and circulation, research and experimental expenditures. The Regulations will also provide rules relating to the optional 10 year write off of certain tax preferences.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| Closed Without Regulations | 03/25/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** IA-235-82.

Drafting attorney: Stephen J. Toomey (202) 622-4960.

Reviewing attorney: William Jackson (202) 622-4960.

Treasury attorneys: Hal Gann (202) 622-0868 and

J. Paul Whitehead (202) 622-0868.

Agency Contact: Stephen J. Toomey, Attorney, Department of the Treasury,

TREAS—IRS

Completed Actions

Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4960
RIN: 1545-AE80

3378. INCOME TAX—MINIMUM TAX; ITEM OF TAX PREFERENCE FOR INTANGIBLE DRILLING COSTS INCURRED IN DRILLING OIL, GAS, OR GEOTHERMAL WELLS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 57 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will explain the application and determination of the tax preference item for intangible drilling costs which was added by the Tax Reform Act of 1976. The regulations will provide rules for determining a taxpayer's net income from oil and gas properties, rules for determining if a well is nonproductive and rules for determining the proper preference tax if a well proves to be nonproductive after the close of a taxable year for which a tax return has already been filed.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| Closed Without Regulations | 03/25/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-209-78.

Drafting attorney: Edward C. Schwartz (202) 622-4960.

Reviewing attorney: Stephen J. Toomey (202) 622-4960.

Agency Contact: Edward C. Schwartz, Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AA34

3379. RECOVERY OF OVERPAYMENTS OF ARBITRAGE REBATE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.148-13T

Legal Deadline: None

Abstract: Under section 148 of the 1986 Code, arbitrage rebate payments are not refundable. However, provision should be made for recovery of overpayments of rebate if the issuer establishes to the satisfaction of the Commissioner that: (1) the issuer paid an amount in excess of the determined rebatable arbitrage, (2) the excess was paid in error, and (3) recovery of the overpayment at the date first requested would not result in rebatable arbitrage as of such date.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|------------------|
| NPRM | 05/18/92 | 57 FR 21044 |
| Final Action T.D. | 06/18/93 | 58 FR 33510 8476 |
| Final Action Effective | 07/01/93 | 58 FR 33510 |

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FI-067-89.

Drafting attorney: William P. Cejudo (202) 622-3980.

Reviewing attorney: Lon B. Smith (202) 622-3980.

Agency Contact: William P. Cejudo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AO15

3380. ARBITRAGE RESTRICTIONS ON TAX-EXEMPT BONDS

Legal Authority: 26 USC 148 Internal Revenue Code of 1986; 26 USC 149 Internal Revenue Code of 1986; 26 USC 7805

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulations on the arbitrage restrictions applicable to tax-exempt bonds.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------------|
| NPRM | 11/06/92 | 57 FR 53046 |
| NPRM Comment Period End | 01/15/93 | |
| Final Action T.D. | 06/18/93 | 58 FR 33510 8476 |
| Final Action Effective | 07/01/93 | 58 FR 33547 |

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FI-36-92.

Drafting attorney: William Cejudo (202) 622-3980.

Agency Contact: William Cejudo, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AR05

3381. EXCEPTIONS FROM PROHIBITION OF FEDERAL GUARANTEES—PERMITTED INVESTMENTS OF TAX EXEMPT BOND PROCEEDS

Legal Authority: 26 USC 149(b)(3)(B)(v) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.149(b)(3)-1T

Legal Deadline: None

Abstract: These temporary regulations except investments in obligations issued by the Resolution Funding Corporation from the prohibition of Federal guarantees applicable to tax-exempt bonds.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|------------------|
| NPRM | 10/15/90 | 55 FR 41695 |
| Final Action T.D. | 06/18/93 | 58 FR 33510 8476 |
| Final Action Effective | 06/30/93 | 58 FR 33510 |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: FI-084-90.

Drafting attorney: William Cejudo (202) 622-3980.

Reviewing attorney: Lon Smith (202) 622-3980.

Treasury attorney: Mitchell Rapaport (202) 622-1354.

Agency Contact: William Cejudo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3980

RIN: 1545-AP11

3382. DEDUCTION FOR DIVIDENDS RECEIVED FROM CERTAIN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 245 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 245

TREAS—IRS

Completed Actions

Legal Deadline: None

Abstract: Draft regulations under section 245 of the Code, incorporating changes made by the Tax Reform Act of 1986.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| Closed Without Regulations | 05/20/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-943-86.

Drafting attorney: Kathryn Horton O'Brien (202) 622-3860.

Reviewing attorney: Charles Saverude (202) 622-3800.

Treasury attorney: Peter Marrs (202) 622-0724.

Agency Contact: Kathryn Horton O'Brien, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3860
RIN: 1545-AL94

3383. CAPITALIZATION AND INCLUSION IN INVENTORY OF CERTAIN COSTS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The rules provide general rules regarding the operation of the uniform capitalization rules.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|------------------|
| ANPRM | 03/30/87 | 52 FR 10118 |
| ANPRM Comment Period End | 05/29/87 | 52 FR 10118 |
| Hearing | 12/08/87 | |
| Final Action T.D. | 08/09/93 | 58 FR 42198 8482 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-62-91.

Drafting attorney: Ellen McElroy (202) 622-7272.

Reviewing attorney: Tom Luxner (202) 622-4970.

Treasury reviewer: J. Paul Whitehead (202) 622-0868.

Agency Contact: Ellen McElroy, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7272

RIN: 1545-AQ88

3384. CERTAIN STOCK SALES AND DISTRIBUTIONS TREATED AS ASSET TRANSFERS

Legal Authority: 26 USC 336 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance for making an election under section 336 (e), and the consequences which result from making such an election.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| Closed Without Regulations | 03/08/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-52-87.

Drafting attorney: Theresa Abell (202) 622-7790.

Reviewing attorney: Maura Sullivan (202) 622-7780.

Treasury attorney: J. Judge Kelley (202) 622-1339.

Agency Contact: Theresa Abell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7790

RIN: 1545-AK29

3385. TREATMENT OF AN AFFILIATED GROUP OF CORPORATIONS AS A SELLING CONSOLIDATED GROUP FOR PURPOSES OF ELECTIVE RECOGNITION UNDER SECTION 338(H)(10)

Legal Authority: 26 USC 338 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide the guidance for making elections under section 338(h)(10) when the selling group is an affiliated group of corporations which does not

file a consolidated Federal income tax return, and the consequences of making such an election.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| Closed Without Regulations | 01/14/92 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-50-87.

Drafting attorney: Keith Medleau (202) 622-7550.

Reviewing attorney: William D. Alexander (202) 622-7780.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7550

RIN: 1545-AK31

3386. INFORMATION REPORTING REQUIREMENTS FOR SECTION 338(H)(10) TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.338(h)(10)-1T

Legal Deadline: None

Abstract: The regulations will provide reporting requirements for section 338(h)(10) elections.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| Closed Without Regulations | 02/16/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-012-91.

Drafting attorney: Dania Leatherman (202) 622-7550.

Reviewing attorney: Keith Medleau (202) 622-7550.

Agency Contact: Dania Leatherman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7550

RIN: 1545-AP96

3387. CORPORATE REORGANIZATION AMENDMENTS—BANKRUPTCY TAX ACT OF 1980

Legal Authority: 26 USC 354 Internal Revenue Code of 1986; 26 USC 355

TREAS—IRS

Completed Actions

Internal Revenue Code of 1986; 26 USC 357 Internal Revenue Code of 1986; 26 USC 358 Internal Revenue Code of 1986; 26 USC 361 Internal Revenue Code of 1986; 26 USC 362 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986; 26 USC 381 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance with respect to amendments to the Internal Revenue Code by the Bankruptcy Tax Act of 1980, dealing with bankruptcy and other insolvency reorganizations.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| Closed Without Regulations | 09/15/92 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-74-87.

Drafting attorney: David Madden (202) 622-7550.

Reviewing attorney: Christopher Kane (202) 622-7540.

Agency Contact: David Madden, Chief, CC:DOM:CORP:05, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7550

RIN: 1545-AK33

3388. SECTION 382 OF THE INTERNAL REVENUE CODE OF 1986; LIMITATIONS ON CORPORATE NET OPERATING LOSS CARRYFORWARDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382(l)(5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.382-9

Legal Deadline: None

Abstract: This document contains proposed amendments to the income tax regulations (26 CFR part 1) under section 382 of the Internal Revenue Code of 1986. The amendments provide rules relating to the determination whether certain indebtedness qualifies under section 382(l)(5)(E).

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 09/23/91 | 56 FR 47921 |

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM Comment Period End | 11/15/91 | 56 FR 47921 |
| Hearing | 11/20/91 | 56 FR 47928 |
| NPRM | 05/10/93 | 58 FR 27498 |
| Withdrawn | 05/10/93 | 58 FR 27498 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-045-91.

Drafting attorney: Diana C. MacKeen (202) 622-7550.

Agency Contact: Diana C. MacKeen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7550

RIN: 1545-AQ08

3389. TWENTY PERCENT WITHHOLDING ON ELIGIBLE ROLLOVER DISTRIBUTION

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 Internal Revenue Code of 1986; 26 USC 402 Internal Revenue Code of 1986; 26 USC 403 Internal Revenue Code of 1986; 26 USC 3405 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31

Legal Deadline: None

Abstract: This project provides Temporary Income Tax Regulations relating to eligible rollover distributions from tax-qualified retirement plans and section 403(b) annuities. These regulations provide needed guidance reflecting the changes made by the Unemployment Compensation Amendments of 1992 (UCA). The UCA expanded the types of retirement plan distributions with regard to which income tax can be deferred by a rollover to an individual retirement account, another qualified plan, or section 403(b) annuity. The UCA also requires qualified pension plans and 403(b) annuities to provide a direct rollover option. Also, the UCA imposes mandatory 20 percent income tax withholding on any eligible rollover distribution that the employee does not elect to have transferred in a direct rollover.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action T.D. 8443 | 10/22/92 | 57 FR 48163 |

Small Entities Affected: Businesses, Governmental jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: EE-43-92.

Drafting attorney: John Tolleris (202) 622-6030.

Reviewing attorney: Marjorie Hoffman (202) 622-6030.

Treasury attorney: Catherine Creech (202) 622-1341.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-6030

RIN: 1545-AR34

3390. INCOME TAX—INSTALLMENT SALES REVISION ACT OF 1980, REGULATIONS RELATING TO WRAP-AROUND MORTGAGES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 15A.453-1(b)(ii)

Legal Deadline: None

Abstract: Proposal would provide regulations for reporting sales of property under a wrap-around mortgage arrangement.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| Closed Without Regulations | 03/25/92 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-147-82.

Drafting attorney: George Wright (202) 622-4950.

Reviewing attorney: Dave Crawford (202) 622-4950.

Agency Contact: George Wright, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4950

RIN: 1545-AB46

TREAS—IRS

Completed Actions

3391. INCOME TAX—EXCLUSION FROM GROSS INCOME WITH RESPECT TO MAGAZINES, PAPERBACKS, AND RECORD RETURNS AFTER CLOSE OF TAXABLE YEAR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 458 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules on the exclusion from gross income of income attributable to the sale of magazines, paperbacks, or records that are returned.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|------------------|
| NPRM | 08/31/84 | 49 FR 34520 |
| Final Action T.D. | 08/25/92 | 57 FR 38595 8426 |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LA-195-78.

Drafting attorney: Grant E. Gabriel (202) 622-4970.

Reviewing attorney: Thomas A. Luxner (202) 622-4970.

Agency Contact: Grant E. Gabriel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4970

RIN: 1545-AB48

3392. SECTION 597 TRANSITION RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 597 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulation provides rules on tax treatment of lump sum pre-payment of tax-exempt Federal Financial Assistance.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------------|
| NPRM | 04/23/92 | 57 FR 14803 |
| NPRM Comment Period End | 06/26/92 | 57 FR 14803 |
| Hearing | 07/17/92 | 57 FR 14803 |
| Final Action T.D. | 04/08/93 | 58 FR 18148 8471 |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-105-91.

Drafting attorney: Bernita Thigpen (202) 622-4016.

Reviewing attorney: Steve Glickstein (202) 622-4439.

Agency Contact: Bernita Thigpen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-4016

RIN: 1545-AQ26

3393. LIMITATIONS ON PERCENTAGE DEPLETION IN THE CASE OF OIL AND GAS WELLS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 613(a) Internal Revenue Code of 1986; 26 USC 703(a) Internal Revenue Code of 1986; 26 USC 705(a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would clarify the circumstances under which percentage depletion will be available in the case of oil and gas wells.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|------------------|
| NPRM | 05/13/91 | 56 FR 21965 |
| Hearing | 07/08/91 | 56 FR 21965 |
| Final Action T.D. | 09/23/92 | 57 FR 43897 8437 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-005-91.

Drafting attorney: Brenda Stewart (202) 622-3120.

Reviewing attorney: Joseph Makurath (202) 622-3120.

Treasury attorney: Barksdale Penick (202) 622-3120.

Agency Contact: Brenda Stewart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3120

RIN: 1545-AP56

3394. TREATMENT OF TRANSACTIONS BETWEEN PARTNERS AND PARTNERSHIP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 707 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules for determining when partnership transactions are to be treated as disguised sales.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------------|
| NPRM | 04/25/91 | 56 FR 19055 |
| NPRM Comment Period End | 09/23/91 | 56 FR 19071 |
| Hearing | 09/23/91 | 56 FR 19071 |
| Final Action T.D. | 09/30/92 | 57 FR 44974 8439 |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-163-84.

Drafting attorney: J. Scott Hargis (202) 622-3050.

Reviewing attorney: David R. Haglund (202) 622-3050.

Agency Contact: J. Scott Hargis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3050

RIN: 1545-AH22

3395. WHETHER RECEIPT OF A PARTNERSHIP PROFITS INTEREST IS TAXABLE

Legal Authority: 26 USC 721 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation addresses whether the receipt of a partnership profits interest is taxable.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| Closed Without Regulations | 06/28/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-80-90.

Drafting attorney: Ann Veninga (202) 622-3080.

Reviewing attorney: William P. O'Shea (202) 622-2070.

TREAS—IRS

Completed Actions

Agency Contact: Ann Veninga, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3080
RIN: 1545-AP51

3396. AMORTIZATION OF POLICY ACQUISITION EXPENSES OF INSURANCE COMPANIES

Legal Authority: 26 USC 845(b) Internal Revenue Code of 1986; 26 USC 848(d)(4)(B) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.848-2; 26 CFR 1.848-3

Legal Deadline: None

Abstract: The proposed regulations relate to the requirement that insurance companies capitalize specified policy acquisition expenses for tax purposes. The proposed regulations define certain terms with respect to the application of the capitalization requirement to reinsurance transactions. The regulations are proposed to be effective, in general, for taxable years following November 15, 1991.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|------------------|
| Final Action Effective | 09/30/90 | 57 FR 61813 |
| NPRM | 11/15/91 | 56 FR 58003 |
| Hearing | 01/31/92 | 56 FR 58003 |
| Final Action T.D. | 12/29/92 | 57 FR 61813 8456 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-003-91.

Drafting attorney: Gary Geisler (202) 622-3970.

Reviewing attorney: Stephen D. Hooe (202) 622-3970.

Treasury attorney: Terry P. Jacobs (202) 622-1332.

Agency Contact: Gary Geisler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3970

RIN: 1545-AQ14

3397. MERGERS AND 852(A)(2)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 852 Internal Revenue Code of 1986; 26 USC 857 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations provide guidance to regulated investment companies (RICs) and real estate investment trusts (REITs) that have earnings and profits accumulated by a corporation during a taxable year when the corporation was not a RIC or a REIT.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|------------------|
| NPRM | 12/23/92 | 57 FR 61017 |
| Hearing | 03/01/93 | 57 FR 61019 |
| Final Action T.D. | 08/18/93 | 58 FR 43797 8483 |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-59-92.

Drafting attorney: Jonathan Silver (202) 622-3920.

Reviewing attorney: Al Kraft (202) 622-3097.

Treasury attorney: Eve Elgin (202) 622-1338.

Agency Contact: Jonathan Silver, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-3920

RIN: 1545-AR06

3398. EXTENSION OF TIME FOR MAKING A VALID ELECTION TO EXCLUDE FOREIGN EARNED INCOME AND HOUSING COST AMOUNTS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 911 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation amends the current regulations under section 1.911-7(a)(2)(i) to extend the period of time to elect the foreign earned income exclusion and the housing cost amounts under section 911.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|------------------|
| Final Action T.D. | 06/30/93 | 58 FR 34885 8480 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-15-93.

Drafting attorney: Leslie B. van der Wal (202) 622-3850.

Reviewing attorney: Paul Miller (202) 622-3830.

Agency Contact: Leslie B. van der Wal, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3850

RIN: 1545-AR41

3399. CONSOLIDATED RETURN REGULATIONS—FINALIZATION OF SECTIONS 1.1502-13T AND 1.1502-14T

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules concerning the creation and restoration of deferred gain or loss. The purpose of the regulations is to conform the original intent of the deferral mechanism by assuring that intercompany transfers generally do not affect the overall federal income tax consequences of the group.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------------|
| NPRM | 03/14/90 | 55 FR 9462 |
| NPRM Comment Period End | 05/14/90 | 55 FR 9462 |
| Hearing | 07/09/90 | 55 FR 9461 |
| Final Action T.D. | 03/11/93 | 58 FR 13409 8478 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-008-90.

Drafting attorney: Roy Hirschhorn (202) 622-7770.

Reviewing attorney: Edward Cohen (202) 622-7760.

Treasury attorney: Andrew Dubroff (202) 622-1766.

Agency Contact: Roy Hirschhorn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-7770

RIN: 1545-AO44

3400. CONSOLIDATED 165(G)

Significance: Agency Priority

Legal Authority: 26 USC 1502 Internal Revenue Code of 1986

TREAS—IRS

Completed Actions

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation deals with claiming worthless stock deductions under the consolidated return regulations.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| Closed without regulations | 01/04/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-82-91.

Drafting attorney: Steven Teplinsky (202) 622-7770.

Reviewing attorney: Edward Cohen (202) 622-7760.

Treasury attorney: Andrew Dubroff (202) 622-1766.

Agency Contact: Steven Teplinsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224, 202 622-7770

RIN: 1545-AQ09

3401. SRLY LIMITATIONS FOR DUAL CONSOLIDATED LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation addresses SRLY limitations for dual consolidated losses.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| Closed without regulations | 03/02/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-040-92.

Drafting attorney: Sim S. Seo (202) 622-3840.

Reviewing attorney: David Bower (202) 622-3810.

Treasury attorney: Peter Marrs (202) 622-0724.

Agency Contact: Sim S. Seo, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3840

RIN: 1545-AR27

3402. AGGREGATION RULES FOR FILING REQUIREMENT

Legal Authority: 26 USC 6050I Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6050I-1(b)(1)

Legal Deadline: None

Abstract: An amendment to the regulation is necessary as the result of a policy decision to revise Form 8300.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------------|
| NPRM | 07/09/90 | 55 FR 28061 |
| NPRM Comment Period End | 09/07/90 | 55 FR 28061 |
| Final Action T.D. | 06/21/93 | 58 FR 33763 8479 |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: IA-041-89.

Drafting attorney: Philip Scott (202) 622-4960.

Reviewing attorney: Vincent Cardella (202) 622-4960.

Agency Contact: Philip Scott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AN42

3403. VOICE SIGNATURES

Significance: Agency Priority

Legal Authority: 26 USC 6061 Internal Revenue Code of 1986; 26 USC 6012 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6012-7T; 26 CFR 1.6061-2T; 26 CFR 1.6065-2T

Legal Deadline: None

Abstract: The regulations will enable the Service to accept a voice signature in lieu of a handwritten signature. This will allow the Service to test the feasibility of voice signatures for one year with certain taxpayers who live in the geographic area of the Cincinnati district office. The regulations also address the effect of the taxpayers using a voice signature.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|-----------------|
| Final Action T.D. | 01/13/93 | 58 FR 4079 8468 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-15-92.

Drafting attorney: Celia Gabrysh (202) 622-4940.

Reviewing attorney: Rudolph Planert (202) 622-4940.

Agency Contact: Celia Gabrysh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4960

RIN: 1545-AQ67

3404. AUTOMATIC EXTENSION OF TIME FOR FILING INDIVIDUAL INCOME TAX RETURN

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6081 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6081-4

Legal Deadline: None

Abstract: The regulation provides an automatic extension of time for filing an individual income tax return to taxpayers who meet certain criteria.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| Closed Without Regulations | 11/11/92 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-067-90.

Drafting attorney: Stuart Spielman (202) 622-4940.

Reviewing tax law specialist: Gail Winkler (202) 622-4940.

Agency Contact: Stuart Spielman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4940

RIN: 1545-AP39

3405. PROCEDURES INVOLVING TAXPAYER INTERVIEWS (TIME AND PLACE OF EXAMINATION)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 100-647

CFR Citation: 26 CFR 301.7605-1 (a)

Legal Deadline: None

Abstract: The temporary regulations which are cross-referenced in this notice of proposed rulemaking provide

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guidance as to what is reasonable under the circumstances in the case-by-case determination as to the time and place of examination. The regulations balance the convenience of the taxpayer with the requirements of sound and efficient tax administration. The regulations provide that it is generally not reasonable for the IRS to require a taxpayer to attend an examination at an IRS office other than the office located closest to the taxpayer's home in that district. They also provide that it is generally not reasonable for the IRS to audit a taxpayer at his or her place of business if the business is so small that so doing will eventually require the taxpayer to close the business.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------------|
| NPRM | 04/03/90 | 55 FR 12386 |
| NPRM Comment Period End | 05/18/90 | 55 FR 12386 |
| Final Action T.D. | 04/05/93 | 58 FR 17517 8469 |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: GL-705-88.

Drafting attorney: Nancy O. Ryan (202) 622-3640.

Reviewing attorney: Robert Miller (202) 622-3640.

Agency Contact: Nancy Ryan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3640

RIN: 1545-AO64

3406. CONTINUITY OF LIFE FOR LIMITED PARTNERSHIPS

Significance: Agency Priority

Legal Authority: 26 USC 7701 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will clarify the rules for determining when an organization possesses or lacks the corporate characteristic of continuity of life.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|------------------|
| NPRM | 07/22/92 | 57 FR 32472 |
| Final Action T.D. | 05/14/93 | 58 FR 28501 8475 |

Small Entities Affected: Businesses

Government Levels Affected: State

Additional Information: PS-7-92.

Drafting attorney: James Quinn (202) 622-3060.

Reviewing attorney: J. Thomas Hines (202) 622-3060.

Treasury attorney: Barksdale Penick (202) 622-1335.

Agency Contact: James Quinn, Attorney, Department of the Treasury, Internal Revenue Service, 202 622-3060

RIN: 1545-AQ46

3407. REMOVAL OF FINAL AND TEMPORARY REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 5; 26 CFR 5c; 26 CFR 12; 26 CFR 54; 26 CFR 602

Legal Deadline: None

Abstract: This document removes several final and temporary regulations from the Code of Federal Regulations.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|------------------|
| Final Action T.D. | 04/27/93 | 58 FR 25556 8474 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-53-92.

Drafting attorney: Paul C. Feinberg (202) 622-4530.

Agency Contact: Paul Feinberg, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-4530

RIN: 1545-AQ99

3408. EXTENSION OF TIME FOR MAKING ELECTIONS

Completed:

| Reason | Date | FR Cite |
|----------------------------|----------|---------|
| Duplicate of RIN 1545-AR39 | 10/13/93 | |

RIN: 1545-AR14

3409. WITHDRAWAL OF PROPOSED REGULATIONS WHICH THERE ARE NO CURRENT PLANS TO FINALIZE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation withdraws proposed regulations under 26 CFR part 1.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|------------------|
| Final Action T.D. | 04/27/93 | 58 FR 25556 8474 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-53-92.

Drafting attorney: Paul C. Feinberg (202) 622-3325.

Agency Contact: Paul C. Feinberg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, 202 622-3325

RIN: 1545-AR37

3410. EXTENSION OF TIME FOR MAKING CERTAIN ELECTIONS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Expanding relief under section 301.9100-1 of the regulations on procedure and administration.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|------------------|
| Final Action T.D. | 06/30/93 | 58 FR 34886 8481 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-65-92.

Drafting attorney: John Moran (202) 622-4940.

Reviewing attorney: Rudolf M. Planert (202) 622-4940.

Treasury attorney: Eve E. Elgin (202) 622-0140.

Agency Contact: John Moran, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave NW., Washington, DC 20224, 202 622-4940

RIN: 1545-AR39

[FR Doc. 93-22929 Filed 10-22-93; 8:45 am]

BILLING CODE 4830-01-F

DEPARTMENT OF THE TREASURY (TREAS)
Office of Thrift Supervision (OTS)

Office of Thrift Supervision

12 CFR Ch. V

[No. 93-169]

Agenda of Federal Regulations

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Publication of agenda items.

SUMMARY: The Office of Thrift Supervision (OTS) is hereby publishing

items for the October Unified Agenda of Federal Regulations.

A number of the agenda items refer to statutory requirements imposed by FIRREA or FDICIA. These references mean, respectively, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), Public Law 101-73, 103 Stat. 183 (1989), and the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA), Public Law 102-242, 105 Stat. 2236 (1991).

ADDRESSES: Information Services Division, Office of Public Affairs, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: See persons listed below for specific agenda items.

Dated: August 30, 1993.
 By the Office of Thrift Supervision.

Jonathan L. Fiechter,
Acting Director.

Office of Thrift Supervision—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3411 | 12 CFR 563 Criminal Referral Report | 1550-AA62 |
| 3412 | 12 CFR 574 Acquisition of Control of Savings Associations | 1550-AA63 |
| 3413 | 12 CFR 510 Release of Nonpublic Information | 1550-AA68 |
| 3414 | 12 CFR 545 Pre-emption—Home Equity Lending | 1550-AA67 |
| 3415 | 12 CFR 550 Annual Independent Audits | 1550-AA68 |

Office of Thrift Supervision—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3416 | 12 CFR 563 Safety and Soundness Standards | 1550-AA54 |
| 3417 | 12 CFR 567 Capital: Concentration Risk and Risk of Nontraditional Activities | 1550-AA59 |

Office of Thrift Supervision—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3418 | 12 CFR 567 Regulatory Capital: Leverage Ratio Requirement | 1550-AA32 |
| 3419 | 12 CFR 552 Mergers and Other Combinations of Savings Associations | 1550-AA47 |
| 3420 | 12 CFR 567 Regulatory Capital: Intangible Assets | 1550-AA49 |
| 3421 | 12 CFR 567 Multifamily Housing Loans | 1550-AA58 |
| 3422 | 12 CFR 563 Small and Medium-Sized Business and Farm Loan Documentation Exemption for Qualifying Associations | 1550-AA61 |
| 3423 | 12 CFR 545 Real Estate Appraisals | 1550-AA64 |
| 3424 | 12 CFR 563 Special Mention Assets | 1550-AA65 |

Office of Thrift Supervision—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3425 | 12 CFR 563 Mutual Holding Companies | 1550-AA03 |
| 3426 | 12 CFR 574 Agency Disapproval of Directors and Senior Executive Officers | 1550-AA36 |
| 3427 | 12 CFR 567 Regulatory Capital: Interest Rate Risk Component | 1550-AA46 |
| 3428 | 12 CFR 517 Minority-, Women-, and Individuals With Disabilities-Owned Business Outreach Program: Contracting for Goods and Services | 1550-AA53 |

DEPARTMENT OF THE TREASURY (TREAS)
Office of Thrift Supervision (OTS)

Prerule Stage

3411. • CRIMINAL REFERRAL REPORT
Significance: Agency Priority

Legal Authority: 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468; 12 USC 1817; 12 USC 1828; 12 USC 3806; 42 USC 4106

CFR Citation: 12 CFR 563

Legal Deadline: None

Abstract: The OTS is taking under consideration the adoption of a notice of proposed rulemaking that will conform its regulations to new procedures for completion and submission of the uniform criminal referral form designed in conjunction with an interagency task force. The multi-agency form will improve compliance with criminal activity reporting requirements and better enable law enforcement agencies to investigate matters reported in criminal referrals.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Karen Osterloh, Counsel (Banking and Finance), Regulations & Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-6639

RIN: 1550-AA62

3412. • ACQUISITION OF CONTROL OF SAVINGS ASSOCIATIONS
Significance: Agency Priority

Legal Authority: 12 USC 1467a; 12 USC 1817

CFR Citation: 12 CFR 574

Legal Deadline: None

Abstract: The OTS has taken under consideration the adoption of a notice of proposed rulemaking to implement the provisions of section 211 of FDICIA. The rule would require OTS to consider the competence, experience and integrity of the officers, directors, and principal shareholders of a company or savings association that files a holding company application.

The rule would also implement FDICIA provisions that require the OTS to deny a holding company application (i) if the applicant fails to provide adequate assurances that the company will make available to the OTS information on the

operations or activities of the company, as the OTS deems appropriate to determine and enforce compliance with the Home Owners' Loan Act; and (ii) in the case of a holding company application submitted by a foreign bank, if the foreign bank is not subject to comprehensive supervision or regulation on a consolidated basis by the appropriate authorities in the home country of the foreign bank.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Kevin A. Corcoran, Assistant Chief Counsel, Corporate & Securities Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-6962

RIN: 1550-AA63

3413. • RELEASE OF NONPUBLIC INFORMATION
Significance: Agency Priority

Legal Authority: 5 USC 301; 12 USC 1462a; 12 USC 1463; 12 USC 1464

CFR Citation: 12 CFR 510

Legal Deadline: None

Abstract: The OTS has taken under consideration the adoption of a proposed rule that would provide an orderly mechanism for processing requests received from the public for non-public information while preserving the OTS's need to maintain confidentiality over the information. The rule would be applicable to document and testimony requests and would include documents exempt from disclosure under the Freedom of Information Act and testimony by current and former employees, officers and agents relating to information obtained in their official OTS capacities.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: J. Amanda Machen, Trial Attorney, Litigation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-7398

RIN: 1550-AA66

3414. • PRE-EMPTION—HOME EQUITY LENDING
Significance: Agency Priority

Legal Authority: 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1828

CFR Citation: 12 CFR 545

Legal Deadline: None

Abstract: The OTS has taken under consideration the adoption of a proposed rule that would amend its regulation governing real estate lending to clarify its intention to pre-empt state laws insofar as they directly or indirectly restrict the ability of Federal savings associations to engage in alternative mortgage transactions, including home equity conversion lending. The rule would also preempt state laws that directly or indirectly restrict the ability of Federal savings associations to engage in traditional home equity lending.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jonathan H. Talcott, Staff Attorney, Legal Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-7049

RIN: 1550-AA67

3415. • ANNUAL INDEPENDENT AUDITS
Significance: Agency Priority

Legal Authority: 5 USC 552; 5 USC 559; 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1735f-7; 12 USC 1468; 12 USC 1817; 12 USC 1828; 12 USC 3806; 12 USC 4106

CFR Citation: 12 CFR 550; 12 CFR 552; 12 CFR 562; 12 CFR 563; 12 CFR 571

Legal Deadline: None

Abstract: The OTS has taken under consideration the adoption of a notice of proposed rulemaking that would eliminate the mandatory annual independent audit requirement for all savings associations. The OTS would rely on the requirements in the FDIC's rule on annual independent audits for savings associations with assets of \$500 million or more and retain the regulatory language allowing the OTS to require an independent audit of any savings association with assets of less than \$500 million, if deemed advisable

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Prerule Stage

for safety and soundness reasons. The proposed amendments are intended to conform the annual independent audit rules for savings associations to those applicable to other federally insured depository institutions.

Timetable: Next Action Undetermined
Small Entities Affected: Businesses
Government Levels Affected: None
Agency Contact: Arthur Lindo, Senior Accountant, Supervision Policy,

Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-5642
RIN: 1550-AA68

DEPARTMENT OF THE TREASURY (TREAS)
Office of Thrift Supervision (OTS)

Proposed Rule Stage

3416. SAFETY AND SOUNDNESS STANDARDS

Significance: Regulatory Program

Legal Authority: 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468; 12 USC 1828; 12 USC 3806; 42 USC 4106

CFR Citation: 12 CFR 563

Legal Deadline: Final, Statutory, August 1, 1993.

Abstract: The OTS has issued an advance notice of proposed rulemaking jointly with the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation to solicit comment on the safety and soundness standards required by section 132 of FDICIA. These standards must include managerial and operational standards; standards relating to asset quality, earnings, and stock valuation; and compensation standards.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 07/15/92 | 57 FR 31336 |
| ANPRM Comment | 09/14/92 | 57 FR 31336 |
| Period End | | |
| Next Action Undetermined | | |

Small Entities Affected: Businesses
Government Levels Affected: None
Agency Contact: Robert J. Fishman, Program Manager, Supervision Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-5672
RIN: 1550-AA54

Abstract: The OTS has issued an advance notice of proposed rulemaking to solicit comment on how best to ensure that its risk-based capital regulation adequately addresses concentrations of credit risk and the risks of nontraditional activities. This rule is to be adopted pursuant to section 305 of FDICIA, which requires each Federal banking agency to make such amendments.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 10/05/92 | 57 FR 45757 |
| ANPRM Comment | 12/04/92 | 57 FR 45757 |
| Period End | | |
| Next Action Undetermined | | |

Small Entities Affected: Businesses
Government Levels Affected: None
Agency Contact: John F. Connolly, Program Manager, Capital Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-6465
RIN: 1550-AA59

DEPARTMENT OF THE TREASURY (TREAS)
Office of Thrift Supervision (OTS)

Final Rule Stage

3418. REGULATORY CAPITAL: LEVERAGE RATIO REQUIREMENT

Significance: Agency Priority

Legal Authority: 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a

CFR Citation: 12 CFR 567

Legal Deadline: None

Abstract: The OTS has issued a notice of proposed rulemaking to amend its minimum regulatory capital regulations by revising the leverage ratio requirement that applies to savings associations to comport with the leverage ratio adopted by the Office of the Comptroller of the Currency.

This proposal was adopted pursuant to section 5(t) of the Home Owners' Loan Act, which requires that OTS promulgate capital standards that are uniformly applicable to all savings associations. 12 U.S.C. 1464(t).

The proposal establishes a 3.0% leverage ratio for savings associations in the strongest financial and managerial condition. All other savings associations would be required to maintain additional leverage capital of 100 to 200 basis points.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 04/22/91 | 56 FR 16283 |

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM Comment | 05/22/91 | 56 FR 16283 |
| Period End | | |
| Next Action Undetermined | | |

Small Entities Affected: Businesses
Government Levels Affected: None
Agency Contact: Lorraine Waller, Counsel (Banking and Finance), Regulations & Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-6458

RIN: 1550-AA32

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Final Rule Stage

3419. MERGERS AND OTHER COMBINATIONS OF SAVINGS ASSOCIATIONS

Significance: Agency Priority

Legal Authority: 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468; 12 USC 1828; 12 USC 3806; 42 USC 4106

CFR Citation: 12 CFR 552; 12 CFR 563

Legal Deadline: Final, Statutory, March 18, 1992.

Abstract: The OTS has proposed amendments to its regulations governing mergers and other combinations involving Federal stock savings associations to implement sections 501 and 502 of FDICIA. In general, the FDICIA amendments to the insurance conversion provisions of the Federal Deposit Insurance Act and to the Savings and Loan Holding Company Act provisions of the Home Owners' Loan Act ease previous restrictions on conversion transactions to permit all insured depository institutions to merge, assume each other's deposits, and transfer assets to each other in exchange for assuming deposit liabilities, provided the applicable Federal banking agency approves the transaction and the resulting institution continues to pay proportionate assessments to the appropriate Federal deposit insurance fund. The OTS is amending its regulations to effect these changes.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/18/92 | 57 FR 37112 |
| NPRM Comment | 09/17/92 | 57 FR 37112 |
| Period End | | |

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michael P. Vallely, Senior Attorney, Corporate and Securities Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-6241

RIN: 1550-AA47

3420. REGULATORY CAPITAL: INTANGIBLE ASSETS

Significance: Agency Priority

Legal Authority: 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a

CFR Citation: 12 CFR 567

Legal Deadline: None

Abstract: The OTS has proposed an amendment to its risk-based capital regulation to specify the types of intangible assets savings associations may include in calculating capital for purposes of complying with their tangible capital, leverage ratio, and risk-based capital requirements. Under the proposal, purchased mortgage servicing rights and purchased credit card relationships would be considered qualifying intangible assets that, with some limitations, could be included in core capital.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 04/13/92 | 57 FR 12761 |
| NPRM Comment | 05/13/92 | 57 FR 12761 |
| Period End | | |

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John F. Connolly, Program Manager, Capital Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-6465

RIN: 1550-AA49

3421. MULTIFAMILY HOUSING LOANS

Significance: Agency Priority

Legal Authority: 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a

CFR Citation: 12 CFR 567

Legal Deadline: None

Abstract: The OTS has issued a notice of proposed rulemaking that would implement section 618(b) of the Resolution Trust Corporation Refinancing, Restructuring and Improvement Act of 1991, concerning the capital treatment of multifamily residential mortgage loans and securities collateralized by such loans. The rule would place certain of these loans and securities in the 50% risk-weight category for purposes of OTS's current risk-based capital regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/02/92 | 57 FR 40143 |
| NPRM Comment | 10/02/92 | 57 FR 40143 |
| Period End | | |

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Dorene Rosenthal, Attorney, Regulations & Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-7268

RIN: 1550-AA58

3422. • SMALL AND MEDIUM-SIZED BUSINESS AND FARM LOAN DOCUMENTATION EXEMPTION FOR QUALIFYING ASSOCIATIONS

Significance: Regulatory Program

Legal Authority: 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467; 12 USC 1468; 12 USC 1817; 12 USC 1818; 12 USC 3806; 42 USC 4106

CFR Citation: 12 CFR 563

Legal Deadline: None

Abstract: The OTS has issued an interim final rule revising its loan documentation regulation with regard to small and medium-sized business and farm loans. Unnecessary documentation has been eliminated for well- or adequately-capitalized, well-managed savings associations.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| Interim Final Rule | 05/13/93 | 58 FR 28346 |
| Next Action Undetermined | | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Laurie Nicoli, Counsel (Banking and Finance), Regulations & Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-7452

RIN: 1550-AA61

3423. • REAL ESTATE APPRAISALS

Significance: Regulatory Program

Legal Authority: 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467; 12 USC 1468; 12 USC 1817; 12 USC 1818; 12 USC 1828; 12 USC 3331 et seq; 12 USC 3806; 42 USC 4106

CFR Citation: 12 CFR 545; 12 CFR 563; 12 CFR 564

Legal Deadline: None

Abstract: The OTS has issued a notice of proposed rulemaking that would amend its appraisal regulations to

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Final Rule Stage

exempt additional transactions from certain requirements of the regulation and would amend existing requirements governing appraisal content and appraiser independence.

The rule would eliminate the requirement for regulated institutions to obtain appraisals from certified or licensed appraisers for real estate related financial transactions having a value of \$250,000 or less, although, as a matter of OTS policy, the \$100,000 level will still be used for problem institutions. In addition, the rule would outline additional circumstances under which appraisals would not be required and streamline existing requirements for appraisal content.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/04/93 | 58 FR 31878 |
| NPRM Comment Period End | 07/19/93 | 58 FR 31878 |
| Next Action Undetermined | | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert Fishman, Program Manager, Supervision Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-5672

RIN: 1550-AA64

3424. • SPECIAL MENTION ASSETS

Significance: Agency Priority

Legal Authority: 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468; 12 USC 1817; 12 USC 1828; 12 USC 3806; 42 USC 4106

CFR Citation: 12 CFR 563

Legal Deadline: None

Abstract: The OTS has adopted a notice of proposed rulemaking that would remove special mention assets from the OTS's classification of assets

scheme of adversely affected assets. The OTS intends to issue in its place guidance on special mention assets in order to bring its policy into conformity with the guidance of the other Federal banking regulatory agencies.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/20/93 | 58 FR 38731 |
| NPRM Comment Period End | 08/19/93 | 58 FR 38731 |
| Next Action Undetermined | | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Catherine A. Shepard, Senior Attorney, Regulations and Legislation Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-7275

RIN: 1550-AA65

DEPARTMENT OF THE TREASURY (TREAS)

Completed Actions

Office of Thrift Supervision (OTS)

3425. MUTUAL HOLDING COMPANIES

Significance: Agency Priority

Legal Authority: 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a; 12 USC 1468; 12 USC 1828; 12 USC 3806; 42 USC 4106; 5 USC 552; 5 USC 559

CFR Citation: 12 CFR 563; 12 CFR 571; 12 CFR 575

Legal Deadline: None

Abstract: The OTS has issued a final rule that implements the mutual holding company provisions of the Savings and Loan Holding Company Act, 12 U.S.C. 1467(o). The rule establishes procedures for obtaining regulatory approval for the formation of mutual holding companies and for the issuance of minority stock of savings association subsidiaries of mutual holding companies.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 10/21/88 | 53 FR 41343 |
| ANPRM Comment Period End | 12/05/88 | 53 FR 44436 |
| NPRM | 01/11/91 | 56 FR 1126 |
| NPRM Comment Period End | 03/12/91 | 56 FR 1126 |
| Final Action | 08/19/93 | 58 FR 44105 |
| Final Action Effective | 09/20/93 | 58 FR 44105 |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Formerly reported under FHLBB RIN 3068-AA77

Agency Contact: Teresa Valocchi, Counsel (Banking and Finance), Corporate & Securities Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-7299

RIN: 1550-AA03

3426. AGENCY DISAPPROVAL OF DIRECTORS AND SENIOR EXECUTIVE OFFICERS

Significance: Agency Priority

Legal Authority: 12 USC 1467a; 12 USC 1817

CFR Citation: 12 CFR 574

Legal Deadline: None

Abstract: The OTS has issued a final rule amending 12 CFR part 574 to implement section 914 of FIRREA. The final rule adds a section to part 574 which requires certain savings associations and savings and loan holding companies to file a notice with the OTS prior to adding or replacing a member of its board of directors, and

prior to hiring a person in a position as a senior executive officer.

The OTS has the authority, pursuant to section 914 of FIRREA, to disapprove any potential board member or senior executive officer whose selection would not be in the best interest of the institution's depositors or the public.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/05/91 | 56 FR 37162 |
| NPRM Comment Period End | 09/04/91 | 56 FR 37162 |
| Final Action | 08/30/93 | 58 FR 45421 |
| Final Action Effective | 09/29/93 | 58 FR 45421 |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John P. Harootunian, Senior Counsel, Corporate & Securities Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-6415

RIN: 1550-AA36

3427. REGULATORY CAPITAL: INTEREST RATE RISK COMPONENT

Significance: Agency Priority

TREAS—OTS

Completed Actions

Legal Authority: 12 USC 1462; 12 USC 1462a; 12 USC 1463; 12 USC 1464; 12 USC 1467a

CFR Citation: 12 CFR 567

Legal Deadline: Final, Statutory, June 19, 1993.

Abstract: As predecessor to the OTS, the Federal Home Loan Bank Board issued an advance supplemental notice of proposed rulemaking addressing interest rate risk generally. In December, 1990, the OTS issued an extensive notice of proposed rulemaking setting forth a description of methodologies to be used in calculating the interest rate risk component of the capital rule. A supplemental NPRM was issued in September 1992 seeking further comment on how to incorporate an interest rate risk component into the risk-based capital rule. The interest rate risk component, now adopted in final form, is intended to ensure that savings associations maintain adequate capital based upon their level of interest rate risk exposure. It implements the requirement in section 305 of FDICIA that the OTS revise its risk-based capital rules to ensure that those rules take adequate account of interest rate risk.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| ANPRM | 07/03/89 | 55 FR 27885 |

| Action | Date | FR Cite |
|---|----------|-------------|
| ANPRM Comment Period End | 08/02/89 | 55 FR 27885 |
| NPRM | 12/31/90 | 55 FR 53529 |
| NPRM Comment Period End | 06/01/91 | 56 FR 11115 |
| Supplemental NPRM | 09/03/92 | 57 FR 40524 |
| Supplemental NPRM Comment Period End | 11/02/92 | 57 FR 40524 |
| Final Action | 08/31/93 | 58 FR 45799 |
| Final Action Effective Date for Section 567.6 | 01/01/94 | 58 FR 45799 |
| | 07/01/94 | 58 FR 45799 |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Previously reported under RIN 1550-AA01.

Agency Contact: Anthony Cornyn, Deputy Assistant Director for Policy, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC, 202 906-5727

RIN: 1550-AA46

3428. MINORITY-, WOMEN-, AND INDIVIDUALS WITH DISABILITIES-OWNED BUSINESS OUTREACH PROGRAM: CONTRACTING FOR GOODS AND SERVICES

Significance: Agency Priority

Legal Authority: 12 USC 1833(e)

CFR Citation: 12 CFR 517

Legal Deadline: None

Abstract: The OTS has issued a final rule that implements a Minority-, Women-, and Individuals With Disabilities-Owned Business Outreach Program that conforms with the requirements of section 1216(c) of FIRREA. The rule is intended to ensure that business concerns owned by members of minority groups, women and individuals with disabilities participate in OTS contracting programs to the maximum extent possible.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/17/92 | 57 FR 42906 |
| NPRM Comment Period End | 10/19/92 | 57 FR 42906 |
| Final Action | 06/17/93 | 58 FR 33323 |
| Final Action Effective | 07/19/93 | 58 FR 33323 |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Columbus D. Jude, Sr., Advocate, MWIDOBs Outreach Program, Procurement Management Division, Department of the Treasury, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, 202 906-6346

RIN: 1550-AA53

[FR Doc. 93-22930 Filed 10-22-93; 8:45 am]

BILLING CODE 6720-01-F

federal register

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Monday, October 25, 1993

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- 56992 XX—Architectural and Transportation Barriers Compliance Board
- 56996 XXI—Commission on Civil Rights
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- 57098 XXIII—Equal Employment Opportunity Commission
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- 57126 XXVII—National Aeronautics and Space Administration
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- 57140 XXIX—National Endowment for the Arts
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- 57168 XXXIV—Office of Personnel Management
- 57186 XXXV—Panama Canal Commission
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- 57194 XXXVII—Pennsylvania Avenue Development Corporation
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- 57212 XL—Selective Service System
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- 57260 XLV—Commodity Futures Trading Commission
- 57268 XLVI—Consumer Product Safety Commission
- 57276 XLVII—Farm Credit Administration
- 57286 XLVIII—Federal Communications Commission
- 57302 XLIX—Federal Deposit Insurance Corporation
- 57312 L—Federal Energy Regulatory Commission
- 57322 LI—Federal Housing Finance Board
- 57328 LII—Federal Maritime Commission
- 57334 LIII—Federal Reserve System

(continued)

| | |
|--------------|--|
| 57350 | LIV—Federal Trade Commission |
| 57358 | LV—Interstate Commerce Commission |
| 57366 | LVI—National Credit Union Administration |
| 57374 | LVII—National Indian Gaming Commission |
| 57378 | LVIII—Nuclear Regulatory Commission |
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Federal Register

**Monday
October 25, 1993**

Part XVI

**Department of
Veterans Affairs**

Semiannual Regulatory Agenda

DEPARTMENT OF VETERANS AFFAIRS (VA)

DEPARTMENT OF VETERANS
AFFAIRS

38 CFR Ch. I

Agenda of Federal Regulations

AGENCY: Department of Veterans Affairs.

ACTION: Publication of agenda of regulations.

SUMMARY: This agenda announces the regulations that the Department of Veterans Affairs will have under review, development, or revision during the 12-month period from October 1993 to October 1994. The purpose in publishing the Department's regulatory development activities is to allow all interested persons the opportunity to participate in the rulemaking process.

ADDRESSES: Interested persons are invited to comment on the regulations listed in the agenda by contacting the individual agency contact listed for each regulation or by writing to: Director, Records Management Service (723), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Cliff Slay, (202) 233-4251.

SUPPLEMENTARY INFORMATION: Executive Order 12291 "Federal Regulation" and the Regulatory Flexibility Act (Pub. L. 96-354) require that executive agencies publish in the Federal Register, in April and October of each year, an agenda of regulations under development and review.

The Department of Veterans Affairs has no regulations considered major

under the terms of Executive Order 12291; however, all of this Department's proposed rules and current rules under review, except those considered to be internal Department policy management or routine regulations, have been listed in accordance with section 5(a) of the Executive order.

This agenda incorporates those categories of information required pursuant to 5 U.S.C. 602(a) and 610(c) of the Regulatory Flexibility Act.

This agenda has been prepared in accordance with OMB memorandum dated June 14, 1993.

Dated: August 25, 1993.

Robert J. Woods,

Deputy Assistant Secretary for Information Resources Management.

Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
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| 3430 | Health Professionals Education Assistance Program | 2900-AG68 |
| 3431 | Employee Fiduciaries | 2900-AB50 |
| 3432 | Line of Duty | 2900-AF03 |
| 3433 | Disability or Death From Hospitalization, Medical or Surgical Treatment | 2900-AG12 |
| 3434 | Revision of Decisions | 2900-AG32 |
| 3435 | Determination of Basic Eligibility | 2900-AG35 |
| 3436 | Appeals Regulations; Rules of Practice | 2900-AF54 |
| 3437 | Rules of Practice; Representation | 2900-AG08 |
| 3438 | Appeals Regulations; Rules of Practice | 2900-AG09 |

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
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| 3440 | CHAMPVA | 2900-AE64 |
| 3441 | Confidentiality of Health Care Quality Assurance Reviews | 2900-AG01 |
| 3442 | Contract Program for Veterans with Alcohol and Drug Dependency Disorders | 2900-AG58 |
| 3443 | 1. Veterans Services Officer (VSO) To Select and Appoint or Recommend for Appointment the Person or Legal Entity To Receive Benefits in a Fiduciary Capacity 2. Direct Payment | 2900-AB75 |
| 3444 | 1. Payment to the Wife or Husband of an Incompetent Veteran 2. Legal Custodian | 2900-AB76 |
| 3445 | Apportionment of Benefits to Dependents; Payment of Cost of Veteran's Maintenance in Institution; Recommendation for Payment | 2900-AC10 |
| 3446 | Compliance With Civil Rights Provisions | 2900-AC72 |
| 3447 | Full Disclosure of Beneficiary's Income and Assets | 2900-AD35 |
| 3448 | Reservists' Education; PL 101-237 and the Montgomery GI Bill—Selected Reserve | 2900-AE43 |
| 3449 | Acceptance of Partial Payments; Indemnification of Default | 2900-AE60 |
| 3450 | Schedule for Rating Disabilities—The Muscular System | 2900-AE89 |
| 3451 | Schedule for Rating Disabilities—The Orthopedic System | 2900-AE91 |
| 3452 | Schedule for Rating Disabilities—Mental Disorders | 2900-AF01 |
| 3453 | Schedule for Rating Disabilities—The Hemic and Lymphatic System | 2900-AF02 |

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Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
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| 3454 | Schedule for Rating Disabilities—Impairments of the Eye, Ear, and Other Sense Organs | 2900-AF22 |
| 3455 | Schedule for Rating Disabilities—Neurological Conditions and Convulsive Disorders | 2900-AF23 |
| 3456 | Schedule for Rating Disabilities—Digestive System | 2900-AF24 |
| 3457 | Reduction of Debt Through the Performance of Work-Study Services | 2900-AF29 |
| 3458 | Reservists' Education; The Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 and the Montgomery GI Bill—Selected Reserve | 2900-AF33 |
| 3459 | Loan Guaranty; Credit Underwriting Standards and Procedures for Processing VA Guaranteed Loans | 2900-AF39 |
| 3460 | Reservists' Education; Commencing Date of Award of Educational Assistance | 2900-AF74 |
| 3461 | Veterans' Education; Suspension and Discontinuance of Payments | 2900-AF85 |
| 3462 | Reasonable Doubt | 2900-AF97 |
| 3463 | Veterans' Education; Suspension and Discontinuance of Payments Under the Post-Vietnam Era Veterans' Educational Assistance Program | 2900-AG04 |
| 3464 | Reservists' Education; Suspension and Discontinuance of Payments Under the Montgomery GI Bill—Selected Reserve | 2900-AG05 |
| 3465 | Loan Guaranty; Implementation of Public Law 102-547 | 2900-AG14 |
| 3466 | Revised Definition of Net Value and Revised Criteria for Pre-Foreclosure Debt Waivers | 2900-AG20 |
| 3467 | Veterans' Education; Implementation of the Veterans' Benefits Act of 1992 and the National Defense Authorization Act for 1993 | 2900-AG22 |
| 3468 | Veterans' Education; Veterans' Benefits Act of 1992 and the National Defense Authorization Act of 1993 in the Post-Vietnam Era Veterans' Educational Assistance Program | 2900-AG23 |
| 3469 | Reservists' Education; Implementation of the Veterans' Benefits Act of 1992 and the National Defense Authorization Act of 1993 | 2900-AG24 |
| 3470 | Claims Based on Chronic Effects of Exposure to Vesicant Agents | 2900-AG29 |
| 3471 | Disability Due to Impaired Hearing | 2900-AG44 |
| 3472 | Radiogenic Disease Provisions (Urinary Tract Definition) | 2900-AG46 |
| 3473 | Exclusions From Income | 2900-AG47 |
| 3474 | Accrued Benefits | 2900-AG48 |
| 3475 | Examinations | 2900-AG50 |
| 3476 | Returned and Cancelled Checks | 2900-AG51 |
| 3477 | Increase in Attorneys' Fees | 2900-AG55 |
| 3478 | Veterans' Training Under the Service Members Occupational Conversion and Training Act | 2900-AG56 |
| 3479 | Procedural Due Process and Appellate Rights | 2900-AG57 |
| 3480 | Veterans Education: Clarification of Eligibility Requirements for the Montgomery GI Bill - Active Duty | 2900-AG59 |
| 3481 | Veterans Education: Increase in Rates Payable Under the Montgomery GI Bill - Active Duty | 2900-AG60 |
| 3482 | Reservist Education: Increase in Rates Payable Under the Montgomery GI Bill - Selected Reserve | 2900-AG61 |
| 3483 | Veterans Education: End of Training Under the Veterans Job Training Act | 2900-AG62 |
| 3484 | Dependents and Veterans Education: Mitigating Circumstances and other Miscellaneous Amendments | 2900-AG63 |
| 3485 | Disease Associated with Exposure to Certain Herbicide Agents | 2900-AG69 |
| 3486 | Exclusions From Income | 2900-AG70 |
| 3487 | Department of Veterans Affairs Acquisition Regulation—Service Contracting | 2900-AC86 |
| 3488 | Acquisition Regulation: Contractor Qualifications | 2900-AE16 |
| 3489 | Acquisition Regulation—Sealed Bidding | 2900-AE17 |
| 3490 | Department of Veterans Affairs Acquisition Regulation—Foreign Acquisition and Contract Clause | 2900-AG39 |
| 3491 | Department of VA Acquisition Regulation- Changes to Synopsizing Procedures, Bond Requirements, Procurement of Architect- Engineer Services, & Contract Clauses | 2900-AG40 |
| 3492 | Department of Veterans Affairs Acquisition Regulation—Contract Modification | 2900-AG64 |
| 3493 | Department of Veterans Affairs Acquisition Regulation—Loan Guaranty and Vocational Rehabilitation and Counseling Programs | 2900-AG65 |
| 3494 | Department of Veterans Affairs Acquisition Regulation—Department of Veterans Affairs Acquisition Regulations System | 2900-AG66 |
| 3495 | Department of Veterans Affairs Acquisition Regulation—Service Contracting and Contract Clauses | 2900-AG67 |
| 3496 | Rules of Practice; Attorneys' and Agents' Fees | 2900-AG42 |
| 3497 | Rules of Practice; Hearings | 2900-AG07 |
| 3498 | Establishing Billing Rates for Recovering the Costs of Providing Ambulatory Surgical Procedures | 2900-AF83 |
| 3499 | Revocation of Delegation to Issue Subpoenas Pursuant to 38 USC 3311 and Specify Permissible Methods of Service | 2900-AE77 |
| 3500 | Standards for Program Evaluation | 2900-AE30 |

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Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3501 | Reporting Health Care Practitioners to State Licensing Boards | 2900-AE27 |
| 3502 | Health Professionals' Educational Assistance Program | 2900-AF87 |
| 3503 | Schedule for Rating Disabilities; Genitourinary System Disabilities | 2900-AE11 |
| 3504 | Loan Guaranty: Title Evidence Requirements and Occupancy Requirements for Conveyance of Properties to VA ... | 2900-AE20 |
| 3505 | Schedule for Rating Disabilities—The Cardiovascular System | 2900-AE40 |
| 3506 | Schedule for Rating Disabilities—The Endocrine System | 2900-AE41 |
| 3507 | Reservists' Education; Procedural Due Process, Montgomery GI Bill —Selected Reserve | 2900-AE49 |
| 3508 | Schedule for Rating Disabilities—The Gynecological System | 2900-AE72 |
| 3509 | Veterans' Education; Standardization of Programs | 2900-AE82 |
| 3510 | Veterans' Education; Nonduplication of Benefits | 2900-AE84 |
| 3511 | Schedule for Rating Disabilities—The Respiratory System | 2900-AE94 |
| 3512 | Schedule for Rating Disabilities—Systemic Conditions | 2900-AE95 |
| 3513 | Schedule for Rating Disabilities—The Skin | 2900-AF00 |
| 3514 | Reservists' Education; Change of Program of Education | 2900-AF10 |
| 3515 | Disability or Death From Hospitalization, Medical or Surgical Treatment | 2900-AF27 |
| 3516 | Veterans' Benefits; Eligibility for the Montgomery GI Bill—Active Duty | 2900-AF30 |
| 3517 | Veterans' Education; Increase in Rates Payable in the Educational Assistance Test Program | 2900-AF36 |
| 3518 | Schedule for Rating Disabilities; Dental and Oral Conditions | 2900-AF41 |
| 3519 | Implementing Statutory Changes | 2900-AF48 |
| 3520 | Updating Rehabilitation Criteria | 2900-AF49 |
| 3521 | Claims Based on Exposure to Herbicides Containing Dioxin (Peripheral Neuropathy/Lung Cancer) | 2900-AF57 |
| 3522 | Veterans' Education; Changing Programs for Post-Vietnam Veterans | 2900-AF59 |
| 3523 | Service-Disabled Veterans' Insurance | 2900-AF69 |
| 3524 | Interest on Premiums In Arrears | 2900-AF71 |
| 3525 | Reservists' Education; Implementation of the Veterans' Educational Assistance Amendments of 1991 | 2900-AF78 |
| 3526 | Procedural Due Process and Appellant Rights | 2900-AF94 |
| 3527 | Amendments to Training and Rehabilitation Programs | 2900-AG00 |
| 3528 | Zero Percent Disability Evaluations | 2900-AG10 |
| 3529 | Loan Guaranty: Limited Denial of Participation in the Loan Guaranty Program | 2900-AG13 |
| 3530 | Direct Loans to Native American Veterans on Trust Lands | 2900-AG19 |
| 3531 | Procedural Due Process and Appellate Rights | 2900-AG28 |
| 3532 | Procedural Due Process and Appellate Rights | 2900-AG33 |
| 3533 | Increase in Amount of Veterans' Mortgage Life Insurance | 2900-AG36 |
| 3534 | Supplemental Service-Disabled Veterans' Insurance (S-DVI) | 2900-AG37 |
| 3535 | Increased Coverage for Servicemen's and Veterans' Group Life Insurance | 2900-AG38 |
| 3536 | Aggravation of Preservice Disability | 2900-AG45 |
| 3537 | Continuous Cohabitation | 2900-AG53 |
| 3538 | Veterans' Education; Flight Training | 2900-AG54 |
| 3539 | Department of Veterans Affairs Acquisition Regulation- Changes to Solicitation Provisions, Contract Clauses and Their Prescriptions | 2900-AC87 |
| 3540 | Appeals Regulations; Rules of Practice | 2900-AE78 |
| 3541 | Nondiscrimination on the Basis of Sex Under Federally Assisted Education Programs and Activities | 2900-AB51 |
| 3542 | Operation of Child Care Centers at VA Facilities | 2900-AD48 |
| 3543 | Testimony of Department Personnel and Production of Department Records in Legal Proceedings | 2900-AE76 |
| 3544 | Standards of Ethical Conduct and Related Responsibilities | 2900-AG27 |
| 3545 | Release of VA Lists of Names and Addresses and Penalty Procedures for Unauthorized Use | 2900-AC63 |
| 3546 | New Restrictions on Lobbying | 2900-AE74 |
| 3547 | FOIA: Receipt of Electronically Transmitted Facsimile Request or Appeal; Time Limit on Right of Administrative Appeal; and No Record As Adverse Determination | 2900-AF62 |

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3548 | Confidentiality of Certain Medical Records | 2900-AE28 |
| 3549 | Issuance of Prosthetic Devices on an Outpatient Basis | 2900-AE86 |
| 3550 | Hospital Care and Medical Services in Non-VA Facilities | 2900-AG41 |

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Completed Actions (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3551 | Home Improvement and Structural Alterations (HISA) Increase in the Limit for Home Improvement and Structural Alterations (HISA) | 2900-AG43 |
| 3552 | Loans to Purchase Manufactured Homes | 2900-AC85 |
| 3553 | Qualification Requirements for Department of Veterans Affairs Fee Appraisers | 2900-AD32 |
| 3554 | Loan Guaranty: Servicing Requirements for VA Guaranteed Loans | 2900-AE19 |
| 3555 | Veterans' Education; Implementation of Legislation Affecting the Post-Vietnam Era Veterans' Educational Assistance Program | 2900-AF34 |
| 3556 | Diseases Associated with Service in the Republic of Vietnam | 2900-AF44 |
| 3557 | Veterans' Education; Election to Receive Benefits Under the Montgomery GI Bill—Active Duty | 2900-AF52 |
| 3558 | Exchange of Evidence; Social Security Administration and Department of Veterans Affairs | 2900-AF72 |
| 3559 | Veterans' Education; Implementation of the Veterans' Educational Assistance Amendments of 1991 | 2900-AF77 |
| 3560 | Veterans' Education; Implementation of the Veterans' Educational Assistance Amendments of 1991 in VEAP | 2900-AF79 |
| 3561 | Claims Based on Exposure to Ionizing Radiation | 2900-AF80 |
| 3562 | Procedural Due Process Appellate Rights | 2900-AF81 |
| 3563 | Direct Service Connection (Post-Traumatic Stress Disorder) | 2900-AF84 |
| 3564 | Evidence Requirements | 2900-AF88 |
| 3565 | Radiation Exposure Compensation Act of 1990 | 2900-AF89 |
| 3566 | Civil Liberties Act Amendments of 1992 | 2900-AG11 |
| 3567 | Veterans' Radiation Exposure Amendments of 1992 | 2900-AG15 |
| 3568 | Veterans' Benefits Act of 1992 | 2900-AG16 |
| 3569 | Dependency and Indemnity Compensation Reform Act of 1992 | 2900-AG17 |
| 3570 | Exclusions From Income | 2900-AG18 |
| 3571 | Special Allowances to Restore Certain Social Security Benefits | 2900-AG21 |
| 3572 | Tentative Eligibility | 2900-AG25 |
| 3573 | Veterans' Education; Waiver of the Pro Rata Refund Requirement | 2900-AG26 |
| 3574 | Determinations of Incompetency | 2900-AG30 |
| 3575 | Resumption and Payment of Withheld Benefits; Incompetents \$1,500 Estate Cases | 2900-AG31 |
| 3576 | Extending Rehabilitation Programs | 2900-AG34 |
| 3577 | Rules of Practice; Hearings Before the Board of Appeal | 2900-AF90 |
| 3578 | Delegation of Authority | 2900-AG49 |
| 3579 | Delegations of Authority/Claim for Cost of Medical Care and Services | 2900-AF96 |
| 3580 | VA Acquisition Regulation: Veterans Affairs Acquisition Regulation System | 2900-AG52 |

DEPARTMENT OF VETERANS AFFAIRS (VA)

Prerule Stage

VETERANS HEALTH ADMINISTRATION

3429. AID TO STATES FOR CARE OF VETERANS IN STATE HOMES AND GRANTS TO STATES FOR CONSTRUCTION OR ACQUISITION OF STATE HOME FACILITIES

Legal Authority: 38 USC 1741; 38 USC 1742; 38 USC 1743; 38 USC 8131; 38 USC 8132; 38 USC 8133; 38 USC 8134; 38 USC 8135; 38 USC 8136; 38 USC 8137

CFR Citation: 38 CFR 17.165; 38 CFR 17.166; 38 CFR 17.167; 38 CFR 17.183

Legal Deadline: None

Abstract: Several laws have been enacted since the last revision and

update of the regulations governing the State Home Per Diem Program. Among them is Public Law 100-322 which provided the Secretary, Department of Veterans Affairs, to evaluate per diem rates annually and increase as appropriate; the rates may not exceed the percentage increase in VA general hospitals. Numerous other changes and updates are needed to assist the States in recognition of State homes, various options for operating State homes such as contracting or leasing and clarification of States' responsibilities for providing financial support for the operation, opening of beds, after completing construction in which VA provided up to 65 percent of the cost. Timeframes for opening beds and clarification of assurance of financial support needs to be documented.

Current regulations will be updated and revised to accomplish these purposes. Additionally updates are necessary for the State Home Construction Program. Public Law 102-585 amended the time for conditional grant approvals, prohibits obligation of funds for rescinded projects during the same fiscal year, defined the date the recapture period (cont)

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 11/00/93 | |
| NPRM | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: begins, and provides for

VA

Prerule Stage

retroactive per diem payment after completion of recognition inspection. Further, the Life Safety Code requires updating to the 1993 edition and various other technical and editorial changes need to be made.

Agency Contact: L. Nan Stout, or F. Brent Baker, Chief, State Home Per Diem Program, or Chief State Home Construction Grant Prog., Department of Veterans Affairs, Veterans Health Administration (114B), 810 Vermont Avenue NW., Washington, DC 20420, 202 535-7538

RIN: 2900-AE87

3430. • HEALTH PROFESSIONALS EDUCATION ASSISTANCE PROGRAM

Legal Authority: PL 102-405

CFR Citation: 38 CFR 17.607(c)

Legal Deadline: None

Abstract: VA will amend its medical regulations by changing 38 CFR 17.607 (c) duration of service from 1-year to 2-years in accordance with Public Law 102-405, section 202.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charlotte F. Beason, Director, Associated Health Professions, Education Programs Service, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 535-7527

RIN: 2900-AG68

VETERANS BENEFITS ADMINISTRATION

3431. EMPLOYEE FIDUCIARIES

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 0.735-21

Legal Deadline: None

Abstract: The existing regulation falls under the general rules of conduct for employees. The intended change will bar most employees from becoming fiduciaries for beneficiaries of Department of Veterans Affairs benefits and establish an exemption to the bar under a limited number of circumstances such as when the employee is a close relative.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-5291

RIN: 2900-AB50

3432. LINE OF DUTY

Legal Authority: 38 USC 105(a)

CFR Citation: 38 CFR 3.1; 38 CFR 3.301

Legal Deadline: None

Abstract: This amendment will preclude establishment of service connection for conditions that are secondary to the abuse of alcohol or drugs.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AF03

3433. DISABILITY OR DEATH FROM HOSPITALIZATION, MEDICAL OR SURGICAL TREATMENT

Legal Authority: 38 USC 1151

CFR Citation: 38 CFR 3.3581(b)

Legal Deadline: None

Abstract: To clarify when benefits based upon disability or death resulting from hospitalization, medical or surgical treatment, or pursuit of a vocational rehabilitation program may be authorized.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AG12

3434. REVISION OF DECISIONS

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.105(a)

Legal Deadline: None

Abstract: To amend adjudication regulations concerning revision of decisions based upon clear and unmistakable error to clarify that the scope of the regulation is limited to the review of Regional Office decisions that have not been affirmed by a decision of the Board of Veterans Appeals.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AG32

3435. DETERMINATION OF BASIC ELIGIBILITY

Legal Authority: 38 USC 1502; 38 USC 1503; 38 USC 1515(a)

CFR Citation: 38 CFR 21.50

Legal Deadline: None

Abstract: We are amending 21.50(d) to allow staff of the Vocational Rehabilitation and Counseling Division to make determinations of basic eligibility for the vocational rehabilitation program. The Adjudication Division has sole authority for these decisions under the current rule.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Robert Lawson, Consultant, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-6494

RIN: 2900-AG35

BOARD OF VETERANS APPEALS

3436. APPEALS REGULATIONS; RULES OF PRACTICE

Legal Authority: 38 USC 7105; 38 USC 7105(d)(3) to 7105(d)(5); 38 USC 501(a)

CFR Citation: 38 CFR 2.66; 38 CFR 19.30; 38 CFR 19.35; 38 CFR 20.202

Legal Deadline: None

Abstract: The Board of Veterans' Appeals will be revising its Appeals Regulations and Rules of Practice to refine them in light of experience and to improve the efficiency of the appellate process. No alternatives are available. These revisions will not entail any costs to the Government other than the costs normally associated with drafting, agency review, and publication. Costs to public, if any, have not yet been determined.

Timetable: Next Action Undetermined
Small Entities Affected: Undetermined
Government Levels Affected: None

Agency Contact: Steven L. Keller, Counsel to the Chairman (01C), Department of Veterans Affairs, Board of Veterans' Appeals, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2978

RIN: 2900-AF54

3437. RULES OF PRACTICE; REPRESENTATION

Legal Authority: 38 USC 5901; 38 USC 5904; 38 USC 7105(b)(2); 38 USC 5902; 38 USC 5905; 38 USC 5903

CFR Citation: 38 CFR 20.603; 38 CFR 20.606; 38 CFR 20.609; 38 CFR 20.610; 38 CFR 20.611

Legal Deadline: None

Abstract: This regulation will amend the Rules of Practice of the Board of Veterans' Appeals relating to representatives to refine them in light of experience and to improve the efficiency of the appellate process. No alternatives are available. These revisions will not entail any costs to the public or the Government other than the costs normally associated with drafting, agency review, and publication.

Timetable: Next Action Undetermined
Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Agency Contact: Steven L. Keller, Counsel to the Chairman (01C), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2978

RIN: 2900-AG08

3438. APPEALS REGULATIONS; RULES OF PRACTICE

Legal Authority: 38 USC 7102; 38 USC 7103; 38 USC 7110; 38 USC 7104(a)

CFR Citation: 38 CFR 19.11; 38 CFR 20.1303

Legal Deadline: None

Abstract: This regulation will amend the appeals regulations and the rules of practice of the Board of Veterans Appeals to refine them in light of experience and to improve the efficiency of the appellate process. No alternatives are available. These revisions will not entail any costs to the public or the Government other than the costs normally associated with drafting, agency review, and publication.

Timetable: Next Action Undetermined
Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Agency Contact: Steven L. Keller, Counsel to the Chairman (01C), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2978

RIN: 2900-AG09

DEPARTMENT OF VETERANS AFFAIRS (VA)

Proposed Rule Stage

VETERANS HEALTH ADMINISTRATION

3439. DISPOSITION OF VETERAN'S PERSONAL FUNDS AND EFFECTS ON FACILITY UPON DEATH, OR DISCHARGE, OR UNAUTHORIZED ABSENCE, AND OF FUNDS AND EFFECTS FOUND ON FACILITY

Legal Authority: 38 USC 210(c)
CFR Citation: 38 CFR 12.0 to 12.24
Legal Deadline: None

Abstract: Section 208 of Public Law 94-581 provides that unclaimed property or funds and effects left by a dependent or survivor of a veteran receiving medical care at a Department of Veterans Affairs facility as a CHAMPVA beneficiary will be disposed of in the same or similar manner as such property left by a veteran. Also, estates of dependents or survivors of a veteran who dies intestate and without legal heirs while

a patient in any Department of Veterans Affairs facility or any hospital, while being furnished care or treatment therein by VA will escheat to the U.S. Government. Some of these regulations have not been updated since 1948, therefore, editorial changes will be made which will not affect policy.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Wanda Elam, Medical Administration Program Specialist, Policies and Procedures (161B1), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 535-7659

RIN: 2900-AB61

3440. CHAMPVA

Legal Authority: 38 USC 1713
CFR Citation: 38 CFR 17.54 to 17.54f
Legal Deadline: None

Abstract: The Civilian Health and Medical Program of VA (CHAMPVA) provides dependents and survivors of certain veterans with a medical benefits program similar in scope to DoD's Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) through which VA would help pay for certain medical services and supplies obtained from civilian sources for persons not otherwise eligible for medical care under CHAMPUS.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None
Government Levels Affected: None

VA

Proposed Rule Stage

Agency Contact: Stuart E. Mount, CHAMPVA Liaison, Administrative Services Officer (161), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 535-7660

RIN: 2900-AE64

3441. CONFIDENTIALITY OF HEALTH CARE QUALITY ASSURANCE REVIEWS

Legal Authority: 38 USC 5705

CFR Citation: 38 CFR 1.500 to 1.541

Legal Deadline: None

Abstract: This regulation will amend and update current VA regulations to more accurately reflect Medical Quality Assurance activities in the Veterans' Hospital Administration.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Galen L. Barbour, M.D. (15), CMD for Quality Management, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 535-7330

RIN: 2900-AG01

3442. CONTRACT PROGRAM FOR VETERANS WITH ALCOHOL AND DRUG DEPENDENCY DISORDERS

Legal Authority: 38 USC 501

CFR Citation: 38 CFR 17.53(b)(1)(i); 38 CFR 17.53c(a)(1)(i)

Legal Deadline: None

Abstract: The Department of Veterans Affairs will propose to amend its medical regulations to adopt the 1991 edition of the Life Safety Code for the Contract Program for Veterans with Alcohol and Drug Dependency Disorders.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Karen Boies, Ph.D., Deputy Associate Director for Addictive and Psychiatric Rehabilitation (111C1B), Department of Veterans

Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 535-7316

RIN: 2900-AG58

VETERANS BENEFITS ADMINISTRATION

3443. 1. VETERANS SERVICES OFFICER (VSO) TO SELECT AND APPOINT OR RECOMMEND FOR APPOINTMENT THE PERSON OR LEGAL ENTITY TO RECEIVE BENEFITS IN A FIDUCIARY CAPACITY 2. DIRECT PAYMENT

Legal Authority: 38 USC 5502

CFR Citation: 38 CFR 13.55; 38 CFR 13.56

Legal Deadline: None

Abstract: 38 CFR 13.55 authorizes the VSO to select and appoint a fiduciary and defines the types of payees authorized to receive payments in fiduciary cases. The intended change updates the authority language to more closely reflect changes to 38 USC 3202; removes language to more closely reflect changes to 38 USC 5502; removes gender specific terminology and reference to mental illness; and, further clarifies the types of payees available for selection. 38 CFR 13.56 defines classes of beneficiaries who may be paid directly. The intended change clarifies the conditions for direct payment.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-5291

RIN: 2900-AB75

3444. 1. PAYMENT TO THE WIFE OR HUSBAND OF AN INCOMPETENT VETERAN 2. LEGAL CUSTODIAN

Legal Authority: 38 USC 5502

CFR Citation: 38 CFR 13.57; 38 CFR 13.58

Legal Deadline: None

Abstract: 38 CFR 13.57 specifies types of Department of Veterans Affairs

benefits that may be paid to spouse payee. The intended change broadens the class of payments to include Department of Veterans Affairs insurance. 38 CFR 13.58 explains in part duties expected of a legal custodian. Upon request the legal custodian may be required to divulge any information in the possession of the legal custodian about all income and assets available to the beneficiary.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-5291

RIN: 2900-AB76

3445. APPORTIONMENT OF BENEFITS TO DEPENDENTS; PAYMENT OF COST OF VETERAN'S MAINTENANCE IN INSTITUTION; RECOMMENDATION FOR PAYMENT

Legal Authority: 38 USC 501(a); 38 USC 5502; 38 USC 5503; PL 98-543, Sec 402

CFR Citation: 38 CFR 13.70; 38 CFR 13.71; 38 CFR 13.74

Legal Deadline: None

Abstract: 38 CFR 13.70 defines the conditions under which the Veterans Services Officer may recommend an apportionment of benefits to dependents. The proposed amendment will clarify these conditions. The amendment will also remove a reference to mental illness as the sole criterion for a rating of incompetency.

38 CFR 13.71 is to be amended to make clear that the signing of an institutional award agreement does not waive an institution's right to claim payments under 38 USC 641. This action is the result of an unpublished General Counsel opinion.

38 CFR 13.74 is based on the provisions of 38 USC sec. 3203(b)(1)(A); however, where the law refers to more than one type of institutional care, the regulation refers only to instances of hospitalization. This would seem to preclude application of the regulation when veterans are in State

VA

Proposed Rule Stage

run nursing homes or other institutions operated by the United States or a political subdivision. The Department of Veterans Affairs, therefore, proposes to correct this defect by substituting the terms "institution" and "institutionalization" where appropriate.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William B. Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-5291

RIN: 2900-AC10

3446. COMPLIANCE WITH CIVIL RIGHTS PROVISIONS

Legal Authority: 38 USC 3115

CFR Citation: 38 CFR 21.324

Legal Deadline: None

Abstract: Compliance with civil rights provisions requires that payment of benefits to veterans be terminated upon a finding that a veteran is attending a facility which has been found in noncompliance with applicable provisions of part 18, Nondiscrimination in Federally Assisted Programs of the Department of Veterans Affairs. We propose to amend 38 CFR 21.324 to reflect this new requirement.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (281), Vocational Rehabilitation Service, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-6496

RIN: 2900-AC72

3447. FULL DISCLOSURE OF BENEFICIARY'S INCOME AND ASSETS

Legal Authority: PL 99-576, Sec 505; 38 USC 5502

CFR Citation: 38 CFR 13.58(b)(2)(iii); 38 CFR 13.59(a); 38 CFR 13.100(a)(1); 38 CFR 13.102(b); 38 CFR 13.104(a)

Legal Deadline: None

Abstract: Federally appointed fiduciaries are not required, except under very specific circumstances, to divulge non-VA income and assets belonging to the incompetent beneficiary. It is difficult to assess whether the fiduciary is using the beneficiary's VA assets appropriately unless placed in the context of total income and assets available. The purpose of these changes is to lessen the potential for fraud, waste and abuse. 38 CFR 13.58(b)(2) and 13.59(a) detail the responsibilities of legal custodians and court-appointed guardians respectively. They would be amended to require the reporting of non-VA assets. 38 CFR 13.100(a)(1) defines the authority of the Veterans Services Officer to supervise fiduciaries. The intended change would permit the Veterans Services Officer to request non-VA financial information from fiduciaries. 38 CFR 13.102(b) and 13.104(b) define the accountability of legal custodians and court-appointed guardians respectively. The intended change requires disclosure of non-VA financial information.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-5291

RIN: 2900-AD35

3448. RESERVISTS' EDUCATION; PL 101-237 AND THE MONTGOMERY GI BILL—SELECTED RESERVE

Legal Authority: PL 101-189; PL 101-237

CFR Citation: 38 CFR 21.7520; 38 CFR 21.7540; 38 CFR 21.7576; 38 CFR 21.7612; 38 CFR 21.7620; 38 CFR 21.7622; 38 CFR 21.7624; 38 CFR 21.7631; 38 CFR 21.7635; 38 CFR 21.7636; 38 CFR 21.7639; 38 CFR 21.7640; 38 CFR 21.7642; 38 CFR 21.7645; 38 CFR 21.7653; ...

Legal Deadline: None

Abstract: The Department of Defense Authorization Act for Fiscal Years 1990 and 1991 greatly expands the types of training permitted under the Montgomery GI Bill—Selected Reserve. The Veterans Education and Employment Amendments of 1989 also add a new type of training, flight training, to this program. Furthermore, the amendments also allow participants to receive a work-study allowance. The regulations which govern the Montgomery GI Bill—Selected Reserve must be amended to implement these new provisions of law.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: RIN 2900-AE47 has been merged with this RIN.

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092

RIN: 2900-AE43

3449. ACCEPTANCE OF PARTIAL PAYMENTS; INDEMNIFICATION OF DEFAULT

Legal Authority: 38 USC 501(a); 38 USC 3703; 38 USC 3732

CFR Citation: 38 CFR 4201; 38 CFR 4275; 38 CFR 4301; 38 CFR 4315; 38 CFR 4323

Legal Deadline: None

Abstract: Public Law 101-237, the Veterans Home Loan Indemnity and Restructuring Act of 1989, amended 38 USC 1832(a) to require holders of VA guaranteed loans that are in default to notify VA if they refuse a partial payment of the amount owed when submitted by the veteran borrower. Notification may include a statement as to the circumstances of the default and the reason for the holder's refusal; these regulations will also set out the changed requirements with regard to establishing a veteran's liability to the Government in the event of foreclosure of a VA guaranteed loan. In the past veterans were liable if their VA loan foreclosed. Under Public Law 101-237 liability will only be established in the

VA

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event of fraud, misrepresentation, or bad faith.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3668

RIN: 2900-AE60

3450. SCHEDULE FOR RATING DISABILITIES—THE MUSCULAR SYSTEM

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.73

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the muscular system.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 11/08/90 | 55 FR 46950 |
| ANPRM Comment | 01/07/91 | |
| Period End | | |
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John L. Roberts, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AE89

3451. SCHEDULE FOR RATING DISABILITIES—THE ORTHOPEDIC SYSTEM

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.71(a)

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the orthopedic system.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 12/28/90 | 55 FR 53315 |
| ANPRM Comment | 02/26/91 | |
| Period End | | |
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John L. Roberts, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AE91

3452. SCHEDULE FOR RATING DISABILITIES—MENTAL DISORDERS

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.125; 38 CFR 4.126; 38 CFR 4.127; 38 CFR 4.128; 38 CFR 4.129; 38 CFR 4.130; 38 CFR 4.131; 38 CFR 4.132

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate mental disorders.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 05/02/91 | 56 FR 20170 |
| ANPRM Comment | 07/01/91 | |
| Period End | | |
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John L. Roberts, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AF01

3453. SCHEDULE FOR RATING DISABILITIES—THE HEMIC AND LYMPHATIC SYSTEM

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.117

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical

criteria used to evaluate disabilities of the hemic and lymphatic systems.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 05/02/91 | 56 FR 20168 |
| ANPRM Comment | 07/01/91 | |
| Period End | | |
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John L. Roberts, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AF02

3454. SCHEDULE FOR RATING DISABILITIES—IMPAIRMENTS OF THE EYE, EAR, AND OTHER SENSE ORGANS

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.75; 38 CFR 4.76; 38 CFR 4.77; 38 CFR 4.78; 38 CFR 4.79; 38 CFR 4.80; 38 CFR 4.83; 38 CFR 4.84; 38 CFR 4.85; 38 CFR 4.86; 38 CFR 4.87

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate impairments of the eye, ear, and other sense organs.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 05/02/91 | 56 FR 20170 |
| ANPRM Comment | 07/01/91 | |
| Period End | | |
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John L. Roberts, Consultant, Regulations Staff (211B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AF22

3455. SCHEDULE FOR RATING DISABILITIES—NEUROLOGICAL CONDITIONS AND CONVULSIVE DISORDERS

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.120; 38 CFR 4.121; 38 CFR 4.122; 38 CFR 4.123; 38 CFR 4.124; 38 CFR 4.124a

Legal Deadline: None

Abstract: These amendments will contain additions, deletions, and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the neurological system.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 05/02/91 | 56 FR 20169 |
| ANPRM Comment Period End | 07/01/91 | |
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John L. Roberts, Consultant, Regulations Staff (211B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AF23

3456. SCHEDULE FOR RATING DISABILITIES—DIGESTIVE SYSTEM

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.114

Legal Deadline: None

Abstract: These amendments will contain additions, deletions, and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the digestive system.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 05/02/91 | 56 FR 20168 |
| ANPRM Comment Period End | 07/01/91 | |
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John L. Roberts, Consultant, Regulations Staff (211B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AF24

3457. REDUCTION OF DEBT THROUGH THE PERFORMANCE OF WORK-STUDY SERVICES

Legal Authority: PL 102-16

CFR Citation: 38 CFR 1.912b

Legal Deadline: None

Abstract: There is a section of PL 102-16 which is designed to eliminate some VA debts. The Secretary of Veterans Affairs is given the authority to enter into an agreement with an individual who has incurred an overpayment of VA educational or rehabilitation benefits. Pursuant to the agreement the individual may reduce the resulting debt through performance of work-study services. The law gives VA considerable latitude in administering this program. The regulation will state the way in which VA will implement this provision of law.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092

RIN: 2900-AF29

3458. RESERVISTS' EDUCATION; THE PERSIAN GULF CONFLICT SUPPLEMENTAL AUTHORIZATION AND PERSONNEL BENEFITS ACT OF 1991 AND THE MONTGOMERY GI BILL—SELECTED RESERVE

Legal Authority: PL 102-25

CFR Citation: 38 CFR 21.7636

Legal Deadline: None

Abstract: The Persian Gulf War Veterans' Benefits Act of 1991 provides increases in the full-time, three-quarter-time and half-time rate of educational assistance payable to someone pursuing a program of education under the Montgomery GI Bill - Selected Reserve. These increases are effective October 1, 1991. This will implement that increase. VA is also authorized by law to set by regulation the amount of monthly educational assistance payable to someone who is pursuing a program of education at quarter-time under the Montgomery GI Bill - Selected Reserve. VA will propose making a proportional increase in the quarter-time rate.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092

RIN: 2900-AF33

3459. LOAN GUARANTY; CREDIT UNDERWRITING STANDARDS AND PROCEDURES FOR PROCESSING VA GUARANTEED LOANS

Legal Authority: 38 USC 501(a); 38 USC 3703(c)(1); 38 USC 3710(g)

CFR Citation: 38 CFR 4337

Legal Deadline: None

Abstract: The Loan Guaranty regulations are being amended to update the residual income guidelines of the credit underwriting standards, to add guidelines for underwriting cases involving foreclosures and federally-related debts, to provide more specific time frames for determinations regarding employment, and to further clarify the use of compensating factors in underwriting VA-guaranteed home loans.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Judith A. Caden, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3042

RIN: 2900-AF39

3460. RESERVISTS' EDUCATION; COMMENCING DATE OF AWARD OF EDUCATIONAL ASSISTANCE

Legal Authority: 10 USC 2136

CFR Citation: 38 CFR 21.7631

Legal Deadline: None

Abstract: In VA's response to the final report of the Commission to Assess Veterans' Education Policy VA stated it would make various changes in response to the Commission's recommendations. These regulatory changes will include amendments to

VA

Proposed Rule Stage

adjust the beginning dates of awards of educational assistance. This purpose will implement the commitments VA made in its response with respect to the Montgomery GI Bill - Selected Reserve.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092

RIN: 2900-AF74

3461. VETERANS' EDUCATION; SUSPENSION AND DISCONTINUANCE OF PAYMENTS

Legal Authority: 38 USC 3690

CFR Citation: 38 CFR 21.4133; 38 CFR 21.4134; 38 CFR 21.4135; 38 CFR 21.4146; 38 CFR 21.4152; 38 CFR 21.4202; 38 CFR 21.4207; 38 CFR 21.4208; 38 CFR 21.4210; 38 CFR 21.4211; 38 CFR 21.4212; 38 CFR 21.4213; 38 CFR 21.4214; 38 CFR 21.4215; 38 CFR 21.4216

Legal Deadline: None

Abstract: Under certain conditions VA can suspend or discontinue payments of educational assistance to individuals even though the course in which they are enrolled is approved for VA training. Current regulations provide for a review of the circumstances at the local VA facility and another de novo review at VA Central Office. The proposal would gather in one place the procedures which VA follows in deciding whether to suspend or discontinue payments; would make a part of the Code of Federal Regulations the rules at the hearing which may be conducted in making this decision; and would eliminate the de novo Central Office review.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: June Schaeffer, Assistant Director for Policy and

Program Administration, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092

RIN: 2900-AF85

3462. REASONABLE DOUBT

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.102

Legal Deadline: None

Abstract: This amendment will limit the granting of benefit of the doubt to those individuals who have established their status as "claimants" in accordance with a recent decision by the U.S. Court of Veterans Appeals.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AF97

3463. VETERANS' EDUCATION; SUSPENSION AND DISCONTINUANCE OF PAYMENTS UNDER THE POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM

Legal Authority: 38 USC 3690

CFR Citation: 38 CFR 21.5130; 38 CFR 21.5200

Legal Deadline: None

Abstract: VA will propose regulations which will gather in one place the procedures VA follows in deciding whether to suspend or discontinue payments. This will require revisions to the regulations governing the Post-Vietnam Era Veterans' Educational Assistance Program so that references to the sections concerned with suspension and discontinuance of educational assistance will be correct.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration, Department of

Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092

RIN: 2900-AG04

3464. RESERVISTS' EDUCATION; SUSPENSION AND DISCONTINUANCE OF PAYMENTS UNDER THE MONTGOMERY GI BILL—SELECTED RESERVE

Legal Authority: 38 USC 3690

CFR Citation: 38 CFR 21.7633; 38 CFR 21.7635; 38 CFR 21.7658

Legal Deadline: None

Abstract: VA will propose regulations which will gather in one place the procedures VA follows in deciding whether to suspend or discontinue payments of educational assistance. This will require revisions to the regulations governing the Montgomery GI Bill - Selected Reserve so that references to the sections concerned with the suspension and discontinuance of educational assistance will be correct.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092

RIN: 2900-AG05

3465. LOAN GUARANTY; IMPLEMENTATION OF PUBLIC LAW 102-547

Legal Authority: 38 USC 501(a); PL 102-547

CFR Citation: 38 CFR 36.4212; 38 CFR 36.4223; 38 CFR 36.4232; 38 CFR 36.4254; 38 CFR 36.4302; 38 CFR 36.4311; 38 CFR 36.4312; 38 CFR 36.4336

Legal Deadline: None

Abstract: The Loan Guaranty regulations are being amended to comply with certain provisions of PL 102-547, the Veterans Home Loan Program Amendments of 1992. The amended regulations will provide for the guarantee of: (1) loans for reservists

VA

Proposed Rule Stage

and members of the National Guard; (2) loan where the interest rate has been negotiated between the borrower and the lender; (3) adjustable rate mortgages; and (4) energy efficient mortgages. The amended regulations will also reflect a reduced funding fee for interest rate reduction refinancing loans and a revised guaranty percentage for these loans.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Judith Caden, Assistant Dir. for Loan Policy (264), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3042

RIN: 2900-AG14

3466. REVISED DEFINITION OF NET VALUE AND REVISED CRITERIA FOR PRE-FORECLOSURE DEBT WAIVERS

Legal Authority: 38 USC 210(c)(1); 38 USC 1803(e)(1)

CFR Citation: 38 CFR 36.4301; 38 CFR 36.4323

Legal Deadline: None

Abstract: The Department of Veterans Affairs is proposing to amend its Loan Guaranty regulations to revise the definition of Property Improvements for purposes of determining the net value of a foreclosed property and to clarify VA's position on pre-foreclosure debt waivers for liable veterans in cases involving transferee defaults. These changes will account for actual property appraisal procedures and will clarify agency policy on pre-foreclosure debt waiver.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Len Levy, Assistant Director for Loan Management, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3042

RIN: 2900-AG20

3467. VETERANS' EDUCATION; IMPLEMENTATION OF THE VETERANS' BENEFITS ACT OF 1992 AND THE NATIONAL DEFENSE AUTHORIZATION ACT FOR 1993

Legal Authority: PL 102-484; PL 102-568

CFR Citation: 38 CFR 21.5023

Legal Deadline: None

Abstract: The Veterans' Benefits Act of 1992 contains many provisions which affect the educational programs VA administers. Among these is a change in the rate of payment made to individuals who are pursuing independent study, a change in the eligibility rules for veterans and servicemembers receiving educational assistance under the Montgomery GI Bill - Active Duty. The National Defense Authorization Act for Fiscal Year 1993 also contains provisions which affect the Montgomery GI Bill - Active Duty. For example, certain individuals who have voluntarily separated from the military are given an opportunity to become eligible for the Montgomery GI Bill - Active Duty. These regulations will implement these Acts with respect to the Montgomery GI Bill - Active Duty and Dependents' Educational Assistance.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092

RIN: 2900-AG22

3468. VETERANS' EDUCATION; VETERANS' BENEFITS ACT OF 1992 AND THE NATIONAL DEFENSE AUTHORIZATION ACT OF 1993 IN THE POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM

Legal Authority: PL 102-484; PL 102-568

CFR Citation: 38 CFR 21.5023; 38 CFR 21.5058; 38 CFR 21.5145; 38 CFR 21.5232; 38 CFR 21.5250; 38 CFR 21.5270

Legal Deadline: None

Abstract: The Veterans' Benefits Act of 1992 contains some provisions which affect the educational programs VA administers. Among these are changes affecting measurement of courses and VA's work-study program. The National Defense Authorization Act for Fiscal Year 1993 permits certain voluntarily separated veterans who contributed to the VEAP fund to instead receive benefits under the Montgomery GI Bill - Active Duty. These regulations will implement these two laws with respect to VEAP.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092

RIN: 2900-AG23

3469. RESERVISTS' EDUCATION; IMPLEMENTATION OF THE VETERANS' BENEFITS ACT OF 1992 AND THE NATIONAL DEFENSE AUTHORIZATION ACT OF 1993

Legal Authority: PL 102-484; PL 102-568

CFR Citation: 38 CFR 21.7520; 38 CFR 21.7550; 38 CFR 21.7620; 38 CFR 21.7631; 38 CFR 21.7635; 38 CFR 21.7636; 38 CFR 21.7639; 38 CFR 21.7642; 38 CFR 21.7645; 38 CFR 21.7670; 38 CFR 21.7672; 38 CFR 21.7673; 38 CFR 21.7700; 38 CFR 21.7720; 38 CFR 21.7722

Legal Deadline: None

Abstract: The Veterans' Benefits Act of 1992 contains many provisions which affect the educational programs VA administers. Among these is a change in advance payment of work-study allowance and a prohibition against paying educational assistance to individuals who are pursuing a nonaccredited independent study program. The National Defense Authorization Act for Fiscal Year 1993 also contains provisions which affect the Montgomery GI Bill - Selected Reserve. For example, certain individuals who must leave the Selected Reserve because their units have been inactivated will retain

VA

Proposed Rule Stage

eligibility for the Montgomery GI Bill - Selected Reserve. This proposal will acquaint the public with the way in which VA will implement these Acts with respect to the Montgomery GI Bill - Selected Reserve.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092

RIN: 2900-AG24

3470. CLAIMS BASED ON CHRONIC EFFECTS OF EXPOSURE TO VESICANT AGENTS

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.16

Legal Deadline: None

Abstract: To amend regulations concerning compensation for disabilities or deaths resulting from the chronic effects of in-service exposure to mustard gas and other vesicant agents based upon a National Academy of Sciences study of the long-term health effects of exposure to vesicant agents commissioned by VA.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AG29

3471. • DISABILITY DUE TO IMPAIRED HEARING

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.385

Legal Deadline: None

Abstract: This amendment is necessary because the current regulation has been interpreted as overly broad with respect to determinations of service connection.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John L. Roberts, Consultant, Regulations Staff (211B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AG44

3472. • RADIOGENIC DISEASE PROVISIONS (URINARY TRACT DEFINITION)

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.309(d)(2)

Legal Deadline: None

Abstract: The Veterans' Radiation Exposure Amendments of 1992, Public Law 102-578, added cancer of the urinary tract to the list of radiogenic conditions for which presumptive service connection is authorized, but did not indicate which entities should be considered part of the urinary tract. This amendment will define the meaning of "urinary tract" for VA purposes.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carol McBryne, M.D., Consultant, Regulations Staff (211B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AG46

3473. • EXCLUSIONS FROM INCOME

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.272(q)

Legal Deadline: None

Abstract: This amendment will implement an opinion of VA's General Counsel that the portion of the cash surrender value of a life insurance policy which represents a return of premiums should not be considered income under VA's Improved Pension Program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steve Thornberry, Consultant, Regulations Staff (211B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AG47

3474. • ACCRUED BENEFITS

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.262(o)(3); 38 CFR 3.272(h); 38 CFR 3.1000

Legal Deadline: None

Abstract: This amendment will expand VA's definition of the term "Evidence in the File at the Date of Death", in order to give survivors greater access to periodic monetary benefits due Deceased beneficiaries but unpaid at the time of death.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steve Thornberry, Consultant, Regulations Staff (211B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AG48

3475. • EXAMINATIONS

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.326

Legal Deadline: None

Abstract: This amendment would increase the number of situations in which a private physician's statement may be accepted as a VA examination in order to allow earlier rating action on acceptable medical evidence with no additional burden to either the claimant or VA.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steve Thornberry, Consultant, Regulations Staff (211B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005
RIN: 2900-AG50

3476. • RETURNED AND CANCELLED CHECKS

Legal Authority: 38 USC 501(a); 38 USC 5122
CFR Citation: 38 CFR 3.1003
Legal Deadline: None
Abstract: This amendment will assure that regulations clearly reflect the governing statutes as interpreted in a precedent of VA's General Counsel so that the amount represented by a benefit check received but unnegotiated prior to a beneficiary's death is properly distributed.
Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Steve Thornberry, Consultant, Regulations Staff (211B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005
RIN: 2900-AG51

3477. • INCREASE IN ATTORNEYS' FEES

Legal Authority: 38 USC 501(a); 38 USC 3720(a)
CFR Citation: 38 CFR 36.4276; 38 CFR 36.4313
Legal Deadline: None
Abstract: The regulations are being amended to increase from \$700 to \$850 the maximum allowable amount VA will reimburse a loan holder for the cost of trustee's fees and legal services incurred by the holder in liquidating a loan guaranteed by VA. Increasing the maximum allowable amount will make it easier for holders to retain experienced legal counsel to perform required foreclosures in a timely manner.
Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined
Agency Contact: Leonard Levy, Asst. Dir. for Loan Management, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3668
RIN: 2900-AG55

3478. • VETERANS' TRAINING UNDER THE SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING ACT

Legal Authority: PL 102-484
CFR Citation: 38 CFR 21.4800; 38 CFR 21.4802; 38 CFR 21.4810; 38 CFR 21.4812; 38 CFR 21.4820; 38 CFR 21.4822; 38 CFR 21.4823; 38 CFR 21.4824; 38 CFR 21.4830; 38 CFR 21.4832; 38 CFR 21.4834; 38 CFR 21.4840; 38 CFR 21.4842; 38 CFR 21.4844; 38 CFR 21.4850
Legal Deadline: None

Abstract: The Service Members Occupational Conversion and Training Act of 1992 established a job training program for recently discharged veterans. That act authorizes the Secretary of Defense to delegate some of the responsibility for implementing it to either the Secretary of Veterans Affairs or the Secretary of Labor, or both. The Secretary of Defense has done this. These regulations will acquaint the public with the way in which VA will implement the responsibilities which have been delegated to the Secretary of Veterans Affairs.
Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: Businesses, Organizations
Government Levels Affected: None
Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092
RIN: 2900-AG56

3479. • PROCEDURAL DUE PROCESS AND APPELLATE RIGHTS

Legal Authority: 38 USC 5104
CFR Citation: 38 CFR 3.103(f)
Legal Deadline: None

Abstract: This amendment is necessary to implement statutory changes concerning the content of the notice to a claimant when benefits sought are denied.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: John Bisset, Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005
RIN: 2900-AG57

3480. • VETERANS EDUCATION: CLARIFICATION OF ELIGIBILITY REQUIREMENTS FOR THE MONTGOMERY GI BILL - ACTIVE DUTY

Legal Authority: 38 USC 3011; 38 USC 3012; 38 USC 3018
CFR Citation: 38 CFR 21.7042; 38 CFR 21.7044
Legal Deadline: None
Abstract: Generally, someone who receives a commission upon graduating from a service academy or who receives a commission upon completion of a program of educational assistance under the Reserve Officers Training Corps Scholarship Program is not eligible for educational assistance under the Montgomery GI Bill - Active Duty. However, this does not apply to those who already had established entitlement under this program before being commissioned. This proposal will make this policy clear to the public.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092
RIN: 2900-AG59

VA

Proposed Rule Stage

3481. • VETERANS EDUCATION: INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL - ACTIVE DUTY**Legal Authority:** 38 USC 3015**CFR Citation:** 38 CFR 21.7136; 38 CFR 21.7137**Legal Deadline:** None

Abstract: By statute veterans and servicemembers pursuing a program of education under the Montgomery GI Bill - Active Duty are entitled to receive an increase in the monthly rate of basic educational assistance effective October 1 of each year. The increase is based on the increase in the consumer price index for the twelve month period ending the previous June 30. These amended regulations will implement the increase due October 1, 1993 for the Montgomery GI Bill - Active Duty.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092

RIN: 2900-AG60**3482. • RESERVIST EDUCATION: INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL - SELECTED RESERVE****Legal Authority:** 10 USC 2131**CFR Citation:** 38 CFR 21.7636**Legal Deadline:** None

Abstract: By statute reservists pursuing a program of education under the Montgomery GI Bill - Selected Reserve are entitled to receive an increase in the monthly rate of basic educational assistance effective October 1 of each year. The increase is based on the increase in the consumer price index for the twelve month period ending the previous June 30. These amended regulations will implement the increase due October 1, 1993 for the Montgomery GI Bill - Selected Reserve.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092

RIN: 2900-AG61**3483. • VETERANS EDUCATION: END OF TRAINING UNDER THE VETERANS JOB TRAINING ACT****Legal Authority:** PL 98-77

CFR Citation: 38 CFR 2.99; 38 CFR 21.4135; 38 CFR 21.4600; 38 CFR 21.4602; 38 CFR 21.4610; 38 CFR 21.4612; 38 CFR 21.4620; 38 CFR 21.4622; 38 CFR 21.4623; 38 CFR 21.4624; 38 CFR 21.4630; 38 CFR 21.4631; 38 CFR 21.4632; 38 CFR 21.4634; 38 CFR 21.4640

Legal Deadline: None

Abstract: VA will propose rescinding all rules and regulations relating to or implementing the Veterans Job Training Act. The Veteran's Job Training Act was enacted in 1983. It provided payments to employers who provided job training for certain Korean Conflict and Vietnam Era veterans. Payments were made when employers submitted periodic certifications of training. New funding is not being provided for this program. VA will not accept any employer's certifications after September 30, 1993. Thus, there is no longer any need for these regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092

RIN: 2900-AG62**3484. • DEPENDENTS AND VETERANS EDUCATION: MITIGATING CIRCUMSTANCES AND OTHER MISCELLANEOUS AMENDMENTS**

Legal Authority: 38 USC 3034; 38 USC 3680

CFR Citation: 38 CFR 21.4136; 38 CFR 21.4137; 38 CFR 21.4234; 38 CFR 21.4253; 38 CFR 21.4262; 38 CFR 21.7042; 38 CFR 21.7139

Legal Deadline: None

Abstract: These amended regulations will standardize the rules concerning submission of mitigating circumstances surrounding a withdrawal from a course or courses or receipt of a nonpunitive grade. This submission is required of eligible persons receiving Dependents' Educational Assistance and veterans and servicemembers receiving educational assistance under VEAP and the Montgomery GI Bill - Active Duty, but the rules for doing this differ. Having different rules concerning an identical action required of VA beneficiaries is confusing not only to those beneficiaries, but also to the other users of the regulations. This may result in erroneous awards. The proposed regulations will also make additional miscellaneous amendments.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092

RIN: 2900-AG63**3485. • DISEASE ASSOCIATED WITH EXPOSURE TO CERTAIN HERBICIDE AGENTS****Legal Authority:** 38 USC 501; 38 USC 1116

CFR Citation: 38 CFR 3.307(a); 38 CFR 3.309(e); 38 CFR 3.311(a); 38 CFR 3.311(b)

Legal Deadline: Other, Statutory, September 27, 1993.

The subject decision was announced by the Secretary of VA on July 27, 1993; PL 102-4 specifies that this proposed rule be published within 60 days of the decision.

Abstract: This amendment is necessary to implement a decision of the Secretary of Veterans Affairs under the authority granted by the Agent Orange Act of 1991 that there is an association between exposure to herbicides used in

VA

Proposed Rule Stage

the Republic of Vietnam during the Vietnam Era and the subsequent development of Hodgkins Disease and Porphyria Cutanea Tarda.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., Consultant, Regulations Staff (2211B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AG69

3486. • EXCLUSIONS FROM INCOME

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.262(m); 38 CFR 3.262(o); 38 CFR 3.272(h)

Legal Deadline: None

Abstract: VA is proposing to include the just debts of a deceased person as an exclusion from countable income. Just debts are any unsecured debts incurred by the deceased person or incurred jointly by the deceased person and the claimant.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Trowbridge, Consultant, Regulations Staff (211B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AG70

OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT

3487. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION—SERVICE CONTRACTING

Legal Authority: 38 USC 501; 40 USC 486(c)

CFR Citation: 48 CFR 837

Legal Deadline: None

Abstract: This Department of Veterans Affairs regulation will provide coverage regarding service contracts in

accordance with recently issued OFPP policy letters.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Sherry Patton, Procurement Analyst (95A), Department of Veterans Affairs, Ofc of Acquisition and Materiel Mgmt, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-5001

RIN: 2900-AC86

3488. ACQUISITION REGULATION: CONTRACTOR QUALIFICATIONS

Legal Authority: 38 USC 501; 40 USC 486(c); 42 USC 2453(c)

CFR Citation: 48 CFR 809

Legal Deadline: None

Abstract: This amendment makes administrative changes regarding the VA procedures for making debarment and suspension decisions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Sherry Patton, Procurement Analyst (95A), Department of Veterans Affairs, Ofc of Acquisition and Materiel Mgmt, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-5001

RIN: 2900-AE16

3489. ACQUISITION REGULATION—SEALED BIDDING

Legal Authority: 38 USC 501; 40 USC 486(c)

CFR Citation: 48 CFR 814

Legal Deadline: None

Abstract: This amendment will delete duplicative coverage from the VA Acquisition Regulation.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Lisa Russell, Procurement Analyst (95A), Department of Veterans Affairs, Ofc of Acquisition and Materiel Mgmt, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-5001

RIN: 2900-AE17

3490. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION—FOREIGN ACQUISITION AND CONTRACT CLAUSE

Legal Authority: 38 USC 501; 40 USC 486(c)

CFR Citation: 48 CFR 825; 48 CFR 852

Legal Deadline: None

Abstract: This change will add two items to the list of expected articles, materials, and supplies that are not mined, produced, or manufactured in the United States in sufficient commercial quantities. This change also revises a contract clause.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Patricia A. Viverette, Procurement Analyst (95A), Acquisition and Materiel Management, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-5001

RIN: 2900-AG39

VA

Proposed Rule Stage

3491. DEPARTMENT OF VA ACQUISITION REGULATION-CHANGES TO SYNOPSISING PROCEDURES, BOND REQUIREMENTS, PROCUREMENT OF ARCHITECT- ENGINEER SERVICES, & CONTRACT CLAUSES

Legal Authority: 38 USC 501; 40 USC 486(c)

CFR Citation: 48 CFR 805; 48 CFR 828; 48 CFR 836; 48 CFR 852

Legal Deadline: None

Abstract: This change will delete duplicative coverage; update organizational titles; add an appropriate prescription for a contract clause; revise a contract clause; and remove an inappropriate contract clause. Additionally, this change will simplify the architect-engineer selection process.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Lisa Russell, Procurement Analyst (95A), Acquisition and Materiel Management, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-5001

RIN: 2900-AG40

3492. • DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION—CONTRACT MODIFICATION

Legal Authority: 38 USC 501; 40 USC 486(c)

CFR Citation: 48 CFR 843

Legal Deadline: None

Abstract: This change will add regulations to clarify existing guidance on contract modifications.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no

statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Lisa Russell, Senior Procurement Ananyst, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-5001

RIN: 2900-AG64

3493. • DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION—LOAN GUARANTY AND VOCATIONAL REHABILITATION AND COUNSELING PROGRAMS

Legal Authority: 38 USC 501; 40 USC 486(c)

CFR Citation: 48 CFR 871

Legal Deadline: None

Abstract: This change will increase the amount which property holders and management brokers may spend for emergency repairs. Title changes and deletion of duplicative coverage are also being made.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Lisa Russell, Senior Procurement Analyst, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-5001

RIN: 2900-AG65

3494. • DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION—DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATIONS SYSTEM

Legal Authority: 38 USC 501; 48 USC 486(c)

CFR Citation: 48 CFR 801

Legal Deadline: None

Abstract: This change will make VA Acquisition Regulation part 801 consistent with the Federal Acquisition Regulation.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Sherry Patton, Senior Procurement Analyst, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-5001

RIN: 2900-AG66

3495. • DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION—SERVICE CONTRACTING AND CONTRACT CLAUSES

Legal Authority: 38 USC 501; 40 USC 486(c)

CFR Citation: 48 CFR 837; 48 CFR 852

Legal Deadline: None

Abstract: This change will implement a class deviation from Federal Acquisition Regulation (FAR) section 37.401(c) and FAR Clause 52.237-7.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Patricia Viverette, Procurement Analyst, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-5001

RIN: 2900-AG67

BOARD OF VETERANS APPEALS

3496. RULES OF PRACTICE; ATTORNEYS' AND AGENTS' FEES

Legal Authority: 38 USC 5904(c)(3); 38 USC 501

CFR Citation: 38 CFR 20.609

VA

Proposed Rule Stage

Legal Deadline: None

Abstract: This regulation will amend the rules of practice of the Board of Veterans' Appeals concerning fees of attorneys and agents to reflect changes to 38 USC 5904(c) resulting from section 303 of Public Law 102-405. No alternatives are available. These revisions will not entail any costs other than those normally associated with drafting, agency review, and publication.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven L. Keller, Counsel to the Chairman (01C), Board of Veterans Appeals, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2978

RIN: 2900-AG42

BOARD OF CONTRACT APPEALS/CONTRACT APPEALS BOARD

3497. RULES OF PRACTICE; HEARINGS

Legal Authority: 38 USC 501(a); 38 USC 7102; 38 USC 7104; 38 USC 7105(a); 38 USC 7105A; 38 USC 7110; 38 USC 5711; 38 USC 7102(c)

CFR Citation: 38 CFR 20.3; 38 CFR 20.700; 38 CFR 20.702; 38 CFR 20.703; 38 CFR 20.704; 38 CFR 20.707; 38 CFR 20.710; 38 CFR 20.711; 38 CFR 20.713; 38 CFR 20.714; 38 CFR 20.716; 38 CFR 20.717; 38 CFR 20.1003

Legal Deadline: None

Abstract: This regulation will amend the Rules of Practice of the Board of Veterans' Appeals concerning hearings to refine them in light of experience and to improve the efficiency of the appellate process. No alternatives are available. These revisions will not entail any costs to the Government other than the costs normally associated with drafting, agency review, and publication. These revisions will not entail any costs to the public.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven L. Keller, Counsel to the Chairman (01C), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2978

RIN: 2900-AG07

OFFICE OF FINANCIAL MANAGEMENT

3498. ESTABLISHING BILLING RATES FOR RECOVERING THE COSTS OF PROVIDING AMBULATORY SURGICAL PROCEDURES

Legal Authority: 38 USC 501

CFR Citation: 38 CFR 17

Legal Deadline: None

Abstract: VA is proposing to amend its regulations that specifically address the rate setting methodology and the billing rates for the costs of providing care associated with ambulatory surgical procedures. VA wishes to amend the present regulations to utilize the rates already established and published by Health Care Financing Administration (HCFA). The intended effect of utilizing HCFA rates and methodology is to enable VA to expedite the rate setting process and bill for medical care services at a reasonable cost for providing care.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Gilfillan, Chief, Medical Rate and Analysis Division, (MRAD) (047M), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-8284

RIN: 2900-AF83

OFFICE OF THE GENERAL COUNSEL

3499. REVOCATION OF DELEGATION TO ISSUE SUBPOENAS PURSUANT TO 38 USC 3311 AND SPECIFY PERMISSIBLE METHODS OF SERVICE

Legal Authority: 38 USC 210(c)(1)

CFR Citation: 38 CFR 2.1

Legal Deadline: None

Abstract: Cases have held that the head of an agency may not lawfully delegate to, or expand the authority to subpoena documents of, the Offices of Inspector General established under the Inspector General Act. (The VA Inspector General was established under that Act.) Thus, the delegation of subpoena authority under 38 CFR 2.1 does not comport with law and should be changed. Current regulations do not specify the method of service. This amendment would rescind this delegation and incorporate into 38 CFR 2.1 information on methods of service of administrative subpoenas, as other agencies do on exercising subpoena power. It would provide needed guidance to VA officials and the public on proper service of subpoenas.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Audley Hendricks/Neal Lawson, Assistant General Counsels (023)/(024), Department of Veterans Affairs, Office of the General Counsel, 810 Vermont Avenue NW., Washington, DC 20420, 202 523-3523

RIN: 2900-AE77

OFFICE OF POLICY AND PLANNING

3500. STANDARDS FOR PROGRAM EVALUATION

Legal Authority: 38 USC 210(c); 38 USC 219

CFR Citation: 38 CFR 1.15

Legal Deadline: None

Abstract: Due to the realignment of the program evaluation function and the reduction of resources dedicated to that function, the conduct of program evaluations will be reevaluated and alternatives explored which will better meet the needs of the VA in assessing the effectiveness of its programs. Regulations will be proposed to implement these changes.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

VA

Proposed Rule Stage

Government Levels Affected: None
Agency Contact: Lois A. Shuck,
 Director, Management Analysis &
 Reports Division (008B3), Department

of Veterans Affairs, 810 Vermont
 Avenue NW., Washington, DC 20420,
 202 233-5212
 RIN: 2900-AE30

DEPARTMENT OF VETERANS AFFAIRS (VA)

Final Rule Stage

VETERANS HEALTH
ADMINISTRATION3501. REPORTING HEALTH CARE
PRACTITIONERS TO STATE
LICENSING BOARDS

Legal Authority: PL 99-166

CFR Citation: 38 CFR 47

Legal Deadline: None

Abstract: This regulation will specify the requirements for reporting licensed health care professionals to licensing and monitoring entities. It will also state the criteria to be used in determining who should be reported to licensing and monitoring entities.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ruth-Ann Phelps,
 Ph.D., Professional Affairs Staff (10A2),
 Department of Veterans Affairs,
 Veterans Health Administration, 810
 Vermont Avenue NW., Washington, DC
 20420, 202 535-7327

RIN: 2900-AE27

3502. HEALTH PROFESSIONALS'
EDUCATIONAL ASSISTANCE
PROGRAM

Legal Authority: PL 96-330; 38 USC 76;
 PL 101-366

CFR Citation: 38 CFR 17.613; 38 CFR
 17.614; 38 CFR 17.615; 38 CFR 17.616;
 38 CFR 17.617; 38 CFR 17.618

Legal Deadline: None

Abstract: VA is amending its Medical regulations by adding new sections to implement the provisions of Pub. L. 101-366. Section 205 of that law creates the "Stipend Program for Members of the Selected Reserve" codified at 38 U.S.C., chapter 76, subchapter V.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/29/92 | 57 FR 33471 |
| NPRM Comment Period End | 09/28/92 | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charlotte F. Beason,
 E.D., Director, Associated Health
 Professions, Education Program Service
 (143), Department of Veterans Affairs,
 810 Vermont Avenue NW., Washington,
 DC 20420, 202 535-7527

RIN: 2900-AF87

VETERANS BENEFITS
ADMINISTRATION3503. SCHEDULE FOR RATING
DISABILITIES; GENTOURINARY
SYSTEM DISABILITIES

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.115; 38 CFR
 4.115a

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the genitourinary system.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 08/21/89 | 54 FR 34531 |
| ANPRM Comment Period End | 10/20/89 | 54 FR 34531 |
| NPRM | 12/02/91 | 56 FR 61216 |
| NPRM Comment Period End | 01/02/92 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John L. Roberts,
 Consultant, Regulations Staff (211B),
 Department of Veterans Affairs,
 Veterans Benefits Administration, 810

Vermont Avenue NW., Washington, DC
 20420, 202 233-3005

RIN: 2900-AE11

3504. LOAN GUARANTY: TITLE
EVIDENCE REQUIREMENTS AND
OCCUPANCY REQUIREMENTS FOR
CONVEYANCE OF PROPERTIES TO
VA

Legal Authority: 38 USC 501(a); 38
 USC 3703(c)(1); 38 USC 3720

CFR Citation: 38 CFR 36.4320

Legal Deadline: None

Abstract: Present regulations give loan holders a choice of various forms of title evidence when conveying a property to the Secretary of Veterans Affairs. The regulations will be amended to authorize the Secretary to specify the title documentation necessary for conveyance of properties to the Secretary and establish a date by which such title evidence must be received. The amendment will also provide that the property must be vacant when conveyed to VA unless occupied by someone properly in possession by virtue of a redemption period or as otherwise directed by the Secretary.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| NPRM | 08/06/90 | 55 FR 31847 |
| NPRM Comment Period End | 09/05/90 | 55 FR 31847 |
| NPRM Comment Period Extended | 10/05/90 | 55 FR 35325 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy,
 Assistant Director for Loan
 Management (261), Department of
 Veterans Affairs, Veterans Benefits
 Administration, 810 Vermont Avenue
 NW., Washington, DC 20420, 202 233-
 3668

RIN: 2900-AE20

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3505. SCHEDULE FOR RATING DISABILITIES—THE CARDIOVASCULAR SYSTEM

Legal Authority: 38 USC 1155
CFR Citation: 38 CFR 4.100; 38 CFR 4.101; 38 CFR 4.102; 38 CFR 4.103; 38 CFR 4.104

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the cardiovascular system.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|------------|
| ANPRM | 02/26/90 | 55 FR 6658 |
| ANPRM Comment Period End | 04/27/90 | 55 FR 6658 |
| NPRM | 01/19/93 | 58 FR 4954 |
| NPRM Comment Period End | 03/22/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Caroll McBrine, M.D., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AE40

3506. SCHEDULE FOR RATING DISABILITIES—THE ENDOCRINE SYSTEM

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.119

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the endocrine system.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|------------|
| ANPRM | 02/26/90 | 55 FR 6658 |
| ANPRM Comment Period End | 04/27/90 | 55 FR 6658 |
| NPRM | 01/22/93 | 58 FR 5691 |
| NPRM Comment Period End | 03/23/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Caroll McBrine, M.D., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AE41

3507. RESERVISTS' EDUCATION; PROCEDURAL DUE PROCESS, MONTGOMERY GI BILL—SELECTED RESERVE

Legal Authority: 38 USC 5101; 38 USC 5113

CFR Citation: 38 CFR 21.7532

Legal Deadline: None

Abstract: VA has been reviewing regulations for the purpose of improving due process procedures. This proposal will provide that in certain instances if VA does not furnish claimants or beneficiaries under the Montgomery GI Bill - Selected Reserve with notice of the time limits within which they are required to act, those time limits do not apply until notice is provided.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/14/92 | 57 FR 47024 |
| NPRM Comment Period End | 11/13/92 | 57 FR 47024 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092

RIN: 2900-AE49

3508. SCHEDULE FOR RATING DISABILITIES—THE GYNECOLOGICAL SYSTEM

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.116; 38 CFR 4.116(a)

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the gynecological system.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 08/20/90 | 55 FR 33924 |
| ANPRM Comment Period End | 10/19/90 | 55 FR 33924 |
| NPRM | 03/26/92 | 57 FR 10450 |
| NPRM Comment Period End | 04/27/92 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Caroll McBrine, M.D., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AE72

3509. VETERANS' EDUCATION; STANDARDIZATION OF PROGRAMS

Legal Authority: 38 USC 3034; 38 USC 3680

CFR Citation: 38 CFR 21.7032; 38 CFR 21.3032; 38 CFR 21.7320

Legal Deadline: None

Abstract: VA has been reviewing regulations for the purpose of standardizing procedures whenever possible. In the course of the review rules governing time limits provided veterans training under the Montgomery GI Bill-Active Duty is not exactly the same as that provided eligible persons training under the Dependents' Educational Assistance Program with regard to perfecting a claim. Furthermore, rules governing notification which had been provided to those receiving benefits under the now-expired Vietnam Era GI Bill with regard to a loss of dependent had not been extended to the Montgomery GI Bill-Active Duty Beneficiaries in similar circumstances. These regulations will standardize these rules.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/15/93 | 58 FR 38106 |
| NPRM Comment Period End | 08/16/93 | |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs,

VA

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Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092
RIN: 2900-AE82

3510. VETERANS' EDUCATION; NONDUPLICATION OF BENEFITS

Legal Authority: 38 USC 3034; 38 USC 3681

CFR Citation: 38 CFR 21.7142; 38 CFR 21.4025

Legal Deadline: None

Abstract: The law prohibits the payment of educational assistance to a person who would otherwise be eligible for benefits under the Montgomery GI Bill when he or she is on active duty with the Armed Forces and the Armed Forces are paying for the courses in which he or she is enrolled. This regulation is intended to implement this provision of law. However, users of the regulation have complained that the regulation appears to contradict the law. This proposal will eliminate this unintended appearance. In addition, some minor amendments to the wording of a similar Montgomery GI Bill-Active Duty when he or she is on active duty with the Armed Forces and the Armed Forces are paying for the course in which he or she is enrolled. Since this provision occurs in the law, but not in the regulation, users of the regulations have occasionally been confused. In order to eliminate that confusion, this regulation would include that prohibition.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 03/16/92 | 57 FR 9061 |
| NPRM Comment Period End | 04/15/92 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092

RIN: 2900-AE84

3511. SCHEDULE FOR RATING DISABILITIES—THE RESPIRATORY SYSTEM

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.96; 38 CFR 4.97

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the respiratory system.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|------------|
| ANPRM | 01/08/91 | 56 FR 667 |
| ANPRM Comment Period End | 03/11/91 | |
| NPRM | 01/19/93 | 58 FR 4962 |
| NPRM Comment Period End | 03/22/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John L. Roberts, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AE94

3512. SCHEDULE FOR RATING DISABILITIES—SYSTEMIC CONDITIONS

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.88; 38 CFR 4.88a

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate systemic conditions.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 01/25/91 | 56 FR 2884 |
| ANPRM Comment Period End | 03/26/91 | |
| NPRM | 04/30/93 | 58 FR 26083 |
| NPRM Comment Period End | 06/29/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John L. Roberts, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810

Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AE95

3513. SCHEDULE FOR RATING DISABILITIES—THE SKIN

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.118

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate skin conditions.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 05/02/91 | 56 FR 20171 |
| ANPRM Comment Period End | 07/01/91 | |
| NPRM | 01/19/93 | 58 FR 4969 |
| NPRM Comment Period End | 03/22/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John L. Roberts, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AF00

3514. RESERVISTS' EDUCATION; CHANGE OF PROGRAM OF EDUCATION

Legal Authority: 38 USC 3691

CFR Citation: 38 CFR 21.7614

Legal Deadline: None

Abstract: The Department of Veterans Affairs Nurse Pay Act of 1990 contains a section which affects most of the educational programs VA administers. The section revises the rules for determining whether an individual can change programs of education. The regulation governing changes of programs of education for reservists receiving benefits under the Montgomery GI Bill--Selected Reserve must be changed in order to bring it into agreement with the law.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 10/14/92 | 57 FR 47023 |

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| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM Comment | 11/13/92 | 57 FR 47023 |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092

RIN: 2900-AF10

3515. DISABILITY OR DEATH FROM HOSPITALIZATION, MEDICAL OR SURGICAL TREATMENT

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.358(c)(3)

Legal Deadline: None

Abstract: These changes to regulations will expand benefit eligibility for disability or death resulting from VA hospital, medical or surgical treatment, or vocational rehabilitation programs.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/08/91 | 56 FR 30893 |
| NPRM Comment | 08/07/91 | |
| Period End | | |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AF27

3516. VETERANS' BENEFITS; ELIGIBILITY FOR THE MONTGOMERY GI BILL—ACTIVE DUTY

Legal Authority: PL 101-510

CFR Citation: 38 CFR 21.7020; 38 CFR 21.7042; 38 CFR 21.7044; 38 CFR 21.7045; 38 CFR 21.7072; 38 CFR 21.7073; 38 CFR 21.7136

Legal Deadline: None

Abstract: PL 101-510 contains several provisions that affect eligibility for the Montgomery GI Bill - Active Duty. The law looks forward to the time when the Armed Forces will be reduced in size

through reductions in force, and provides a way for those affected by the reductions to become eligible for the Montgomery GI Bill - Active Duty. The Regulations governing eligibility and entitlement for that benefit must be revised to agree with the law.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/23/93 | 58 FR 39488 |
| NPRM Comment | 08/23/93 | |
| Period End | | |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092

RIN: 2900-AF30

3517. VETERANS' EDUCATION; INCREASE IN RATES PAYABLE IN THE EDUCATIONAL ASSISTANCE TEST PROGRAM

Legal Authority: 10 USC 2143

CFR Citation: 38 CFR 21.5820; 38 CFR 21.5822

Legal Deadline: None

Abstract: The law provides that rates of subsistence allowance and educational assistance payable under the Educational Assistance Test Program shall be adjusted annually based upon the average actual cost of attendance at public institutions of higher education in the twelve-month period since the rates were last adjusted. After consultation with the Department of Education, the Department of Defense has concluded that these rates should be adjusted by 6 percent for the 1990-91 school year. The regulations dealing with these rates must be adjusted accordingly.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action Effective | 10/01/90 | |
| NPRM | 12/10/92 | 57 FR 58435 |
| NPRM Comment | 01/11/93 | |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092

RIN: 2900-AF36

3518. SCHEDULE FOR RATING DISABILITIES; DENTAL AND ORAL CONDITIONS

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.150

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate dental and oral conditions.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 12/19/91 | 56 FR 65874 |
| ANPRM Comment | 02/18/92 | |
| Period End | | |
| NPRM | 01/19/93 | 58 FR 4961 |
| NPRM Comment | 03/22/93 | |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John L. Roberts, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AF41

3519. IMPLEMENTING STATUTORY CHANGES

Legal Authority: PL 102-16

CFR Citation: 38 CFR 21.40; 38 CFR 21.100; 38 CFR 21.260; 38 CFR 21.4140; 38 CFR 21.4101

Legal Deadline: None

Abstract: The Department of Veterans Affairs is revising its regulations to conform to changes in the Veterans Education and Employment Programs Amendments. These amendments allow VA to provide vocational rehabilitation programs for disabled servicepersons who are inpatients or outpatients at military or nonmilitary hospitals and to pay the same rate of subsistence allowance to veterans in nonpay on-job

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training programs in State, local and Federal agencies. These statutory changes also broaden eligibility for counseling services to include servicepersons and veterans who are not eligible for assistance under VA educational assistance programs.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (281), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AF48

3520. UPDATING REHABILITATION CRITERIA

Legal Authority: 38 USC 3102; 38 USC 3107; 38 USC 3117

CFR Citation: 38 CFR 21.194; 38 CFR 21.196

Legal Deadline: None

Abstract: The Department of Veterans Affairs is proposing to revise criteria under which a veteran may be found rehabilitated. The proposed changes broaden the conditions under which a veteran who becomes employed in an occupation consistent with his or her abilities, aptitudes and interests may be declared rehabilitated when he or she has not completed all of the training prescribed by VA. The main effect of the change places greater emphasis on the achievement of suitable employment than completing all elements of the program of training and services.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/15/92 | 57 FR 26632 |
| NPRM Comment | 07/15/92 | |
| Period End | | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (281), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AF49

3521. CLAIMS BASED ON EXPOSURE TO HERBICIDES CONTAINING DIOXIN (PERIPHERAL NEUROPATHY/LUNG CANCER)

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.311(a)

Legal Deadline: None

Abstract: This regulation will allow service connection for peripheral neuropathy based on exposure to herbicides containing dioxin and exclude service connection for lung cancer as secondary to dioxin exposure.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/21/92 | 57 FR 2236 |
| NPRM Comment | 02/20/92 | |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven Thornberry, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AF57

3522. VETERANS' EDUCATION; CHANGING PROGRAMS FOR POST-VIETNAM VETERANS

Legal Authority: 38 USC 3241; 38 USC 3691

CFR Citation: 38 CFR 21.5232

Legal Deadline: None

Abstract: The Department of Veterans Affairs Nurse Pay Act of 1990 contains a section which affects most of the educational programs VA administers. The section revises the rules for determining whether an individual can change programs of education. The regulation governing changes of programs of education for veterans receiving benefits under VEAP (Post-Vietnam Era Veterans' Educational Assistance Program) must be changed in order to bring it into agreement with the law. This proposal will effect this change.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/25/92 | 57 FR 38458 |
| NPRM Comment | 09/24/92 | |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092

RIN: 2900-AF59

3523. SERVICE-DISABLED VETERANS' INSURANCE

Legal Authority: PL 102-86, sec 201; PL 102-86, sec 202

CFR Citation: 38 CFR 8.0 (Revision); 38 CFR 8.23 (Revision); 38 CFR 8.77 (Revision); 38 CFR 8.80 (Revision); 38 CFR 8.116 (Revision)

Legal Deadline: None

Abstract: Section 201 of Pub. L. 102-86 increased the Service-Disabled Veterans' Insurance (S-DVI) eligibility period to two years. Section 202 mandates that S-DVI gratuitous benefits be paid in a lump sum. Regulations are being amended to reflect these changes.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gregory C. Hosmer, Senior Insurance Specialist/Attorney, Department of Veterans Affairs, P.O. Box 8047, Philadelphia, PA 19101, 215 951-5710

RIN: 2900-AF69

3524. INTEREST ON PREMIUMS IN ARREARS

Legal Authority: 38 USC 1908

CFR Citation: 38 CFR 8.22 (Revision)

Legal Deadline: None

Abstract: The interest rate charged on National Service Life Insurance premiums in arrears is being increased to 7 1/2 percent per annum to coincide with the discount that is given premiums that are paid in advance.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

VA

Final Rule Stage

Agency Contact: Gregory C. Hosmer, Senior Insurance Specialist/Attorney, Department of Veterans Affairs, P.O. Box 8047, Philadelphia, PA 19101, 215 951-5710

RIN: 2900-AF71

3525. RESERVISTS' EDUCATION; IMPLEMENTATION OF THE VETERANS' EDUCATIONAL ASSISTANCE AMENDMENTS OF 1991

Legal Authority: 10 USC 2131; 10 USC 2133; 10 USC 2136; 38 USC 1016; 38 USC 3680

CFR Citation: 38 CFR 21.7520; 38 CFR 21.7550; 38 CFR 21.7570; 38 CFR 21.7576; 38 CFR 21.7635; 38 CFR 21.7639

Legal Deadline: None

Abstract: The Veterans' Educational Assistance Amendments of 1991 contain several provisions which affect the payment of benefits to those receiving educational assistance under the programs VA administers. This includes restoring lost entitlement to those reservists called to active duty and an improvement in payments to these individuals. This proposal will inform the public of the way in which VA, the Department of Defense and the Coast Guard intend to implement these provisions of law with respect to the Montgomery GI Bill - Selected Reserve.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092

RIN: 2900-AF78

3526. PROCEDURAL DUE PROCESS AND APPELLANT RIGHTS

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.103

Legal Deadline: None

Abstract: This amendment will clarify that a claimant hearing will not normally be scheduled solely for the purpose of receiving argument by a

claimant's representative, and that a claimant is expected to be present at the hearing.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/15/93 | 58 FR 38103 |
| NPRM Comment Period End | 08/16/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AF94

3527. AMENDMENTS TO TRAINING AND REHABILITATION PROGRAMS

Legal Authority: PL 102-568

CFR Citation: 38 CFR 21.40; 38 CFR 21.260; 38 CFR 21.6005; 38 CFR 21.6042; 38 CFR 21.6050; 38 CFR 21.6052; 38 CFR 21.6054; 38 CFR 21.6056; 38 CFR 21.6058; 38 CFR 21.6420; 38 CFR 21.6501; 38 CFR 21.6503; 38 CFR 21.6505; 38 CFR 21.6507; 38 CFR 21.6523

Legal Deadline: None

Abstract: The Veterans' Benefits Act of 1992 extends the termination date for the program of vocational training for certain pensioners through December 31, 1995; makes permanent the programs protecting health care benefits for pensioners who lose their benefits due to income from work or training and the special counseling and employment services program for veterans with total disability ratings because of individual unemployability. In addition the law authorizes a 10 percent increase in subsistence allowance for participants in the vocational rehabilitation program, and extends eligibility for vocational rehabilitation to veterans with service-connected disability of 10 percent under certain conditions.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant, Department

of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-6496

RIN: 2900-AG00

3528. ZERO PERCENT DISABILITY EVALUATIONS

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.357; 38 CFR 4.31

Legal Deadline: None

Abstract: To clarify adjudication regulations and the schedule for rating disabilities concerning the assignment of a zero percent evaluation when minimum requirements for compensable evaluation are not met.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/17/93 | 58 FR 28808 |
| NPRM Comment Period End | 06/16/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Roberts, Consultant Regulations Staff (211B), Department of Veterans Affairs, 810 Vermont Avenue, Washington, DC 20420, 202 233-3005

RIN: 2900-AG10

3529. LOAN GUARANTY: LIMITED DENIAL OF PARTICIPATION IN THE LOAN GUARANTY PROGRAM

Legal Authority: 38 USC 501(a); 38 USC 3703(c)

CFR Citation: 38 CFR 36.4233; 38 CFR 36.4235; 38 CFR 36.4331; 38 CFR 36.4341; 38 CFR 36.4361; 38 CFR 44.700; 38 CFR 44.705; 38 CFR 44.710; 38 CFR 44.711; 38 CFR 44.712; 38 CFR 44.713

Legal Deadline: None

Abstract: The regulations are being amended to revise and consolidate the suspension authorities contained in 38 CFR part 36 into a new subpart G of 38 CFR part 44 entitled "Limited Denial of Participation in the Loan Guaranty Program." The amended regulations will also delete the obsolete suspension provisions of part 36.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 05/03/93 | 58 FR 26282 |

VA

Final Rule Stage

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM Comment | 06/02/93 | |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Judith Caden, Assistant Dir. for Loan Policy (264), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3042

RIN: 2900-AG13

3530. DIRECT LOANS TO NATIVE AMERICAN VETERANS ON TRUST LANDS

Legal Authority: 38 USC 3762; 38 USC 501

CFR Citation: 38 CFR 36.4501; 38 CFR 36.4527

Legal Deadline: None

Abstract: Public Law 102-547 requires VA to amend its Loan Guaranty regulation for VA direct loans to establish a pilot program to make direct housing loans to Native American veterans. The purpose of this pilot program is to permit qualifying veterans to purchase, construct, or improve dwellings on trust lands. Under this program Native American veterans eligible for VA loan guaranty benefits may also use their eligibility to qualify for a loan made by VA to purchase, construct, or improve a home on trust land.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Judith A. Caden, Assistant Director for Loan Policy (264), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3042

RIN: 2900-AG19

3531. PROCEDURAL DUE PROCESS AND APPELLATE RIGHTS

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.103

Legal Deadline: None

Abstract: To amend regulations concerning procedural due process and

appellate rights to add two exceptions to the general requirement that a pretermination/reduction notice must be sent to a claimant prior to accomplishing an action adversely affecting benefit payments.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/15/93 | 58 FR 38104 |
| NPRM Comment | 08/16/93 | |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steve Thornberry, Consultant, Regulations Staff (211B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AG28

3532. PROCEDURAL DUE PROCESS AND APPELLATE RIGHTS

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.105(a)

Legal Deadline: None

Abstract: To amend adjudication regulations concerning procedural due process and appellate rights to clarify the number of decisionmakers VA will provide to conduct claimant hearings.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/15/93 | 58 FR 38106 |
| NPRM Comment | 08/16/93 | |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AG33

3533. INCREASE IN AMOUNT OF VETERANS' MORTGAGE LIFE INSURANCE

Legal Authority: 38 USC 2106(b); PL 102-568

CFR Citation: 38 CFR 8(a).2; 38 CFR 8(a).4

Legal Deadline: None

Abstract: Section 204 of Public Law 102-568 increases the amount of

coverage available under the Veterans' Mortgage Life Insurance Program to \$90,000. Regulations are being amended to reflect this change.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gregory C. Hosmer, Senior Insurance Specialist/Attorney, Department of Veterans Affairs, PO Box 13399, Philadelphia, PA 19101, 215 951-5710

RIN: 2900-AG36

3534. SUPPLEMENTAL SERVICE-DISABLED VETERANS' INSURANCE (S-DVI)

Legal Authority: 38 USC 1922(a); PL 102-568

CFR Citation: 38 CFR 8.0 (Revision); 38 CFR 8.2 (Revision)

Legal Deadline: None

Abstract: Section 203 of Public Law 102-568 provides supplemental S-DVI coverage of up to \$20,000 to veterans eligible for a waiver of premium on their basic S-DVI coverage. Regulations are being amended to reflect this change.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gregory C. Hosmer, Senior Insurance Specialist/Attorney, Department of Veterans Affairs, PO Box 13399, Philadelphia, PA 19101, 215 951-5710

RIN: 2900-AG37

3535. INCREASED COVERAGE FOR SERVICEMEN'S AND VETERANS' GROUP LIFE INSURANCE

Legal Authority: 38 USC 1967; 38 USC 1977; PL 102-568

CFR Citation: 38 CFR 9.2 (Revision); 38 CFR 9.3 (Revision); 38 CFR 9.4 (Revision); 38 CFR 9.6 (Revision); 38 CFR 9.8 (Revision); 38 CFR 9.24 (Revision); 38 CFR 9.26 (Revision); 38 CFR 9.36 (Revision)

Legal Deadline: None

VA

Final Rule Stage

Abstract: Section 201 of Public Law 102-568 increases the maximum amount of coverage available under the Servicemen's Group Life Insurance program to \$200,000. Section 202 increases the maximum amount of coverage available under the Veterans Group Life Insurance (VGLI) program to \$200,000 and provides that coverage under the VGLI program shall be on a renewable five-year term basis. Regulations are being amended to reflect these changes.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gregory C. Hosmer, Senior Insurance Specialist/Attorney, Department of Veterans Affairs, PO Box 13399, Philadelphia, PA 19101, 215 951-5710

RIN: 2900-AG38

3536. • AGGRAVATION OF PRESERVICE DISABILITY

Legal Authority: 38 USC 501(a); 38 USC 1154

CFR Citation: 38 CFR 3.306(b)(2)

Legal Deadline: None

Abstract: This amendment is necessary because the United States Court of Appeals invalidated a portion of 38 CFR 3.306(b)(2) as inconsistent with 38 USC 1154.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AG45

3537. • CONTINUOUS COHABITATION

Legal Authority: 38 USC 101(3); 38 USC 501(a)

CFR Citation: 38 CFR 3.53(a)

Legal Deadline: None

Abstract: This amendment is necessary because the United States Court of

Veterans Appeals invalidated a portion of 38 CFR 3.53(a) as exceeding the regulation-prescribing authority of the Secretary of Veterans Affairs under 38 USC 501(a).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3005

RIN: 2900-AG53

3538. • VETERANS' EDUCATION; FLIGHT TRAINING

Legal Authority: 38 USC 3032; 38 USC 3231; 10 USC 2131

CFR Citation: 38 CFR 21.4263

Legal Deadline: None

Abstract: These amended regulations permit pilot flight training pursuant to 14 CFR Part 61, conducted in flight simulators to be approved for purposes of VA-administered education benefits when such training is authorized by the FAA. These regulations will also provide for approval of solo flight training for education benefit purposes as authorized by the Veterans Benefits Act of 1992.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration (225), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2092

RIN: 2900-AG54

OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT**3539. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION-CHANGES TO SOLICITATION PROVISIONS, CONTRACT CLAUSES AND THEIR PRESCRIPTIONS**

Legal Authority: 38 USC 501; 40 USC 486c

CFR Citation: 48 CFR 814; 48 CFR 833; 48 CFR 836; 48 CFR 852

Legal Deadline: None

Abstract: This change will amend certain provisions and clauses to eliminate duplicative coverage and make VA's regulation consistent with the Federal Acquisition Regulation. Prescription will be added for several provisions and clauses.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule Effective | 01/21/88 | 53 FR 1630 |
| Interim Final Rule Comment Period End | 02/22/88 | 53 FR 1630 |
| NPRM | 06/07/93 | 58 FR 31937 |
| NPRM Comment Period End | 07/07/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Lisa Russell, Procurement Analyst (95A), Department of Veterans Affairs, Ofc of Acquisition and Materiel Mgmt, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-5001

RIN: 2900-AC87

BOARD OF VETERANS APPEALS**3540. APPEALS REGULATIONS; RULES OF PRACTICE**

Legal Authority: 38 USC 501; 38 USC 511; 38 USC 512; 38 USC 512(a); 38 USC 5903 to 5905; 38 USC 7102 to 7105; 38 USC 7109(c)

CFR Citation: 38 CFR 19.3 (Revision); 38 CFR 19.10; 38 CFR 19.15 (Revision); 38 CFR 19.39; 38 CFR 20.3; 38 CFR

VA

Final Rule Stage

20.101 (Revision); 38 CFR 20.102 (Revision); 38 CFR 20.201 (Revision); 38 CFR 20.605 (Revision); 38 CFR 20.609 (Revision); 38 CFR 20.903 (Revision); 38 CFR 20.1000; 38 CFR 20.1001; 38 CFR 20.1002; 38 CFR 20.1100 (Revision); ...

Legal Deadline: None

Abstract: The Board of Veterans Appeals will be further revising a recent restructuring of its Appeals Regulations and Rules of Practice (54 FR 34334) in order to address questions which have arisen since that restructuring was proposed. No other alternatives are available. These additional revisions will not entail any costs to the public or to the Government other than the costs normally associated with drafting, agency review, and publication.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 02/03/92 | 57 FR 4131 |
| NPRM Comment Period End | 03/04/92 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: These proposed regulations were previously a part of RIN 2900-AE02.

Agency Contact: Steven L. Keller, Counsel to the Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-2978

RIN: 2900-AE78

OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY

3541. NONDISCRIMINATION ON THE BASIS OF SEX UNDER FEDERALLY ASSISTED EDUCATION PROGRAMS AND ACTIVITIES

Significance: Regulatory Program

Legal Authority: 20 USC 1681 et seq; 38 USC 210(a); EO 12250; EO 12067

CFR Citation: 38 CFR 18

Legal Deadline: None

Abstract: To establish standards and procedures for enforcing title IX of the Education Amendments of 1972 in educational programs and activities receiving Federal financial assistance

from VA. Title IX prohibits discrimination on the basis of sex. There are no alternatives to the issuance of the regulations. Participants, potential participants and the public in general will benefit from Federally assisted programs provided free from prohibited discrimination based on sex.

This originally appeared as a proposed rule in the Federal Register of April 25, 1979 (44 FR 24320). Because of the extended time frame due to internal agency consultation with the Department of Justice, the Department is planning to repropose these regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: R. Lamont Johnson, External Program Manager, Affirmative Employment Service (06A1), Department of Veterans Affairs, Office of Equal Employment Opportunity, 810 Vermont Avenue NW., Washington, DC 20420, 202 233-3887

RIN: 2900-AB51

OFFICE OF THE ASSISTANT SECRETARY FOR ACQUISITION AND FACILITIES

3542. OPERATION OF CHILD CARE CENTERS AT VA FACILITIES

Legal Authority: 38 USC 4209

CFR Citation: 38 CFR 17.182

Legal Deadline: None

Abstract: Section 4209 of title 38 authorizes the Veterans Canteen Service to operate child care centers at VA facilities. The centers will be established based on the demand for care and to the extent that such operation is practical and in the best interest of VA. The centers will be available for the children of VA employees and, to the extent space is available, the children of other Federal and Department of Veterans Affairs affiliated employees. Also, these centers should provide an incentive for personnel recruitment. The regulations will prescribe the requirements and standards for the operation of VA child care centers.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/27/89 | 54 FR 53078 |
| NPRM Comment Period End | 01/26/90 | 54 FR 53078 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Jonathan Gardner, Director of Field Support (133), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW., Washington, DC 20420, 202 535-7905

RIN: 2900-AD48

OFFICE OF THE GENERAL COUNSEL

3543. TESTIMONY OF DEPARTMENT PERSONNEL AND PRODUCTION OF DEPARTMENT RECORDS IN LEGAL PROCEEDINGS

Legal Authority: 5 USC 301; 38 USC 501

CFR Citation: 38 CFR 14.801 (New); 38 CFR 14.802; 38 CFR 14.803; 38 CFR 14.804; 38 CFR 14.805; 38 CFR 14.806; 38 CFR 14.807; 38 CFR 14.808; 38 CFR 14.809; 38 CFR 14.810

Legal Deadline: None

Abstract: Agencies are authorized to restrict the testimony of their employees and production of their records in private litigation. The Department of Veterans Affairs needs to conserve Government resources in the same manner as other agencies which have regulations to restrict their employees from testifying and producing their records in private litigation. This regulation would provide the authority to do this and would further the Department's mission of assisting all veterans by conserving personnel resources for official duties and controlling utilization of Government personnel in purely private controversies.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/22/93 | 58 FR 39174 |
| NPRM Comment Period End | 08/22/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Audley Hendricks/Neal Lawson, Assistant

VA

Final Rule Stage

General Counsels (023)/(024),
Department of Veterans Affairs, Office
of the General Counsel, 810 Vermont
Avenue NW., Washington, DC 20420,
202 523-3523

RIN: 2900-AE76

3544. STANDARDS OF ETHICAL CONDUCT AND RELATED RESPONSIBILITIES

Legal Authority: 38 USC 301; 38 USC
501

CFR Citation: 38 CFR 0

Legal Deadline: None

Abstract: Pursuant to part I of
Executive Order 12674 of April 12,
1989 (as modified by E.O. 12731), we
are amending subpart A "General
Provisions" of the "Standards of Ethical
Conduct and Related Responsibilities"
in part 0.735 of title 38, CFR. We are
also rescinding subpart B of part 0.735
with the exception of four provisions
sections: 0.735-21(e) (safety), -21(f)
(furnishing testimony), -20(e)(4)
(intoxicants and drugs), and -20(e)(5)
(patient abuse), which will be
repromulgated under the authority in
38 USC 501. We are removing Subparts
C and D in their entirety.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James E. Adams,
Deputy Assistant General Counsel
(023C), Department of Veterans Affairs,
810 Vermont Avenue NW., Washington,
DC 20420, 202 633-7159

RIN: 2900-AG27

OFFICE OF INFORMATION RESOURCES POLICIES AND OVERSIGHT

3545. RELEASE OF VA LISTS OF NAMES AND ADDRESSES AND PENALTY PROCEDURES FOR UNAUTHORIZED USE

Legal Authority: 38 USC 5701(f)

CFR Citation: 38 CFR 1.519

Legal Deadline: None

Abstract: VA is amending the existing
regulations concerning VA lists of
names and addresses and is also
proposing administrative procedures to

use when these lists are used for
purposes not authorized by law. This
action results from the need to amend
the regulations to reflect current
procedures, organizational changes, and
concern expressed by veterans and
some service organizations regarding
unsolicited mail. The proposed
regulatory amendments will allow VA
to enforce its statutory duty to protect
the privacy of information concerning
veterans and their dependents,
establish procedures to suspend
recipients who misuse VA name and
address lists of veterans/dependents,
and give advance notice to recipients
of what constitutes an
authorized/unauthorized use of
veterans/dependents names and
address lists, thereby protecting the due
process rights of any recipient before
penalties are enforced.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 03/19/87 | 52 FR 8624 |
| NPRM Comment Period End | 04/20/87 | 52 FR 8624 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Epps,
Records Management Service (723),
Department of Veterans Affairs, Ofc. of
Info. Resources Policies & Oversight,
810 Vermont Avenue NW., Washington,
DC 20420, 202 233-3648

RIN: 2900-AC63

3546. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 31 USC 1352

CFR Citation: 38 CFR 45

Legal Deadline: None

Abstract: This regulation implements
section 319 of Public Law 101-121.
Section 319 generally prohibits
recipients of Federal contracts, grants,
and loans from using appropriated
funds for lobbying the executive or
legislative branches of the Federal
Government in connection with a
specific contract, grant or loan. Section
319 also requires that each person who
requests or receives a Federal contract,
grant, cooperative agreement, loan, or
a Federal commitment to insure or
guaranty a loan, must disclose
lobbying.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 6752 |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: Local,
State

Agency Contact: B. Michael Berger,
Director, Records Management Service
(723), Department of Veterans Affairs,
Ofc. of Info. Resources Policies &
Oversight, 810 Vermont Avenue NW.,
Washington, DC 20420, 202 233-3616

RIN: 2900-AE74

3547. FOIA: RECEIPT OF ELECTRONICALLY TRANSMITTED FACSIMILE REQUEST OR APPEAL; TIME LIMIT ON RIGHT OF ADMINISTRATIVE APPEAL; AND NO RECORD AS ADVERSE DETERMINATION

Legal Authority: 5 USC 552; 38 USC
5701

CFR Citation: 38 CFR 1.519; 38 CFR
1.553; 38 CFR 1.557

Legal Deadline: None

Abstract: VA is amending its
information access regulations to: (1)
clarify procedures for initial requests
and appeals received under FOIA and
38 USC 5701 which are received by
facsimile, (2) view a "no record"
response to FOIA requests as an
adverse determination requiring
notification of appeal rights; and (3)
establish a time limit on the right of
appeal of initial denial under FOIA.
Technical amendments are being made
to update the organizational titles
contained in regulation 38 CFR 1.519
to reflect the current organization and
to update references to citations in 38
USC to reflect changes made by Pub.
L. 102-40.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie Leandri,
Chief, Records & Reports Mgmt. Div.
(723), Department of Veterans Affairs,
Office of Info Resources Policies,
Oversight, 810 Vermont Avenue NW.,
Washington, DC 20420, 202 233-2454

RIN: 2900-AF62

DEPARTMENT OF VETERANS AFFAIRS (VA)

Completed Actions

3548. CONFIDENTIALITY OF CERTAIN MEDICAL RECORDS

CFR Citation: 38 CFR 1.460-499

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 07/26/93 | 58 FR 39706 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold Ramsey, 202 535-7657

RIN: 2900-AE28

3549. ISSUANCE OF PROSTHETIC DEVICES ON AN OUTPATIENT BASIS

CFR Citation: 38 CFR 17.48(d)(4); 38 CFR 17.115(a)

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Monica Wilkens, 202 535-7439

RIN: 2900-AE86

3550. HOSPITAL CARE AND MEDICAL SERVICES IN NON-VA FACILITIES

CFR Citation: 38 CFR 17.50(b)

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/10/93 | 58 FR 32445 |
| Final Action Effective | 11/04/92 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. Roscoe Butler, 202 535-7434

RIN: 2900-AG41

3551. HOME IMPROVEMENT AND STRUCTURAL ALTERATIONS (HISA) INCREASE IN THE LIMIT FOR HOME IMPROVEMENT AND STRUCTURAL ALTERATIONS (HISA)

CFR Citation: 38 CFR 17.60

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/27/93 | 58 FR 25565 |
| Final Action Effective | 10/09/92 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Monica Wilkins, 202 535-7439

RIN: 2900-AG43

3552. LOANS TO PURCHASE MANUFACTURED HOMES

CFR Citation: 38 CFR 36.4202; 38 CFR 36.4204; 38 CFR 36.4205; 38 CFR 36.4206; 38 CFR 36.4207; 38 CFR 36.4208; 38 CFR 36.4209; 38 CFR 36.4222; 38 CFR 36.4223; 38 CFR 36.4224; 38 CFR 36.4232; 38 CFR 36.4253; 38 CFR 36.4275; 38 CFR 36.4276; 38 CFR 36.4283; ...

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/14/93 | 58 FR 37857 |
| Final Action Effective | 08/13/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Judith A. Caden, 202 233-3042

RIN: 2900-AC85

3553. QUALIFICATION REQUIREMENTS FOR DEPARTMENT OF VETERANS AFFAIRS FEE APPRAISERS

CFR Citation: 38 CFR 36.4339

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 06/20/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert C. Greaves, 202 233-2691

RIN: 2900-AD32

3554. LOAN GUARANTY: SERVICING REQUIREMENTS FOR VA GUARANTEED LOANS

CFR Citation: 38 CFR 36.4200 et seq; 38 CFR 36.4300 et seq

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/19/93 | 58 FR 29111 |
| Final Action Effective | 06/18/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy, 202 233-3688

RIN: 2900-AE19

3555. VETERANS' EDUCATION; IMPLEMENTATION OF LEGISLATION AFFECTING THE POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM

CFR Citation: 38 CFR 21.5060; 38 CFR 21.5072; 38 CFR 21.5100; 38 CFR 21.5138; 38 CFR 21.5250

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/07/93 | 58 FR 31910 |
| Final Action Effective | 04/01/91 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, 202 233-2092

RIN: 2900-AF34

3556. DISEASES ASSOCIATED WITH SERVICE IN THE REPUBLIC OF VIETNAM

CFR Citation: 38 CFR 3.307; 38 CFR 3.309

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/19/93 | 58 FR 29107 |
| Final Action Effective | 02/06/91 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., 202 233-3005

RIN: 2900-AF44

3557. VETERANS' EDUCATION; ELECTION TO RECEIVE BENEFITS UNDER THE MONTGOMERY GI BILL—ACTIVE DUTY

CFR Citation: 38 CFR 21.5058; 38 CFR 21.5064

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/15/93 | 58 FR 38057 |
| Final Action Effective | 11/05/90 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, 202 233-2092

RIN: 2900-AF52

3558. EXCHANGE OF EVIDENCE; SOCIAL SECURITY ADMINISTRATION AND DEPARTMENT OF VETERANS AFFAIRS

CFR Citation: 38 CFR 3.201(a)

VA

Completed Actions

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/27/93 | 58 FR 25562 |
| Final Action Effective | 05/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., 202 233-3005

RIN: 2900-AF72

3559. VETERANS' EDUCATION; IMPLEMENTATION OF THE VETERANS' EDUCATIONAL ASSISTANCE AMENDMENTS OF 1991

CFR Citation: 38 CFR 21.3045; 38 CFR 21.4135; 38 CFR 21.4138; 38 CFR 21.4137; 38 CFR 21.7020; 38 CFR 21.7072; 38 CFR 21.7076; 38 CFR 21.7139

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/03/93 | 58 FR 26239 |
| Final Action Effective | 10/10/91 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, 202 233-2092

RIN: 2900-AF77

3560. VETERANS' EDUCATION; IMPLEMENTATION OF THE VETERANS' EDUCATIONAL ASSISTANCE AMENDMENTS OF 1991 IN VEAP

CFR Citation: 38 CFR 21.5052; 38 CFR 21.5053; 38 CFR 21.5072

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/25/93 | 58 FR 34368 |
| Final Action Effective | 10/10/91 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, 202 233-2092

RIN: 2900-AF79

3561. CLAIMS BASED ON EXPOSURE TO IONIZING RADIATION

CFR Citation: 38 CFR 3.311

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 03/26/93 | 58 FR 16358 |
| Final Action Effective | 03/26/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., 202 233-3005

RIN: 2900-AF80

3562. PROCEDURAL DUE PROCESS APPELLATE RIGHTS

CFR Citation: 38 CFR 3.103

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 03/26/93 | 58 FR 16359 |
| Final Action Effective | 03/26/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., 202 233-3005

RIN: 2900-AF81

3563. DIRECT SERVICE CONNECTION (POST-TRAUMATIC STRESS DISORDER)

CFR Citation: 38 CFR 3.304

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/19/93 | 58 FR 29109 |
| Final Action Effective | 05/19/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., 202 233-3005

RIN: 2900-AF84

3564. EVIDENCE REQUIREMENTS

CFR Citation: 38 CFR 3.203; 38 CFR 3.205

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/14/93 | 58 FR 37856 |
| Final Action Effective | 07/14/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., 202 233-3005

RIN: 2900-AF88

3565. RADIATION EXPOSURE COMPENSATION ACT OF 1990

CFR Citation: 38 CFR 3.500; 38 CFR 3.715

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/27/93 | 58 FR 25564 |
| Final Action Effective | 10/15/90 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., 202 233-3005

RIN: 2900-AF89

3566. CIVIL LIBERTIES ACT AMENDMENTS OF 1992

CFR Citation: 38 CFR 3.261; 38 CFR 3.263; 38 CFR 3.262; 38 CFR 3.272; 38 CFR 3.275

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/21/93 | 58 FR 33766 |
| Final Action Effective | 10/10/88 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steve Thornberry, 202 233-3005

RIN: 2900-AG11

3567. VETERANS' RADIATION EXPOSURE AMENDMENTS OF 1992

CFR Citation: 38 CFR 3.309(d)

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/27/93 | 58 FR 25563 |
| Final Action Effective | 10/01/92 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., 202 233-3005

RIN: 2900-AG15

3568. VETERANS' BENEFITS ACT OF 1992

CFR Citation: 38 CFR 3.55; 38 CFR 3.115; 38 CFR 3.215; 38 CFR 3.341; 38 CFR 3.343; 38 CFR 3.502; 38 CFR 3.551

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/10/93 | 58 FR 32443 |
| Final Action Effective | 10/29/92 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., 202 233-3005

RIN: 2900-AG16

VA

Completed Actions

**3569. DEPENDENCY AND INDEMNITY
COMPENSATION REFORM ACT OF
1992**

CFR Citation: 38 CFR 3.5

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/27/93 | 58 FR 25561 |
| Final Action Effective | 01/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., 202
233-3005

RIN: 2900-AG17

3570. EXCLUSIONS FROM INCOME

CFR Citation: 38 CFR 3.272

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/27/93 | 58 FR 25563 |
| Final Action Effective | 11/04/92 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., 202
233-3005

RIN: 2900-AG18

**3571. SPECIAL ALLOWANCES TO
RESTORE CERTAIN SOCIAL
SECURITY BENEFITS**

CFR Citation: 38 CFR 3.812

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/28/93 | 58 FR 34524 |
| Final Action Effective | 07/28/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., 202
233-3005

RIN: 2900-AG21

3572. TENTATIVE ELIGIBILITY

CFR Citation: 38 CFR 17.35

Completed:

| Reason | Date | FR Cite |
|----------------------------------|----------|---------|
| Withdrawn Legislation | 07/19/93 | |
| proposed in lieu of regulations. | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LeRoy Cossette, 202
535-7412

RIN: 2900-AG25

**3573. VETERANS' EDUCATION;
WAIVER OF THE PRO RATA REFUND
REQUIREMENT**

CFR Citation: 38 CFR 21.4255

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 06/07/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer,
202 233-2092

RIN: 2900-AG26

**3574. DETERMINATIONS OF
INCOMPETENCY**

CFR Citation: 38 CFR 3.353

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/14/93 | 58 FR 37856 |
| Final Action Effective | 07/14/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steve Thornberry,
202 233-3005

RIN: 2900-AG30

**3575. RESUMPTION AND PAYMENT
OF WITHHELD BENEFITS;
INCOMPETENTS \$1,500 ESTATE
CASES**

CFR Citation: 38 CFR 3.558(c)

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/24/93 | 58 FR 34224 |
| Final Action Effective | 06/24/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bisset, Jr., 202
233-3005

RIN: 2900-AG31

**3576. EXTENDING REHABILITATION
PROGRAMS**CFR Citation: 38 CFR 21.6005; 38 CFR
21.6042; 38 CFR 21.6503; 38 CFR
21.6523**Completed:**

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/05/93 | 58 FR 41636 |
| Final Action Effective | 05/20/92 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman,
202 233-3005

RIN: 2900-AG34

**3577. RULES OF PRACTICE;
HEARINGS BEFORE THE BOARD OF
APPEAL**CFR Citation: 38 CFR 20.700
(Revision); 38 CFR 20.701 (Revision);
38 CFR 20.702 (Revision); 38 CFR
20.705 (Revision); 38 CFR 20.708
(Revision); 38 CFR 20.715 (Revision);
38 CFR 20.716 (Revision); 38 CFR
20.717 (Revision)**Completed:**

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/12/93 | 58 FR 27934 |
| Final Action Effective | 05/12/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven L. Keller, 202
233-2978

RIN: 2900-AF90

3578. • DELEGATION OF AUTHORITYLegal Authority: 72 Stat 1114; 38 USC
501

CFR Citation: 38 CFR 2

Legal Deadline: None

Abstract: Delegates to the Assistant
Secretary for Finance and Information
Resources Management (Chief Financial
Officer) the authority to approve certain
obligations of a fixed account with
respect to which the period of
availability for obligation has ended.**Timetable:**

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/10/93 | 58 FR 32442 |
| Final Action Effective | 06/10/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: B. Michael Berger,
Director, Records Management Service,
Department of Veterans Affairs, 810
Vermont Avenue NW., Washington, DC
20420, 202 233-3616

RIN: 2900-AG49

VA

Completed Actions

**3579. DELEGATIONS OF
AUTHORITY/CLAIM FOR COST OF
MEDICAL CARE AND SERVICES**CFR Citation: 38 CFR 2.6; 38 CFR
14.619**Completed:**

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/22/93 | 58 FR 39152 |
| Final Action Effective | 03/05/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Douglas Bartow
(021G), 202 523-3355

RIN: 2900-AF96

**3580. • VA ACQUISITION
REGULATION: VETERANS AFFAIRS
ACQUISITION REGULATION SYSTEM**Legal Authority: 38 USC 501; 40 USC
486(c)

CFR Citation: 48 CFR 801

Legal Deadline: None

Abstract: This change will clarify
guidance on the procedures for
processing interagency agreements.**Timetable:**

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/07/93 | 58 FR 31914 |
| Final Action Effective | 07/07/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sherry Patton, Senior
Procurement Analyst (95A), Department
of Veterans Affairs, Ofc of Acquisition
and Materiel Mgmt, 810 Vermont
Avenue NW., Washington, DC 20420,
202 233-5001

RIN: 2900-AG52

[FR Doc. 93-21442 Filed 10-22-93; 8:45 am]

BILLING CODE 8320-01-F

Federal Register

Monday
October 25, 1993

Part XVII

ACTION

Semiannual Regulatory Agenda

ACTION (ACTION)**ACTION****45 CFR Ch. XII****Executive Order 12291 "Federal Regulation"; Semiannual Agenda of Regulations**

AGENCY: ACTION.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations that ACTION will have under development, revision, or review during the next year. The purpose for publishing this agenda is to give notice

of any regulatory activity by the Agency in order to provide the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: The public is encouraged to contact the agency official listed for the particular agenda item. For other information concerning ACTION regulations or this semiannual agenda, contact Stewart A. Davis, Acting General Counsel, ACTION, 1100 Vermont Avenue NW., Washington, DC 20525, (202) 606-4833.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291 "Federal Regulation" and the Regulatory Flexibility Act (5 U.S.C.

601), executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

ACTION has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public and that the regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required under 5 U.S.C. 602.

Dated: July 13, 1993.

Gary Kowalczyk,
Acting Director.

ACTION (ACTION)**Prerule Stage****3581. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL ASSISTANCE FROM ACTION**

Legal Authority: 42 USC 6101; 42 USC 5042(13); 42 USC 5060; 42 USC 5057

CFR Citation: 45 CFR 1221

Legal Deadline: None

Abstract: In accordance with 42 USC 6101 and 42 USC 4951, ACTION will promulgate regulations implementing provisions of the Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

Timetable: Next Action Undetermined

Small Entities Affected: Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy B. Voss, Director, Equal Opportunity Staff, ACTION, 1100 Vermont Avenue NW., Washington, DC 20525, 202 606-4812

RIN: 3001-AA10

3582. VOLUNTEER DISCRIMINATION COMPLAINT PROCEDURE

Significance: Agency Priority

Legal Authority: 42 USC 5042(13); 42 USC 5057; 42 USC 5060

CFR Citation: 45 CFR 1225

Legal Deadline: None

Abstract: In accordance with section 417 of the Domestic Volunteer Service Act of 1973, as amended, ACTION will update its regulations regarding volunteer discrimination complaint procedures.

Timetable: Next Action Undetermined

Small Entities Affected: Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy B. Voss, Director, Equal Opportunity Staff, ACTION, 1100 Vermont Avenue NW., Washington, DC 20525, 202 606-4812

RIN: 3001-AA20

3583. STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH— SUPPLEMENTAL REGULATIONS

Significance: Agency Priority

Legal Authority: PL 95-521; EO 12674; EO 12731

CFR Citation: 45 CFR 1201

Legal Deadline: None

Abstract: The regulation will supplement the ethics regulations issued by the Office of Government Ethics, addressing matters of particular relevance or importance to ACTION and its programs.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Britanya E. Rapp, Associate General Counsel, ACTION, 1100 Vermont Avenue NW., Suite 9200, Washington, DC 20525, 202 606-4833

RIN: 3001-AA21

ACTION (ACTION)**Proposed Rule Stage****3584. FOSTER GRANDPARENT PROGRAM**

Significance: Agency Priority

Legal Authority: 42 USC 5011(d); 42 USC 5011(e); 42 USC 5042(13)

CFR Citation: 45 CFR 1208.1-2; 45 CFR 1208.3-1(v) (New); 45 CFR 1208.3-5(a)(3); 45 CFR 1208.3-5(a)(4); 45 CFR 1208.3-5(c)(5)

Legal Deadline: None

Abstract: The proposed regulatory revisions will replace the household definition, institute a medical expense deduction, change the method for adjusting income guidelines to account for geographical cost of living

ACTION

Proposed Rule Stage

differences, and require that seniors at or below 100 percent of poverty receive special consideration.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rey Tejada, Program Officer, ACTION, 1100 Vermont Avenue NW., Washington, DC 20525, 202 606-4849

RIN: 3001-AA24

3585. SENIOR COMPANION PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 5013(b); 42 USC 5042(13)

CFR Citation: 45 CFR 1207.1-2; 45 CFR 1207.3-1(v) (New); 45 CFR 1207.3-5(a)(3); 45 CFR 1207.3-5(a)(4); 45 CFR 1207.3-5(a)(5)

Legal Deadline: None

Abstract: The proposed regulatory revisions will replace the household definition, institute a medical expense deduction, change the method for

adjusting income guidelines to account for geographical cost of living differences, and require that seniors at or below 100 percent of poverty receive special consideration.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Endres, Program Officer, ACTION, 1100 Vermont Avenue NW., Washington, DC 20525, 202 606-4855

RIN: 3001-AA25

ACTION (ACTION)

Final Rule Stage

3586. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 2000(d)(1); 42 USC 5057; 42 USC 5060

CFR Citation: 45 CFR 1203

Legal Deadline: None

Abstract: In accordance with 42 USC 2000(d)(1), ACTION will update regulations implementing provisions of Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin in federally assisted programs.

Timetable: Next Action Undetermined

Small Entities Affected: Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy B. Voss, Director, Equal Opportunity Staff, ACTION, 1100 Vermont Avenue NW., Washington, DC 20525, 202 606-4812

RIN: 3001-AA06

CFR Citation: 45 CFR 1231

Legal Deadline: None

Abstract: In accordance with PL 92-318, ACTION will promulgate regulations implementing provisions of Title IX of the Education Amendments of 1972, as amended, which prohibit discrimination based on sex in federally assisted programs.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 00/00/00 | |

Small Entities Affected: Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy B. Voss, Director, Equal Opportunity Staff, ACTION, 1100 Vermont Avenue NW., Washington, DC 20525, 202 606-4812

RIN: 3001-AA17

CFR Citation: 45 CFR 1230

Legal Deadline: None

Abstract: In accordance with PL 101-121, ACTION will promulgate final regulations to implement provisions prohibiting recipients of Federal contracts and grants from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government. The regulations also require disclosure of lobbying using nonappropriated funds.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 6736 |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Donna Darlington, Director, Procurement and Grants Management Division, ACTION, 1100 Vermont Avenue NW., Room 2101, Washington, DC 20525, 202 606-5150

RIN: 3001-AA18

[FR Doc. 93-21443 Filed 10-22-93; 8:45 am]

BILLING CODE 8050-29-F

3587. NONDISCRIMINATION ON THE BASIS OF SEX IN FEDERALLY ASSISTED EDUCATIONAL PROGRAMS

Legal Authority: PL 92-318

3588. NEW RESTRICTIONS ON LOBBYING FINAL COMMON RULES

Significance: Regulatory Program

Legal Authority: 31 USC 1352; PL 101-121, sec 319; 42 USC 5042(13); 42 USC 5060

Federal Register

Monday
October 25, 1993

Part XVIII

Advisory Council on Historic Preservation

Semiannual Regulatory Agenda

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)

ADVISORY COUNCIL ON HISTORIC PRESERVATION

36 CFR Ch. VIII

Unified Agenda of Federal Regulations

AGENCY: Advisory Council on Historic Preservation (ACHP).

ACTION: Publication of agenda.

SUMMARY: The following Advisory Council on Historic Preservation regulation is scheduled for development. It is submitted herein for publication in the Unified Agenda of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: See person listed below for specific agenda information.

Advisory Council on Historic Preservation.
Robert D. Bush,
Executive Director.

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)

Prerule Stage

3589. • PROTECTION OF HISTORIC PROPERTIES

Significance: Agency Priority

Legal Authority: 16 USC 470(s)

CFR Citation: 36 CFR 800

Legal Deadline: None

Abstract: The Advisory Council is at the preliminary stages of considering

regulatory revisions in light of its responsibilities under 16 USC 470(s) and the recent amendments to the National Historic Preservation Act, PL 92-575.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Adina Kanefield, Staff Attorney, Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue NW., Suite 809, Washington, DC 20004, 202 606-8596

RIN: 3010-AA04

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)

Proposed Rule Stage

3590. FREEDOM OF INFORMATION ACT REGULATIONS

Legal Authority: 16 USC 470 Nat. Historic Preservation Act of 1966, as amended

CFR Citation: 36 CFR 810.5

Legal Deadline: None

Abstract: The regulation will increase the fees charged to requesters of information to better reflect the cost to the Government of locating and copying the documents requested. Copying charges would be increased from \$0.10 to \$0.13 per page; fees for searches by professional staff from

\$2.00 to \$4.65 per quarter hour; and fees for searches by clerical staff from \$1.00 to \$2.30 per quarter hour. The regulation would thus impose a "user's fee" to users of the Government FOIA system which is more consistent with other agencies' fees.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 12/00/94 | |
| NPRM Comment Period End | 01/00/95 | |
| Final Action | 02/00/95 | |
| Final Action Effective | 02/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: \$0; Yearly Recurring Cost: \$0

Sectors Affected: None

Agency Contact: Katherine Barns Soffer, Associate General Counsel, Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue NW., Suite 809, Washington, DC 20004, 202 786-0503

RIN: 3010-AA03

[FR Doc. 93-21444 Filed 10-22-93; 8:45 am]

BILLING CODE 4310-10-F

Federal Register

**Monday
October 25, 1993**

Part XIX

**Agency for
International
Development**

Semiannual Regulatory Agenda

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID)

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development
22 CFR Ch. II

Federal Regulations; AID Regulatory Agenda Semiannual Summary

AGENCY: Agency for International Development, IDCA.

ACTION: AID regulations agenda.

SUMMARY: The Agency for International Development (AID) is publishing this agenda as required by section 5(a) of Executive Order 12291 "Federal Regulation" (46 FR 13193, February 19,

1981) and by the Regulatory Flexibility Act (Pub. L. 96-354, September 30, 1980). This agenda reports the status of those regulations currently under review and gives AID's plan for the issuance of proposed regulations during the next 12 months. It is expected that the information provided in this agenda will enable the public to be more aware of and to participate more effectively in AID's rulemaking process.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the agenda or the review list in general, contact: Renee' Poehls, Office of Administrative Services, Information Support Service, Records Management Branch, Agency for International

Development, Washington, DC 20523; telephone (202) 736-4743.

Specific: For further information about any particular item on the agenda, contact the individual listed as the contact for that item.

SUPPLEMENTARY INFORMATION:**Regulatory Flexibility Act (RFA)**

AID does not have any rulemaking activity that falls within the requirements of RFA and does not anticipate any during the next reporting period.

Dated: August 3, 1993.

John F. Owens,

Deputy Associate Administrator for Finance and Administration.

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID)
Final Rule Stage**3591. NEW RESTRICTIONS ON LOBBYING**

Significance: Regulatory Program

Legal Authority: 31 USC 1352; 22 USC 2381

CFR Citation: 22 CFR 227

Legal Deadline: None

Abstract: The regulation is being issued to implement new restrictions prohibiting recipients of Federal grants

from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific grant.

Timetable:

| Action | Date | FR Cite |
|--------------------|--------------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 6736 |
| Interim Final Rule | 04/27/90 | |
| Comment Period | | |
| End | | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Kathleen O'Hara, Chief, Procurement Policy Branch, Bureau for Finance & Administrative Services, Agency for International Development, 1100 Wilson Boulevard, Room 1600, I SA-14, Arlington, VA 22209, 703 875-1534

RIN: 0412-AA16

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID)
Completed Actions**3592. ● AGENCY FOR INTERNATIONAL DEVELOPMENT ACQUISITION REGULATIONS**

Legal Authority: 22 USC 2381

CFR Citation: 48 CFR 709; 48 CFR 726; 48 CFR 737; 48 CFR 752

Legal Deadline: None

Abstract: The regulation is being amended to make miscellaneous changes concerning organizational conflict of interest, disadvantaged enterprises and advisory and assistance services.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/09/93 | 58 FR 42254 |
| Final Action Effective | 09/08/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Kathleen O'Hara, Chief, Procurement Policy Branch, Bureau for Finance & Administrative Services, Agency for International Development, 1100 Wilson Boulevard, Room 1600, I SA-14, Arlington, VA 22209, 703 875-1534

RIN: 0412-AA19

3593. ● RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS—MISCELLANEOUS AMENDMENT

Legal Authority: 22 USC 2381

CFR Citation: 22 CFR 2381; 22 CFR 201

Legal Deadline: None

Abstract: In Action Memoranda dated October 31, 1991, and March 30, 1993, the Deputy Secretary of State determined that certain countries, formerly considered "Non-Free World" under a 1961 Presidential determination, be made eligible for Foreign Assistance Procurement. As a result, the list of countries ineligible for Foreign Assistance Procurement now contained in Regulation 1 is incorrect.

AID

Completed Actions

A change is necessary to provide a current and accurate country listing.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/20/93 | 58 FR 48796 |
| Final Action Effective | 09/20/93 | |

Small Entities Affected: None

Government Levels Affected: None
Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Kathleen O'Hara, Chief, Procurement Policy Branch,

Bureau for Finance & Administrative Services, Agency for International Development, 1100 Wilson Boulevard, Room 1600, I SA-14, Arlington, VA 22209, 703 875-1534

RIN: 0412-AA20
[FR Doc. 93-21445 Filed 10-22-93; 8:45 am]
BILLING CODE 6116-01-F

Federal Register

**Monday
October 25, 1993**

Part XX

**Architectural and
Transportation
Barriers Compliance
Board**

Semiannual Regulatory Agenda

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD
36 CFR Ch. XI
Unified Agenda of Federal Regulations
AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Submission of Unified Agenda of Federal Regulations.

SUMMARY: The Architectural and Transportation Barriers Compliance Board submits the following agenda of proposed regulatory activities which may be conducted by the agency during the next 12 months. This regulatory agenda may be revised by the agency during the coming months as a result of action taken by the Board.

ADDRESSES: Architectural and Transportation Barriers Compliance

Board, 1331 F Street NW., Suite 1000, Washington, DC 20004-1111.

FOR FURTHER INFORMATION CONTACT: For information concerning Board regulations and proposed actions, contact James J. Raggio, General Counsel, (202) 272-5434 (voice) or (202) 272-5449 (TDD).

Lawrence W. Roffee,
Executive Director, Architectural and Transportation Barriers Compliance Board.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)
Prerule Stage

3594. AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY GUIDELINES FOR TRANSPORTATION VEHICLES
Significance: Agency Priority

Legal Authority: 42 USC 12204, Americans with Disabilities Act of 1990

CFR Citation: 36 CFR 1192

Legal Deadline: None

Abstract: To amend the Americans with Disabilities Act (ADA) Accessibility Guidelines for Transportation Vehicles to include additional requirements for ferries, excursion boats, and other vehicles.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James J. Raggio, General Counsel, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004-1111, 202 272-5434

RIN: 3014-AA11

Legal Authority: 42 USC 12204, Americans with Disabilities Act of 1990

CFR Citation: 36 CFR 1191

Legal Deadline: None

Abstract: To amend the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities to include additional requirements for boat and ferry docks.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: In the October 1991 agenda, this action was incorrectly reported as a completed action.

Agency Contact: James J. Raggio, General Counsel, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004-1111, 202 272-5434

RIN: 3014-AA12

Legal Authority: 48 USC 12204, Americans with Disabilities Act of 1990

CFR Citation: 36 CFR 1191

Legal Deadline: None

Abstract: To amend the Americans with Disabilities Act (ADA) Accessibility Guidelines to include requirements for recreational facilities and outdoor developed areas.

Timetable:

| Action | Date | FR Cite |
|---|--------------|-------------|
| Notice of Intent To Form Advisory Committee | 02/03/93 | 58 FR 6949 |
| Notice of Appointment of Advisory Committee Members | 06/10/93 | 58 FR 32511 |
| Next Action | Undetermined | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James J. Raggio, General Counsel, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004-1111, 202 272-5434

RIN: 3014-AA16

3595. AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES
Significance: Agency Priority

3596. AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES: RECREATIONAL FACILITIES AND OUTDOOR DEVELOPED AREAS
Significance: Agency Priority

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Proposed Rule Stage

3597. AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY GUIDELINES: CHILDREN'S ENVIRONMENTS

Significance: Agency Priority

Legal Authority: 42 USC 12204, Americans with Disabilities Act of 1990

CFR Citation: 36 CFR 1191

Legal Deadline: None

Abstract: To amend the Americans with Disabilities Act (ADA) Accessibility Guidelines to include requirements for children's environments.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 02/03/93 | 58 FR 6924 |
| ANPRM Comment Period End | 06/01/93 | 58 FR 17175 |
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James J. Raggio, General Counsel, Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., Suite 1000, Washington, DC 20004-1111, 202 272-5434

RIN: 3014-AA17

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Final Rule Stage

3598. AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES, STATE AND LOCAL GOVERNMENT FACILITIES

Significance: Agency Priority

Legal Authority: 42 USC 12204, Americans with Disabilities Act of 1990

CFR Citation: 36 CFR 1191

Legal Deadline: None

Abstract: To amend the Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities to include additional requirements for judicial, legislative, and regulatory facilities; detention and correctional facilities; residential housing; and public rights-of-way.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/21/92 | 57 FR 60612 |
| NPRM Comment Period End | 03/22/93 | |

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Elizabeth A. Stewart, Attorney, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004-1111, 202 272-5434

RIN: 3014-AA13

CFR Citation: 36 CFR 1191

Legal Deadline: None

Abstract: To suspend temporarily certain detectable warning requirements until January 26, 1995 while additional research is conducted.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/09/93 | 58 FR 37052 |
| NPRM Comment Period End | 09/07/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Raggio, General Counsel, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004-1111, 202 272-5434

RIN: 3014-AA15

3599. AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES: DETECTABLE WARNINGS

Significance: Agency Priority

Legal Authority: 42 USC 12204, Americans with Disabilities Act of 1990

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Completed Actions

3600. AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES, ACCESSIBLE AUTOMATED TELLER MACHINES

Significance: Agency Priority

Legal Authority: 42 USC 12204, Americans with Disabilities Act of 1990

CFR Citation: 36 CFR 1191

Legal Deadline: None

Abstract: To amend reach range requirement for accessible automated teller machines.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/08/92 | 57 FR 41006 |
| NPRM Comment Period End | 10/08/92 | |
| Final Action | 07/15/93 | 58 FR 38204 |
| Final Action Effective | 08/16/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Raggio, General Counsel, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004-1111, 202 272-5434

RIN: 3014-AA14

[FR Doc. 93-21807 Filed 10-22-93; 8:45 am]

BILLING CODE 6150-01-F

Federal Register

Monday
October 25, 1993

Part XXI

**Commission on Civil
Rights**

Semiannual Regulatory Agenda

COMMISSION ON CIVIL RIGHTS (CCR)**COMMISSION ON CIVIL RIGHTS****45 CFR Ch. VII****Semiannual Agenda of Regulations**

AGENCY: U.S. Commission on Civil Rights.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations the U.S. Commission on

Civil Rights will have under development during the 6-month period from October 1, 1993, through March 1, 1994. The purpose for publishing this agenda is to give notice of any regulatory activity by the Commission in order to allow the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: For further information on any items in the agenda, contact: Emma Monroig, Solicitor, U.S. Commission on Civil

Rights, Room 632, 624 Ninth Street NW., Washington, DC 20425, (202) 376-8351.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291 "Federal Regulation" and the Regulatory Flexibility Act (5 U.S.C. 605), executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

Emma Monroig,
Solicitor.

COMMISSION ON CIVIL RIGHTS (CCR)**Proposed Rule Stage****3601. COMMISSION ON CIVIL RIGHTS—UPDATE AND REVISION**

Legal Authority: 42 USC 1975 to 1975f; 5 USC 552(a); 5 USC 552(b)

CFR Citation: 45 CFR 701; 45 CFR 702; 45 CFR 703; 45 CFR 705

Legal Deadline: None

Abstract: The regulation updates and revises most of the Commission's current regulations, specifically 45 CFR 701, 702, 703, and 705. 45 CFR 701 identifies the organization and

functions of the Commission. 45 CFR 702 specifies the rules on hearings, reports, and meetings of the Commission. 45 CFR 703 identifies the operations and functions of the Commission's State advisory committees. 45 CFR 705 states the Commission's obligations under the Privacy Act.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Emma Monroig, Solicitor, Commission on Civil Rights, 624 Ninth Street NW., Suite 632, Washington, DC 20425, 202 376-8375

RIN: 3035-AA02

[FR Doc. 93-21808 Filed 10-22-93; 8:45am]

BILLING CODE 6335-01-F

Federal Register

**Monday
October 25, 1993**

Part XXII

**Environmental
Protection Agency**

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY (EPA)**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Ch. I**

[FRL-4726-2]

Regulatory Agenda

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA's regulatory agenda is published each April and October. It serves as a semiannual summary of current and projected rulemakings, reviews of existing regulations, and Agency actions completed since the previous publication of the agenda. By providing the public with current and advance information about pending regulatory activities, the Agency hopes to encourage more effective public participation in the regulatory process.

ADDRESSES: To be placed on the mailing list for future agendas, contact Bridgette Dent, Regulatory Development Branch (PM-223Y), EPA, 401 M Street SW., Washington, DC 20460, (202) 260-5475.

If you have suggestions to improve this publication or need general information about the agenda, contact Angela Suber, Regulatory Development Branch (PM-223Y), EPA, 401 M Street SW., Washington, DC 20460, (202) 260-7205.

FOR FURTHER INFORMATION CONTACT: The name, address, and telephone number of an agency contact are provided for each entry.

SUPPLEMENTARY INFORMATION: The agenda provides the title, an abstract, legal authority, CFR reference, any analysis EPA is preparing, contact person, and schedule for completing the action for each regulation under review. The following statutes are covered in the agenda:

Asbestos Hazard Emergency Response Act (AHERA)
Atomic Energy Act (AEA)
Clean Air Act (CAA)
Clean Water Act (CWA)
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
Federal Food, Drug, and Cosmetics Act (FFDCA)
Hazardous and Solid Waste Amendments (HSWA)

Marine Protection, Research, and Sanctuaries Act (MPRSA)
National Environmental Policy Act (NEPA)
Resource Conservation and Recovery Act (RCRA)
Safe Drinking Water Act (SDWA)
Superfund Amendments and Reauthorization Act (SARA)
Toxic Substances Control Act (TSCA)
Water Quality Act of 1987 (WQA)
General (Other acts, including grant and procurement regulations that apply to several program areas.)

EPA's agenda also illustrates the Agency's compliance with various mandates. Included among these is the requirement of Executive Order 12498 to submit the Agency's priority regulatory activities for inclusion in the Administration's annual "Regulatory Program." Those priority activities are noted in the "Significance" section of the rule entry.

EPA's agenda entries also provide evidence of compliance with the requirements in Executive Order 12291 that the Agency ensure that the costs of a rule are justified by its benefits. This compliance is noted in the "Analysis" section of an entry, which indicates the Agency's performance of a Regulatory Impact Analysis (RIA) for any proposed or final regulation that may have:

1. A minimal economic effect of \$100 million annually;
2. a major effect on the general economy in terms of costs, consumer prices, or production;
3. a major increase in costs or prices for any notable segment of the population; or
4. significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Regulatory Flexibility Act (RFA) requires the identification of those regulations which are likely to have a "significant economic impact on a substantial number of small entities" (i.e., small governments, small businesses, and small nonprofit organizations). Under the requirements of the Act, such regulations must be subjected to a "regulatory flexibility analysis." This analysis must consider the likely economic impacts on small

entities, as well as any significant alternatives to the rule which accomplish the objectives of applicable statutes and which minimize significant economic impacts of the rulemaking on small entities.

In April 1992, EPA adopted a new policy which exceeds the requirements of the Regulatory Flexibility Act (this new policy applies to rulemakings that were initiated after April 8, 1992). For rulemakings subject to this new policy, EPA will perform a regulatory flexibility analysis if the rule is likely to have any economic impact on any small entity. For rulemakings not subject to the new policy (i.e., initiated prior to April 9, 1992), a regulatory flexibility analysis will be conducted only if the rulemaking will meet the Regulatory Flexibility Act's standard of having a "significant impact on a substantial number of small entities."

Under each rulemaking listed in this regulatory agenda, the "Analysis" section indicates whether EPA expects to conduct a regulatory flexibility analysis. If EPA believes small entities will be affected by a rulemaking, this is indicated under the "Small Entities Affected" and/or the "Government Levels Affected" section of the summary for each listed rule. EPA invites public comment regarding EPA's assessment of which of the listed rulemakings are appropriate for regulatory flexibility analysis.

The RFA requires that, at least once every 10 years, Federal departments and agencies review existing regulations that have a significant economic impact on a substantial number of small entities. As part of that process, EPA invites public comment identifying any existing EPA rules believed to have a significant economic impact on a substantial number of small entities. Comments should be provided in the following format:

- Title
- Authorizing statute and CFR citation
- Description of economic effects on small entities, especially on the commenting person or organization
- Recommendations for changes

Any additional detailed comments or data are welcome.

When the EPA completes its review of an existing rule, it will indicate in the agenda whether or not that rulemaking will be continued without change or will be amended or rescinded consistent

EPA

with the stated objectives of applicable statutes to minimize any significant economic impact of the regulations upon a substantial number of small entities.

The agenda is organized by statute and ordered numerically within each statutory area. Entries within each statute are divided into four categories: (1) Prerule, (2) proposed rule, (3) final rule, and (4) completed actions (i.e., regulations that EPA is deleting from the agenda because the Agency has completed, withdrawn, or postponed them indefinitely). Detailed information on each of these categories is presented below. A dot (•) preceding an entry indicates that this is the first time this entry appears in an agenda.

I. Prerulemakings

Prerulemaking actions are activities intended to determine whether to initiate rulemaking. These activities include anything that influences or leads to rulemaking, such as advance notices of proposed rulemaking, significant studies or analyses of the possible need for regulatory action,

requests for public comment on the need for regulatory action, or important pre-regulatory policy proposals.

This section also includes a review of existing EPA regulations. The purpose of such reviews is to determine whether the Agency should revise, rescind, or leave the existing rule unchanged. If EPA decides to revise or rescind an existing regulation, that action will appear in the next agenda in the proposed rule section along with a timetable for completing the revision or rescission.

II. Proposed and Final Rules

This section includes all "significant" EPA regulations. EPA generally lists regulations in this category of the agenda once they are within a year of proposal or promulgation. The listings, however, exclude (a) specialized categories of actions (e.g., EPA approvals of State plans and other actions that do not apply nationally) and (b) routine actions (e.g., pesticide tolerances and minor amendments to existing rules).

The Agency has attempted to list all regulations and regulatory reviews except those considered as minor, routine, or repetitive actions. There is no legal significance to the inadvertent omission of an item from the listing. The agenda reflects dates for actions on each item; these dates are honest estimates but should not be construed as an Agency commitment to act on or by the date shown. The Administrator of EPA will be reviewing the items contained in this agenda over the next 6 months. Items in this agenda may be deleted, or new items may be added, as a result of that review.

III. Completed Actions

These are actions that appeared in the previous agenda, which EPA is deleting because they are completed or are no longer under consideration for rulemaking.

Dated: September 20, 1993.
Karl A. Hausker,
Deputy Assistant Administrator,
Office of Policy, Planning, and Evaluation.

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3602 | SAN No. 3154. Revocation of Pesticide Food Additive Tolerances Subject to the Delaney Clause of the FFDCFA .. | 2070-AC55 |
| 3603 | SAN No. 3199. Revisions to 40 CFR 180.1 Subpart A—Definitions and Interpretations | 2070-AC54 |
| 3604 | SAN No. 2684. Regulation of Plant-Produced Pesticides (Revision) | 2070-AC02 |
| 3605 | SAN No. 3135. Pesticide Flammability Labeling Requirements for Total Release Foggers | 2070-AC60 |
| 3606 | SAN No. 2687. Pesticide Data Requirements (Revision) | 2070-AC12 |
| 3607 | SAN No. 3019. Microbiological Water Purifiers; Labeling Claims | 2070-AC43 |
| 3608 | SAN No. 3222. Pesticides and Groundwater State Management Plan Regulation | 2070-AC46 |
| 3609 | SAN No. 2337. Procedures To Make Restricted Use Pesticides Available to Noncertified Persons for Use by Certified Applicators | 2070-AB48 |
| 3610 | SAN No. 2408. Pesticide Applicator Certification Fees for EPA Administered Programs | 2070-AB76 |
| 3611 | SAN No. 2724. Pesticide Data Requirements: Methods for Safe Storage and Disposal | 2070-AC11 |
| 3612 | SAN No. 2351. Classification of Certain Pesticides for Restricted Use Due to Groundwater Concerns | 2070-AC33 |
| 3613 | SAN No. 2725. FIFRA Books and Records of Pesticide Production and Distribution (Revision) | 2070-AC07 |
| 3614 | SAN No. 2659. Pesticide Management and Disposal: Container Design, Residue Removal, Storage, Disposal, and Transportation of Pesticides | 2070-AB95 |
| 3615 | SAN No. 2639. Child-Resistant Packaging Regulations (Revision) | 2070-AB96 |
| 3616 | SAN No. 3318. Exemption of Sterilant Pesticide Products From Regulation Under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) | 2070-AC58 |
| 3617 | SAN No. 3320. Regulatory Relief for Low-Risk Pesticides | 2070-AC67 |

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3618 | SAN No. 2444. Pesticide Tolerances; Portion of Food Commodities To Be Analyzed for Pesticide Residues | 2070-AC45 |
| 3619 | SAN No. 3113. Endangered Species Protection Program | 2070-AC42 |
| 3620 | SAN No. 2351. Criteria for Restricted Use Classification for Groundwater Contaminating Pesticides | 2070-AB60 |
| 3621 | SAN No. 1640. Worker Protection Standards; Hazard Information | 2070-AC34 |

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Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3622 | SAN No. 2446. Regulations on Certification of Pesticide Applicators (Revision) | 2070-AB75 |
| 3623 | SAN No. 2445. Amendments to Experimental Use Permit Rule for Certain Microbial Pesticides (Revision) | 2070-AB77 |
| 3624 | SAN No. 2338. Reporting Requirements for Risk/Benefit Information (Revision) | 2070-AB50 |
| 3625 | SAN No. 2720. Policy or Procedures for Notification to the Agency of Stored Pesticides With Cancelled or Suspended Registration | 2070-AC08 |
| 3626 | SAN No. 3141. Revision to Crop Grouping Regulations | 2070-AC52 |

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3627 | SAN No. 3227. Determination of Adequacy of State Pesticide Residue Removal Compliance Programs | 2070-AC56 |

Toxic Substances Control Act (TSCA)—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3628 | SAN No. 3034/3035/3007. Emergency Planning and Community Right-to-Know Act Section 313 Expanded Reporting Requirements | 2070-AC47 |
| 3629 | SAN No. 3301. Amendments of TSCA Chemical Use Inventory Rule | 2070-AC61 |
| 3630 | SAN No. 2425. Responses to Petitions Received To Add to or Delete Chemicals From the List of Toxic Chemicals Under Section 313 of SARA | 2070-AC00 |
| 3631 | SAN No. 3243. Lead Hazard Standards | 2070-AC63 |
| 3632 | SAN No. 3244. Lead-Based Paint Training, Accreditation and Certification | 2070-AC64 |
| 3633 | SAN No. 3242. Lead-Based Paint Disclosure Requirements for Transfer and Renovation of Housing | 2070-AC65 |
| 3634 | SAN No. 2249. Asbestos Worker Protection Rule | 2070-AC66 |
| 3635 | SAN No. not yet assigned. Decisions on Test Rules: Proposed Rules | 2070-AB07 |
| 3636 | SAN No. 2245. Negotiated Consent Order Procedural Test Rule (Revision) | 2070-AB30 |
| 3637 | SAN No. 2563. SARA Section 110 Chemicals Test Rule | 2070-AB79 |
| 3638 | SAN No. 2865. Multi-Chemical Endpoint(s) Test Rule | 2070-AC36 |
| 3639 | SAN No. 2247. Generic Significant New Use Rule (SNUR) for Acrylate Compounds | 2070-AB56 |
| 3640 | SAN No. 2326. Rulemaking Concerning Certain Microbial Products ("Biotechnology") Under the Toxic Substances Control Act (TSCA) | 2070-AB61 |
| 3641 | SAN No. 2848/3252 (Lead Fishing Sinkers). Regulatory Investigation Under the Toxic Substances Control Act (TSCA) To Reduce Lead (Pb) Consumption and Use | 2070-AC21 |
| 3642 | SAN No. 2146. Regulatory Investigation of Formaldehyde | 2070-AB14 |
| 3643 | SAN No. 2878. Polychlorinated Biphenyls (PCBs) Disposal Amendments | 2070-AC01 |
| 3644 | SAN No. 3021. Polychlorinated Biphenyls (PCBs) Transformer Reclassification Rule | 2070-AC39 |
| 3645 | SAN No. 3249. Prohibition of Hexavalent Chromium in Comfort Cooling Towers; Application of TSCA Section 12(b) Export Notification; Amendment | 2070-AC57 |
| 3646 | SAN No. 3047. Amendments to the Asbestos-Containing Materials in Schools Rule | 2070-AC62 |
| 3647 | SAN No. 2129/3190. Amendment to the TSCA Section 8(a) Comprehensive Assessment Information Rule (CAIR) | 2070-AC19 |
| 3648 | SAN No. 1923. Proposed Follow-Up Rules on Existing Chemicals | 2070-AC37 |

Toxic Substances Control Act (TSCA)—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3649 | SAN No. 2847. Mandatory Pollution Prevention Reporting for Toxic Release Inventory (TRI) | 2070-AC24 |
| 3650 | SAN No. not yet assigned. Decision on Test Rules: Final Rules | 2070-AB94 |
| 3651 | SAN No. 2865. Multi-Chemical Endpoint(s) Test Rule | 2070-AC27 |
| 3652 | SAN No. 1923. Final Follow-up Rules on Existing Chemicals | 2070-AA58 |
| 3653 | SAN No. 1976. Final Follow-up Rules on Non-5(e) New Chemical Substances | 2070-AA59 |

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Toxic Substances Control Act (TSCA)—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3654 | SAN No. not yet assigned. Chemical Specific Significant New Use Rules (SNURs) To Extend Provisions of Section 5(e) Orders | 2070-AB27 |
| 3655 | SAN No. 2760. Premanufacture Notification (PMN) Rule Amendments | 2070-AC14 |
| 3656 | SAN No. 1976. Follow-Up Rules on Non-5(e) New Chemical Substances | 2070-AC38 |
| 3657 | SAN No. 2150. Polychlorinated Biphenyls (PCBs): Applications for Exemptions From the Ban on Manufacturing, Processing, and Distribution | 2070-AB20 |
| 3658 | SAN No. 2560. Procedures and Criteria for Termination of Polychlorinated Biphenyls (PCBs) Disposal Permits | 2070-AB81 |
| 3659 | SAN No. 2844. Regulatory Investigation of Dioxin in Pulp and Paper Mill Sludge | 2070-AC05 |
| 3660 | SAN No. 2779. Use of Acrylamide and N-Methylacrylamide (NMA) for Grouting | 2070-AC17 |
| 3661 | SAN No. 3148. Revised Asbestos Model Accreditation Plan | 2070-AC51 |
| 3662 | SAN No. 2178. Section 8(a) Preliminary Assessment Information Rules | 2070-AB08 |
| 3663 | SAN No. 1139. Section 8(d) Health and Safety Data Reporting Rules | 2070-AB11 |

Toxic Substances Control Act (TSCA)—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3664 | SAN No. 3007. Addition of Air Toxics to Toxic Release Inventory (TRI) | 2070-AC40 |
| 3665 | SAN No. 3052. EPCRA Section 313 Form R Corrections | 2070-AC48 |
| 3666 | SAN No. 2800. Policy Statement Implementing the Prior Informed Consent Procedures for the Export/Import of Industrial Chemicals | 2070-AC22 |
| 3667 | SAN No. 3242. Lead Exposure Reduction; Legislative Mandates | 2070-AC53 |
| 3668 | SAN No. 2881. TSCA Section 4(a)(1)(B) Policy Statement | 2070-AC31 |
| 3669 | SAN No. 2750. Polychlorinated Biphenyls (PCBs): Wet Weight/Dry Weight Clarification | 2070-AC16 |
| 3670 | SAN No. 2905. Environmental Hazard Communication Rule | 2070-AC29 |
| 3671 | SAN No. 2904. Export Notification Requirements; Changes to Reporting Requirements | 2070-AC28 |

Clean Water Act (CWA)—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3672 | SAN No. 3331. Facilitation of Private Investment in Municipal Wastewater Treatment Facilities | 2040-AC18 |
| 3673 | SAN No. 3253. Water Quality Standards Revisions | 2040-AC15 |

Clean Water Act (CWA)—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3674 | SAN No. 1427. Effluent Guidelines and Standards for the Pharmaceutical Manufacturing Category | 2040-AA13 |
| 3675 | SAN No. 2473. Effluent Guidelines and Standards for the Pesticide Chemicals Category | 2040-AB32 |
| 3676 | SAN No. 2712. Effluent Guidelines and Standards for the Pulp, Paper, and Paperboard Category | 2040-AB53 |
| 3677 | SAN No. 2747. Effluent Guidelines and Standards for the Coastal Subcategory of the Oil and Gas Extraction Category | 2040-AB72 |
| 3678 | SAN No. 2805. Effluent Guidelines and Standards for the Waste Treatment Category | 2040-AB78 |
| 3679 | SAN No. 2806. Effluent Guidelines and Standards for the Metal Products and Machinery Category | 2040-AB79 |
| 3680 | SAN No. 3209. Effluent Guidelines and Standards for the Industrial Laundries Category | 2040-AB97 |
| 3681 | SAN No. 3204. Effluent Guidelines and Standards for the Transportation Equipment Cleaning Category | 2040-AB98 |
| 3682 | SAN No. 2501. NPDES Permit Application Standard Form A and Short Form A (Revision) | 2040-AB39 |
| 3683 | SAN No. 3270. NPDES Application Regulations for Storm Water Discharges and Municipal Separate Storm Water Sewer Systems Affected by the Results of the 1990 Census | 2040-AC16 |
| 3684 | SAN No. 2196. Denial or Restriction of Disposal Sites (Revision) | 2040-AB20 |
| 3685 | SAN No. 2804. Clean Water Act Section 404 Program Definition | 2040-AB74 |
| 3686 | SAN No. 3198. Clean Water Act Section 404 State Program Regulations | 2040-AC02 |
| 3687 | SAN No. 3224. Comparison of Dredged Material to Reference Sediment | 2040-AC14 |

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Clean Water Act (CWA)—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3688 | SAN No. 2737. Revisions to Ocean Dumping Regulations for Dredged Material | 2040-AB62 |
| 3689 | SAN No. 2820. Shore Protection Act, Section 4103(b) Regulations | 2040-AB85 |

Clean Water Act (CWA)—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3690 | SAN No. 3203. Water Quality Guidance for the Great Lakes System | 2040-AC08 |
| 3691 | SAN No. 2749. National Pollutant Discharge Elimination System and Sludge Management State Program Regulations for Indian Tribes | 2040-AB70 |
| 3692 | SAN No. 2748. Amendments to National Pollutant Discharge Elimination System (NPDES) Surface Water Toxics Control Program | 2040-AB68 |
| 3693 | SAN No. 2587. Revisions to Regulations for Modification of Secondary Treatment Requirements for Municipal Discharges into Marine Waters | 2040-AB29 |
| 3694 | SAN No. 3330. Combined Sewer Overflow (CSO) Control Policy | 2040-AC17 |
| 3695 | SAN No. 3371. Definition of Wetlands; Revisions to the Federal Manual for Identifying and Delineating Jurisdictional Wetlands | 2040-AC03 |
| 3696 | SAN No. 3154. Exception from Wetlands Mitigation Sequence for Alaska | 2040-AC05 |
| 3697 | SAN No. 2736. Reorganization and Corrections to List of Ocean Dumping Sites | 2040-AB63 |

Clean Water Act (CWA)—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3698 | SAN No. 2745. Effluent Guidelines and Standards for the Organic Chemicals, Plastics and Synthetic Fibers Category | 2040-AB65 |

Atomic Energy Act (AEA)—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3699 | SAN No. 3232. Criteria for the Certification of Compliance With 40 CFR Part 191 Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level, and Transuranic Radioactive Waste | 2060-AE30 |
| 3700 | SAN No. 2073. Radiation Site Cleanup | 2060-AB31 |

Atomic Energy Act (AEA)—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3701 | SAN No. 3233. Approval/Disapproval of the Department of Energy Waste Isolation Pilot Plant Test Phase and Retrieval Plans | 2060-AE53 |
| 3702 | SAN No. 1727. Environmental Protection Standards for Low-Level Radioactive Waste | 2060-AA04 |
| 3703 | SAN No. 3321 replaces SAN No. 2073. Federal Radiation Protection Guidance for Exposure of the General Public | 2060-AE61 |

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Atomic Energy Act (AEA)—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3704 | SAN No. 2590. Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes | 2060-AC30 |
| 3705 | SAN No. 1166. Groundwater Protection Standards for Inactive Uranium Tailing Sites | 2060-AC03 |

Atomic Energy Act (AEA)—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3706 | SAN No. 1162. Transuranium Elements | 2060-AA01 |

Safe Drinking Water Act (SDWA)—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3707 | SAN No. 3268. Analytical Methods for Regulated Drinking Water Contaminants | 2040-AC12 |
| 3708 | SAN No. 2340. National Primary Drinking Water Regulations: Groundwater Disinfection | 2040-AA97 |
| 3709 | SAN No. 2807. National Primary Drinking Water Regulations: Arsenic | 2040-AB75 |
| 3710 | SAN No. 2772. National Primary Drinking Water Regulations: 25 Contaminants From Drinking Water Priority List (Phase VI) | 2040-AB82 |
| 3711 | SAN No. 3176. National Primary Drinking Water Regulations: Sulfate | 2040-AC07 |
| 3712 | SAN No. 3238. National Primary Drinking Water Standards (NPDWRs) for Aldicarb | 2040-AC13 |
| 3713 | SAN No. 3359. Drinking Water Primacy Withdrawal Regulation | 2040-AC19 |
| 3714 | SAN No. 2765. Osage Mineral Reserve Underground Injection Control Program (Revision) | 2040-AB76 |
| 3715 | SAN No. 2784. Revisions to SDWA; Underground Injection Control Program Regulations for Class II (Oil and Gas Related Wells) | 2040-AB77 |
| 3716 | SAN No. 2778. Management of Class V Injection Wells Under Part C of the Safe Drinking Water Act | 2040-AB83 |

Safe Drinking Water Act (SDWA)—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3717 | SAN No. 2440. Indian Rule for the Wellhead Protection Program and Sole Source Aquifer Demonstration Program | 2040-AB18 |
| 3718 | SAN No. 2428. Revisions to the Safe Drinking Water Act's Underground Injection Control (UIC) Regulations | 2040-AB27 |
| 3719 | SAN No. 2281. National Primary Drinking Water Regulation: Radionuclides | 2040-AA94 |

Safe Drinking Water Act (SDWA)—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3720 | SAN No. 2782. Revision of Analytical Methods for Trihalomethanes Under the SDWA | 2040-AB87 |

Noise Control Act (NCA)—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3721 | SAN No. 2046. Withdrawal of Products From the Agency's Reports Identifying Major Noise Sources and Withdrawal of Proposed Rules | 2060-AB24 |

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Resource Conservation and Recovery Act (RCRA)—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3722 | SAN No. 2872. Modifications to the Definition of Solid Waste and Regulations of Hazardous Waste Recycling: General | 2050-AD18 |
| 3723 | SAN No. 3180. Guideline for Federal Procurement of Plastic Pipe Products | 2050-AD74 |

Resource Conservation and Recovery Act (RCRA)—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3724 | SAN No. 2936. Land Disposal Restrictions—Phase III: Wastes Going to Clean Water Act and Safe Drinking Water Act Systems Whose Treatment Standards Were Remanded | 2050-AD38 |
| 3725 | SAN No. 2780. Causes for Permit Modifications to Hazardous Waste Management Facilities | 2050-AD05 |
| 3726 | SAN No. 3042. Hazardous Waste Management System: Post-Closure Requirements | 2050-AD55 |
| 3727 | SAN No. 3053. Revisions to Interim Status Groundwater Monitoring Requirements for Newly Regulated Land Disposal Facilities | 2050-AD56 |
| 3728 | SAN No. 3065. Listing Determination for Hazardous Wastes - Organobromides Chemical Industry | 2050-AD79 |
| 3729 | SAN No. 3134. Spent Solvents Listing Determination (Solvents III) | 2050-AD84 |
| 3730 | SAN No. 3151. Chlorinated Aliphatics Listing Determination | 2050-AD85 |
| 3731 | SAN No. 3179. Subtitle D Corporate Financial Test and Guarantee | 2050-AD77 |
| 3732 | SAN No. 2482. Identification and Listing of Hazardous Wastes: Hazardous Waste Identification Rule | 2050-AC25 |
| 3733 | SAN No. 3033. Identification and Listing of Hazardous Waste: Carbamate Chemicals Production Wastes | 2050-AD59 |
| 3734 | SAN No. 3178. Removal of Pentachlorophenol From F027; Restore It as U242; Change Toxicity Designation of F021; and Clarify Basis for Listing Criteria | 2050-AD78 |
| 3735 | SAN No. 3066. Listing Determination of Wastes Generated During the Manufacture of Triarylmethane Dyes and Pigments | 2050-AD80 |
| 3736 | SAN No. 3068. Listing Determination of Anthraquinone Dye and Pigment Wastes | 2050-AD81 |
| 3737 | SAN No. 3069. Listing Determination for Azo/Benzidine Dyes and Pigment Wastes | 2050-AD82 |
| 3738 | SAN No. 3064. Identification and Listing of Hazardous Waste: Petroleum Refining Process Wastes | 2050-AD88 |
| 3739 | SAN No. 3211. RCRA Fees: Handler Notifications and Waste Export Notifications | 2050-AD92 |
| 3740 | SAN No. 3237. Exclusion of Fluorescent Lamps From the Hazardous Waste Management System | 2050-AD93 |
| 3741 | SAN No. 3315. Public Participation and Permitting Procedures Under RCRA | 2050-AD97 |
| 3742 | SAN No. 3333. Revised Technical Standards for Hazardous Waste Combustion Facilities | 2050-AE01 |
| 3743 | SAN No. 3336. Land Disposal Restrictions—Phase IV: Rulemaking on Newly Identified Wastes and Certain Mineral Processing Wastes | 2050-AE05 |
| 3744 | SAN No. 2303. Location Standards for Hazardous Waste Facilities | 2050-AB42 |
| 3745 | SAN No. 2503. Corrective Action for Releases to Groundwater From Regulated Hazardous Waste Units | 2050-AC28 |
| 3746 | SAN No. 3235. Rule Identifying When Military Munitions Become Hazardous Wastes and Management Standards for Such Wastes | 2050-AD90 |
| 3747 | SAN No. 2435. Hazardous Waste Management System: Groundwater Monitoring Constituents (Phase II) and Methods | 2050-AC05 |
| 3748 | SAN No. 3218. Streamline Permitting for Mixed Waste | 2050-AD65 |
| 3749 | SAN No. 2158. Compliance Monitoring and Enforcement Requirements for State Hazardous Waste Management Programs | 2050-AB01 |
| 3750 | SAN No. 2827. RCRA Subtitle C Indian Program Authorization | 2050-AD07 |
| 3751 | SAN No. 3150. Field Filtering of Ground-Water Samples | 2050-AD86 |
| 3752 | SAN No. 2761. Financial Test for Local Governments That Own/Operate Municipal Solid Waste Landfills | 2050-AD04 |
| 3753 | SAN No. 2751. Municipal Solid Waste Landfills; State/Tribal Permit Program—Determination of Adequacy | 2050-AD03 |
| 3754 | Guideline for Federal Procurement of Paper and Paper Products Containing Recovered Materials | 2050-AD41 |
| 3755 | SAN No. 3182. Guideline for Federal Procurement of Hydraulic Mulch Products | 2050-AD71 |
| 3756 | SAN No. 3181. Guideline for Federal Procurement of Geotextile and Related Products | 2050-AD72 |
| 3757 | SAN No. 3120. Guideline for Federal Procurement of Structural and Decorative Fiberboard | 2050-AD83 |
| 3758 | SAN No. 3149. Clarify Lender Liability for Underground Storage Tanks | 2050-AD67 |
| 3759 | SAN No. 2465. Underground Storage Tanks Containing Hazardous Substances - Financial Responsibility Requirements | 2050-AC15 |

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Resource Conservation and Recovery Act (RCRA)—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3760 | SAN No. 2634. Revisions to the Oil Pollution Prevention Regulations | 2050-AC62 |
| 3761 | SAN No. 2799. Degradable Ring Rule | 2050-AD09 |
| 3762 | SAN No. 3309. Underground Storage Tank Program; Approved State Program for New Hampshire | 2050-AE00 |
| 3763 | SAN No. 2935. Land Disposal Restrictions—Rulemaking on Contaminated Soil | 2050-AD37 |
| 3764 | SAN No. 3213. Land Disposal Restrictions - Phase II: Rulemaking on Newly Identified Wastes | 2050-AD89 |
| 3765 | SAN No. 2870. Modifications of the Hazardous Waste Recycling Regulations: Universal Wastes | 2050-AD19 |
| 3766 | SAN No. 2524. No-Migration Variance for Prohibited Hazardous Waste Land Disposal | 2050-AC44 |
| 3767 | SAN No. 2826. New and Revised Testing Methods Approved for RCRA Subtitle C Hazardous Waste Testing Manual SW-846, Third Edition, Update II | 2050-AD06 |
| 3768 | SAN No. 2622. Hazardous Waste Management System, Amendment to Subpart C Rulemaking Petitions: Use of Groundwater Data in Delisting Decisions | 2050-AC65 |
| 3769 | SAN No. 3088. Underground Storage Tanks Containing Petroleum; Financial Responsibility Requirements; Compliance Date to 1998 for Facilities Meeting Certain Federal Criteria | 2050-AD44 |
| 3770 | SAN No. 3035. Identification and Listing of Hazardous Waste: Wood Surface Protection Wastes | 2050-AD60 |
| 3771 | SAN No. 3085. Suspension of the Toxicity Characteristic Rule for Non-Underground Storage Tank Petroleum Contaminated Media | 2050-AD64 |
| 3772 | SAN No. 3189. Final Determination of the Applicability of the Toxicity Characteristic Rule to Underground Storage Tanks Contaminated Media and Debris | 2050-AD69 |
| 3773 | SAN No. 3148. Identification and Listing of Hazardous Waste Treatability Studies Sample Exemption | 2050-AD70 |
| 3774 | SAN No. 3114. Imports and Exports of Hazardous Waste: Implementation of the OECD Decision for Recyclable Wastes | 2050-AD87 |
| 3775 | SAN No. 3201. Regulatory Determination on Wastes From the Combustion of Fossil Fuels | 2050-AD91 |
| 3776 | SAN No. 3332. Identification and Listing of Hazardous Waste; Amendments to Definition of Solid Waste | 2050-AD99 |
| 3777 | SAN No. 3334. Report to Congress and Final Regulatory Determination on Cement Kiln Dust | 2050-AE02 |
| 3778 | SAN No. 3335. Used Oil Management Standards—For Used Oil and Petroleum Refinery Wastes | 2050-AE03 |
| 3779 | SAN No. 2277. Amendments to Groundwater Monitoring Requirements at Hazardous Waste Facilities | 2050-AB20 |
| 3780 | SAN No. 2390. Corrective Action for Solid Waste Management Units (SWMUs) at Hazardous Waste Management Facilities | 2050-AB80 |
| 3781 | SAN No. 2647. RCRA Subtitle C Financial Test Criteria (Revision) | 2050-AC71 |
| 3782 | SAN No. 2240. Treatment, Storage, and Disposal Facility—RCRA Air Emission Standards | 2050-AD62 |
| 3783 | SAN No. 3094. Extension of States Interim Authorization Option to Carry Out Post-HSWA Regulations | 2050-AD57 |

Resource Conservation and Recovery Act (RCRA)—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3784 | SAN No. 2538. Procedures for Planning and Implementing Off-Site Response Actions | 2050-AD94 |
| 3785 | SAN No. 3372. Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated | 2050-AD96 |
| 3786 | SAN No. 2507. Test Methods for Evaluating Solid Waste (Manual SW846 Third Edition) Incorporation by Reference and Good Laboratory Practices—Update 1 | 2050-AC32 |
| 3787 | SAN No. 3041. Hazardous Waste Management Systems; Amendment to Subpart C Rulemaking Petitions; Proposed Incorporation of EPA's Composite Model for Landfills | 2050-AD48 |
| 3788 | SAN No. 3322. Solid Waste Disposal Facility Criteria; Delay of Effective Rule | 2050-AD98 |
| 3789 | SAN No. 2857. Amendments to Biennial Reporting Requirements | 2050-AD10 |
| 3790 | SAN No. 2675. Hazardous Waste Sump Requirements | 2050-AC79 |

Clean Air Act (CAA)—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3791 | SAN No. 2762. NAAQS: Carbon Monoxide (Review) | 2060-AA63 |
| 3792 | SAN No. 1004. NAAQS: Nitrogen Dioxide (Review) | 2060-AC06 |
| 3793 | SAN No. 3037. Report to Congress and Regulatory Agenda for VOCs From Consumer and Commercial Products | 2060-AE24 |

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Clean Air Act (CAA)—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3794 | SAN No. 2909. Revision of Rules for Prevention of Significant Deterioration (PSD) and New Source Review (NSR) | 2060-AD13 |
| 3795 | SAN No. 2942. Enhanced Monitoring Program | 2060-AD18 |
| 3796 | SAN No. 2961. Locomotive Emissions Standards | 2060-AD33 |
| 3797 | SAN No. 3009. Acid Rain Opt-In Regulation | 2060-AD43 |
| 3798 | SAN No. 3111. Prohibition of Leaded Gasoline for Highway Use | 2060-AD55 |
| 3799 | SAN No. 3286. Mobile-Stationary Source Trading Program | 2060-AD85 |
| 3800 | SAN No. 3259. New Source Review Nonattainment Requirements | 2060-AE11 |
| 3801 | SAN No. 3265. Amendments to the Emission Defect Reporting Requirements | 2060-AE16 |
| 3802 | SAN No. 3264. Inspection/Maintenance Program Requirements—Onboard Diagnostic Checks | 2060-AE19 |
| 3803 | SAN No. 3263. Performance Warranty and Inspection/Maintenance Test Procedures | 2060-AE20 |
| 3804 | SAN No. 3261. Inspection/Maintenance Program Requirements—Provisions for Redesignation | 2060-AE21 |
| 3805 | SAN No. 3262. Inspection/Maintenance Recall Requirements | 2060-AE22 |
| 3806 | SAN No. 3355. Federal Implementation Plan To Achieve the National Ambient Air Quality Standard for Ozone in the Sacramento Metropolitan Area, SCAQMD, and Ventura County, California Nonattainment Areas | 2060-AE25 |
| 3807 | SAN No. 3257. Ambient Air Quality Surveillance Siting Criteria for Open Path Analyzers | 2060-AE31 |
| 3808 | SAN No. 3302. Emission Statement, Periodic Emission Inventory and Statewide Inventory Requirements | 2060-AE32 |
| 3809 | SAN No. 3314. Addition of Test Method 205, "Verification of Gas Dilution Systems for Field Instrument Calibration," to Appendix M of 40 CFR Part 51 | 2060-AE33 |
| 3810 | SAN No. 3353. NAAQS: Ozone (Review) | 2060-AE57 |
| 3811 | SAN No. 3354. Revision of SIP Completeness Criteria | 2060-AE58 |
| 3812 | SAN No. 3319. Acid Rain Program, Revisions of Substitution and Reduced Utilization Regulations | 2060-AE59 |
| 3813 | SAN No. 3016. Revise Capture Efficiency Guidelines | 2060-AD84 |
| 3814 | SAN No. 2719. Medical Waste Incinerators | 2060-AC62 |
| 3815 | SAN No. 2916. NSPS: Municipal Waste Combustion—Phase II and Phase III | 2060-AD00 |
| 3816 | SAN No. 3106. NSPS: Review of Subpart (D)(a)—Electric Utility Steam Generating Units (SO ₂) | 2060-AD04 |
| 3817 | SAN No. 2892. NESHAP: Asbestos Processing Standard | 2060-AB51 |
| 3818 | SAN No. 2841. NESHAP: Chromium—Electroplating | 2060-AC14 |
| 3819 | SAN No. 2484. NESHAP: Ethylene Oxide From Commercial Sterilization | 2060-AC28 |
| 3820 | SAN No. 1695. NESHAP: Halogenated Solvent Cleaning | 2060-AC31 |
| 3821 | SAN No. 2914. NESHAP: Pulp and Paper | 2060-AD03 |
| 3822 | SAN No. 2932. Guidance for the Implementation of Section 112(g)—Modifications | 2060-AD06 |
| 3823 | SAN No. 2965. NESHAP for Wood Furniture Manufacturing | 2060-AD57 |
| 3824 | SAN No. 3373. Radionuclide Major Source Definition | 2060-AD60 |
| 3825 | SAN No. 2926. NESHAP: Stage I Gasoline Distribution Facilities | 2060-AD93 |
| 3826 | SAN No. 3168. NESHAP: Petroleum Refineries | 2060-AD94 |
| 3827 | SAN No. 3077. NESHAP: Printing/Publishing Industry | 2060-AD95 |
| 3828 | SAN No. 3166. NESHAP: Polymers and Resins, Group I | 2060-AD96 |
| 3829 | SAN No. 3165. NESHAP: Polymers and Resins II | 2060-AD97 |
| 3830 | SAN No. 3074. NESHAP: Surface Coating Operations in Shipbuilding and Ship Repair | 2060-AD98 |
| 3831 | SAN No. 2946. NESHAP: Magnetic Tape Manufacturing Industry | 2060-AD99 |
| 3832 | SAN No. 3075. NESHAP: Aerospace Industry | 2060-AE02 |
| 3833 | SAN No. 3193. NESHAP: Secondary Lead Smelters | 2060-AE04 |
| 3834 | SAN No. 3159. NESHAP for Solid Waste Treatment, Storage, and Disposal Facilities | 2060-AE05 |
| 3835 | SAN No. 3215. Standards of Performance for Hazardous Air Pollutants for the Mineral Wool Production Industry | 2060-AE08 |
| 3836 | SAN No. 3229. Oil and Gas Production MACT | 2060-AE34 |
| 3837 | SAN No. 3228. National Emission Standard for Hazardous Air Pollutants (NESHAP) for Polymers and Resins, Group III | 2060-AE36 |
| 3838 | SAN No. 3187. NESHAP: Polymers and Resins, Group IV | 2060-AE37 |
| 3839 | SAN No. 3303. NESHAP—Phosphoric Acid Manufacturing Industry | 2060-AE40 |
| 3840 | SAN No. 3345. NESHAP—Steel Pickling, HC1 Process | 2060-AE41 |
| 3841 | SAN No. 3344. NESHAP—Chromium Chemical Manufacturing | 2060-AE42 |
| 3842 | SAN No. 3343. NESHAP—Iron Foundries and Steel Foundries | 2060-AE43 |
| 3843 | SAN No. 3304. NESHAP—Phosphate Fertilizers Production Industry | 2060-AE44 |
| 3844 | SAN No. 3341. NESHAP—Cyanide Chemical Manufacturing | 2060-AE45 |
| 3845 | SAN No. 3340. NESHAP—Primary Copper Smelters | 2060-AE46 |
| 3846 | SAN No. 3342. NESHAP—Wood Treatment Industry | 2060-AE47 |
| 3847 | SAN No. 3346. NESHAP—Integrated Iron and Steel | 2060-AE48 |
| 3848 | SAN No. 3349. Nonessential Class II Products Ban | 2060-AE50 |

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Clean Air Act (CAA)—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3849 | SAN No. 3251. Sequence of Application of Mandatory Sanctions Under Section 179 | 2060-AE09 |
| 3850 | SAN No. 3104. Standards for Tank Vessel Loading Operations | 2060-AD02 |
| 3851 | SAN No. 3281. VOC Regulation for Automobile and Truck Refinishing Coatings | 2060-AE35 |
| 3852 | SAN No. 3351. VOC Regulation for Architectural and Industrial Maintenance Coatings | 2060-AE55 |
| 3853 | SAN No. 3023. Revised Light-Duty Durability Procedures for Model Year 1996 and Later | 2060-AE06 |
| 3854 | SAN No. 3191. Cold Temperature Carbon Monoxide Emissions Averaging | 2060-AE13 |
| 3855 | SAN No. 3266. Regulations for Enforcement of Cross-Border Sales | 2060-AE15 |
| 3856 | SAN No. 2665. Amendments to Regulations Governing the Importation of Nonconforming Vehicles | 2060-AC58 |
| 3857 | SAN No. 3139. Amendment Concerning the Location of Selective Enforcement Audits of Foreign Manufactured Vehicles and Engines | 2060-AD90 |
| 3858 | SAN No. 3097. Nonconformance Penalties for 1998 Model Year Emission Standards for Heavy-Duty Engines and Vehicles | 2060-AE07 |
| 3859 | SAN No. 3323. Review of the Federal Test Procedure for Emissions From Motor Vehicles and Motor Vehicle Engines | 2060-AE27 |
| 3860 | SAN No. 2727. Emission Design and Defect Warranty and Parts List | 2060-AD56 |
| 3861 | SAN No. 2728. Revisions to Regulations on Registration of Fuel and Fuel Additives | 2060-AC74 |
| 3862 | SAN No. 2769. Control of Air Toxics From Motor Vehicles | 2060-AC75 |
| 3863 | SAN No. 3300. Air Pollutant Emission Regulations for Spark-Ignited Nonroad Engines 25 Horsepower and Below | 2060-AE29 |
| 3864 | SAN No. 3350. Control of Air Pollution: Standards for Exhaust Emissions From Spark-Ignited Marine Propulsion Engines | 2060-AE54 |
| 3865 | SAN No. 3352. Standards of Performance for Electric Utility Steam Generating Units Revision | 2060-AE56 |
| 3866 | SAN No. 3348. Protection of Stratospheric Ozone: Labeling; Supplemental Proposal | 2060-AE51 |
| 3867 | SAN No. 3172. Federal Operating Permit Rules | 2060-AD68 |
| 3868 | SAN No. 3018. Gasoline Detergent Additives Regulation | 2060-AD71 |
| 3869 | SAN No. 2939. Regulations Governing Awards Under Section 113(f) of the Clean Air Act | 2060-AD81 |
| 3870 | SAN No. 3221. Administration of the Clean Air Act and the Clean Water Act With Respect to Contracts, Grants, and Loans—List of Facilities Ineligible for Federal Procurement and Nonprocurement Programs | 2060-AD83 |
| 3871 | SAN No. 2937. Field Citation Program | 2060-AD82 |
| 3872 | SAN No. 3091. "Substantially Similar" Definition for Diesel Fuels | 2060-AD77 |
| 3873 | SAN No. 3175. Restrictions on Motor Vehicle and Non-Road Engines | 2060-AD72 |
| 3874 | SAN No. 2857. Individual Constituents Standards - Phase III of RCRA Air Emission Standards | 2060-AC90 |

Clean Air Act (CAA)—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3875 | SAN No. 2690. User Fees for Radon Proficiency Programs | 2060-AC66 |
| 3876 | SAN No. 2726. Alternative Fuel Corporate Average Fuel Economy Labeling Requirements | 2060-AC78 |
| 3877 | SAN No. 2849. Reorganization of 40 CFR Part 86, Subpart A | 2060-AC94 |
| 3878 | SAN No. 2959. Reformulated Gasoline | 2060-AD27 |
| 3879 | SAN No. 2955. Phaseout of Lead in Gasoline and Test Procedure for Lead Substitutes | 2060-AD29 |
| 3880 | SAN No. 2957. California Clean-Fuels Pilot Program—Opt In, Vehicle Standards, Sales Requirements, and Fuel Availability | 2060-AD31 |
| 3881 | SAN No. 2951. Clean-Fuel Fleet Programs | 2060-AD32 |
| 3882 | SAN No. 2950. Motor Vehicle Certification Short Test and Performance Warranty Procedures | 2060-AD34 |
| 3883 | SAN No. 3112. Determination of Significance and Emission Standards for Nonroad Compression Ignition Engines at or Above 50 HP | 2060-AD54 |
| 3884 | SAN No. 3285. Emission Standards for Gaseous-Fueled Vehicles and Certification Procedures for Aftermarket Conversions | 2060-AD86 |
| 3885 | SAN No. 3207. Determining Conformity of General Federal Actions to State Implementation Plans | 2060-AE10 |
| 3886 | SAN No. 2887. National Emissions Standards for Hazardous Air Pollutants as it Applies to Nuclear Power Reactors Licensed by the Nuclear Regulatory Commission | 2060-AE38 |
| 3887 | SAN No. 3146. NESHAPS Pertaining to Facilities Other Than Commercial Nuclear Power Reactors Licensed by the Nuclear Regulatory Commission (NRC) or by NRC Agreement States | 2060-AE39 |
| 3888 | SAN No. 3347. Protection of Stratospheric Ozone: Mobile Air-Conditioning Recovery-Only Standard; Supplemental Proposal | 2060-AE52 |
| 3889 | SAN No. 3171. Designation of Areas for Air Quality Planning Purposes | 2060-AE03 |

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Clean Air Act (CAA)—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3890 | SAN No. 1002. NAAQS: Sulfur Oxides (Review) | 2060-AA61 |
| 3891 | SAN No. 2930. Criteria for Imposing Discretionary Sanctions Under Title I | 2060-AD10 |
| 3892 | SAN No. 2535. NSPS: Municipal Solid Waste Landfills | 2060-AC42 |
| 3893 | SAN No. 3080. NESHAP: Chromium—Industrial Cooling Towers | 2060-AC12 |
| 3894 | SAN No. 2363. NESHAP: Hazardous Organic | 2060-AC19 |
| 3895 | SAN No. 2360. NESHAP: Perchloroethylene Dry Cleaning | 2060-AC27 |
| 3896 | SAN No. 2918. General Provisions for Major and Area Sources of Air Toxics | 2060-AC98 |
| 3897 | SAN No. 2991. Protection of Stratospheric Ozone: Safe Alternatives | 2060-AD48 |
| 3898 | SAN No. 3230 (was 1686). National Emission Standards for Coke Oven Batteries | 2060-AD67 |
| 3899 | SAN No. 3205. Establishment of Guidance for Implementing Clean Air Act, Section 112(j) Provisions for Making MACT Determinations When EPA Fails to Promulgate a Federal Standard | 2060-AE00 |
| 3900 | SAN No. 3142. Approval and Delegation of Federal Air Toxics Programs to State and Local Agencies | 2060-AE01 |
| 3901 | SAN No. 3039/3040. National Emissions Standards for Hazardous Air Pollutants; National Emission Standards for Radon Emissions From the Disposal of Uranium Mill Tailings | 2060-AE23 |
| 3902 | SAN No. 3316. Approval of South Carolina's Petition To Relax the Federal Reid Vapor Pressure Volatility Standard for South Carolina From 7.8 psi to 9.0 psi | 2060-AE28 |
| 3903 | SAN No. 2963. Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans Programs and Projects Funded or Approved under Title 23 USC or the FTA | 2060-AE60 |
| 3904 | SAN No. 2964. Economic Incentive Program Rules Authorized Under Title I of the CAA | 2060-AD58 |
| 3905 | SAN No. 3029. Control Techniques Guidelines | 2060-AD05 |
| 3906 | SAN No. 2763. Emissions Standards for New Motor Vehicles and Motor Vehicle Engines Fueled With Compressed Natural Gas or Liquefied Petroleum Gas | 2060-AC79 |
| 3907 | SAN No. 2801. Nonconformance Penalties for 1994 Model Year Emission Standards for Heavy-Duty Vehicles and Engines | 2060-AC96 |
| 3908 | SAN No. 2637. Alternative Test Procedure for the Voluntary Aftermarket Part Certification Program | 2060-AC50 |
| 3909 | SAN No. 2952. Waiver of Preemption of California for Nonroad Engine and Vehicle Standards | 2060-AE17 |
| 3910 | SAN No. 2365. Fuel and Fuel Additives: Registration Requirements | 2060-AC10 |
| 3911 | SAN No. 2888. Acid Rain Nitrogen Oxides Control Regulation | 2060-AD45 |
| 3912 | SAN No. 3157. Accelerated Phaseout of Class I and Certain Class II Chemicals and Listing of New Class I Chemicals | 2060-AD91 |
| 3913 | SAN No. 2899. Protection of Stratospheric Ozone: Federal Procurement | 2060-AD51 |
| 3914 | SAN No. 2971. Development of a Schedule for Regulating Source Categories of Hazardous Air Pollutants Subject to Section 112 of the Clean Air Act Amendments of 1990 | 2060-AD66 |
| 3915 | SAN No. 3316. Approval of South Carolina's Petition To Relax the Federal Reid Vapor Pressure Volatility Standard for South Carolina from 7.8 psi to 9.0 psi | 2060-AE26 |
| 3916 | SAN No. 2940. Regulations Governing Prior Notice of Citizen Suits Brought Under Section 304 of the Clean Air Act | 2060-AD80 |
| 3917 | SAN No. 2240. Treatment, Storage, and Disposal Facility - RCRA Air Emission Standards | 2060-AB94 |

Clean Air Act (CAA)—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3918 | SAN No. 2793. Protection of Stratospheric Ozone: Recycling | 2060-AC80 |
| 3919 | SAN No. 2830. Revision of Gasoline Volatility Enforcement Procedures | 2060-AC97 |
| 3920 | SAN No. 2954. Urban Bus Particulate Matter (PM) Standards | 2060-AD37 |
| 3921 | SAN No. 2956. In-Use Urban Bus Test-Ins Procedures | 2060-AD38 |
| 3922 | SAN No. 3031. Acid Rain Phase I Reserve/Phase II Allowance Allocations Subpart | 2060-AD42 |
| 3923 | SAN No. 3247. New Source Review - PM10 Increments for PSD Areas | 2060-AE12 |
| 3924 | SAN No. 3093. Final Approval of Colorado's Petition to Relax the Federal Reid Vapor Pressure Volatility Standard for Colorado in 1992 and 1993 | 2060-AE18 |
| 3925 | SAN No. 1919. NAAQS: Lead (Review) | 2060-AA95 |
| 3926 | SAN No. 1931. NSPS: SO2MI Reactor Processes | 2060-AB55 |
| 3927 | SAN No. 2557. Guideline on Air Quality Models (Revision) | 2060-AC43 |
| 3928 | SAN No. 3151. Protection of Stratospheric Ozone: Accelerated Phaseout/ Listing of Class I Chemicals | 2060-AD92 |

EPA

Superfund (CERCLA)—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3929 | SAN No. 2979. Risk Management Plans For Chemical Accidental Release Prevention | 2050-AD26 |
| 3930 | SAN No. 3126. National Oil and Hazardous Substances Contingency Plan (Technical Revisions) | 2050-AD73 |
| 3931 | SAN No. 3000. Designation Under CERCLA and Reportable Quantity Adjustments of New Clean Air Act Hazardous Air Pollutants | 2050-AD33 |
| 3932 | SAN No. 3050. Deletion of Saccharin From the List of Hazardous Wastes Under RCRA and the List of Hazardous Substances Under CERCLA | 2050-AD45 |
| 3933 | SAN No. 2650. National Contingency Plan-Subpart K: A Roadmap to the NCP for Federal Facilities | 2050-AC76 |
| 3934 | SAN No. not yet assigned. National Priorities List for Uncontrolled Hazardous Waste Sites: Proposed Rules | 2050-AD47 |
| 3935 | SAN No. 2855. Procedures for Reimbursement Petitions Under Section 106(b) of CERCLA | 2050-AD11 |
| 3936 | SAN No. 2882. Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan | 2050-AD24 |
| 3937 | SAN No. 3036. Amendments to the Extremely Hazardous Substances List Under Section 302 of the Emergency Planning and Community Right-To-Know Act | 2050-AD50 |

Superfund (CERCLA)—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3938 | SAN No. 2972. List of Regulated Substances and Thresholds for Accidental Release Prevention; Requirements For Petitions Under Section 112(r)(3) of the CAAA of 1990 | 2050-AD25 |
| 3939 | SAN No. 3337. The National Priorities List for Uncontrolled Hazardous Waste Sites; Deletion Policy for Resource Conservation and Recovery (RCRA) Facilities | 2050-AE04 |
| 3940 | SAN No. 2394. Reporting Exemptions for Federally Permitted Releases of Hazardous Substances | 2050-AB82 |
| 3941 | SAN No. 2868. Reportable Quantity Adjustments for Petroleum Refinery Primary Treatment Sludges | 2050-AD15 |
| 3942 | SAN No. 2702. Comprehensive Environmental Response Compensation and Liability Act (CERCLA) Cost Recovery | 2050-AC98 |
| 3943 | SAN No. 3054. Administrative Reporting Exemptions Under CERCLA For Releases of Radionuclides From Four Source Categories | 2050-AD46 |
| 3944 | SAN No. 2976. Amendment to the NCP Appendix: OSWER Procedures for Contract Laboratory Program (CLP) Investigations | 2050-AD34 |
| 3945 | SAN No. not yet assigned. National Priorities List for Uncontrolled Hazardous Waste Sites: Final Rules | 2050-AD75 |
| 3946 | SAN No. 2923. Facility Response Planning | 2050-AD30 |
| 3947 | SAN No. 2512. Administrative Hearing Procedures for Class II Penalties Under CERCLA and Emergency Planning and Community Right-to-Know Act | 2050-AC39 |

Superfund (CERCLA)—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3948 | SAN No. 2459. Reportable Quantity Adjustments of Lead, Lead Compounds, Lead-Containing Hazardous Waste Streams, and Methyl Isocyanate | 2050-AD16 |
| 3949 | SAN No. 2615. Prior Notice of Citizen Suits Under CERCLA | 2050-AC70 |

General—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3950 | SAN No. not yet assigned. Privacy Act of 1974; Proposed Alteration of Existing New System of Records | 2020-AA18 |
| 3951 | SAN No. 3250. Simplification of EPA's Process for Treating Indian Tribes as States | 2020-AA20 |
| 3952 | SAN No. 3240. Public Information and Confidentiality Regulations | 2020-AA21 |
| 3953 | SAN No. 3098. Procurement Integrity | 2030-AA25 |
| 3954 | SAN No. 3255. Source Selection Procedures | 2030-AA29 |
| 3955 | SAN No. 3256. Miscellaneous Revisions of Organizational Titles and Authority | 2030-AA30 |
| 3956 | SAN No. 2662. Amendments to Part 22 Consolidated Procedural Rules | 2020-AA13 |

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General—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3957 | SAN No. 3217. Indian Tribes: General Assistance Grants for Environmental Protection Programs | 2020-AA19 |
| 3958 | SAN No. 3100. Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments | 2030-AA27 |
| 3959 | SAN No. 3101. General Regulation for Assistance Programs for Other Than State and Local Governments | 2030-AA28 |
| 3960 | SAN No. 2218. Nondiscrimination on the Basis of Age in Programs Receiving Financial Assistance From the EPA (Revision) | 2090-AA09 |
| 3961 | SAN No. 3219. New Restrictions on Lobbying | 2030-AA24 |

General—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3962 | SAN No. 2195. Confidentiality Regulations: Special Rules Governing Certain Information Under FIFRA (Revision) | 2020-AA06 |
| 3963 | SAN No. 2791. Instructions for Preparation of Cost or Pricing Proposals | 2030-AA20 |

**ENVIRONMENTAL PROTECTION AGENCY (EPA)
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**

Proposed Rule Stage

3602. REVOCATION OF PESTICIDE FOOD ADDITIVE TOLERANCES SUBJECT TO THE DELANEY CLAUSE OF THE FFDCA

Legal Authority: 21 USC 348/FFDCA 409

CFR Citation: 40 CFR 185; 40 CFR 186

Legal Deadline: None

Abstract: The Agency is proposing to revoke food additive tolerances for a number of pesticide carcinogens in processed food because of the Delaney clause. The Delaney clause prohibits chemicals in processed foods that induce cancer in man or lab animals. This rulemaking is the result of a decision by the Court of Appeals for the Ninth Circuit which rejected the Agency's de minimis interpretation of the applicability of the Delaney clause.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis

Additional Information: SAN No. 3154.

Agency Contact: Tina Levine, Environmental Protection Agency, Office of Prevention, Pesticides, and

Toxic Substances, H7505W, Washington, DC 20460, 703 308-8393
RIN: 2070-AC55

3603. REVISIONS TO 40 CFR 180.1 SUBPART A—DEFINITIONS AND INTERPRETATIONS

Legal Authority: 21 USC 346/FFDCA 408

CFR Citation: 40 CFR 180.1

Legal Deadline: None

Abstract: EPA sets tolerances under FFDCA section 408 for pesticide residues in raw agricultural commodities (RACs). To promote greater consistency in tolerance setting and enforcement, EPA is now proposing to amend its pesticide regulations to clarify how RACs are defined.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis

Additional Information: SAN No. 3199.

Agency Contact: Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides, and

Toxic Substances, H-7501C, Washington, DC 20460, 703 305-5944
RIN: 2070-AC54

3604. REGULATION OF PLANT-PRODUCED PESTICIDES (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136a/FIFRA 3; 7 USC 136w/FIFRA 25; 7 USC 136c/FIFRA 5

CFR Citation: 40 CFR 152.25; 40 CFR 152.20; 40 CFR 180

Legal Deadline: None

Abstract: EPA will define which pesticides produced in plants (plant-pesticides) will be exempt from the provisions of FIFRA and FFDCA. For those plant-pesticides that will be subject to Agency requirements, the Agency will outline the process by which these pesticides will be regulated. Modifications will be made to the regulatory processes under both FIFRA and FFDCA to reflect the characteristics of these products.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| NPRM or Policy Statement | 01/00/94 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

EPA—FIFRA

Proposed Rule Stage

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2684.

Agency Contact: Bernice Slutsky, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (H-7507C), Washington, DC 20460, 703 305-7974

RIN: 2070-AC02

3605. • PESTICIDE FLAMMABILITY LABELING REQUIREMENTS FOR TOTAL RELEASE FOGGERS

Legal Authority: 7 USC 136/FIFRA 2; 7 USC 136d/FIFRA 3

CFR Citation: 40 CFR 156

Legal Deadline: None

Abstract: This rule would require that pesticide total release foggers be labeled with additional flammability precautionary statements (including possibly a graphic symbol), and more precise use directions. Total release foggers have been implicated in a number of fires and explosions because of their flammable propellants. The labeling of these products has been determined to be inadequate to mitigate this potential hazard.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 3135.

Agency Contact: Tina E. Levine, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, Office of Prevention, Pesticides and Toxic Substances (H7505w), 703 308-8393

RIN: 2070-AC60

3606. PESTICIDE DATA REQUIREMENTS (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136/FIFRA 3, 5, and 25

CFR Citation: 40 CFR 158

Legal Deadline: None

Abstract: This amendment will update the existing data requirements (40 CFR 158) for evaluating the registrability of pesticide products. Reasons for the revisions include recent health and environmental concerns (e.g.,

groundwater contamination, worker exposure and neurotoxicity) advancements in testing technology, and new ecological risk testing approaches. The revisions will clarify all data requirements to reflect current practice. Procedural and explanatory sections of 40 CFR 158 will be amended to make them consistent with the revised data requirements and new use indexing implemented pursuant to 1988 FIFRA amendments.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2687.

Agency Contact: Amy Rispin, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (H-7507C), Washington, DC 20460, 703 305-8127

RIN: 2070-AC12

3607. MICROBIOLOGICAL WATER PURIFIERS; LABELING CLAIMS

Legal Authority: 7 USC 136/FIFRA 3 and 25

CFR Citation: 40 CFR 156.10(a)(6)

Legal Deadline: None

Abstract: The Agency is proposing to amend its regulations to establish standards for claims that a water treatment unit or product (whether a pesticide or device) will microbiologically purify water for human consumption. The rule would establish standards for when microbiological water purification claims may be legally made on the label. This proposal would base the acceptability of purifier-related claims on efficacy data demonstrating that the product met the criteria for microbiological reductions indicated in EPA's Guide Standard and Protocol for Testing Microbiological Water Purifiers.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Additional Information: SAN No. 3019.

Agency Contact: Ruth Douglas, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (H7505C), Washington, DC 20460, 703 305-7964

RIN: 2070-AC43

3608. PESTICIDES AND GROUNDWATER STATE MANAGEMENT PLAN REGULATION

Legal Authority: 7 USC 136(a)/FIFRA 3

CFR Citation: 40 CFR 152

Legal Deadline: None

Abstract: The regulation will designate certain individual pesticides to be subject to EPA approved State Management Plans (SMPs) as a condition of legal sale and use. This regulation would establish SMPs as a new regulatory requirement for those pesticides; absent an EPA-approved state plan specifying risk-reduction measures, use of the chemical would be prohibited. The rule would also specify procedures and deadlines for development, approval and implementation of SMPs.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: State

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 3222.

Agency Contact: Arden Calvert, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (H7501C), Washington, DC 20460, 703 305-7099

RIN: 2070-AC46

3609. PROCEDURES TO MAKE RESTRICTED USE PESTICIDES AVAILABLE TO NONCERTIFIED PERSONS FOR USE BY CERTIFIED APPLICATORS

Legal Authority: 7 USC 136i/FIFRA 11; 7 USC 136j/FIFRA 12; 7 USC 136w/FIFRA 25

CFR Citation: 40 CFR 171

Legal Deadline: None

Abstract: This action is intended to develop regulations pursuant to FIFRA

EPA—FIFRA

Proposed Rule Stage

Section 12(a)(2)(F) to allow the sale of restricted use pesticides under certain circumstances to persons who are not certified applicators. Regulatory development will be coordinated with the review of State plans under FIFRA Section 11 to determine both need and compatibility with State authorities and programs.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: State

Analysis: Regulatory Flexibility Analysis

Additional Information: SAN No. 2337.

Agency Contact: Robert Bielarski, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (H-7506C), Washington, DC 20460, 703 305-7371

RIN: 2070-AB48

3610. PESTICIDE APPLICATOR CERTIFICATION FEES FOR EPA ADMINISTERED PROGRAMS

Legal Authority: 31 USC 9701

CFR Citation: 40 CFR 171

Legal Deadline: None

Abstract: This rule is intended to implement a program for assessing fees for Federal certification and training of commercial and private applicators who apply restricted use pesticides. Fees will be collected in States with Federally-administered pesticide certification and training programs, and will cover the costs of administering such programs.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: SAN No. 2406.

Agency Contact: John MacDonald, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (H-7506C), Washington, DC 20460, 703 305-7370

RIN: 2070-AB76

3611. PESTICIDE DATA REQUIREMENTS: METHODS FOR SAFE STORAGE AND DISPOSAL

Significance: Regulatory Program

Legal Authority: 7 USC 136/FIFRA 3, FIFRA 19

CFR Citation: 40 CFR 158; 40 CFR 165

Legal Deadline: None

Abstract: EPA is authorized to issue regulations to specify the types and minimum amounts of data the Agency requires to support the registration or continued registration of a pesticide, and for other purposes. This rule may specify the necessary information and data EPA would require regarding methods for the safe storage and disposal of pesticides.

Timetable:

| Action | Date | FR Cite |
|------------------------------------|----------|---------|
| NPRM (Storage, Disposal of Excess) | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2724.

Agency Contact: Paul F. Schuda, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (H-7507C), Washington, DC 20460, 703 305-7695

RIN: 2070-AC11

3612. CLASSIFICATION OF CERTAIN PESTICIDES FOR RESTRICTED USE DUE TO GROUNDWATER CONCERNS

Significance: Regulatory Program

Legal Authority: 7 USC 136 to 136y

CFR Citation: 40 CFR 152.175

Legal Deadline: None

Abstract: EPA will propose to restrict a number of pesticides to use by certified pesticide applicators. The goal of the action is to prevent or mitigate the potential for groundwater contamination. The pesticides subject to this proposal will be selected from those which meet EPA's proposed criteria for restricted use consideration due to groundwater concerns. Those criteria were published for comment on May 13, 1991 at 56 FR 22076 (RIN 2070-AB60).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 05/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAN No. 2351.

Agency Contact: Jim Roelofs, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (H7501C), Washington, DC 20460, 703 305-7102

RIN: 2070-AC33

3613. FIFRA BOOKS AND RECORDS OF PESTICIDE PRODUCTION AND DISTRIBUTION (REVISION)

Legal Authority: 7 USC 136f/FIFRA 8

CFR Citation: 40 CFR 169

Legal Deadline: None

Abstract: This action would amend the recordkeeping requirements for registrants and applicants for registration under FIFRA Section 8. It will also examine recordkeeping affected by the 1988 amendments to FIFRA and amend 40 CFR 169, as necessary.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 2725.

Agency Contact: Steve Howie, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (EN-342w), Washington, DC 20460, 703 308-8383

RIN: 2070-AC07

3614. PESTICIDE MANAGEMENT AND DISPOSAL: CONTAINER DESIGN, RESIDUE REMOVAL, STORAGE, DISPOSAL, AND TRANSPORTATION OF PESTICIDES

Significance: Regulatory Program

Legal Authority: 7 USC 136q/FIFRA 19; 7 USC 136a/FIFRA 3; 7 USC 136w/FIFRA 25

CFR Citation: 40 CFR 165; 40 CFR 156

Legal Deadline: Final, Statutory, December 24, 1991.

Abstract: The 1988 amendments to FIFRA significantly expand EPA

EPA—FIFRA

Proposed Rule Stage

authority to regulate the management of pesticides and their containers, including storage, transportation, and disposal. The Agency may exercise this authority through labeling provisions, and other regulations for storage, transport, and disposal of pesticides. As required under Section 19, EPA has conducted a study on pesticide container design. The Report to Congress on this study was submitted in June 1992.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| NPRM (Container Design, Residue Removal, Bulk Containment) | 10/00/93 | |
| NPRM (Storage, Disposal, Mixer/Loader, and Transportation) | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2659.

Agency Contact: Paul F. Schuda, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (H-7507C), Washington, DC 20460, 703 305-7695

RIN: 2070-AB95

3615. CHILD-RESISTANT PACKAGING REGULATIONS (REVISION)

Legal Authority: 7 USC 136/FIFRA 25

CFR Citation: 40 CFR 157

Legal Deadline: None

EPA regulations should be concurrent with CPSC.

Abstract: These regulations will revise current Child Resistant Packaging regulations (CRP) to be consistent with CRP protocol testing revisions the CPSC is proposing in its regulations. Also, these regulations will discuss the implementation of these changes in terms of pesticide registrations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAN No. 2639.

Agency Contact: Rosalind L. Gross, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (H-7505W), Washington, DC 20460, 703 308-8354

RIN: 2070-AB96

3616. • EXEMPTION OF STERILANT PESTICIDE PRODUCTS FROM REGULATION UNDER THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT (FIFRA)

Legal Authority: 7 USC 136w/FIFRA 25(b)

CFR Citation: 40 CFR 152.20

Legal Deadline: None

Abstract: Under FIFRA, EPA regulates antimicrobial products, including sterilants, used to control microorganisms on treated environmental surfaces. Specifically, EPA regulates all sterilant products typically used on invasive medical devices and other critical devices/surfaces. Under the Federal Food, Drug and Cosmetic Act (FFDCA), the Food and Drug Administration (FDA) has jurisdiction over chemical germicides used as sterilants for medical devices. FIFRA section 25(b) allows EPA to exempt from FIFRA a pesticide which is adequately regulated by another federal agency. In accordance with a Memorandum of Understanding signed on June 4, 1993, EPA and FDA propose to eliminate the redundant regulation of these sterilants. EPA proposes to exempt from FIFRA regulation and to transfer sole jurisdiction over these sterilants to FDA.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 03/00/94 | |
| Final Action | 03/00/95 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Additional Information: SAN No. 3318.

Agency Contact: Juanita Wills, Environmental Protection Agency,

Office of Prevention, Pesticides, and Toxic Substances, Office of Prevention, Pesticides, and Toxic Substances (H-7505c, Washington DC 20460, 703 305-6661

RIN: 2070-AC58

3617. • REGULATORY RELIEF FOR LOW-RISK PESTICIDES

Legal Authority: 7 USC 136w(h)/FIFRA 25(b)

CFR Citation: 40 CFR 152

Legal Deadline: None

Abstract: Pesticides which are substances or mixtures intended to control or mitigate pests, are regulated under FIFRA and are required to be registered prior to sale or distribution in the United States. This requires pre-market review of scientific data to ensure that the pesticide use will not cause unreasonable adverse effects on human health and the environment. Some substances that fit the definition of a pesticide may be widely used in foods or for other non-pesticidal purposes, e.g., natural cedar wood. These pesticides are considered innocuous or are otherwise of a character that do not require registration. EPA proposes to exempt appropriate pesticides (to be cited in the proposal) from registration and develop criteria for future pesticides that may qualify for exemption from FIFRA requirements. A proposal to exempt natural cedar products is the first rule.

Timetable:

List of Other Pesticides and Criteria

- NPRM 12/00/93
- Final Action 06/00/94
- Natural Cedar Pesticides**
- NPRM 08/11/93 (58 FR 42711)
- Final Action 12/00/93

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3320.

Agency Contact: Dick Mountfort, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, Office of Prevention, Pesticides, and Toxic Substances (H-7505c), Washington DC 204460, 703 305-5446

RIN: 2070-AC67

ENVIRONMENTAL PROTECTION AGENCY (EPA)
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Final Rule Stage

**3618. PESTICIDE TOLERANCES;
 PORTION OF FOOD COMMODITIES
 TO BE ANALYZED FOR PESTICIDE
 RESIDUES**
Significance: Regulatory Program**Legal Authority:** 21 USC 346a/FFDCA 408; 21 USC 348/FFDCA 409**CFR Citation:** 40 CFR 180**Legal Deadline:** None

Abstract: EPA is proposing to amend its current pesticide tolerance regulations to clarify how raw agricultural commodities are defined for conducting residue data development and analysis used in establishing and enforcing a tolerance. This proposed rule amendment restates, updates, clarifies, and makes more uniform the analytical practices that have been developed over the years, and therefore, should facilitate and improve efficiency in pesticide residue analysis on food commodities.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/29/93 | 58 FR 50888 |
| Final Action | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Impact Analysis**Additional Information:** SAN No. 2444.

This action is split from RIN 2070-AC18.

Agency Contact: Melissa L. Chun, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (H7505W), Washington, DC 20460, 703 308-8318

RIN: 2070-AC45

**3619. ENDANGERED SPECIES
 PROTECTION PROGRAM**
Significance: Regulatory Program**Legal Authority:** PL 100-478, Sec 1010**CFR Citation:** Not yet determined**Legal Deadline:** None

Abstract: Pesticides are necessary for production of agricultural food and fiber commodities, yet have the potential to harm threatened or endangered species. EPA will develop and implement an endangered species pesticide labeling program designed to conserve federally listed species and to minimize the impacts to persons who use pesticides. The program will

include development of species maps and pesticide use limitation bulletins to be distributed as an extension of pesticide labels. Pesticides that are determined to cause harm to endangered species will require label changes which display precautionary statements and directions on how to obtain county bulletins. EPA will coordinate the program with the U.S. Fish and Wildlife Service of the Department of Interior and the U.S. Department of Agriculture.

Timetable:

Proposed Endangered Species Protection Program
 Notice 07/03/89 (54 FR 27984)
 Notice 01/00/94

Small Entities Affected: Businesses**Government Levels Affected:** State, Federal**Analysis:** Regulatory Impact Analysis**Additional Information:** SAN No. 3113.

Agency Contact: Larry Turner, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (H7507C), Washington, DC 20460, 703 305-5007

RIN: 2070-AC42

**3620. CRITERIA FOR RESTRICTED
 USE CLASSIFICATION FOR
 GROUNDWATER CONTAMINATING
 PESTICIDES**
Significance: Regulatory Program**Legal Authority:** 7 USC 136a/FIFRA 3; 7 USC 136w/FIFRA 25**CFR Citation:** 40 CFR 152.170**Legal Deadline:** None

Abstract: This rule will provide a mechanism for identifying pesticides which may pose an unreasonable risk because of the potential to leach into groundwater. The Agency will promulgate criteria for identifying pesticides as candidates for classification for restricted use. Restricted use pesticides generally may be applied only by state certified applicators.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/13/91 | 56 FR 22076 |
| Final Action | 05/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None**Analysis:** Regulatory Impact Analysis**Additional Information:** SAN No. 2351.

Agency Contact: Arden Calvert, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (H-7501C), Washington, DC 20460, 703 305-7099

RIN: 2070-AB60

**3621. WORKER PROTECTION
 STANDARDS; HAZARD INFORMATION**
Significance: Regulatory Program**Legal Authority:** 7 USC 136/FIFRA 3; 7 USC 136(w)/FIFRA 25**CFR Citation:** 40 CFR 170**Legal Deadline:** None

Abstract: This action revises the Worker Protection Standards. The revisions propose the use of material safety data sheets or fact sheets for agricultural workers to make the FIFRA Hazard Communication Standards for Agricultural Workers consistent with OSHA's standards.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/21/92 | 57 FR 38167 |
| NPRM Comment Period End | 10/20/92 | |
| Final Action | 06/00/94 | |

Small Entities Affected: Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 1640.

Agency Contact: Jim Boland, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (H7506C), Washington, DC 20460, 703 305-7666

RIN: 2070-AC34

**3622. REGULATIONS ON
 CERTIFICATION OF PESTICIDE
 APPLICATORS (REVISION)**
Legal Authority: 7 USC 136i/FIFRA 11; 7 USC 136w/FIFRA 25**CFR Citation:** 40 CFR 171**Legal Deadline:** None

Abstract: This action is intended to revise existing regulations on certification of pesticide applicators. The current standards and requirements need to be updated to clarify definitions and to reflect changes in technology and current needs in State programs.

EPA—FIFRA

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/07/90 | 55 FR 46890 |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Impact Analysis

Additional Information: SAN No. 2446.

Agency Contact: John MacDonald, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (H-7506C), Washington, DC 20460, 703 305-7370

RIN: 2070-AB75

3623. AMENDMENTS TO EXPERIMENTAL USE PERMIT RULE FOR CERTAIN MICROBIAL PESTICIDES (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136a/FIFRA 3; 7 USC 136c/FIFRA 5

CFR Citation: 40 CFR 172

Legal Deadline: None

Abstract: EPA is amending its experimental use permit regulations for pesticides to clarify the circumstances under which an experimental use permit is presumed not to be required. As part of that clarification, EPA is implementing a screening procedure that requires notification to the Agency before initiation of small-scale testing of certain microbial pesticides. The Agency will review notifications to assess the potential for adverse impacts on human health or the environment and will then determine whether to approve the test and/or whether to require an experimental use permit.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| Notice | 02/15/89 | 54 FR 7026 |
| NPRM | 01/22/93 | 58 FR 5878 |
| Final Action | 11/00/94 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2445.

Agency Contact: Fred Betz, Environmental Protection Agency, Office of Prevention, Pesticides, and

Toxic Substances, (H-7507C), Washington, DC 20460, 703 305-6307
RIN: 2070-AB77

3624. REPORTING REQUIREMENTS FOR RISK/BENEFIT INFORMATION (REVISION)

Legal Authority: 7 USC 136d/FIFRA 6

CFR Citation: 40 CFR 153

Legal Deadline: None

Abstract: FIFRA section 6(a)(2) requires that registrants report to EPA additional factual information regarding unreasonable adverse effects of their products. In September 1985, EPA revised its 1979 section 6(a)(2) enforcement policy by publishing a notice which expanded upon the types of factual information which must be reported and established uniform timeframes for compliance. In response to comments received on this notice, the Agency is reissuing it as a proposal to clarify the types of information which registrants must report to EPA.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| Final Action | 08/23/78 | 43 FR 37611 |
| Interpretive and Policy Rule | | |
| Final Action | 07/12/79 | 44 FR 40716 |
| Enforcement Policy | | |
| Final Action Codified | 09/20/85 | 50 FR 38115 |
| Interpretive Rule | | |
| NPRM Interpretive Rule | 09/24/92 | 57 FR 44290 |
| NPRM Comment | 12/23/92 | |
| Period End Interpretive Rule | | |
| Final Action | 03/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 2338.

Agency Contact: James V. Roelofs, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (H-7501C), Washington, DC 20460, 703 305-7102

RIN: 2070-AB50

3625. POLICY OR PROCEDURES FOR NOTIFICATION TO THE AGENCY OF STORED PESTICIDES WITH CANCELLED OR SUSPENDED REGISTRATION

Legal Authority: 7 USC 136/FIFRA 6

CFR Citation: 40 CFR 168

Legal Deadline: None

Abstract: This policy will clarify the requirements of section 6(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The policy will provide procedures for certain persons who possess cancelled or suspended pesticides to notify the EPA and State and local officials of (1) such possessions; (2) the quantity possessed; and (3) the place the pesticide is stored.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/28/91 | 56 FR 13042 |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 2720.

Agency Contact: David Stangel, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (EN-342w), Washington, DC 20460, 703 308-8383

RIN: 2070-AC08

3626. REVISION TO CROP GROUPING REGULATIONS

Legal Authority: 21 USC 346/FFDCA 408

CFR Citation: 40 CFR 180.34 (f) (Revision)

Legal Deadline: None

Abstract: EPA is developing a proposal to revise the crop grouping regulations to promote the greater utilization of crop grouping for pesticide tolerance-setting purposes. These revisions will establish crop subgroups, smaller groups of more closely related commodities for larger crop groups. Tolerances established for a subgroup would apply to all members of the subgroup. EPA will also propose other revisions to the crop groups that should promote greater utilization of crop groupings. Revisions to the crop grouping scheme that would increase its utilization will reduce the regulatory burden associated with residue data development in support of pesticide tolerances and registration.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/25/93 | 58 FR 44990 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

EPA—FIFRA

Final Rule Stage

Analysis: Regulatory Flexibility Analysis

Agency Contact: Hoyt Jamerson, EPA, Office of Pesticide Program, Environmental Protection Agency, Office of Prevention, Pesticides, and

Toxic Substances, 401 M St. SW., Washington, DC 20460, 703 308-8783

Additional Information: SAN No. 3141.

RIN: 2070-AC52

**ENVIRONMENTAL PROTECTION AGENCY (EPA)
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**

Completed Actions

3627. DETERMINATION OF ADEQUACY OF STATE PESTICIDE RESIDUE REMOVAL COMPLIANCE PROGRAMS

CFR Citation: 40 CFR 168

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 08/18/93 | 58 FR 43994 |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Phyllis Flaherty, 703 308-8383

RIN: 2070-AC56

**ENVIRONMENTAL PROTECTION AGENCY (EPA)
Toxic Substances Control Act (TSCA)**

Proposed Rule Stage

3628. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT SECTION 313 EXPANDED REPORTING REQUIREMENTS

Significance: Agency Priority

Legal Authority: 42 USC 11013;11023;11048;11076/EPCRA 313

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: The current Toxics Release Inventory is limited, both in the numbers of chemicals and types of facilities required to report. EPA is considering an expanded list of chemicals and facilities that will have to submit information for the Toxics Release Inventory. Rather than attempting a broad revision to the current regulation, EPA is attempting to selectively propose groupings of chemicals and industries to be added.

Part of this activity would consider the addition of seventeen chemicals, previously described in RIN 2070-AC40/SAN 3007. Sixteen of these chemicals are from a list of hazardous air pollutants subject to requirements of the Clean Air Act Amendments of 1990. The seventeenth chemical being considered for addition is extremely toxic to aquatic organisms.

This is an amendment to a regulation that carries with it significant demands in the form of reporting requirements and data management. Therefore, the Agency is also considering options for reducing the reporting burden, particularly for small sources.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 12/00/93 | |
| Chemical Expansion NPRM | 12/00/93 | |
| Facility Expansion NPRM | 12/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 3034/3035/3007.

Agenda item RIN 2070-AC40 is merged into the Chemical Expansion.

Agency Contact: Susan B. Hazen, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (TS-799), Washington, DC 20460, 202 260-1024

RIN: 2070-AC47

3629. • AMENDMENTS OF TSCA CHEMICAL USE INVENTORY RULE

Significance: Regulatory Program

Legal Authority: 15 USC 2607(a)

CFR Citation: 40 CFR 710

Legal Deadline: None

Abstract: This proposed rule will amend the TSCA Inventory Update Rule promulgated in 1986 to require chemical manufacturers to provide reasonably ascertainable information on how the chemicals they manufacture are used in commerce and in what volumes. This data, coupled with production volume data that is currently reported, will provide a

significant new source of information on toxics that will enhance the effectiveness of chemical risk management programs of EPA, other Federal agencies, state and local governments and other organizations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 05/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 3301.

Agency Contact: Ward Penberthy, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, Office of Pesticides, Prevention, and Toxic, Substances (TS-779), 202 260-1664

RIN: 2070-AC61

3630. RESPONSES TO PETITIONS RECEIVED TO ADD TO OR DELETE CHEMICALS FROM THE LIST OF TOXIC CHEMICALS UNDER SECTION 313 OF SARA

Legal Authority: 42 USC 11013/SARA (EPCRA) 313

CFR Citation: 40 CFR 372

Legal Deadline: Other, Statutory, 00/00/00.

For each of these petitions the Agency must either initiate rulemaking or provide an explanation for the denial in the Federal Register within 180 days.

Abstract: These actions grant or deny petitions received to add or delete

EPA—TSCA

Proposed Rule Stage

chemicals from the list of toxic chemicals under Section 313 of the Superfund Amendments and Reauthorization Act (SARA) (also known as the Emergency Planning and Community Right to Know Act, EPCRA). The actions cover individual chemicals or groups of chemicals for which petitions have been received.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Additional Information: SAN No. 2425.

Agency Contact: Susan B. Hazen, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (TS-799), Washington, DC 20460, 202 260-1024

RIN: 2070-AC00

3631. • LEAD HAZARD STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2683

CFR Citation: 40 CFR 745

Legal Deadline: Final, Statutory, April 28, 1994.

Abstract: The residential Lead-based Paint Hazard Reduction Act of 1992 requires EPA to promulgate regulations which identify lead-based paint hazards, lead-contaminated soil, and lead-contaminated dust. EPA is to identify the paint conditions and lead levels in dust and soil that would result in adverse human health effects.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 3243.

Previously listed under RIN: 2070-AC53

Agency Contact: Doreen Cantor, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, 401 M St. SW (TS-798), Washington DC 20460, 202 260-1772

RIN: 2070-AC63

3632. • LEAD-BASED PAINT TRAINING, ACCREDITATION AND CERTIFICATION

Significance: Regulatory Program

Legal Authority: PL 102-550, sec 402; PL 102-550, sec 404; Title IV of TSCA

CFR Citation: 40 CFR 745

Legal Deadline: Final, Statutory, April 28, 1994.

Abstract: The Residential Lead-based Paint Hazard Reduction Act of 1992 mandates EPA to promulgate regulations governing lead-based paint activities to ensure that individuals engaged in such activities are properly trained, that training programs are accredited, and that contractors engaged in such activities are certified. In addition, EPA must promulgate a Model State program which may be adopted by any State which seeks to administer and enforce a State Program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 3244.

Previously RIN: 2070-AC53 included other lead-based paint rulemakings that have not been split apart from this and listed as separate items

Agency Contact: John Melone, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, 401 M St. SW (TS-790), Washington DC 20460, 202 260-1866

RIN: 2070-AC64

3633. • LEAD-BASED PAINT DISCLOSURE REQUIREMENTS FOR TRANSFER AND RENOVATION OF HOUSING

Significance: Regulatory Program

Legal Authority: PL 102-550, sec 406; PL 102-550, sec 1018

CFR Citation: 40 CFR 745; 24 CFR 35

Legal Deadline: Final, Statutory, October 28, 1994.

Abstract: The residential Lead-based Paint Hazard Reduction Act of 1992

requires EPA to develop three products over the next 18 months: (1) a lead hazard information pamphlet, to be developed in consultation with HUD and CDC; (2) and EPA regulation requiring renovators to provide the information pamphlet to clients before beginning work; and (3) a joint HUD/EPA regulation requiring disclosure of lead-based paint hazards before the sale or lease of pre-1978 housing.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: State

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 3242. Previously listed under RIN: 2070-AC53

Agency Contact: Doreen Cantor, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, 401 M St. SW (TS-798), Washington DC 20460, 202 260-1777

RIN: 2070-AC65

3634. • ASBESTOS WORKER PROTECTION RULE

Legal Authority: 15 USC 2605; 15 USC 2607(c)

CFR Citation: 40 CFR 763 subpart G

Legal Deadline: None

Abstract: EPA is proposing to amend the Asbestos Abatement Projects; Worker Protection rule (WPR), by incorporating certain revisions to the Occupational Safety and Health Administration (OSHA) asbestos workplace standards issued since EPA's WPR was promulgated in 1987. The proposal would generally extend the coverage provided under the OSHA Asbestos Standard for Construction to State and local government employees who are not covered by OSHA or EPA-approved State plans. It would also extend coverage provided under OSHA's Asbestos standard for general industry for brake and clutch repair to such employees, and would clarify that they include prisoners and students employed by the State and/or local government. EPA also proposes to delegate authority to grant or deny State exclusions under the WPR to EPA

EPA—TSCA

Proposed Rule Stage

Regional Administrators and to add compliance and enforcement requirements for State exclusions. In addition, EPA is proposing to amend the Asbestos-Containing Materials in Schools Rule by reloading certain worker protection provisions into the WPR.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2249.

Agency Contact: Doreen Cantor, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, 401 M St. SW (TS-798), Washington DC 20460, 202 260-1777

RIN: 2070-AC66

3635. DECISIONS ON TEST RULES: PROPOSED RULES

Legal Authority: 15 USC 2603/TSCA 4

CFR Citation: 40 CFR 799

Legal Deadline: NPRM, Statutory, 00/00/00.

NPRM must be published within one year of ITC designation.

Abstract: The following table lists chemicals for which EPA will initiate rulemaking to require testing, obtain testing through negotiated consent orders, or publish a notice which provides the reasons for not doing so. The list includes chemicals which have been designated for priority testing consideration by the Interagency Testing Committee as well as those chemicals (i.e., recommended and non-designated chemicals) for which the 12-month statutory requirement does not apply. The list also includes chemicals or categories of chemicals which have been identified for testing consideration by other EPA program offices and through EPA review processes.

Timetable:

IRIS I Chemicals (ITC List 27)
NPRM 11/00/93

IRIS II Chemicals (ITC List 28)
NPRM 12/00/93

OSHA Chemicals with Inauf. Skin Absorption Data (ITC List 32)
NPRM 05/00/94

OSHA Chemicals with No Skin Absorption Data (ITC List 31)
NPRM 05/00/94

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. not yet assigned.

Agency Contact: Frank Kover, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (TS-794), Washington, DC 20460, 202 260-8130

RIN: 2070-AB07

3636. NEGOTIATED CONSENT ORDER PROCEDURAL TEST RULE (REVISION)

Legal Authority: 15 USC 2603/TSCA 4

CFR Citation: 40 CFR 790

Legal Deadline: None

Abstract: This action will amend the testing consent order process to increase its efficiency. The consent order process was adopted by the Agency in June 1986. Based on experience to date, the Agency needs to make changes in the process to reduce the resources required for consent order negotiation. This rule would propose appropriate procedural changes.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Interim Final Rule | 05/17/85 | 50 FR 20652 |
| Interim Final Rule | 06/30/86 | 51 FR 23706 |
| Interim Final Rule (Technical Modification) | 09/01/89 | 54 FR 36311 |
| Interim Final Rule (Technical Modification) | 09/01/89 | 54 FR 36311 |
| NPRM | 09/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2245. Includes SAN No. 2657.

Agency Contact: Frank Kover, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (TS-794), Washington, DC 20460, 202 260-8130

RIN: 2070-AB30

3637. SARA SECTION 110 CHEMICALS TEST RULE

Significance: Regulatory Program

Legal Authority: 15 USC 2603/TSCA 4

CFR Citation: 40 CFR 799

Legal Deadline: None

Abstract: This action uses the Toxic Substances Control Act (TSCA) section 4 testing authority to obtain toxicity and chemical fate testing to fill specific data needs identified in toxicity profiles of chemicals prepared pursuant to Section 110 of the Superfund Amendments and Reauthorization Act (SARA).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2563.

Agency Contact: Frank Kover, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (TS-794), Washington, DC 20460, 202 260-8130

RIN: 2070-AB79

3638. MULTI-CHEMICAL ENDPOINT(S) TEST RULE

Significance: Regulatory Program

Legal Authority: 15 USC 2603/TSCA 4

CFR Citation: 40 CFR 799.5050

Legal Deadline: None

Abstract: A multi-chemical endpoint test rule will require the testing of many chemicals for a specific effect or endpoint, e.g., bioaccumulation. This type of rule is an alternative to single chemical rules which require testing of one chemical for many effects. The multi-chemical endpoint rule approach will obtain testing while conserving on Agency resources. The multi-chemical rule for persistent bioaccumulators will obtain environmental effects and chemical fate data on chemicals that are believed to persist and bioaccumulate in the environment. Emerging environmental concerns have focused on sediments contaminated with chemicals which are persistent (do not degrade) and bioaccumulate (may enter the human food chain). In addition, such chemicals are also typically toxic to aquatic and terrestrial organisms. EPA has identified over 30 chemicals for possible inclusion in the bioaccumulator test rule. EPA is also considering developing a multi-chemical test rule to obtain needed health and environmental effects testing

EPA—TSCA

Proposed Rule Stage

for the 189 chemicals listed under Section 112 of the Clean Air Act (CAA). These rules may be amended in the future to require (cont)

Timetable:

Bioaccumulators

NPRM 09/00/94

CAA Section 112 Chemicals

NPRM 09/00/94

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2865.

ABSTRACT CONT: the same testing for other chemicals. Also, future multi-chemical rules will require testing of additional endpoints and chemicals. The testing requirements for each chemical in a multi-chemical rule will be listed in a single table by chemical under Section 799.5050. This table will be amended with each publication of a new multi-chemical rule.

Agency Contact: Frank Kover, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (TS-794), Washington, DC 20460, 202 260-8130

RIN: 2070-AC36

3639. GENERIC SIGNIFICANT NEW USE RULE (SNUR) FOR ACRYLATE COMPOUNDS

Legal Authority: 15 USC 2694/TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: The generic acrylate significant new use rule may require any person who proposes to manufacture, import, or process an acrylate/methacrylate subject to the category definition contained within the proposed rule to notify EPA at least 90 days in advance of the initiation of manufacture or processing for a significant new use. The significant new use rule will apply to a subset of acrylates added to the inventory after the effective date of the rule. It will no longer be necessary to issue routine 5(e) orders or chemical specific SNURs for those acrylates covered by the rule.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 2247.

Agency Contact: James Alwood, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (TS-794), Washington, DC 20460, 202 260-1857

RIN: 2070-AB56

3640. RULEMAKING CONCERNING CERTAIN MICROBIAL PRODUCTS ("BIOTECHNOLOGY") UNDER THE TOXIC SUBSTANCES CONTROL ACT (TSCA)

Significance: Regulatory Program

Legal Authority: 15 USC 2604/TSCA 5

CFR Citation: 40 CFR 700; 40 CFR 720; 40 CFR 721

Legal Deadline: None

Abstract: EPA is planning to propose a regulation under the Toxic Substances Control Act (TSCA) for the oversight of certain microbial products of biotechnology. The proposed rule would be issued under the authority of Section 5 of TSCA, which generally requires that new chemical substances must be reviewed by EPA before they are introduced into commerce.

The proposed rule will contain mechanisms for exemption as well as actual proposed exemptions, guidance on how the TSCA Inventory will be used, and EPA's approach to Research and Development with biotechnology microorganisms.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/94 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2326. (PMN for Certain Biotech Products)

Agency Contact: Paul Campanella, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (TS-794), Washington, DC 20460, 202 260-3725

RIN: 2070-AB61

3641. REGULATORY INVESTIGATION UNDER THE TOXIC SUBSTANCES CONTROL ACT (TSCA) TO REDUCE LEAD (PB) CONSUMPTION AND USE

Significance: Regulatory Program

Legal Authority: 15 USC 2604/TSCA 5; 15 USC 2605/TSCA 6

CFR Citation: 40 CFR 721; 40 CFR 750

Legal Deadline: None

Abstract: This action initiates a regulatory investigation under the Toxic Substances Control Act (TSCA) section 6 to determine if uses of lead (Pb) present an unreasonable risk to human health and the environment. The investigation will involve examination of the potential sources of human or other exposure to lead throughout the life cycle. Based on information gathered EPA may propose TSCA section 6(a) rules to control existing or new uses of Pb which pose an unreasonable risk to human health or the environment, and to explore the desirability and feasibility of discouraging overall consumption of Pb in general. In particular, EPA has begun regulatory investigation on three uses of lead: solder in drinking water systems, plumbing fixtures, and fishing sinkers.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 05/13/91 | 56 FR 22096 |
| Fishing Sinkers | | |
| NPRM | 01/00/94 | |
| Lead Solder | | |
| NPRM | 03/00/94 | |
| Plumbing Fixtures | | |
| NPRM | 03/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 2848/3252 (Lead Fishing Sinkers).

Regulatory Flexibility Analysis: Undetermined.

Regulatory Impact Analysis: Undetermined.

Agency Contact: Doreen Cantor, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (TS-798), Washington, DC 20460, 202 260-1777

RIN: 2070-AC21

3642. REGULATORY INVESTIGATION OF FORMALDEHYDE

Significance: Regulatory Program

Legal Authority: 15 USC 2603/TSCA 4; 15 USC 2605/TSCA 6; 15 USC 2607/TSCA 8

CFR Citation: 40 CFR 765

EPA—TSCA

Proposed Rule Stage

Legal Deadline: None

Abstract: The Agency is investigating the need to reduce residential exposure to formaldehyde, an irritating gas, that is emitted by urea-formaldehyde (UF) resins contained in pressed wood building materials and products using regulatory and non-regulatory options. UF pressed woods are used to build conventional and manufactured homes and to construct cabinets and furniture. In 1992, the Agency supported voluntary efforts by industry to reduce emissions from UF particleboard flooring products and to codify such reductions in a voluntary national consensus product standard. The Agency is also: (1) implementing an exposure testing program to characterize formaldehyde concentrations in newly-built homes and to determine how long high concentrations of the gas persist, (2) preparing information on formaldehyde for public dissemination, and (3) supporting research to evaluate the effectiveness of furniture product emission standards for reducing formaldehyde in office buildings. Activities are being coordinated with the Department of Housing and Urban Development (HUD) and the consumer Product Safety Commission (CPSC). Regulations under Toxic Substances Control Act (TSCA) (cont)

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| ANPRM Pressed Wood Products NPRM 00/00/00 | 05/23/84 | 49 FR 21870 |
| Termination for Apparel Workers Section 9(d) Notice 03/19/84 (49 FR 21870) | | |

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2146.

ABSTRACT CONT: sections 4 and 8 may be developed to obtain indoor formaldehyde exposure data and to collect additional information concerning UF pressed wood products, respectively; TSCA section 6 regulations may be developed to address unreasonable risks posed by UF pressed wood products.

Agency Contact: George Semeniuk, Environmental Protection Agency, Office of Prevention, Pesticides, and

Toxic Substances, (TS-794), Washington, DC 20460, 202 260-2134
RIN: 2070-AB14

3643. POLYCHLORINATED BIPHENYLS (PCBS) DISPOSAL AMENDMENTS

Significance: Regulatory Program

Legal Authority: 15 USC 2605(e)(1)(A)/TSCA 6(e)

CFR Citation: 40 CFR 761, subparts C, D, E, G

Legal Deadline: None

Abstract: The ANPRM solicits comments on alternate disposal methods for non-liquid PCBs and invites public input on modifications to the PCB disposal regulations. In February 1990, several parties petitioned EPA under Section 21 of TSCA to amend the regulations at 40 CFR 761, which govern the disposal of PCBs, and issue an interpretive rule or declaratory order construing the existing PCB disposal regulations. In responding to the petition, EPA agreed to initiate a regulatory investigation to determine whether or not to amend the disposal regulations. After analyzing the comments received in response to the ANPRM, a proposed rule will be drafted which will also address alternative disposal methods for newly identified scenarios such as large volume solids; mixed wastes such as PCB/radioactive wastes; and other issues, such as disposal of household wastes, small capacitors, and used paints. This notice will also solicit comments on a modification to the disposal regulations which would allow for the recognition of PCB waste management activities under other Federal or State authorities. Finally, this rule incorporates a reproposal of the April 6, 1990 proposed rule (cont)

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| ANPRM | 06/10/91 | 56 FR 26738 |
| NPRM | 03/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAN No. 2878.

ABSTRACT CONT: (55 FR 12866), which intended to clarify questions on whether the analysis of PCBs is to be conducted "on a dry weight basis."

Agency Contact: Tony Baney, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (TS-798), Washington, DC 20460, 202 260-3935
RIN: 2070-AC01

3644. POLYCHLORINATED BIPHENYLS (PCBS) TRANSFORMER RECLASSIFICATION RULE

Legal Authority: 15 USC 2605/TSCA 6(e)

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: This rule would relax the regulatory requirements for reclassifying PCB transformers to a lower regulatory status by modifying the current reclassification requirements of 50 degree centigrade temperature and 90-day testing. Results of a preliminary analysis indicate that many transformers never reach the required temperature, but still reduce PCB concentrations and that safety risks to employees and to the general public occur in mandating the continued adherence to the current regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3021.

Agency Contact: Tony Baney, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (TS-798), Washington, DC 20460, 202 260-3935
RIN: 2070-AC39

3645. PROHIBITION OF HEXAVALENT CHROMIUM IN COMFORT COOLING TOWERS; APPLICATION OF TSCA SECTION 12(B) EXPORT NOTIFICATION; AMENDMENT

Legal Authority: 15 USC 2605/TSCA 6; 15 USC 2611(b)/TSCA 12(b)

CFR Citation: 40 CFR 749

Legal Deadline: NPRM, Judicial, August 15, 1993. Final, Judicial, August 15, 1994.

Abstract: EPA will propose an amendment to the TSCA section 6 Hexavalent Chromium Rule to narrow the Agency's interpretation of TSCA

EPA—TSCA

Proposed Rule Stage

Section 12(b) as it applies to the Rule. Under the proposal, export notification would be required for the hexavalent chromium water treatment chemicals rather than any compound containing hexavalent chromium.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3249.

Agency Contact: Geraldine Gardner, Environmental Protection Agency, Office of Enforcement, LE-134P, Washington, DC 20460, 202 260-8858

RIN: 2070-AC57

3646. • AMENDMENTS TO THE ASBESTOS-CONTAINING MATERIALS IN SCHOOLS RULE

Legal Authority: 15 USC 2605; 2607(c); 2641

CFR Citation: 40 CFR 763 subpart E

Legal Deadline: None

Abstract: EPA is proposing to amend the Asbestos-Containing Materials in Schools Rule in order to provide clarifications regarding several definitions, air clearance monitoring techniques, and response actions. For the first time, this rulemaking will be chaired by an EPA Regional office.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 3047.

Agency Contact: Wolfgang Brandner, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, 726 Minnesota Ave., Kansas City, Kansas 66101, 313 551-7381

RIN: 2070-AC62

3647. AMENDMENT TO THE TSCA SECTION 8(A) COMPREHENSIVE ASSESSMENT INFORMATION RULE (CAIR)

Legal Authority: 15 USC 2607(a)/TSCA 8(a)

CFR Citation: 40 CFR 704 (Revision)

Legal Deadline: None

Abstract: This proposed rule will amend certain aspects of the CAIR. The CAIR is a model rule designed to gather production, use, and exposure information from chemical manufacturers, importers, and processors of listed chemical substances and mixtures. In response to public comments, EPA is considering revision of the CAIR to: establish exemptions for small and de minimis volumes; refine trade name reporting requirements; reduce certain advance substantiation requirements for Confidential Business Information (CBI) claims; and require automatic reporting for substances added to CAIR by the Interagency Testing Committee (ITC).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2129/3190.

Agency Contact: Frank Kover, Environmental Protection Agency,

Office of Prevention, Pesticides, and Toxic Substances, (TS-794), Washington, DC 20460, 202 260-8130

RIN: 2070-AC19

3648. PROPOSED FOLLOW-UP RULES ON EXISTING CHEMICALS

Legal Authority: 15 USC 2604/TSCA 5; 15 USC 2607/TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None

Abstract: EPA has instituted a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under the Toxic Substances Control Act (TSCA) sections 5 and/or 8 to require reporting by the manufacturers, importers and/or processors of these chemicals. Proposed rules may be published on at least the chemicals listed on the timetable below.

Timetable:

| | |
|---------------------------------|---------------|
| Asbestos | NPRM 12/00/93 |
| Lead | NPRM 06/00/94 |
| Refractory Ceramic Fiber | NPRM 12/00/93 |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 1923.

Agency Contact: Frank Kover, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (TS-794), Washington, DC 20460, 202 260-8130

RIN: 2070-AC37

**ENVIRONMENTAL PROTECTION AGENCY (EPA)
Toxic Substances Control Act (TSCA)**

Final Rule Stage

3649. MANDATORY POLLUTION PREVENTION REPORTING FOR TOXIC RELEASE INVENTORY (TRI)

Legal Authority: 42 USC 11013/Pollution Prevention Act of 1990

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: This proposed regulation would implement the "Source Reduction and Recycling Report" provision of the Pollution Prevention Act of 1990. Under this requirement, facilities that file EPA Form R must include information on the amount of the chemical entering wastestreams prior to treatment, recycling or

disposal, amounts that are treated or recycled both on-site and off-site and projections for the following two years of expected amounts treated and recycled. Additional information will identify types of pollution prevention activities employed by the facility and other information that will allow the

data user to identify progress toward toxic chemical use reduction.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM Finalization of Form R 00/00/00 | 09/25/91 | 56 FR 48475 |

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Impact Analysis;
Regulatory Flexibility Analysis

Additional Information: SAN No. 2847.

EPA will conduct a formal Policy Dialogue, during FY'93, on issues raised by the proposed rule and Reporting Form under the Paperwork Reduction Act.

Agency Contact: Susan B. Hazen,
Environmental Protection Agency,
Office of Prevention, Pesticides, and
Toxic Substances, (TS-799),
Washington, DC 20460, 202 260-1024
RIN: 2070-AC24

**3650. DECISION ON TEST RULES:
FINAL RULES**

Legal Authority: 15 USC 2603/TSCA 4

CFR Citation: 40 CFR 799

Legal Deadline: None

Abstract: The following table lists chemicals for which EPA has issued proposed test rules and will take final action under the Toxic Substances Control Act (TSCA) section 4 or via negotiated consent orders. The Agency defines final action as a promulgation of a test rule, issuance of a consent order, withdrawal of a proposed test rule or a decision not to test. (See also Decision on Test Rules: Proposed Rules under RIN: 2070-AB07.)

Timetable:

| |
|--|
| Aryl Phosphates (ITC List 2) ANPRM 12/29/83 (48 FR 57452) NPRM 01/17/92 (57 FR 2138) Final Action 12/00/93 |
| Brominated Flame Retardants NPRM 06/25/91 (56 FR 29140) Final Action 06/00/94 |
| Cyclohexane (ITC List 18) NPRM 05/20/87 (52 FR 19096) Final Action 12/00/93 |
| Glycidols (ITC List 3) ANPRM 12/30/83 (48 FR 57562) NPRM 11/07/91 (56 FR 51744) CONSENT ORDER 12/00/93 |
| Hexamethylene Dithiocyanate (ITC List 22) NPRM 05/17/89 (54 FR 21240) Final Action 01/00/94 |
| N-Methylpyrrolidone NPRM 03/28/90 (55 FR 11398) Final Action 01/00/94 |

Office of Drinking Water Chemicals
NPRM 05/24/90 (55 FR 21393)
Final Action 10/00/93

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. not yet assigned.

Agency Contact: Frank Kover,
Environmental Protection Agency,
Office of Prevention, Pesticides, and
Toxic Substances, (TS-794),
Washington, DC 20460, 202 260-8130
RIN: 2070-AB94

**3651. MULTI-CHEMICAL ENDPOINT(S)
TEST RULE**

Legal Authority: 15 USC 2603/TSCA 4

CFR Citation: 40 CFR 799.5050

Legal Deadline: None

Abstract: A multi-chemical endpoint test rule will require the testing of many chemicals for a specific effect or endpoint, e.g., neurotoxicity. This type of rule is an alternative to single chemical rules which require testing of one chemical for many effects. The multi-chemical endpoint rule approach will obtain a significant amount of testing while conserving on Agency resources. The multi-chemical rule for developmental and reproductive toxicity testing will require testing of twelve chemicals for developmental and/or reproductive effects; the multi-chemical rule for neurotoxicity testing will obtain base set neurotoxicity testing of ten high production solvents. These rules may be amended in the future to require the same testing for other chemicals. Also, future multi-chemical rules will require testing of additional endpoints and chemicals. The testing requirements for each chemical in a multi-chemical rule will be listed in a single table by chemical under section 799.5050. This table will be amended with each publication of a new multi-chemical rule.

Timetable:

| |
|---|
| Multi-Chemical Rule for Developmental and Reproductive Toxicity NPRM 03/04/91 (56 FR 9092) Final Action 09/00/94 |
| Multi-Chemical Rule for Neurotoxicity NPRM 03/04/91 (56 FR 9105) Final Action 07/27/93 (58 FR 40238) |
| Small Entities Affected: None |
| Government Levels Affected: None |
| Additional Information: SAN No. 2865. |

Agency Contact: Frank Kover,
Environmental Protection Agency,
Office of Prevention, Pesticides, and
Toxic Substances, (TS-794),
Washington, DC 20460, 202 260-8130
RIN: 2070-AC27

**3652. FINAL FOLLOW-UP RULES ON
EXISTING CHEMICALS**

Legal Authority: 15 USC 2604/TSCA 5;
15 USC 2607/TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None

Abstract: EPA has instituted a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under the Toxic Substances Control Act (TSCA) sections 5 and/or 8 to require reporting by the manufacturers, importers and/or processors of these chemicals. Individual proposed or final rules will be published on at least the chemicals listed below.

Timetable:

| |
|---|
| Amine Contain. Metalworking Fluids w/Potassium or Sodium Nitrates Final Action 05/12/93 (58 FR 27940) |
| Amine Contain. Metalworking Fluids w/Potassium or Sodium Nitrites NPRM 01/24/91 (56 FR 2733) |
| Aromatic Ether Diamines NPRM 05/30/90 (55 FR 21877) Final Action 05/00/94 |
| Chloranil NPRM 05/12/93 (58 FR 27980) Final Action 01/00/95 |
| 2,4-Pentanedione NPRM 09/27/89 (54 FR 39548) Final Action 12/00/93 |
| Small Entities Affected: None |
| Government Levels Affected: None |
| Additional Information: SAN No. 1923. |
| Agency Contact: Frank Kover, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (TS-794), Washington, DC 20460, 202 260-8130 RIN: 2070-AA58 |

**3653. FINAL FOLLOW-UP RULES ON
NON-5(E) NEW CHEMICAL
SUBSTANCES**

Legal Authority: 15 USC 2604/TSCA 5;
15 USC 2607/TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

EPA—TSCA

Final Rule Stage

Legal Deadline: None

Abstract: EPA has instituted a program to regulate the commercial development of new chemicals that have completed premanufacture notice (PMN) review where activities described in the PMN did not present an unreasonable risk but uncontrolled manufacture, import, processing, distribution, use, or disposal outside the activities described in the PMN may present an unreasonable risk. EPA will issue Significant New Use Rules (SNURs) requiring 90-day notification to EPA from any manufacturer, importer, or processor who would engage in activities that are designated as significant new uses. Under the Expedited Follow-up Rule which became effective on October 12, 1989, EPA will identify such new chemicals and publish them in a batch SNUR 6-12 times per year. Chemicals that were subject to a proposed SNUR before the effective date of the EFUR or do not qualify under the EFUR may be regulated individually by notice and comment rulemaking.

Timetable:**Alkyl, Sulfonic Acid, Ammonium Salt (84-1056)**

NPRM 06/11/86 (51 FR 21199)
Final Action 12/00/93

Dinitrophenyl Azo-2,4-Diamino-5-Methoxybenzene Derivatives

NPRM 10/25/84 (49 FR 42960)
Final Action 06/05/91 (56 FR 25986)

Diphenyl-2,4,6-Trimethylbenzyl Phosphine Oxide (87-586)

NPRM 02/02/88 (53 FR 2857)
Final Action 10/00/93

1-Decaniline-N-Decyl-N-Methyl-N-Oxide (86-566)

NPRM 12/08/87 (52 FR 46496)
Final Action 10/00/93

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 1976.

Agency Contact: Stuart McArthur, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (TS-794), Washington, DC 20460, 202 260-8994
RIN: 2070-AA59

3654. CHEMICAL SPECIFIC SIGNIFICANT NEW USE RULES (SNURs) TO EXTEND PROVISIONS OF SECTION 5(E) ORDERS

Legal Authority: 15 USC 2604/TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: When the Agency determines that uncontrolled manufacture, import, processing, distribution, use or disposal of a premanufacture notification notice (PMN) substance may present an unreasonable risk, it may issue a section 5(e) consent order to limit these activities. However, such orders apply only to the PMN submitter. Once the new substance is entered on the Toxic Substances Control Act (TSCA) chemical inventory, others can manufacture, import or process the substance without controls. Therefore, EPA extends the controls to apply to others by designating manufacture, import or processing of the substances for uses without the specified controls as significant new uses. Under the Expedited Follow-Up Rule, which became effective on October 10, 1989 (54 FR 31314), EPA routinely publishes batch SNURs containing routine section 5(e) and non-5(e) SNURs. However, certain activities, such as modifications, withdrawals, revocations, and SNURs upon which comments are received in the direct final publication process, are subject to notice and comment rulemaking and are listed below.

Timetable:**Alkylated Diphenyl Oxide (modification: 84-1079)**

Final Action 11/18/92 (57 FR 54304)

Batch SNUR: 84-660/704, 84-105/106 & -107, 85-433

NPRM 05/27/93 (58 FR 30744)

Final Action 11/00/93

Polymer of Substituted Aryl Olephin (85-612)

Reproposal 10/00/93

Pyridine Batch (modification: 50584 B)

NPRM 06/08/93 (58 FR 32222)

Final Action 10/00/93

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. not yet assigned.

Agency Contact: Stuart McArthur, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (TS-794), Washington, DC 20460, 202 260-8994
RIN: 2070-AB27

3655. PREMANUFACTURE NOTIFICATION (PMN) RULE AMENDMENTS

Legal Authority: 15 USC 2604; 15 USC 2607; 15 USC 2613/TSCA 5

CFR Citation: 40 CFR 720 to 723

Legal Deadline: None

Abstract: This action will amend the PMN rules (40 CFR 720 to 723) under Section 5 of the Toxic Substances Control Act (TSCA) to conform to current policy needs. These changes are necessary to increase efficiency and incorporate proposed program improvements. They are expected to reduce the administrative burdens/cost of the New Chemicals Program and the overall number of Section 5 submissions while maintaining an effective and environmentally sound program. EPA has identified "low-risk" categories that meet certain established criteria and can be screened out of the full PMN review process at an early date based on low health/environmental concern or low exposure scenarios. EPA would like to reduce the burden to PMN submitters and maximize the efficiency and resources of the program by modifying the rule to reduce reporting requirements for low risk categories. This would enable the Agency to reduce the number of Section 5 submissions and concentrate its resources on PMNs with potential health or environmental concerns.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 02/08/93 | 58 FR 7646 |
| Final Action | 07/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2760.

Agency Contact: Mary Cushmac, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (TS-794), Washington, DC 20460, 202 260-4443

RIN: 2070-AC14

3656. FOLLOW-UP RULES ON NON-5(E) NEW CHEMICAL SUBSTANCES

Legal Authority: 15 USC 2604/TSCA 5; 15 USC 2607/TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None

Abstract: EPA has instituted a program to regulate the commercial development of new chemicals that have completed premanufacture notice (PMN) review where activities described in the PMN did not present an unreasonable risk but uncontrolled

EPA—TSCA

Final Rule Stage

manufacture, import, processing, distribution, use, or disposal outside the activities described in the PMN may present an unreasonable risk. EPA will issue Significant New Use Rules (SNURs) requiring 90-day notification to EPA from any manufacturer, importer, or processor, who would engage in activities that are designated as significant new uses.

Timetable:**Aluminum Cross-linked Sodium**

Carboxymethylcellulose
NPRM 06/11/93 (58 FR 32628)
Final Action 06/00/94

Dialkylalkoxysilane

NPRM 08/19/92 (57 FR 37499)
Notice of Extended Comment Period
11/10/92 (57 FR 53461)
Withdrawn 06/21/93 (58 FR 33792)

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Additional Information: SAN No. 1976.

Agency Contact: Stuart McArthur,
Environmental Protection Agency,
Office of Prevention, Pesticides, and
Toxic Substances, (TS-794),
Washington, DC 20460, 202 260-8994

RIN: 2070-AC38

**3657. POLYCHLORINATED
BIPHENYLS (PCBS): APPLICATIONS
FOR EXEMPTIONS FROM THE BAN
ON MANUFACTURING, PROCESSING,
AND DISTRIBUTION**

Legal Authority: 15 USC 2605 TSCA
6(e)(3)(B)

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: Section 6(e)(3)(B) of the Toxic Substances Control Act (TSCA) provides that the Administrator may grant, by rule, exemptions from the prohibitions on the manufacturing, processing, and distribution in commerce of PCBs upon finding: 1) that granting the exemption will not pose an unreasonable risk of injury to health or the environment; and 2) that good faith efforts have been made to develop a PCB substitute which does not pose an unreasonable risk of injury to health or the environment. In addition to acting on six petitions for exemption, the rule would amend the procedures for applying for exemptions by specifying the contents of the petitions, and deadlines for their submission.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 03/02/92 | 57 FR 7439 |
| NPRM Comment Period End | 04/16/92 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2150.

Agency Contact: Tony Baney,
Environmental Protection Agency,
Office of Prevention, Pesticides, and
Toxic Substances, (TS-798),
Washington, DC 20460, 202 260-3935

RIN: 2070-AB20

**3658. PROCEDURES AND CRITERIA
FOR TERMINATION OF
POLYCHLORINATED BIPHENYLS
(PCBS) DISPOSAL PERMITS**

Legal Authority: 15 USC 2605/TSCA
6(e); 5 USC 556 et seq

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: Under section 6(e) of the Toxic Substances Control Act (TSCA), the Agency is considering establishing uniform procedures and criteria for the revocation and suspension of TSCA PCB disposal permits. The regulation would establish uniform revocation procedures and criteria, thereby ensuring consistency in permit revocation proceedings.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/02/90 | 55 FR 46470 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: Local,
State, Federal

Analysis: Regulatory Flexibility
Analysis

Additional Information: SAN No. 2560.

Agency Contact: Tony Baney,
Environmental Protection Agency,
Office of Prevention, Pesticides, and
Toxic Substances, (TS-798),
Washington, DC 20460, 202 260-3935

RIN: 2070-AB81

**3659. REGULATORY INVESTIGATION
OF DIOXIN IN PULP AND PAPER MILL
SLUDGE**

Significance: Regulatory Program

Legal Authority: 15 USC 2605/TSCA 6

CFR Citation: 40 CFR 744

Legal Deadline: NPRM, Judicial, April
30, 1991. Final, Judicial, November 30,
1992.

The Consent Decree between EPA, EDF,
and NWF signed July 27, 1988, requires
that EPA make best efforts to issue a
final rule by November 30, 1992.

Abstract: The objective of this project
is to reduce the unreasonable risks
posed by dioxins and furans in
bleached wood pulp and paper mill
industrial sludge. In response to a July
1988 Consent Decree with the
Environmental Defense Fund and the
National Wildlife Federation, EPA
announced on April 30, 1990, its
schedule for a proposed rule under the
Toxic Substances Control Act (TSCA),
addressing the practice of industrial
sludge land application, including mine
reclamation and distribution/marketing.
The Consent Decree required that this
rule be proposed by April 30, 1991, and
that EPA make its best efforts to issue
a final rule by November 30, 1992. The
proposed rule was published on May
10, 1992 at 58FR 21802. The analysis
of new data received during the public
comment period and by the Office of
Water under section 308 of the Clean
Water Act may require an additional
comment period and delay
promulgation of the final rule. On
December 14, 1992, EPA informed EDF
and NWF of the status of its efforts to
evaluate and control risks from the land
application of sludge produced from
the treatment of wastewater from pulp
(cont)

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| NPRM | 05/10/91 | 56 FR 21802 |
| Response letter to EDF & NWF | 12/14/92 | |
| Final Action | 12/00/95 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Impact Analysis;
Regulatory Flexibility Analysis

Additional Information: SAN No. 2844.

ABSTRACT CONT: and paper mills
using chlorine and chlorine-derivative
bleaching processes. It is EPA's
position that following this notification,
EPA has fulfilled its obligations under
the settlement for the sludge rule and
is no longer subject to court
supervision regarding those obligations.

EPA—TSCA

Final Rule Stage

EPA's Office of Water and Office of Air Quality Planning and Standards are developing integrated effluent guidelines and emission standards for the pulp and paper industry. In light of these proceedings and to promote multi-media pollution prevention the Agency has chosen to defer the decision on promulgation of the final land application rule to take into account the effect of the process changes under consideration for these rules on the resulting levels of dioxin and furan contamination in the sludge. Once this determination has been made, the Agency will reevaluate the risk from sludge land application and will be able to choose, if necessary, the appropriate regulatory or nonregulatory mechanism to address the situation. The Agency expects to make this determination in 1995.

Agency Contact: Robert McNally, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, Washington, DC 20460, (TS-794), 202 260-3945

RIN: 2070-AC05

3660. USE OF ACRYLAMIDE AND N-METHYLOLACRYLAMIDE (NMA) FOR GROUTING

Significance: Regulatory Program

Legal Authority: 15 USC 2605/TSCA 6

CFR Citation: 40 CFR 764

Legal Deadline: None

Abstract: On October 2, 1991, EPA proposed a regulation of acrylamide and NMA grouts based on the unreasonable risk associated with their usage. EPA's proposed rule would prohibit the manufacture, distribution in commerce, and use of acrylamide grout; and would prohibit all uses of NMA grout, except its use for sewer line repair. The proposed rule would also prohibit, after a period of three years, the manufacture and distribution in commerce of NMA grout for any purpose, and the use of NMA grout for sewer line repair. EPA will review the public comments and develop a final rule.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/02/91 | 56 FR 49863 |
| Final Action | 03/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Local

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2779.

Agency Contact: Robert C. McNally, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (TS-794), Washington, DC 20460, 202 260-3945

RIN: 2070-AC17

3661. REVISED ASBESTOS MODEL ACCREDITATION PLAN

Legal Authority: 15 USC 2646/TSCA 6

CFR Citation: 40 CFR 763, app C to subpart E

Legal Deadline: Final, Statutory, November 28, 1992.

Abstract: The Asbestos School Hazard Abatement Reauthorization Act (ASHARA) amended TSCA to require that EPA revise its asbestos model accreditation plan to extend training and accreditation requirements to include persons performing certain asbestos-related work in public and commercial buildings, to increase the minimum number of training hours required for accreditation purposes and to effect other changes necessary to implement the amendments. This action will increase regulatory costs for the owners and managers of public and commercial building, but will also reduce asbestos exposures in these buildings.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| NPRM | 05/13/92 | 57 FR 20438 |
| Interim Final Rule | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAN No. 3148.

Agency Contact: Regina L. Bushong, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (TS-798), Washington, DC 20460, 202 260-0961

RIN: 2070-AC51

3662. SECTION 8(A) PRELIMINARY ASSESSMENT INFORMATION RULES

Legal Authority: 15 USC 2607a/TSCA 8(a)

CFR Citation: 40 CFR 712

Legal Deadline: None

Abstract: These rules add chemicals to the list of chemicals and designated mixtures subject to the requirements of the Toxic Substances Control Act Section 8(a) Preliminary Assessment Information Rule (40 CFR part 712). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee. Manufacturers and importers are required to submit exposure-related data (EPA Form No. 7710-35) on the chemicals. These data will be used to monitor the levels of production, import and/or processing of these substances and the avenues of human and environmental exposure to these substances. These data will also support risk assessment and test rule decisions.

Timetable:

| Action | Date | FR Cite |
|--------------------------------------|----------|-------------|
| Final Action 29th ITC List Chemicals | 03/12/93 | 58 FR 13556 |
| Final Action 30th ITC List Chemicals | 05/14/93 | 58 FR 28511 |
| Final Action 28th ITC List Chemicals | 10/00/93 | |
| Final Action 31st ITC List Chemicals | 10/00/93 | |
| Final Action 32nd ITC List Chemicals | 10/00/93 | |
| Final Action 33rd ITC List Chemicals | 01/01/94 | |
| Final Action 34th ITC List Chemicals | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAN No. 2178.

Agency Contact: Frank Kover, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, (TS-794), Washington, DC 20460, 202 260-8130

RIN: 2070-AB08

3663. SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULES

Legal Authority: 15 USC 2607(d)/TSCA 8(d)

CFR Citation: 40 CFR 716

Legal Deadline: None

Abstract: These rules add chemicals to the list of chemicals and mixtures subject to the requirements of the Toxic Substances Control Act Section 8(d) Health and Safety Data Reporting Rule.

EPA—TSCA

Final Rule Stage

These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee. Manufacturers, importers, and processors of substances listed under Section 8(d) at 40 CFR 716.120 must submit unpublished health and safety data on those substances.

Timetable:

| Action | Date | FR Cite |
|--------------------------------------|----------|-------------|
| Final Action 29th ITC List Chemicals | 03/12/93 | 58 FR 13556 |
| Final Action 30th ITC List Chemicals | 05/14/93 | 58 FR 28511 |
| Final Action 28th ITC List Chemicals | 10/00/93 | |
| Final Action 31st ITC List Chemicals | 10/00/93 | |
| Final Action 32nd ITC List Chemicals | 10/00/93 | |

Final Action 33rd ITC 01/00/94
List Chemicals

Final Action 34th ITC 06/00/94
List Chemicals

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 1139.

Agency Contact: Frank Kover,
Environmental Protection Agency,
Office of Prevention, Pesticides, and
Toxic Substances, (TS-794),
Washington, DC 20460, 202 260-8130

RIN: 2070-AB11

**ENVIRONMENTAL PROTECTION AGENCY (EPA)
Toxic Substances Control Act (TSCA)**

Completed Actions

**3664. ADDITION OF AIR TOXICS TO
TOXIC RELEASE INVENTORY (TRI)**

CFR Citation: 40 CFR 372

Completed:

| Reason | Date | FR Cite |
|--|----------|---------|
| Withdrawn Incorporated into. RIN 2070-AC47 | 08/19/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Susan B. Hazen, 202
260-1024

RIN: 2070-AC40

**3665. EPCRA SECTION 313 FORM R
CORRECTIONS**

CFR Citation: 40 CFR 372

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/11/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda A. Travers, 202
260-3938

RIN: 2070-AC48

**3666. POLICY STATEMENT
IMPLEMENTING THE PRIOR
INFORMED CONSENT PROCEDURES
FOR THE EXPORT/IMPORT OF
INDUSTRIAL CHEMICALS**

CFR Citation: Not yet determined

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/13/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James B. Willis, 202
260-3949

RIN: 2070-AC22

**3667. LEAD EXPOSURE REDUCTION;
LEGISLATIVE MANDATES**

CFR Citation: 40 CFR Not yet
determined

Completed:

| Reason | Date | FR Cite |
|--|----------|---------|
| Withdrawn Replaced by RINs 2070- AC63, 2070-AC64, and 2070-AC65 | 08/11/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gina Bushong, 202
260-3797

RIN: 2070-AC53

**3668. TSCA SECTION 4(A)(1)(B)
POLICY STATEMENT**

CFR Citation: 40 CFR 799

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 05/14/93 | 58 FR 28736 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Kover, 202
260-8130

RIN: 2070-AC31

**3669. POLYCHLORINATED
BIPHENYLS (PCBS): WET
WEIGHT/DRY WEIGHT
CLARIFICATION**

CFR Citation: 40 CFR 761.1(b)

Completed:

| Reason | Date | FR Cite |
|------------------------------------|----------|---------|
| Incorporated into RIN 2070-AC01 | 08/13/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tony Baney, 202 260-
3935

RIN: 2070-AC16

**3670. ENVIRONMENTAL HAZARD
COMMUNICATION RULE**

CFR Citation: Not applicable

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/13/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert McNally, 202
260-3945

RIN: 2070-AC29

**3671. EXPORT NOTIFICATION
REQUIREMENTS; CHANGES TO
REPORTING REQUIREMENTS**

CFR Citation: 40 CFR 707

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 07/27/93 | 58 FR 40238 |

Small Entities Affected: Businesses

EPA—TSCA

Completed Actions

Government Levels Affected: None
Agency Contact: James B. Willis, 202 260-3949
RIN: 2070-AC28

**ENVIRONMENTAL PROTECTION AGENCY (EPA)
 Clean Water Act (CWA)**

Prerule Stage

3672. • FACILITATION OF PRIVATE INVESTMENT IN MUNICIPAL WASTEWATER TREATMENT FACILITIES

Legal Authority: EO 12803
CFR Citation: 40 CFR Not yet determined
Legal Deadline: None

Abstract: Executive Order 12803 promotes private investment in local infrastructure including Federally-funded wastewater treatment works. Public-private partnerships provide an additional opportunity to communities for addressing the continuing and unmet needs for capital to construct and upgrade wastewater treatment and conveyance systems necessary to meet the requirements of the Clean Water Act. EPA's implementation of the Executive Order 12803 through regulatory development will assist States and communities to find innovative and flexible ways to obtain

private-sector investment and assistance for wastewater system needs while protecting the public interest in Federally-funded facilities.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAN No. 3331.

Agency Contact: Michael Deane, Environmental Protection Agency, Water, (WH-547), Washington, DC 20460, 202 260-2268

RIN: 2040-AC18

3673. WATER QUALITY STANDARDS REVISIONS

Legal Authority: 33 USC 1313(c) /CWA 303(c)

CFR Citation: 40 CFR 131

Legal Deadline: None

Abstract: EPA is taking this action to seek public comment on possible revisions to the Water Quality Standards Regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 00/00/00 | |
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: SAN No. 3253.

Agency Contact: David K. Sabock, Environmental Protection Agency, Water, (WH-585), Washington, DC 20460, 202 260-1318

RIN: 2040-AC15

**ENVIRONMENTAL PROTECTION AGENCY (EPA)
 Clean Water Act (CWA)**

Proposed Rule Stage

3674. EFFLUENT GUIDELINES AND STANDARDS FOR THE PHARMACEUTICAL MANUFACTURING CATEGORY

Significance: Regulatory Program
Legal Authority: 33 USC 1311/CWA 301; 33 USC 1314/CWA 304; 33 USC 1316/CWA 306; 33 USC 1317/CWA 307; 33 USC 1361/CWA 501

CFR Citation: 40 CFR 439

Legal Deadline: NPRM, Judicial, August 1994. Final, Judicial, February 1996.

Dates contained in Consent Decree (NRDC v. Reilly).

Abstract: The Agency will review and revise as appropriate the effluent limitation guidelines and standards for the pharmaceutical manufacturing industry. A major part of the review will consider the inclusion of

limitations on toxic and non-conventional volatile organic pollutants. The 1983 proposal covering New Source Performance Standards (NSPS) for conventional pollutants will also be reevaluated.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM (NSPS) | 10/27/83 | 48 FR 49832 |
| NPRM | 08/00/94 | |
| Final Action | 02/00/96 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAN No. 1427.

Agency Contact: Frank Hund, Environmental Protection Agency,

Water, (WH-552), Washington, DC 20460, 202 260-7182

RIN: 2040-AA13

3675. EFFLUENT GUIDELINES AND STANDARDS FOR THE PESTICIDE CHEMICALS CATEGORY

Significance: Regulatory Program

Legal Authority: 33 USC 1311/CWA 301; 33 USC 1314/CWA 304; 33 USC 1316/CWA 306; 33 USC 1317/CWA 307; 33 USC 1361/CWA 501

CFR Citation: 40 CFR 455

Legal Deadline: NPRM, Judicial, March 1992. Final, Judicial, July 1993.

Dates contained in the Consent Decree (NRDC v. Reilly) NPRM, January 1994 (Formulators/Packagers); Final, August 1995 (Formulators/Packagers).

EPA—CWA

Proposed Rule Stage

Abstract: On April 10, 1992, EPA proposed a rule to limit the discharge of pollutants into waters of the United States and into publicly owned treatment works by existing and new facilities that manufacture pesticide active ingredients. EPA also proposed new test procedures for the analysis of pesticide pollutants in the Pesticide Chemicals Category. The agency will take final action by July 1993. In a separate action, EPA intends to propose effluent guidelines and standards for facilities which formulate, package and/or repackage pesticide active ingredients into final products, by January 1994.

Timetable:**Data Availability**

Notice 12/01/92 (57 FR 56883)

Extension of Comment Period

Notice 06/25/92 (57 FR 28474)

Formulators/Packagers

NPRM 01/00/94

Final Action 08/00/95

Manufacturers

NPRM 04/10/92 (57 FR 12560)

Final Action 09/28/93 (58 FR 50637)

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2473.

Agency Contact: Thomas Fielding, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 260-7156

RIN: 2040—AB32

3676. EFFLUENT GUIDELINES AND STANDARDS FOR THE PULP, PAPER, AND PAPERBOARD CATEGORY

Significance: Regulatory Program

Legal Authority: 33 USC 1311/CWA 301; 33 USC 1314/CWA 304; 33 USC 1316/CWA 306; 33 USC 1317/CWA 307; 33 USC 1361/CWA 501

CFR Citation: 40 CFR 430

Legal Deadline: NPRM, Judicial, October 31, 1993. Final, Judicial, September 30, 1995.

These dates are contained in Consent Decree (EDF and NWF v. Reilly).

Abstract: EPA will revise the existing Best Practicable Technology (BPT), Best Conventional Pollutant Control Technology (BCT), Best Available Technology (BAT), New Source Performance Standards (NSPS),

Pretreatment Standards for Existing Sources (PSES), and Pretreatment Standards for New Sources (PSNS). The Agency is developing these revised effluent limitations in conjunction with development of maximum achievable control technology (MACT) standards, which limit air emissions under the Clean Air Act. (See separate Agenda entry, "NESHAP: Pulp and Paper, in the Clean Air Act section, RIN 2060-AD03.)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 09/00/95 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2712.

Agency Contact: Debra Nicoll, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 260-5386

RIN: 2040—AB53

3677. EFFLUENT GUIDELINES AND STANDARDS FOR THE COASTAL SUBCATEGORY OF THE OIL AND GAS EXTRACTION CATEGORY

Significance: Regulatory Program

Legal Authority: 33 USC 1314/CWA 304; 33 USC 1316/CWA 306; 33 USC 1317/CWA 307; 33 USC 1361/CWA 501; 33 USC 1311/CWA 301

CFR Citation: 40 CFR 435, subpart D

Legal Deadline: NPRM, Judicial, January 1995. Final, Judicial, July 1996. Dates contained in Consent Decree (NRDC v. Reilly).

Abstract: EPA will propose effluent limitation guidelines based on Best Available Technology (BAT), Best Conventional Technology (BCT), and New Source Performance Standards (NSPS) for coastal oil and gas extraction facilities. This regulation will apply to the facilities involved in exploration, development and production operations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| Notice | 11/08/89 | 54 FR 46919 |
| NPRM | 01/00/95 | |
| Final Action | 07/00/96 | |

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2747.

Agency Contact: Allison Wiedeman, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 260-7179

RIN: 2040—AB72

3678. EFFLUENT GUIDELINES AND STANDARDS FOR THE WASTE TREATMENT CATEGORY

Significance: Regulatory Program

Legal Authority: 33 USC 1311/CWA 301; 33 USC 1314/CWA 304; 33 USC 1316/CWA 306; 33 USC 1317/CWA 307; 33 USC 1361/CWA 501

CFR Citation: 40 CFR 437

Legal Deadline: NPRM, Judicial, April 1994. Final, Judicial, January 1996. The April 1994 and January 1996 deadlines are for Phase I. For Phase II, there are judicial deadlines of 1995 for the NPRM and 1997 for the Final.

Abstract: The Waste Treatment Category consists of three groups of facilities: (a) Centralized Waste Treaters (CWT) that receive wastes from off-site for treatment or recovery (excluding solvent recovery); (b) industrial incinerators and thermal destruction units; and (c) municipal and hazardous waste landfills with leachate collection. The Agency is developing regulations for waste treatment facilities in two phases. The Phase I regulation will cover CWT facilities. The Phase II regulation will cover incinerators, thermal destruction units, and landfills.

Timetable:**Phase I**

NPRM 04/00/94

Final Action 01/00/96

Phase II

NPRM 12/00/95

Final Action 12/00/97

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2805.

Agency Contact: Samantha Hopkins, Environmental Protection Agency,

EPA—CWA

Proposed Rule Stage

Water, (WH-552), Washington, DC
20460, 202 260-7149

RIN: 2040-AB78

3679. EFFLUENT GUIDELINES AND STANDARDS FOR THE METAL PRODUCTS AND MACHINERY CATEGORY

Significance: Regulatory Program

Legal Authority: 33 USC 1311/CWA 301; 33 USC 1314/CWA 304; 33 USC 1316/CWA 306; 33 USC 1317/CWA 307; 33 USC 1361/CWA 501

CFR Citation: 40 CFR 438

Legal Deadline: NPRM, Judicial, November 1994. Final, Judicial, May 1996.

Deadlines are for Phase I. Dates are contained in Consent Decree (NRDC v. Reilly).

Abstract: EPA will propose effluent limitation guidelines for facilities that generate wastewater while processing metal parts, metal products, and machinery, including manufacture, assembly, rebuilding, repair and maintenance. The Phase I regulation will cover seven major industrial groups: Aircraft, Aerospace, Hardware (including Machine Tools, Screw Machines, Metal Forging and Stamping, Metal Springs, Heating Equipment, Fabricated Structural Metal), Ordnance, Stationary Industrial Equipment (including Electrical Equipment), Mobile Industrial Equipment, and Electronic Equipment (including Communication Equipment). This category was formerly called "Machinery Manufacturing and Rebuilding."

Timetable:

Phase I
NPRM 11/00/94
Final Action 05/00/96

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2806.

Agency Contact: Elwood Forsht, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 260-7190

RIN: 2040-AB79

3680. EFFLUENT GUIDELINES AND STANDARDS FOR THE INDUSTRIAL LAUNDRIES CATEGORY

Significance: Regulatory Program

Legal Authority: 33 USC 1311/CWA 301; 33 USC 1311/CWA 307; 33 USC 1314/CWA 304; 33 USC 1361/CWA 501; 33 USC 1316/CWA 306

CFR Citation: 40 CFR 441

Legal Deadline: NPRM, Judicial, December 1996. Final, Judicial, December 1998.

Dates contained in consent decree (NRDC v. Reilly).

Abstract: EPA will propose effluent limitation guidelines for Industrial Laundries, which supply laundered and dry-cleaned work uniforms, wiping towels, safety equipment (such as gloves and flame-resistant clothing), dust covers and cloths, and similar items to industrial and commercial users.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/96 | |
| Final Action | 12/00/98 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAN No. 3209.

Agency Contact: Susan Burris, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 260-5379

RIN: 2040-AB97

3681. EFFLUENT GUIDELINES AND STANDARDS FOR THE TRANSPORTATION EQUIPMENT CLEANING CATEGORY

Significance: Regulatory Program

Legal Authority: 33 USC 1311/CWA 301; 33 USC 1317/CWA 307; 33 USC 1314/CWA 304; 33 USC 1361/CWA 501

CFR Citation: 40 CFR 442

Legal Deadline: NPRM, Judicial, December 1996. Final, Judicial, December 1998.

Dates contained in Consent Decree (NRDC v. Reilly).

Abstract: EPA will propose effluent limitation guidelines for transportation equipment cleaning facilities, which service tank trucks, railroad tank cars,

tank barges, and aircraft exteriors (cleaning and de-icing).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/96 | |
| Final Action | 12/00/98 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3204.

Agency Contact: Gina Matthews, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 260-6036

RIN: 2040-AB98

3682. NPDES PERMIT APPLICATION STANDARD FORM A AND SHORT FORM A (REVISION)

Legal Authority: 33 USC 1342/CWA 402; 33 USC 1311/CWA 301; 33 USC 1318/CWA 308

CFR Citation: 40 CFR 122.21(j)

Legal Deadline: None

Abstract: This action would revise the current NPDES Permit Application Standard Form A (municipal) and Short Form A (municipal) to reflect amendments to the Clean Water Act and changes in program requirements and emphasis. The new application forms must replace the old versions and enable permit writers to obtain more pertinent information regarding expected discharges and the environmental impact of proposed operations.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM (Municipal Forms) | 03/00/94 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 2501.

Agency Contact: George Utting, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 260-9530

RIN: 2040-AB39

EPA—CWA

Proposed Rule Stage

3683. NPDES APPLICATION REGULATIONS FOR STORM WATER DISCHARGES AND MUNICIPAL SEPARATE STORM WATER SEWER SYSTEMS AFFECTED BY THE RESULTS OF THE 1990 CENSUS**Legal Authority:** 33 USC 1342 / CWA 402**CFR Citation:** 40 CFR 122, app F, G, H, I**Legal Deadline:** None

Abstract: This action would incorporate data from the 1990 decennial census to update several appendices in the regulations that identify large and medium municipal separate storm sewer systems. In addition, the rule would correct the definition of a municipal separate storm sewer systems to reflect the results of future censuses. The rule would also propose application deadlines for new storm sewer systems added to the appendices of 40 CFR 122 as well as systems added in the future.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** Local, State**Additional Information:** SAN No. 3270.

Agency Contact: William D. Tate, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 260-6963

RIN: 2040-AC16**3684. DENIAL OR RESTRICTION OF DISPOSAL SITES (REVISION)****Significance:** Regulatory Program**Legal Authority:** 33 USC 1344/CWA 404(c)**CFR Citation:** 40 CFR 231**Legal Deadline:** None

Abstract: This action will revise EPA's existing 404(c) regulations, in effect since October 9, 1979. It will amend the procedures to be used when EPA is considering the use of Section 404(c) of the CWA to prevent the discharge of dredged or fill material into a defined area of the waters of the United States. Section 404(c) gives the Administrator authority to prohibit or withdraw the specification of a site as a disposal site or to deny or restrict

use of a disposal site. The revisions will reflect our experiences to date under Section 404(c), and more clearly address use of 404(c) in advance of a specific proposed discharge.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** SAN No. 2196.

Agency Contact: Gregory E. Peck, Environmental Protection Agency, Water, (A-104F), Washington, DC 20460, 202 260-1799

RIN: 2040-AB20**3685. CLEAN WATER ACT SECTION 404 PROGRAM DEFINITION****Significance:** Agency Priority**Legal Authority:** 33 USC 1344/CWA 404**CFR Citation:** 40 CFR 232.2(q)**Legal Deadline:** None

Abstract: This action would revise the definition of "waters of the U.S." by adding four examples to those currently contained under that definition. The intent of this action is to clarify aspects of the current definition which define waters, "the use, degradation or destruction of which would or could affect interstate or foreign commerce," as waters of the U.S. We are not proposing to address any aspects of the definition of "waters of the U.S." in this rulemaking other than those relating to these four examples.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** SAN No. 2804.

Agency Contact: Gregory E. Peck, Environmental Protection Agency, Water, (A-104F), Washington, DC 20460, 202 260-1799

RIN: 2040-AB74**3686. CLEAN WATER ACT SECTION 404 STATE PROGRAM REGULATIONS****Significance:** Regulatory Program**Legal Authority:** 33 USC 1344/CWA 404**CFR Citation:** 40 CFR 233**Legal Deadline:** None

Abstract: EPA issued revised regulations in 1988 specifying the procedures and requirements for approving and monitoring State wetlands protection programs. The regulations have been criticized for being burdensome. EPA will continue to consult with State officials while we work with the Corps of Engineers to revise the State Program Regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** State**Additional Information:** SAN No. 3198.

Agency Contact: Jeanne Melanson, Environmental Protection Agency, Water, (A-104F), Washington, DC 20460, 202 260-6073

RIN: 2040-AC02**3687. COMPARISON OF DREDGED MATERIAL TO REFERENCE SEDIMENT****Significance:** Agency Priority**Legal Authority:** 33 USC 1344 /CWA 404**CFR Citation:** 40 CFR 230**Legal Deadline:** None

Abstract: This action would revise the testing provisions of the Clean Water Act section 404(b)(1) Guidelines by providing for comparisons between dredged material proposed for discharge and reference sediment that reflects discharge site conditions had dredged material not previously been discharged at the discharge site. This action would make a technical improvement in the testing provisions and make dredged material testing more consistent with that conducted for ocean disposal of dredged material under section 103 of the Marine Protection, Research, and Sanctuaries Act, which currently employs a reference sediment approach.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| Final Action | 04/00/94 | |

Small Entities Affected: None**Government Levels Affected:** Federal

EPA—CWA

Proposed Rule Stage

Additional Information: SAN No. 3224.

Agency Contact: John Goodin,
Environmental Protection Agency,
Water, (A-104F), Washington, DC
20460, 202 260-9910

RIN: 2040-AC14

3688. REVISIONS TO OCEAN DUMPING REGULATIONS FOR DREDGED MATERIAL

Significance: Regulatory Program

Legal Authority: 33 USC 1401 et
seq/MPRSA

CFR Citation: 40 CFR 225; 40 CFR 227;
40 CFR 228

Legal Deadline: None

Abstract: This rulemaking would revise the regulations applicable to the ocean dumping of dredged material. Issuance of these regulations is necessary to respond to the decision in National Wildlife Federation vs. Costle, 629 F. 2d. 118 (DC Circuit 1980) and to incorporate program experience. The revisions will make necessary technical changes and will improve the clarity of the regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 04/00/94 | |
| Final Action | 04/00/95 | |

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAN No. 2737.

Agency Contact: Catherine Crane,
Environmental Protection Agency,
Water, (WH-556F), Washington, DC
20460, 202 260-9177

RIN: 2040-AB62

3689. SHORE PROTECTION ACT, SECTION 4103(B) REGULATIONS

Legal Authority: 33 USC 2601/Shore
Protection Act of 1988 (PL 100-6-
88),4103(b)

CFR Citation: 40 CFR 237

Legal Deadline: None

Abstract: The Administrator, in consultation with the Secretary of Transportation, is developing regulations which may include the following: (1) requiring waste sources, receiving facilities and vessels to assure that municipal or commercial waste will not be deposited into coastal waters during loading, offloading, and transport; (2) requiring the adoption by each responsible party of a manual identifying procedures to prevent, report, and clean up deposit of waste into coastal waters including

recordkeeping requirements; and (3) if the Administrator determines that tracking systems are required to assure adequate enforcement of laws preventing the deposit of waste into coastal waters, requiring installation of the appropriate systems within eighteen months after the Administrator makes that determination. Benefits resulting from regulation will be reduction of municipal and commercial waste deposited into coastal waters. This will also facilitate more effective enforcement programs to prevent such deposition.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 02/00/94 | |
| Final Action | 02/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Additional Information: SAN No. 2820.

Agency Contact: Joel Salter,
Environmental Protection Agency,
Water, (WH-556F), Washington, DC
20460, 202 260-8484

RIN: 2040-AB85

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

Clean Water Act (CWA)

3690. WATER QUALITY GUIDANCE FOR THE GREAT LAKES SYSTEM

Significance: Regulatory Program

Legal Authority: 33 USC 1251/CWA
118(c)(2)

CFR Citation: 40 CFR 132

Legal Deadline: NPRM, Statutory, June
30, 1991. NPRM, Judicial, April 16,
1993. Final, Statutory, June 30, 1992.
Final, Judicial, October 13, 1995.

Abstract: The Great Lakes are a valuable national resource, with unique environmental problems. In 1990 the Great Lakes Critical Programs Act was enacted, requiring States to adopt minimum water quality standards for the protection of the Great Lakes System. This regulation constitutes the Water Quality Guidance for the Great Lakes System required by section 118(c)(2) of the Clean Water Act (Pub. L. 92-500 as amended by the Great

Lakes Critical Programs Act of 1990, Pub. L. 101-596). This guidance specifies minimum water quality standards, antidegradation policies, and implementation procedures for the Great Lakes System to protect human health, aquatic life, and wildlife.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|-------------|
| Proposed Guidance | 04/16/93 | 58 FR 20802 |
| Final Guidance | 10/00/95 | |

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Impact Analysis

Additional Information: SAN No. 3203.

Agency Contact: James A. Hanlon,
Environmental Protection Agency,
Water, (WH-551), Washington, DC
20460, 202 260-5400

RIN: 2040-AC08

3691. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND SLUDGE MANAGEMENT STATE PROGRAM REGULATIONS FOR INDIAN TRIBES

Significance: Regulatory Program

Legal Authority: 33 USC 1342; 33 USC
1345; 33 USC 1377

CFR Citation: 40 CFR 122; 40 CFR 123;
40 CFR 124; 40 CFR 501

Legal Deadline: Final, Statutory,
August 4, 1988.

Abstract: This rule, pursuant to CWA section 518, will establish the requirements and procedures by which an Indian tribe may be treated in the same manner as a State and be approved to administer the NPDES and/or sludge management program for the purpose of CWA sections 401, 402, 405, 308, and in part, 309.

EPA—CWA

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 03/10/92 | 57 FR 8522 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2749.

Agency Contact: Laura Phillips, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 260-9522

RIN: 2040-AB70

3692. AMENDMENTS TO NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) SURFACE WATER TOXICS CONTROL PROGRAM

Significance: Regulatory Program

Legal Authority: 33 USC 1251 /CWA 304(l); 33 USC 1314 /CWA 314(a)

CFR Citation: 40 CFR 130

Legal Deadline: None

Abstract: EPA published a final rule in the Federal Register on January 4, 1989, amending 40 CFR Parts 122, 123, and 130. This regulation sets out EPA's interpretation of section 304(l) of the CWA. Section 304(l) requires states to list those waters that are adversely affected by toxic, conventional, and nonconventional pollutants. In addition, the regulation requires states to identify the point sources discharging to certain listed waters, and to prepare individual control strategies (ICSs) that will control point source discharges of toxic pollutants. On September 28, 1990, the Ninth Circuit remanded a portion of EPA's regulations. The remand requires EPA to amend its regulations to require an expanded list of point sources that impair water quality. On July 24, 1992 (57 FR 33040), EPA published a final rule requiring States to list the additional point sources. Also on July 24, 1992 (57 FR 33051), EPA published an NPRM responding to the Ninth Circuit decision reconsidering whether ICSs should be required for the expanded list of point source discharges.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/24/92 | 57 FR 33051 |
| Final Action | 05/00/94 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2748.

Agency Contact: Robert Wood, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 260-9536

RIN: 2040-AB68

3693. REVISIONS TO REGULATIONS FOR MODIFICATION OF SECONDARY TREATMENT REQUIREMENTS FOR MUNICIPAL DISCHARGES INTO MARINE WATERS

Legal Authority: 33 USC 1311(h)/CWA 301(h)

CFR Citation: 40 CFR 125 subpart G

Legal Deadline: None

Abstract: The revisions to the regulations primarily are intended to respond to statutory changes made to sec. 301(h) of the Clean Water Act (33 USC 1311(h)), which governs secondary treatment waivers for municipal discharges into marine waters. The statutory changes to be addressed include, among other things, new requirements for minimum treatment levels and additional requirements for pretreatment programs for certain waiver applicants. In addition, the Agency is considering revising the regulations to address more specifically procedures and requirements for the renewal of secondary treatment waivers. The revised regulations will affect only the limited number of municipal treatment plants which met the 1982 statutory deadline for applying for a secondary treatment waiver.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/24/91 | 56 FR 2814 |
| Final Action | 01/00/94 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: SAN No. 2587.

Agency Contact: Virginia Fox-Norse, Environmental Protection Agency,

Water, (WH-556F), Washington, DC 20460, 202 260-9129

RIN: 2040-AB29

3694. • COMBINED SEWER OVERFLOW (CSO) CONTROL POLICY

Significance: Regulatory Program

Legal Authority: 33 USC 1342/CWA 402

CFR Citation: 40 CFR 122

Legal Deadline: None

Abstract: Approximately 1100 cities nationwide have combined sewer systems that overflow resulting in discharges of raw sewage, industrial and commercial wastewaters and stormwaters. Combined Sewer Overflows (CSO's) are responsible for significant public health and water quality problems such as beach closures and shellfish bed closures. CSOs are point source discharges that are subject to the technology and water quality requirements of the Clean Water Act (CWA) and are required to be permitted under the National Pollutant Discharge Elimination System (NPDES) under Section 402 of the Clean Water Act. This CSO policy establishes a common framework and provides guidance to cities with CSOs, NPDES Authorities and water quality standards authorities on how to bring CSOs into compliance with the CWA and existing EPA regulations. Implementation of the CSO Control Policy is within the existing authorities of the Act and EPA regulations. The Policy, in part, is the result of extensive discussions and negotiations of the key stakeholders (e.g., municipal governments, environmental groups, and States).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3330.

Agency Contact: Jeff Lape, Environmental Protection Agency, Water, (WH-546), Washington, DC 20460, 202 260-7361

RIN: 2040-AC17

EPA—CWA

Final Rule Stage

3695. DEFINITION OF WETLANDS; REVISIONS TO THE FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS

Significance: Regulatory Program

Legal Authority: 33 USC 1344/CWA 404

CFR Citation: 40 CFR 110; 40 CFR 116; 40 CFR 117; 40 CFR 122; 40 CFR 230; 40 CFR 232; 40 CFR 435

Legal Deadline: None

Abstract: EPA, Army Corps of Engineers, and Soil Conservation Service proposed to incorporate portions of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands into the regulations governing the agencies' wetland protection programs. These portions reflect revisions to the manual proposed on August 4, 1991 (56 fr 40446). The final rule adopted by the agencies will be consistent with the final manual adopted by the agencies after consideration of all public comments on the manual, this proposal, and the recommendations of the National Academy of Sciences study on wetlands delineation.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/19/91 | 56 FR 65964 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 3371.

Agency Contact: Gregory E. Peck, Environmental Protection Agency, Water, (A-104F), Washington, DC 20460, 202 260-1799

RIN: 2040-AC03

3696. EXCEPTION FROM WETLANDS MITIGATION SEQUENCE FOR ALASKA

Significance: Regulatory Program

Legal Authority: 33 USC 1344/CWA 404

CFR Citation: 40 CFR 230

Legal Deadline: None

Abstract: This action would revise the Clean Water Act section 404(b)(1) Guidelines to provide an exception from the wetlands mitigation sequence (i.e., avoid, minimize, and compensate) for proposed discharges of dredged or fill material into wetlands in the State of Alaska. This rule was proposed to implement a provision of the August 1991 President's Wetlands Plan which provided for States with less than a one percent historic rate of wetlands development to satisfy permit requirements through minimization of impacts.

Timetable:

| Action | Date | FR Cite |
|-----------------|----------|-------------|
| NPRM | 11/04/92 | 57 FR 52716 |
| To Be Withdrawn | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3154.

Agency Contact: Gregory E. Peck, Environmental Protection Agency, Water, (A-104F), Washington, DC 20460, 202 260-1799

RIN: 2040-AC05

3697. REORGANIZATION AND CORRECTIONS TO LIST OF OCEAN DUMPING SITES

Significance: Regulatory Program

Legal Authority: 33 USC 1401 et seq/MPRSA

CFR Citation: 40 CFR 228.12

Legal Deadline: None

Abstract: This action is necessary to correct technical errors in the list of ocean dumping sites and to better organize the format in which ocean dumping sites are listed in the Code of Regulations. The revision would correct misprints and other technical errors, and organize the list of sites by EPA region and type of material.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/09/93 | 58 FR 32322 |
| Final Action | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2736.

Agency Contact: Susan Hitch, Environmental Protection Agency, Water, (WH-556F), Washington, DC 20460, 202 260-9178

RIN: 2040-AB63

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Completed Actions

Clean Water Act (CWA)

3698. EFFLUENT GUIDELINES AND STANDARDS FOR THE ORGANIC CHEMICALS, PLASTICS AND SYNTHETIC FIBERS CATEGORY

Significance: Regulatory Program

CFR Citation: 40 CFR 414

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 07/09/93 | 58 FR 36872 |

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: George M. Jett, 202 260-7151

RIN: 2040-AB65

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Prerule Stage

Atomic Energy Act (AEA)

3699. • CRITERIA FOR THE CERTIFICATION OF COMPLIANCE WITH 40 CFR PART 191 ENVIRONMENTAL STANDARDS FOR THE MANAGEMENT AND DISPOSAL OF SPENT NUCLEAR FUEL, HIGH-LEVEL, AND TRANSURANIC RADIOACTIVE WASTE

Legal Authority: PL 102-579 Waste Isolation Pilot Plant Land Withdrawal Act

CFR Citation: 40 CFR 194

Legal Deadline: NPRM, Statutory, October 30, 1993. Final, Statutory, October 30, 1994.

Abstract: This action will develop compliance criteria for the Waste Isolation Pilot Plant (WIPP). These criteria will be used by the Environmental Protection Agency in certifying whether or not the WIPP complies with 40 CFR part 194. These criteria will specify requirements for implementing 40 CFR part 194 and will clarify compliance - related ambiguities which may currently exist.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 10/29/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3232.

Agency Contact: Caroline Petti, Environmental Protection Agency, Air and Radiation, Office of Radiation and Indoor Air, Mail Code 6602J, Washington, DC 20460, 202 233-9211

RIN: 2060-AE30

3700. RADIATION SITE CLEANUP

Significance: Regulatory Program

Legal Authority: 42 USC 2201/AEA 161; 42 USC 2021/AEA 274; Reorganization Plan No. 3 of 1970

CFR Citation: 40 CFR 195

Legal Deadline: None

Abstract: The Agency is developing regulations that will set forth requirements for cleanup levels for sites contaminated with radionuclides. The

regulations will be designed to protect human health and the environment from exposure to ionizing radioactive material subject to the Atomic Energy Act and to sites covered under the authority of the Comprehensive Environmental Response, Compensation and Liability Act (i.e. Superfund sites), including but not limited to Federal facilities.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 10/00/93 | |
| NPRM | 08/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAN No. 2073.

Regulatory Flexibility Analysis: Undetermined.

Agency Contact: Barbara A. Hostage, Environmental Protection Agency, Air and Radiation, (6603J), Washington, DC 20460, 202 233-9237

RIN: 2060-AB31

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

Atomic Energy Act (AEA)

3701. • APPROVAL/DISAPPROVAL OF THE DEPARTMENT OF ENERGY WASTE ISOLATION PILOT PLANT TEST PHASE AND RETRIEVAL PLANS

Legal Authority: PL 102-579; Waste Isolation Pilot Plant Land Withdrawal Act

CFR Citation: 40 CFR 191

Legal Deadline: Final, Statutory, August 30, 1993.

Abstract: This action is the review of the DOE WIPP Test Phase and Retrieval Plans. The Retrieval Plan must be approved or disapproved in whole, while the Test Phase Plan may be approved/disapproved in whole or in part. The Test Phase Plan must show that all tests are directly relevant to compliance or disposal rules (40 CFR 191) or RCRA rules. The Retrieval Plan must show that DOE can satisfactorily retrieve all TRU waste that could be emplaced at WIPP if such retrieval is required.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3233.

Agency Contact: Agnes Ortiz, Environmental Protection Agency, Air and Radiation, Mail Code 6602J, 401 M Street SW., Washington, DC 20460, 202 233-9310

RIN: 2060-AE53

3702. ENVIRONMENTAL PROTECTION STANDARDS FOR LOW-LEVEL RADIOACTIVE WASTE

Significance: Regulatory Program

Legal Authority: 42 USC 2201/AEA 274; 15 USC 2625/TSCA 6(a)(6)

CFR Citation: 40 CFR 193; 40 CFR 764

Legal Deadline: None

Abstract: Under 40 CFR 193, the Agency intends to set generally

applicable standards for the management and disposal of low-level radioactive wastes under the purview of the Atomic Energy Act, as amended. Under 40 CFR 764, the Agency also intends to regulate the disposal of certain naturally occurring and accelerator-produced radioactive wastes.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| ANPRM | 08/31/83 | 48 FR 39563 |
| NPRM | 10/00/94 | |
| Final Action | 12/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: SAN No. 1727.

Agency Contact: James M. Gruhlke, Environmental Protection Agency, Air and Radiation, (6602J), Washington, DC 20460, 202 233-9310

RIN: 2060-AA04

EPA—AEA

Proposed Rule Stage

3703. FEDERAL RADIATION PROTECTION GUIDANCE FOR EXPOSURE OF THE GENERAL PUBLIC

Legal Authority: 42 USC 2021(h)/AEA 274(h)/Reorganization Plan No. 2 of 1970

CFR Citation: 3 CFR Presidential documents

Legal Deadline: None

Abstract: This action will update and replace existing Presidential guidance for all Federal agencies in the formulation of radiation standards for protection of the public from ionizing radiation that was issued in 1960.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| ANPRM | 06/18/88 | 51 FR 22264 |
| NPRM | 02/00/94 | |
| Final Action | 12/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAN No. 3321 replaces SAN No. 2073.

Agency Contact: Allan Richardson, Environmental Protection Agency, Air and Radiation, (6602J), Washington, DC 20460, 202 233-9213

RIN: 2060—AB61

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

Atomic Energy Act (AEA)

3704. ENVIRONMENTAL STANDARDS FOR THE MANAGEMENT AND DISPOSAL OF SPENT NUCLEAR FUEL, HIGH-LEVEL AND TRANSURANIC RADIOACTIVE WASTES

Significance: Regulatory Program

Legal Authority: 42 USC 2201/AEA 161 and Reorganization Plan 3 of 1970; PL 102-579 Waste Isolation Pilot Plant Land Withdrawal Act

CFR Citation: 40 CFR 191

Legal Deadline: Final, Statutory, April 30, 1993.

Abstract: In 1985, the Agency promulgated generally applicable environmental standards for the management and disposal of spent nuclear fuel, high-level and transuranic radioactive wastes. These standards applied to management and disposal of such materials generated by activities under the jurisdiction of the Department of Energy or regulated by the Nuclear Regulatory Commission. They established limits for the release of radioactive materials to the environment. In 1987, the U.S. Court

of Appeals for the First Circuit vacated and remanded Subpart b of the Standards to the Agency for revision consistent with its ruling. In PL 102-579, "The Waste Isolation Pilot Plant Land Withdrawal Act," Congress reinstated containment and assurance requirements vacated in 1987, and directed EPA to promulgate disposal regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 02/10/93 | 58 FR 7924 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAN No. 2590.

Agency Contact: Ray Clark, Environmental Protection Agency, Air and Radiation, (6602J), Washington, DC 20460, 202 233-9310

RIN: 2060—AC30

3705. GROUNDWATER PROTECTION STANDARDS FOR INACTIVE URANIUM TAILING SITES

Significance: Regulatory Program

Legal Authority: 42 USC 2022(a)/AEA 275(a)

CFR Citation: 40 CFR 192

Legal Deadline: None

Abstract: The Tenth Circuit Court of Appeals has remanded the groundwater standards at 40 CFR 192.20(a)(2) and (3). The new standards will replace these remanded standards.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/24/87 | 52 FR 36000 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAN No. 1166.

Agency Contact: Allan Richardson, Environmental Protection Agency, Air and Radiation, (6602J), Washington, DC 20460, 202 233-9213

RIN: 2060—AC03

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Completed Actions

Atomic Energy Act (AEA)

3706. TRANSURANIC ELEMENTS

CFR Citation: Not applicable

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 10/13/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Allan Richardson, 202 233-9213

RIN: 2060—AA01

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

Safe Drinking Water Act (SDWA)

3707. ANALYTICAL METHODS FOR REGULATED DRINKING WATER CONTAMINANTS

Legal Authority: 42 USC 300g-1/SDWA 1412; 42 USC 300f/SDWA 1401; 42 USC 300j-9(a)/SDWA 1450(a)

CFR Citation: 40 CFR 141

Legal Deadline: None

Abstract: The U.S. Environmental Protection Agency (EPA) approves analytical methods for analyzing regulated drinking water contaminants. Periodically, the Agency withdraws approval of outdated methods, updates older methods, and/or approves new methods. In this regulatory effort, EPA will propose to accomplish all three actions for a number of contaminants regulated under the Safe Drinking Water Act. These revisions have been evaluated and recommended for use by EPA's Office of Research and Development and by various standards setting organizations. Laboratory acceptance limits, detection limits and other method performance requirements that were specified under previous rules will not be changed in this rulemaking. This rule should decrease the cost of monitoring by broadening the number of regulated chemicals that can be measured by a method. It will also improve monitoring accuracy and precision for many regulated contaminants, since better methods would replace older ones.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAN No. 3268.

Agency Contact: Paul Berger, Environmental Protection Agency, Water, WH-550D, Washington DC 20460, 202 260-3039

RIN: 2040-AC12

3708. NATIONAL PRIMARY DRINKING WATER REGULATIONS: GROUNDWATER DISINFECTION

Significance: Regulatory Program

Legal Authority: 42 USC 300/SDWA 1412

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: NPRM, Judicial, August 1994. Final, Judicial, August 1996.

Abstract: EPA will propose that all public water systems using groundwater use disinfection treatment processes, unless they have a natural disinfection or meet specified variance criteria.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 08/00/94 | |
| Final Action | 08/00/96 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2340.

Agency Contact: Tom Grubbs, Environmental Protection Agency, Water, (WH-550D), Washington, DC 20460, 202 260-7270

RIN: 2040-AA97

3709. NATIONAL PRIMARY DRINKING WATER REGULATIONS: ARSENIC

Legal Authority: 42 USC 300/SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: NPRM, Judicial, September 1994. Final, Judicial, September 1996.

Abstract: This rule will set an MCLG and revised NPDWR for arsenic in drinking water, pursuant to the SDWA amendments of 1986. The SDWA requires EPA to promulgate national primary drinking water regulations for 83 specific contaminants of which arsenic is one. The SDWA directs EPA to promulgate MCLGs at a level at which, in the Administrator's judgment, "no known or anticipated adverse effects on the health of persons occur and which allows for an adequate margin of safety." MCLs are the federally enforceable standards and are set as close to the MCLGs as is feasible, taking costs into consideration.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2807.

Agency Contact: Heather Shank-Givens, Environmental Protection Agency, Water, (WH-550D), Washington, DC 20460, 202 260-0063

RIN: 2040-AB75

3710. NATIONAL PRIMARY DRINKING WATER REGULATIONS: 25 CONTAMINANTS FROM DRINKING WATER PRIORITY LIST (PHASE VI)

Significance: Regulatory Program

Legal Authority: 42 USC 300/SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: NPRM, Statutory, January 1, 1990. NPRM, Judicial, June 30, 1993. Final, Statutory, January 1, 1991.

Abstract: EPA is scheduled to propose MCLGs and NPDWRs for 25 contaminants from the Drinking Water Priority List, as required by the SDWA of 1986. The SDWA requires regulation of at least 25 contaminants, which are known or anticipated to occur in public water systems, every three years starting in 1991. The SDWA directs EPA to promulgate MCLGs at a level at which, in the Administrator's judgment, "no known or anticipated adverse effects occur and which allows for an adequate margin of safety." MCLs are federally enforceable standards and are set as close to the MCLGs as is feasible, taking costs into consideration. The 25 contaminants come from two groups of contaminants: disinfection by-products (Phase VI A) and organic and inorganic chemicals (Phase VI B). The disinfection by-products portion of this rule is currently undergoing regulatory negotiation.

Timetable:

| Action | Date | FR Cite |
|---------------------------|----------|---------|
| NPRM | 03/00/94 | |
| Final Action | 12/00/96 | |
| ICR | | |
| NPRM | 12/00/93 | |
| Final Action | 06/00/94 | |
| Phase VIA, VIB, and ESWTR | | |
| NPRM | 00/00/00 | |

EPA—SDWA

Proposed Rule Stage

Phase VIA, VIB, ESWTR
Final Action 00/00/00

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2772.

David Huber (Phase VI B)(inorganic and organic chemicals) Environmental Protection Agency Office of Water, (WH-550D), Washington, DC 20460, 202-260-9566

Stig Regli (Phase VI A)(disinfection byproducts), (Enhanced Surface Water Treatment Rule) (Information Collection Rule) Environmental Protection Agency, Office of Water, (WH-550D), Washington, D.C.

Agency Contact: See Additional Information, Environmental Protection Agency, Water, Washington, DC 20460, 202 260-9566

RIN: 2040-AB82

3711. NATIONAL PRIMARY DRINKING WATER REGULATIONS: SULFATE

Significance: Regulatory Program

Legal Authority: 42 USC 300SDWA 1412

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: NPRM, Judicial, October 29, 1993. Final, Judicial, December 19, 1994.

Abstract: The rule sets an MCLG and NPDWR for sulfate as Specified in the Safe Drinking Water Act. The contaminant was deferred from the Phase V regulation in order to allow the Agency time to focus on implementation issues arising from the proposal concerning the risk of sulfate in drinking water to specific subpopulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3176.

This action was split from RIN 2040-AB11.

Agency Contact: Nena Shaw, Environmental Protection Agency, Water, WH 550D, Washington, DC, 20460, 202 260-5555

RIN: 2040-AC07

3712. NATIONAL PRIMARY DRINKING WATER STANDARDS (NPDWRS) FOR ALDICARB

Legal Authority: 42 USC 300/SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: None

The effective date for aldicarb (Jan 1, 1993) has been stayed as of May 8, 1992.

Abstract: EPA is planning to repropose the NPDWRs for aldicarb, aldicarb sulfoxide and aldicarb sulfone. EPA decided to repropose these standards after new health data were submitted to the Agency and the Agency completed a revised risk assessment.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3238.

Agency Contact: Heather L. Shank-Givens, Environmental Protection Agency, Water, WH-550D, Washington, DC 20460, 202 260-0063

RIN: 2040-AC13

3713. DRINKING WATER PRIMACY WITHDRAWAL REGULATION

Legal Authority: 42 USC 300/SDWA 1413

CFR Citation: 40 CFR 142

Legal Deadline: None

Abstract: EPA will propose revisions to the regulatory language which concerns EPA's initiation of proceedings that could result in withdrawal of State primary enforcement responsibility for the Public Water System Supervision Program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|--------------|----------|--|
| NPRM Comment | 12/00/93 | |
|--------------|----------|--|

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| Period End | | |
|------------|--|--|

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|--------------|----------|--|
| Final Action | 04/00/94 | |
|--------------|----------|--|

| | | |
|------------------------|----------|--|
| Final Action Effective | 05/00/94 | |
|------------------------|----------|--|

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAN No. 3359.

Agency Contact: Jeff Cohen, Drinking Water Branch, Environmental Protection Agency, Water, WH-550E, 202 260-5456

RIN: 2040-AC19

3714. OSAGE MINERAL RESERVE UNDERGROUND INJECTION CONTROL PROGRAM (REVISION)

Legal Authority: 42 USC 300f/SDWA 1421 to 1425

CFR Citation: 40 CFR 147

Legal Deadline: None

Abstract: The Safe Drinking Water Act (SDWA) requires EPA to develop regulations for the protection of underground sources of drinking water from contamination by injection wells. EPA is proposing amendments to its Underground Injection Control (UIC) program regulations for the Osage Mineral Reserve in Oklahoma (40 CFR 147 Subpart GGG) to allow the Regional Administrator flexibility to waive certain technical requirements for temporary abandoned wells and to designate a portion of the Happy Hollow and Z-Sand aquifers in Western Osage County, Oklahoma as exempted aquifers. The proposed changes will provide the Regional Administrator with the same flexibility that presently exists in the generic Federal regulations (40 CFR 144.28(c)(2)(iv) and 144.52(a)(6)) to waive certain technical requirements applicable to active injection wells upon a demonstration by the owner or operator that the well will not endanger underground sources of drinking water during the period of temporary abandonment.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 07/01/94 | |
| Final Action | 07/01/95 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 2765.

EPA—SDWA

Proposed Rule Stage

Agency Contact: Jeffrey B. Smith,
Environmental Protection Agency,
Water, (WH-550G), Washington, DC
20460, 202 260-5586

RIN: 2040-AB76

**3715. REVISIONS TO SDWA;
UNDERGROUND INJECTION
CONTROL PROGRAM REGULATIONS
FOR CLASS II (OIL AND GAS
RELATED WELLS)**

Legal Authority: 42 USC 300f/SDWA
1421 to 1425

CFR Citation: 40 CFR 144; 40 CFR 146

Legal Deadline: None

Abstract: Part C of the SDWA directs EPA to develop regulations for the protection of underground sources of drinking water from contamination by injection wells. The greatest number of injection wells are Class II (oil and gas related) wells operated by the petroleum industry for disposal of produced brines and enhanced recovery projects. EPA is considering proposing standards for all newly constructed or converted (from production operations) Class II injection wells. These standards may establish new or incremental performance criteria to ensure protection of underground sources of drinking water (USDWs).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| Final Action | 01/00/95 | |

Small Entities Affected: Businesses,
Governmental Jurisdictions

Government Levels Affected: State,
Federal

Sectors Affected: 131 Crude Petroleum
and Natural Gas; 132 Natural Gas
Liquids; 138 Oil and Gas Field Services

Analysis: Regulatory Impact Analysis;
Regulatory Flexibility Analysis

Additional Information: SAN No. 2784.

Agency Contact: Jeffrey Smith,
Environmental Protection Agency,
Water, (WH-550G), Washington, DC
20460, 202 260-5586

RIN: 2040-AB77

**3716. MANAGEMENT OF CLASS V
INJECTION WELLS UNDER PART C
OF THE SAFE DRINKING WATER ACT**

Significance: Regulatory Program

Legal Authority: 42 USC 300f/SDWA
1421 to 1425

CFR Citation: 40 CFR 144; 40 CFR 145;
40 CFR 146

Legal Deadline: None

Abstract: The SDWA requires EPA to develop regulations for the protection of underground sources of drinking water from contamination by injection wells. Previously promulgated regulations specified minimum standards and technical requirements for Class I-IV wells. Class V wells, including certain septic systems and a

variety of drainage wells, are the subject of this action. EPA intends to establish a regulatory framework for the management of these wells that will protect against contamination of groundwater while recognizing the difficulties of this diverse well class. Development of any regulatory program will focus on providing maximum flexibility to State, sub-state, and local entities. EPA will characterize risks associated with various Class V injection wells since data are unavailable for risk assessments on an individual subcategory basis.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 12/00/94 | |

Small Entities Affected: Businesses,
Governmental Jurisdictions

Government Levels Affected: Local,
State, Federal

Analysis: Regulatory Impact Analysis;
Regulatory Flexibility Analysis

Additional Information: SAN No. 2778.

Agency Contact: Francoise Brasier,
Environmental Protection Agency,
Water, (WH-550G), Washington, DC
20460, 202 260-7077

RIN: 2040-AB83

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

Safe Drinking Water Act (SDWA)

**3717. INDIAN RULE FOR THE
WELLHEAD PROTECTION PROGRAM
AND SOLE SOURCE AQUIFER
DEMONSTRATION PROGRAM**

Significance: Regulatory Program

Legal Authority: 42 USC 300j-
11/SDWA 1451

CFR Citation: 40 CFR 35

Legal Deadline: Final, Statutory,
December 19, 1987.

Abstract: The Safe Drinking Water Act Amendments of 1986 authorize the EPA Administrator to treat Indian tribes as States, where appropriate. The Indian rule for the Wellhead Protection and Sole Source Aquifer Demonstration Programs will allow eligible Indian tribes to apply for and receive grants

under these two programs, in the same manner as States.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/09/87 | 52 FR 46712 |
| Final Action | 09/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local,
Federal

Additional Information: SAN No. 2440.

Agency Contact: Jane Marshall,
Environmental Protection Agency,
Water, (WH-550G), Washington, DC
20460, 202 260-8897

RIN: 2040-AB18

**3718. REVISIONS TO THE SAFE
DRINKING WATER ACT'S
UNDERGROUND INJECTION
CONTROL (UIC) REGULATIONS**

Legal Authority: 42 USC 300j-4/SDWA
1445; 42 USC 300h-1/SDWA 1422

CFR Citation: 40 CFR 144; 40 CFR 146

Legal Deadline: None

Abstract: These amendments to the UIC Program clarify the intent of the regulations covering authorization-by-rule requirements at 40 CFR Part 144, Subpart C. These new provisions will clarify how existing injection wells become authorized by rule and when injection is prohibited for failure to comply with authorization-by-rule requirements. EPA has proposed

EPA—SDWA

Final Rule Stage

amendments to the noncompliance and program reporting requirements at 40 CFR 144.8; to the mechanical integrity requirements at 40 CFR 144.28(f) and 144.51(p). Finally, a new regulation will codify SDWA 1445(a)(1) as it applies to the UIC program.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/28/90 | 55 FR 26464 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAN No. 2426.

Agency Contact: Francoise Brasier, Environmental Protection Agency, Water, (WH-550G), Washington, DC 20460, 202 260-7077

RIN: 2040-AB27

3719. NATIONAL PRIMARY DRINKING WATER REGULATION: RADIONUCLIDES

Significance: Regulatory Program

Legal Authority: 42 USC 300/SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: NPRM, Judicial, June 15, 1991. Final, Statutory, June 19, 1989. Final, Judicial, October 1, 1993.

Abstract: EPA has proposed Maximum Contaminant Levels Goals (MCLGs) and Primary Drinking Water Standards for radionuclides in drinking water. These radionuclides include radium, uranium, radon, total alpha, and beta particle and photon emitters (see RIN 2040-AB90, SAN No. 2782).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| ANPRM | 09/30/86 | 51 FR 34838 |
| NPRM | 07/18/91 | 56 FR 33050 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2281.

Agency Contact: Tim Gill, Environmental Protection Agency, Water, (WH-550D), Washington, DC 20460, 202 260-8049

RIN: 2040-AA94

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Completed Actions

Safe Drinking Water Act (SDWA)

3720. REVISION OF ANALYTICAL METHODS FOR TRIHALOMETHANES UNDER THE SDWA

CFR Citation: 40 CFR 141

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 08/03/93 | 58 FR 41344 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Berger, 202 260-3039

RIN: 2040-AB87

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

Noise Control Act (NCA)

3721. WITHDRAWAL OF PRODUCTS FROM THE AGENCY'S REPORTS IDENTIFYING MAJOR NOISE SOURCES AND WITHDRAWAL OF PROPOSED RULES

Legal Authority: 42 USC 4904(b)(1)/NCA 5(b)(1); 42 USC 4905(a)(1)/NCA 6(a)(1)

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This action proposes to withdraw certain products from the Agency's report identifying major noise sources issued under authority of

Section 5(b)(1) of the Noise Control Act of 1972. These products are: Truck Transport Refrigeration Units, Power Lawn Mowers, Pavement Breakers, Rock Drills, Wheel and Crawler Tractors and Buses. This action also proposes to withdraw proposed noise regulations for Wheel and Crawler Tractors, and Buses, issued under the authority of Section 6(a)(1) of the Act.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/01/82 | 47 FR 54108 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAN No. 2046.

No CFR parts pertain. This action withdraws proposals which were not codified.

Agency Contact: Ken Feith, Environmental Protection Agency, Air and Radiation, (ANR-443), Washington, DC 20460, 202 260-4998

RIN: 2060-AB24

ENVIRONMENTAL PROTECTION AGENCY (EPA)
Resource Conservation and Recovery Act (RCRA)

Prerule Stage

3722. MODIFICATIONS TO THE DEFINITION OF SOLID WASTE AND REGULATIONS OF HAZARDOUS WASTE RECYCLING: GENERAL

Significance: Regulatory Program

Legal Authority: 42 USC 6905/RCRA 1004; 42 USC 6921 to 6928/RCRA 3001 to 3008

CFR Citation: 40 CFR 261; 40 CFR 266

Legal Deadline: None

Abstract: This rulemaking will propose to modify the current regulatory framework to improve the implementation of the regulations that define a solid waste and the regulations governing the recycling of hazardous wastes.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 00/00/00 | |
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 2872.

NOTE: EPA has not yet identified what the next action will be. An ANPRM may be issued, or regulatory changes may be proposed, or both.

Agency Contact: Mitch Kidwell, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 260-8551

RIN: 2050-AD18

3723. GUIDELINE FOR FEDERAL PROCUREMENT OF PLASTIC PIPE PRODUCTS

Legal Authority: 42 USC 6912(a)RCRA 6002

CFR Citation: 40 CFR 248

Legal Deadline: None

Abstract: RCRA Section 6002(e) requires EPA to prepare guidelines for use by procuring agencies in complying with the requirements of section 6002. The guidelines must first designate items that are or can be produced with recovered materials for which a federal procurement guideline is appropriate. Second, the guidelines must provide product information concerning the availability and performance of products produced with recovered materials. Third, the guidelines are to set forth recommended procurement practices to aid procuring agencies in complying with section 6002. After the date specified in an applicable guideline, section 6002(c) requires each

procuring agency which procures any item designated in a guideline to procure the item composed of the highest percentage of recovered materials practicable except in statutorily specified circumstances. To date, EPA has issued five procurement guidelines. This action would designate plastic pipe products for which the procurement requirement of RCRA section 6002 apply.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 03/00/94 | |
| NPRM | 06/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is a statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

Additional Information: SAN No. 3180.

Agency Contact: Dana Arnold, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-301), Washington, DC 20460, 202 260-8518

RIN: 2050-AD74

ENVIRONMENTAL PROTECTION AGENCY (EPA)
Resource Conservation and Recovery Act (RCRA)

Proposed Rule Stage

3724. LAND DISPOSAL RESTRICTIONS—PHASE III: WASTES GOING TO CLEAN WATER ACT AND SAFE DRINKING WATER ACT SYSTEMS WHOSE TREATMENT STANDARDS WERE REMANDED

Significance: Regulatory Program

Legal Authority: 42 USC 6901/RCRA 3004(m)

CFR Citation: 40 CFR 268

Legal Deadline: Final, Judicial, December 1995.

Abstract: EPA will be proposing a rule replacing those remanded pursuant to the September 25, 1992 decision of the U.S. Court of Appeals in Chemical Waste Management v. EPA, 976 F. 2d (D.C. Cir. 1992). The underlying rule at issue was signed on May 8, 1990, and published on June 1, 1990 (55 FR 22520). The proposed rule will establish treatment standards for

characteristic wastes primarily managed in land-based wastewater treatment systems whose ultimate discharge is regulated under the Clean Water Act and are disposed in Class I injection wells under the Safe Drinking Water Act.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| ANPRM | 10/24/91 | 56 FR 55160 |
| NPRM | 12/00/94 | |
| Final Action | 12/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAN No. 2936.

Agency Contact: Peggy Fitzgerald, Environmental Protection Agency, Solid Waste and Emergency Response,

(OS-322W), Washington, DC 20460, 703 308-8594

RIN: 2050-AD38

3725. CAUSES FOR PERMIT MODIFICATIONS TO HAZARDOUS WASTE MANAGEMENT FACILITIES

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912/RCRA 2002; 42 USC 6924/RCRA 3004; 42 USC 6925/RCRA 3005; 42 USC 6927/RCRA 3007; 42 USC 6974

CFR Citation: 40 CFR 270.41

Legal Deadline: None

Abstract: This amendment would allow EPA to modify a permit to correct an inadvertent omission of an applicable requirement under RCRA which is in effect prior to the date of permit issuance. The permit correction would follow the modification procedures in 40 CFR 124. Citizens

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Proposed Rule Stage

would be able to request such a correction using existing procedures in 40 CFR 124.5.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| Final Action | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2780.

Agency Contact: Wayne Roepe, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8630

RIN: 2050-AD05

3726. HAZARDOUS WASTE MANAGEMENT SYSTEM: POST-CLOSURE REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6924/RCRA 3004; 42 USC 6925/RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 270

Legal Deadline: None

Abstract: This rule would modify the regulations to expand and improve the mechanisms available for addressing post-closure care at hazardous waste land disposal facilities. It would allow substitution of enforcement mechanisms for post-closure permits in some cases, while still retaining the permit as an option to address these facilities.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Economic Impact Analysis

Additional Information: SAN No. 3042.

Agency Contact: Barbara Foster, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-7057

RIN: 2050-AD55

3727. REVISIONS TO INTERIM STATUS GROUNDWATER MONITORING REQUIREMENTS FOR NEWLY REGULATED LAND DISPOSAL FACILITIES

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6924/RCRA 3004; 42 USC 6921/RCRA 3001; 42 USC 6925/RCRA 3005; 42 USC 6935/RCRA 3015

CFR Citation: 40 CFR 265; 40 CFR 270

Legal Deadline: None

Abstract: This rule would propose to amend the groundwater monitoring requirements for interim status land disposal facilities handling hazardous waste under RCRA Subtitle C. This rule would clarify and revise the timing of certain monitoring requirements and would revise the groundwater monitoring certification requirement. The Agency is aware of confusion regarding the timing of aspects of the groundwater monitoring requirements and seeks to amend sections 265.90, 265.91, 265.93, and 270.14 to clarify these requirements.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3053.

Agency Contact: Hugh R. Davis, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8633

RIN: 2050-AD56

3728. LISTING DETERMINATION FOR HAZARDOUS WASTES - ORGANOBROMIDES CHEMICAL INDUSTRY

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6922/RCRA 3001; 42 USC 9602/CERCLA 102; 33 USC 1361/CERCLA 311; 33 USC 1321/CERCLA 501

CFR Citation: 40 CFR 261; 40 CFR 271; 40 CFR 302

Legal Deadline: NPRM, Judicial, January 30, 1994. Final, Judicial, January 30, 1995.

Abstract: This action will propose to list or not to list as hazardous wastes under RCRA those wastes generated

during the production of organobromine compounds. The Agency will use the opportunity to investigate waste minimization options.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| Final Action | 01/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3065.

Agency Contact: Edwin Rissmann, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-333), Washington, DC 20460, 202 260-4785

RIN: 2050-AD79

3729. SPENT SOLVENTS LISTING DETERMINATION (SOLVENTS III)

Legal Authority: 42 USC 6905/RCRA 1005; 42 USC 6912/RCRA 2002; 42 USC 6921/RCRA 3001; 42 USC 6922/RCRA 3002; 42 USC 6926/RCRA 3006; 42 USC 9602/RCRA 6002; 33 USC 1361/FWPCA 1361; 33 USC 1321/FWPCA 1321

CFR Citation: 40 CFR 261; 40 CFR 271; 40 CFR 302

Legal Deadline: NPRM, Judicial, April 30, 1994. Final, Statutory, February 8, 1986. Final, Judicial, June 30, 1995.

Abstract: This action will propose to list or not list as hazardous wastes under RCRA 10 spent solvents and/or still bottoms from their recovery. The solvents are Cumene, Phenol, Isophorone, Acetonitrile, Furfural, Epichlorohydrin, Methyl Chloride, Ethylene Dibromide, Benzyl Chloride, and P-Dichlorobenzene. Any solvents listed will be added to the CERCLA list of hazardous substances with reportable quantities.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 04/00/94 | |
| Final Action | 06/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3134.

Agency Contact: Ron Josephson, Environmental Protection Agency, Solid Waste and Emergency Response,

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Proposed Rule Stage

(OS-333), Washington, DC 20460, 202 260-4770

RIN: 2050-AD84

3730. CHLORINATED ALIPHATICS LISTING DETERMINATION

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6922/RCRA 3001; 42 USC 9602/CERCLA 102; 33 USC 1361/FWPCA 311; 33 USC 1321/FWPCA 501

CFR Citation: 40 CFR 261; 40 CFR 271; 40 CFR 302

Legal Deadline: NPRM, Judicial, December 31, 1994. Final, Judicial, October 31, 1995.

Abstract: This action will propose to list or not to list as hazardous wastes under RCRA wastewaters and wastewater treatment sludges from the production of approximately 25 chlorinated aliphatics. These wastes, if identified as hazardous under RCRA, will be designated hazardous substances under CERCLA, with reportable quantities established. The Agency will use this opportunity to investigate waste minimization possibilities.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/94 | |
| Final Action | 10/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 3151.

Agency Contact: Wanda Levine, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-333), Washington, DC 20460, 202 260-7458

RIN: 2050-AD85

3731. SUBTITLE D CORPORATE FINANCIAL TEST AND GUARANTEE

Significance: Agency Priority

Legal Authority: 42 USC 6907/RCRA 1007; 42 USC 6944/RCRA 4004; 42 USC 6949/RCRA 4009

CFR Citation: 40 CFR 258

Legal Deadline: None

Abstract: This rule would allow financially strong corporate entities that own/operate municipal solid waste landfills the option of using a financial test or guarantee to demonstrate

financial assurance for costs associated with closure, post-closure, and corrective action of known releases.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3179.

Agency Contact: Ed Coe, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8624

RIN: 2050-AD77

3732. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: HAZARDOUS WASTE IDENTIFICATION RULE

Significance: Regulatory Program

Legal Authority: 42 USC 6921/3001; 42 USC 6905; 42 USC 6912(a); 42 USC 6922

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 270; 40 CFR 271; 40 CFR 302

Legal Deadline: Final, Judicial, October 1994.

Abstract: This action will make modifications to the "mixture" and "derived from" rules. These two rules address when hazardous wastes that are mixed with other wastes, media, or are otherwise managed after generation can be determined to be no longer be hazardous. EPA intends to promulgate revisions to such "mixture" and "derived from" rules between October 1993 and October 1994.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| NPRM | 05/20/92 | 57 FR 21450 |
| NPRM withdrawn | 10/30/92 | 57 FR 49280 |
| Reproposal of NPRM | 01/00/94 | |
| Final Action | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2482.

Agency Contact: William Collins, Environmental Protection Agency, Solid Waste and Emergency Response,

(OS-333), Washington, DC 20460, 202 260-4791

RIN: 2050-AC25

3733. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: CARBAMATE CHEMICALS PRODUCTION WASTES

Legal Authority: 42 USC 6912(a)/RCRA 3001; 42 USC 6921; 42 USC 9602(a); 42 USC 6905; 42 USC 6922

CFR Citation: 40 CFR 261; 40 CFR 271; 40 CFR 302

Legal Deadline: NPRM, Judicial, December 31, 1993. Final, Statutory, February 8, 1986. Final, Judicial, January 31, 1995.

Abstract: Section 3001(e) of RCRA requires EPA to make a determination of whether or not to list carbamate wastes as hazardous wastes. Carbamate chemical production includes all carbamates, carbamoyl oxime, thiocarbamate and dithiocarbamate chemicals for all end uses, including but not limited to: intermediates, herbicides, insecticides, fungicides or rubber processing additives. Carbamate production also includes intermediate compounds used primarily as inputs to carbamate processes. These wastes may also be designated as hazardous substances under CERCLA.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 01/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAN No. 3033.

Agency Contact: John Austin, Environmental Protection Agency, Solid Waste and Emergency Response, OS-333, Washington, DC 20460, 202 260-4789

RIN: 2050-AD59

3734. REMOVAL OF PENTACHLOROPHENOL FROM F027; RESTORE IT AS U242; CHANGE TOXICITY DESIGNATION OF F021; AND CLARIFY BASIS FOR LISTING CRITERIA

Legal Authority: 42 USC 6921/RCRA 3001

EPA-RCRA

Proposed Rule Stage

CFR Citation: 40 CFR 261; 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 271; 40 CFR 302

Legal Deadline: None

Abstract: The Agency is proposing to amend the regulations for hazardous waste management under RCRA by amending the basis for listing a hazardous waste (i.e.; pentachlorophenol production wastes) under 40 CFR 261.31. The Agency is also proposing to amend one hazardous waste (i.e., delete part of FO27 - discarded unused formulations of pentachlorophenol and compounds derived from pentachlorophenol) listed in 40 CFR 261.33 and to add one waste (i.e., U242 - pentachlorophenol) to the list of hazardous wastes in 40 CFR 261. FO21 and U242 would no longer be subject to management standards for acute hazardous wastes. Lastly, the Agency is proposing to clarify the criteria used in 40 CFR 261.11 for listing solid wastes as hazardous. This rule proposes less stringent hazardous waste management standards for FO21 and discarded unused portions containing pentachlorophenol.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3178.

Agency Contact: Anthony Carrell, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-323), Washington, DC 20460, 202 260-6607

RIN: 2050-AD78

3735. LISTING DETERMINATION OF WASTES GENERATED DURING THE MANUFACTURE OF TRIARYLMETHANE DYES AND PIGMENTS

Legal Authority: 42 USC 6921/RCRA 3001

CFR Citation: 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 271; 40 CFR 302

Legal Deadline: NPRM, Judicial, December 31, 1996. Final, Judicial, December 31, 1997.

Abstract: This action will propose the Agency's determination whether or not to list as hazardous wastes under RCRA

wastes generated during the production of Triarylmethane Dyes and Pigments. The Agency is considering several alternatives to listing, specifically management standards, pollution prevention, waste minimization, recycling, reclamation, process changes, and substitution of starting materials.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/96 | |
| Final Action | 12/00/97 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 3066.

Agency Contact: Edwin F. Rissmann, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-323), Washington, DC 20460, 202 260-4785

RIN: 2050-AD80

3736. LISTING DETERMINATION OF ANTHRAQUINONE DYE AND PIGMENT WASTES

Legal Authority: 42 USC 6921/RCRA 3001

CFR Citation: 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 271; 40 CFR 302

Legal Deadline: NPRM, Judicial, September 30, 1994. Final, Judicial, September 30, 1995.

Abstract: This action will propose the Agency's determination whether or not to list as hazardous wastes under RCRA wastes generated during the production of Anthraquinone dyes and pigments. The Agency is considering alternatives to listing, specifically management standards, pollution prevention, waste minimization, recycling, reclamation, process changes, and substitution of starting materials.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 09/00/94 | |
| Final Action | 09/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3068.

Agency Contact: Edwin F. Rissmann, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-323), Washington, DC 20460, 202 260-4785

RIN: 2050-AD81

3737. LISTING DETERMINATION FOR AZO/BENZIDINE DYES AND PIGMENT WASTES

Legal Authority: 42 USC 6921/RCRA 3001

CFR Citation: 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 271; 40 CFR 302

Legal Deadline: NPRM, Judicial, March 31, 1994. Final, Judicial, March 31, 1995.

Abstract: This action will propose to list or not to list as hazardous waste under RCRA wastes generated from the production of Azo/benzidine dye and pigments. The Agency is considering alternatives to listing, specifically management standards, pollution prevention, waste minimization, recycling, reclamation, process changes, and substitution of starting materials.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 03/00/94 | |
| Final Action | 03/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3069.

Agency Contact: Edwin F. Rissmann, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-323), Washington, DC 20460, 202 260-4785

RIN: 2050-AD82

3738. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: PETROLEUM REFINING PROCESS WASTES

Legal Authority: 42 USC 6921/RCRA 3001

CFR Citation: 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 271; 40 CFR 302

Legal Deadline: NPRM, Judicial, August 31, 1995. Final, Judicial, October 31, 1996.

Abstract: This action will propose to list or not to list as hazardous wastes under RCRA, these waste streams from the petroleum refining process: 1) clarified slurry oil from catalytic cracking, 2) crude storage tank sludge, 3) spent hydrotreating catalyst, 4) sulfur complex and hydrogen sulfide removal specification product and fines, 5) spent catalytics reforming catalysts, 6) unleaded storage tank sludge, 7) spent hydrorefining sludge, 8) spent catalyst

EPA—RCRA

Proposed Rule Stage

and fines from catalytic cracking, 9) spent catalyst from sulfur complex and hydrogen sulfide removal facilities, 10) spent caustic from liquid treating, 11) spent catalyst from sulfuric acid alkylation, 12) sludge from hydrofluoric alkylation, 13) sludge from sulfuric acid alkylation. The Agency is considering alternatives to listing including management standards based on pollution prevention, recycling, reclamation, or feedstock to other manufacturing processes. This action will also adjust the reportable quantities for waste streams F037 and (cont)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 08/00/95 | |
| Final Action | 10/00/96 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAN No. 3064.

ABSTRACT CONT: F038 (sludges from petroleum separation processes) under CERCLA as amended. Depending on the number of listed wastes and their generation quantities, the costs of this action could be very significant.

Agency Contact: Maximo Diaz, Jr., Environmental Protection Agency, Solid Waste and Emergency Response, (OS-333), Washington, DC 20460, 202 260-4786

RIN: 2050-AD88

3739. RCRA FEES: HANDLER NOTIFICATIONS AND WASTE EXPORT NOTIFICATIONS

Legal Authority: Independent Offices Appropriations Act of 1951

CFR Citation: 40 CFR 262; 40 CFR 263; 40 CFR 265

Legal Deadline: None

Abstract: The Omnibus Budget and Reconciliation Act requires EPA to raise \$38 million annually in user fees as part of an overall Federal deficit reduction program. To help achieve this level, EPA will use the authority of the Independent Offices Appropriations Act of 1951 to propose fees for RCRA Handler Notifications, Waste Export Notifications, and permit fees for EPA-issued RCRA permits.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 08/00/94 | |
| Final Action | 08/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3211.

Agency Contact: Carol Terris, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-305), Washington, DC 20460, 202 260-1455

RIN: 2050-AD92

3740. EXCLUSION OF FLUORESCENT LAMPS FROM THE HAZARDOUS WASTE MANAGEMENT SYSTEM

Legal Authority: 42 USC 6905; 42 USC 6912; 42 USC 6921; 42 USC 6922; 42 USC 6938

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: This action is deregulatory. Used fluorescent lamps often test hazardous under the Toxicity Characteristic because of their mercury content. However, available information indicates that these lamps may not create an environmental problem when disposed in municipal landfills or sent to mercury reclamation facilities. In addition, there are substantial environmental benefits from using fluorescent lamps, primarily due to energy savings. Therefore, the Agency is considering options for exempting fluorescent lamps from Toxicity Characteristic and options for reducing Subtitle C requirements by including lamps in the "Universal Waste" rule.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3237.

Agency Contact: Valerie Wilson, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-333), Washington, DC 20460, 202 260-4678

RIN: 2050-AD93

3741. PUBLIC PARTICIPATION AND PERMITTING PROCEDURES UNDER RCRA

Significance: Regulatory Program

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912/RCRA 2002; 42 USC 6924/RCRA 3004; 42 USC 6925/RCRA 3005; 42 USC 6927/RCRA 3007; 42 USC 6974

CFR Citation: 40 CFR 270.41; 40 CFR 270.42; 40 CFR 270.10

Legal Deadline: None

Abstract: The Draft Strategy for Combustion of Hazardous Wastes commits EPA to a rulemaking to provide for expanded public involvement during RCRA permitting, particularly for combustion units. This amendment may consider revisions to the public commenting procedures, including at different points in the permitting process, and when trial burn plans and risk assessments are developed for combustion units. Second, the regulations concerning permit modifications may be revised to incorporate more flexibility in classifying changes. Third, the permit appeal procedures may be amended for situations where a permit has been denied, yet the facility is still operating.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| Final Action | 10/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3315.

Agency Contact: Wayne Roepe, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8630

RIN: 2050-AD97

3742. REVISED TECHNICAL STANDARDS FOR HAZARDOUS WASTE COMBUSTION FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC /RCRA 3004(a)(q); RCRA 3005(a)

CFR Citation: 40 CFR 264, subpart O; 40 CFR 266, subpart H; 40 CFR 266, app I-X

Legal Deadline: None

Abstract: The Draft Strategy for Combustion Hazardous Waste commits

EPA—RCRA

Proposed Rule Stage

EPA to upgrade its technical standards for burning hazardous waste in incinerators, boilers and industrial furnaces. These standards would be applicable during the construction and operation of these combustion facilities.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/95 | |
| Final Action | 06/00/96 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAN No. 3333.

Agency Contact: Robert Holloway, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322W), Washington, DC 20460, 703 308-8604

RIN: 2050—AE01

3743. • LAND DISPOSAL RESTRICTIONS—PHASE IV: RULEMAKING ON NEWLY IDENTIFIED WASTES AND CERTAIN MINERAL PROCESSING WASTES

Legal Authority: 42 USC 6905, 6912(a), 6921, 6924

CFR Citation: 40 CFR 268

Legal Deadline: NPRM, Judicial, June 1995. Final, Judicial, June 1996.

Abstract: The Hazardous and Solid Waste Amendments of 1984 require EPA to promulgate regulations establishing treatment standards that must be met before hazardous waste may be disposed of on land. The proposed rulemaking establishes treatment standards for certain characteristic mineral processing wastes, spent aluminum potliners, wood preserving wastes, and TC metals.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| ANPRM | 10/24/91 | 56 FR 55160 |
| NPRM | 06/00/95 | |
| Final Action | 06/00/96 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 3336.

Agency Contact: Peggy Fitzgerald, Environmental Protection Agency,

Solid Waste and Emergency Response, (OS-322W), Washington, DC 20460, 703 308-8594

RIN: 2050—AE05

3744. LOCATION STANDARDS FOR HAZARDOUS WASTE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6912/RCRA 2002; 42 USC 6924(o)(7)/RCRA 3004(o)(7)

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 270

Legal Deadline: None

Abstract: Section 3004(o)(7) of RCRA authorizes EPA to restrict the siting of hazardous waste treatment, storage, and disposal facilities in environmentally sensitive locations. EPA's goal for the location standards is to ensure siting of new hazardous waste treatment, storage and disposal facilities in the most suitable locations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2303.

Agency Contact: Felicia Wright, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-5303W), Washington, DC 20460, 703 308-8634

RIN: 2050—AB42

3745. CORRECTIVE ACTION FOR RELEASES TO GROUNDWATER FROM REGULATED HAZARDOUS WASTE UNITS

Legal Authority: 42 USC 6924/RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: This action would amend the technical and procedural requirements for conducting corrective action to clean up significant releases to groundwater from regulated hazardous waste units at operating, closed, or closing RCRA facilities. The regulations would amend the structure of the

program and the requirements for implementing remedial action, remedy selection and corrective measures.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2503.

Agency Contact: Vernon Myers, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8660

RIN: 2050—AC28

3746. RULE IDENTIFYING WHEN MILITARY MUNITIONS BECOME HAZARDOUS WASTES AND MANAGEMENT STANDARDS FOR SUCH WASTES

Legal Authority: 42 USC 6924(y)/RCRA 3004(y)

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 270

Legal Deadline: NPRM, Statutory, April 6, 1993. Final, Statutory, October 6, 1994.

Abstract: This rule will identify when military munitions, ordnance, and chemical warfare agents become hazardous wastes subject to Federal hazardous waste transportation, storage, treatment, and disposal rules. The rule may also identify management standards for such wastes.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 02/00/94 | |
| Final Action | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAN No. 3235.

Agency Contact: Ken Shuster, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8759

RIN: 2050—AD90

EPA—RCRA

Proposed Rule Stage

3747. HAZARDOUS WASTE MANAGEMENT SYSTEM: GROUNDWATER MONITORING CONSTITUENTS (PHASE II) AND METHODS

Legal Authority: 42 USC 3251/RCRA 3004 and 3005

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: Appendix IX of 40 CFR part 264 is a list of hazardous constituents presently referenced in 40 CFR part 264, subpart F for use in groundwater monitoring. This proposed amendment would make minor revisions to Appendix IX and create a new list for the first phase (Detection Monitoring) of the groundwater monitoring program. This proposal may include a discussion of the appropriate groundwater monitoring techniques and requirements that currently exists in the regulations by revising and incorporating chapter 11 of "Test Methods for Evaluating Solid Waste" (EPA/SW0846) into 40 CFR parts 264 and 270.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2435.

Agency Contact: James Brown, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-5303W), Washington DC 20460, 703 308-8656

RIN: 2050-AC05

3748. STREAMLINE PERMITTING FOR MIXED WASTE

Legal Authority: 42 USC 6925/RCRA 3005

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: On January 13, 1992, the Utilities Solid Waste Activities Group (USWAG) petitioned EPA to create a conditional exemption from full Subtitle C permitting requirements for certain small commercial mixed waste generators that are already permitted by the NRC. The generators include medical schools, universities, biotechnology laboratories, and pharmaceutical companies. This new

category would include NRC licensees that generate less than 1000 kg/month of mixed waste, counting mixed waste as distinct from other hazardous waste. EPA and NRC must together determine how to ensure adequate protection of human health and the environment in order for any streamlined permitting of NRC licensed facilities to be implemented.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Final Action 00/00/00

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis

Additional Information: SAN No. 3218.

Agency Contact: Reid Resnick, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8758

RIN: 2050-AD65

3749. COMPLIANCE MONITORING AND ENFORCEMENT REQUIREMENTS FOR STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

Legal Authority: 42 USC 6926/RCRA 3006

CFR Citation: 40 CFR 271.15; 40 CFR 271.16

Legal Deadline: None

Abstract: Regulations governing State Authorization requirements for compliance monitoring and enforcement actions may be revised to reflect the Hazardous and Solid Waste Amendments of 1984. EPA will consider other changes such as a requirement for States to have administrative penalty authority.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAN No. 2158.

Agency Contact: Melissa Ward, Environmental Protection Agency, Solid Waste and Emergency Response,

(OS-520), Washington, DC 20460, 202 260-9325

RIN: 2050-AB01

3750. RCRA SUBTITLE C INDIAN PROGRAM AUTHORIZATION

Legal Authority: 42 USC 6926(b)/3006(b)

CFR Citation: 40 CFR 271 (Revision)

Legal Deadline: None

Abstract: This action would authorize Indian Tribes to implement the Subtitle C program, establishing the definition of an Indian Tribe and the criteria an Indian Tribe must meet for authorization purposes. Since the Agency also decided that Indian Tribes may be authorized for partial programs (States are not allowed partial State programs under RCRA authorization), the action would address this program difference. The regulation would also address Indian capability, including criminal enforcement capability, and fulfills EPA's stated 1984 Indian Policy by ensuring the close involvement of tribal governments in making decisions and managing environmental programs affecting reservation lands.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 04/00/94 | |
| Final Action | 12/00/94 | |

Final Action 12/00/94

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional Information: SAN No. 2827.

Agency Contact: Richard La Shier, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-5303W), Washington, DC 20460, 703 308-8760

RIN: 2050-AD07

3751. FIELD FILTERING OF GROUND-WATER SAMPLES

Legal Authority: 42 USC 6944(a)/RCRA 4004(a); 33 USC 1345(d) and (e)/CWA 405

CFR Citation: 40 CFR 258.51(b)

Legal Deadline: None

Abstract: The RCRA Subtitle D Solid Waste Disposal Facility Criteria, among other provisions, require owners/operators of municipal solid waste landfills to monitor ground water to detect a release from their landfills.

EPA—RCRA

Proposed Rule Stage

The Criteria ban the filtering of ground-water samples in the field because filtering potentially removes some of the contamination found in the solid phase of the samples. Since promulgation of the Criteria, a number of States and industry groups have stated that it is important to field filter ground-water samples for metals to avoid potential false indications of a landfill release to ground water. The commenters maintain that the analytical results using filtered samples are sufficiently protective and are as effective as unfiltered samples required in the Criteria. This notice of proposed rulemaking (NPRM) would announce the Agency's intent to perform additional study on field filtering and solicit further public comment and data on this issue. In addition, this NPRM would seek comment on the appropriateness of allowing States/Tribes with EPA-approved permit programs to lift the ban on a site-specific basis.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAN No. 3150.

Agency Contact: Andy Teplitzky, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-301), Washington, DC 20460, 202 260-1099

RIN: 2050-AD86

3752. FINANCIAL TEST FOR LOCAL GOVERNMENTS THAT OWN/OPERATE MUNICIPAL SOLID WASTE LANDFILLS

Legal Authority: 42 USC 6941 to 6949/RCRA 4001 to 4009

CFR Citation: 40 CFR 258

Legal Deadline: None

Abstract: This rule would allow financially strong local governments that own/operate municipal solid waste landfills the option of using a financial test to demonstrate financial assurance for costs associated with closure, post-closure, and corrective action of known releases.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 11/00/94 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local

Additional Information: SAN No. 2761.

Agency Contact: Ed Coe, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8624

RIN: 2050-AD04

3753. MUNICIPAL SOLID WASTE LANDFILLS; STATE/TRIBAL PERMIT PROGRAM—DETERMINATION OF ADEQUACY

Legal Authority: 42 USC 6945/RCRA 4005

CFR Citation: 40 CFR 239

Legal Deadline: None

Abstract: This action would describe procedures EPA would use to make determinations of adequacy for State/Tribal solid waste permitting programs, as required by Section 4005 of the Solid Waste Disposal Act, as amended (RCRA). This adequacy determination regulation is critical to the successful implementation of the Revised Criteria (40 CFR 258). Section 4005(c)(1)(B) requires States to adopt and implement a permit program, or other system of prior approval, within 18 months after the promulgation of revised criteria under Section 4004(a), as required by Section 4010(c). Section 4005(c)(1)(C) requires the Administrator to determine whether each State has developed an "adequate permit program" under this paragraph.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 07/00/94 | |
| Final Action | 05/00/95 | |

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAN No. 2751.

Agency Contact: Henry Ferland, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-301), Washington, DC 20460, 202 260-3384

RIN: 2050-AD03

3754. GUIDELINE FOR FEDERAL PROCUREMENT OF PAPER AND PAPER PRODUCTS CONTAINING RECOVERED MATERIALS

Legal Authority: 42 USC 6912(a)/RCRA 6002

CFR Citation: 40 CFR 250

Legal Deadline: None

Abstract: RCRA section 6002 states that if a procuring agency purchases certain designated items, such items must be composed of the highest percentage of recovered materials practicable. EPA is required to designate these items, prepare guidelines to assist procuring agencies in complying with the requirements of Section 6002, and revise these guidelines "from time to time." To date, EPA has issued five procurement guidelines, including one for paper and paper products containing recovered materials, promulgated on June 22, 1988. Much has changed in the papermaking industry over the past three years in terms of technological advancement and the willingness to respond to consumer demand for recycled products. The proposed notice would revise the existing paper procurement guideline by recommending new minimum recycled content standards for various grades of paper. These revised standards would better reflect the capabilities and practices of paper manufacturers and increase the utility of the paper guideline.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 12/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 3032.

Agency Contact: Dana Arnold, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-301), Washington, DC 20460, 202 260-8518

RIN: 2050-AD41

3755. GUIDELINE FOR FEDERAL PROCUREMENT OF HYDRAULIC MULCH PRODUCTS

Legal Authority: 42 USC 6912(a)/RCRA 6002

CFR Citation: 40 CFR 249

Legal Deadline: None

EPA—RCRA

Proposed Rule Stage

Abstract: RCRA Section 6002(e) requires EPA to prepare guidelines for use by procuring agencies in complying with the requirements of section 6002. The guidelines must first designate items that are or can be produced with recovered materials for which a federal procurement guideline is appropriate. Second, the guidelines must provide product information concerning the availability and performance of products produced with recovered materials. Third, the guidelines are to set forth recommended procurement practices to aid procuring agencies in complying with section 6002. After the date specified in an applicable guideline, section 6002(c) requires each procuring agency which procures any item designated in a guideline to procure the item composed of the highest percentage of recovered materials practicable except in statutorily specified circumstances. To date, EPA has issued five procurement guidelines. This action would designate hydraulic mulch products as products for which the procurement requirement of RCRA section 6002 applies.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is a statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

Additional Information: SAN No. 3182.

Agency Contact: Dana Arnold, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-301), Washington, DC 20460, 202 260-8518

RIN: 2050-AD71

3756. GUIDELINE FOR FEDERAL PROCUREMENT OF GEOTEXTILE AND RELATED PRODUCTS

Legal Authority: 42 USC 6912(a)/RCRA 6002

CFR Citation: 40 CFR 249

Legal Deadline: None

Abstract: RCRA section 6002(e) requires EPA to prepare guidelines for use by procuring agencies in complying

with the requirements of section 6002. The guidelines must first designate items that are or can be produced with recovered materials for which a Federal procurement guideline is appropriate. Second, the guidelines must provide product information concerning the availability and performance of products produced with recovered materials. Third, the guidelines are to set forth recommended procurement practices to aid procuring agencies in complying with section 6002. After the date specified in an applicable guideline, section 6002(c) requires each procuring agency which procures any item designated in a guideline to procure the item composed of the highest percentage of recovered materials practicable except in statutorily specified circumstances. To date, EPA has issued five procurement guidelines. This action would designate geotextiles and related products as products for which the procurement requirement of RCRA section 6002 apply.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is a statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

Additional Information: SAN No. 3181.

Agency Contact: Dana Arnold, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-301), Washington, DC 20460, 202 260-8518

RIN: 2050-AD72

3757. GUIDELINE FOR FEDERAL PROCUREMENT OF STRUCTURAL AND DECORATIVE FIBERBOARD

Legal Authority: 42 USC 6912(a)/RCRA 6002

CFR Citation: 40 CFR 248

Legal Deadline: None

Abstract: RCRA section 6002(e) requires EPA to prepare guidelines for use by procuring agencies in complying with the requirements of section 6002. The guidelines must first designate

items that are or can be produced with recovered materials for which a Federal procurement guideline is appropriate. Second, the guidelines must provide product information concerning the availability and performance of products produced with recovered materials. Third, the guidelines are to set forth recommended procurement practices to aid procuring agencies in complying with section 6002. After the date specified in an applicable guideline, section 6002(c) requires each procuring agency which procures any item designated in a guideline to procure the item composed of the highest percentage of recovered materials practicable except in statutorily specified circumstances. To date, EPA has issued five procurement guidelines. This action would designate structural and decorative fiberboard products as products for which the procurement requirement of RCRA section 6002 apply.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is a statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

Additional Information: SAN No. 3120.

Agency Contact: Dana Arnold, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-323), Washington, DC 20460, 202 260-8518

RIN: 2050-AD83

3758. CLARIFY LENDER LIABILITY FOR UNDERGROUND STORAGE TANKS

Significance: Regulatory Program

Legal Authority: 42 USC 6991/RCRA 9001; 42 USC 6991/RCRA 9003

CFR Citation: 40 CFR 280

Legal Deadline: None

Abstract: This regulation will clarify the liability of secured creditors ("lenders") regarding contaminated properties they hold as collateral. The clarification is needed to remove a current barrier to the financing of

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underground storage tank (UST) facilities and increase the amount of capital available to UST owners. Without adequate financing, many UST owners will be unable to make the improvements to their facilities necessary to comply with environmental regulations. EPA committed to preparing this rule under a similar rule promulgated under CERCLA (57 FR 18344) on April 29, 1992.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| Final Action | 07/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3149.

Agency Contact: Shelley Fudge, Environmental Protection Agency, Solid Waste and Emergency Response,

(OS-410 WF), Washington, DC 20460, 703 308-8886
RIN: 2050-AD67

3759. UNDERGROUND STORAGE TANKS CONTAINING HAZARDOUS SUBSTANCES - FINANCIAL RESPONSIBILITY REQUIREMENTS

Legal Authority: 42 USC 6991/RCRA 9003

CFR Citation: 40 CFR 280

Legal Deadline: None

Abstract: This action would establish, under Subtitle I of RCRA (as amended by SARA), requirements for demonstrating financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by releases from underground storage tanks (USTs) containing hazardous substances. An ANPRM was published to help gather data (e.g., frequency of releases from such USTs, costs of

corrective action and third-party damages, and the regulated community's financial condition and use of financial assurance mechanisms) needed for the development of a proposed rule.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| ANPRM | 02/19/88 | 53 FR 3818 |
| NPRM | 09/00/94 | |
| Final Action | 09/00/95 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local

Additional Information: SAN No. 2465.

Agency Contact: Sammy K. Ng, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-410WF), Washington, DC 20460, 703 308-8882

RIN: 2050-AC15

ENVIRONMENTAL PROTECTION AGENCY (EPA)

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Resource Conservation and Recovery Act (RCRA)

3760. REVISIONS TO THE OIL POLLUTION PREVENTION REGULATIONS

Significance: Regulatory Program

Legal Authority: 33 USC 1321/CWA 311(j)(1)(C)

CFR Citation: 40 CFR 112

Legal Deadline: None

Abstract: Following a major inland oil spill with substantial environmental impacts (i.e., Ashland Oil in Floreffe, PA, in January, 1988) an interagency task force reviewed the adequacy of existing EPA regulations concerning the prevention and control of oil spills (40 CFR 112). The task force recommended a number of steps to improve and extend the regulations. The final rule would implement some of the task force recommendations. It would clarify that many provisions of the existing regulations that may be interpreted as recommended practices by the regulated community are in fact required practices.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/22/91 | 58 FR 54612 |
| Final Action | 06/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2634.

Agency Contact: Janet Weiner, Environmental Protection Agency, Solid Waste and Emergency Response, (5202G), Washington, DC 20460, 703 603-8717

RIN: 2050-AC62

3761. DEGRADABLE RING RULE

Legal Authority: PL 100-556/sections 102 to 103; 42 USC 6914b; 42 USC 6914b-1

CFR Citation: 40 CFR 234

Legal Deadline: Final, Statutory, October 28, 1990.

Abstract: Plastic ring carriers have been found in the marine environment and fish and other wildlife have become entangled in them. Ring carriers were identified as an article of concern in the marine environment in EPA's February 1990 report to Congress on plastics. Congress has determined

that degradable carriers should reduce the incidence of entanglement and has directed EPA to develop regulations that ring carriers be made of degradable material unless EPA finds that degradable rings pose more risk than non-degradable rings. EPA may specify degradability time frames and testing methods. A number of States currently require degradable rings. All rings manufactured in the United States are photodegradable.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 04/07/93 | 58 FR 18062 |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2799.

Agency Contact: Tracy Bone, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-301), Washington, DC 20460, 202 260-5649

RIN: 2050-AD09

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3762. • UNDERGROUND STORAGE TANK PROGRAM; APPROVED STATE PROGRAM FOR NEW HAMPSHIRE

Legal Authority: 41 USC 6912;; 42 USC 6991c

CFR Citation: 40 CFR 282

Legal Deadline: None

Abstract: This action would establish part 282 for codification an approved State program and for incorporation by reference of those provisions of State statutes and regulations that will be subject to EPA's inspection and enforcement authorities under Sections 9005 and 9006 of Subtitle I of RCRA. As part of this action, part 282 would codify the prior approval of New Hampshire's underground storage tank program and incorporate by reference appropriate provision of State statutes and regulations. EPA is required under 40 CFR to codify its approved State UST programs. The first state program was approved July, 1990. Subsequently, eleven more state programs have been approved. None have yet been codified. This action would allow for the codification of all approved State programs while at the same time actually codifying one of these State programs, New Hampshire.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3309.

Agency Contact: Sammy K. Ng, Acting Division Director, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-410WF), 703 308-8882

RIN: 2050-AE00

3763. LAND DISPOSAL RESTRICTIONS—RULEMAKING ON CONTAMINATED SOIL

Significance: Regulatory Program

Legal Authority: 42 USC 6901/RCRA 3004(m)

CFR Citation: 40 CFR 268

Legal Deadline: None

Abstract: The Hazardous and Solid Waste Amendments of 1984 require EPA to promulgate regulations establishing treatment standards that must be met before hazardous waste

may be disposed standards of on land. The proposed rulemaking revises existing treatment standards for soil contaminated with hazardous wastes.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| ANPRM | 10/24/91 | 56 FR 55160 |
| NPRM | 09/14/93 | 58 FR 48092 |
| Final Action | 07/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAN No. 2935.

Agency Contact: Sue Slotnick, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322W), Washington, DC 20460, 703 308-8462

RIN: 2050-AD37

3764. LAND DISPOSAL RESTRICTIONS - PHASE II: RULEMAKING ON NEWLY IDENTIFIED WASTES

Significance: Regulatory Program

Legal Authority: 42 USC 6901/RCRA 3004(m)

CFR Citation: 40 CFR 268

Legal Deadline: Final, Judicial, July 1994.

Abstract: The Hazardous and Solid Waste Amendments of 1984 require EPA to promulgate regulations establishing treatment standards that must be met before hazardous waste may be disposed of on land. The proposed rulemaking establishes treatment standards for certain wastes identified or listed since 1984 (e.g., those covered by Toxicity Characteristics, chlorotoluene production wastes and coke by-product wastes).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| ANPRM | 10/24/91 | 57 FR 55160 |
| NPRM | 09/14/93 | 58 FR 48092 |
| Final Action | 07/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAN No. 3213.

Agency Contact: Sue Slotnick, Environmental Protection Agency,

Solid Waste and Emergency Response, (OS-322), Washington, DC 20460, 703 308-8462

RIN: 2050-AD89

3765. MODIFICATIONS OF THE HAZARDOUS WASTE RECYCLING REGULATIONS: UNIVERSAL WASTES

Legal Authority: 42 USC 6905/RCRA 1004; 42 USC 6921 to 6928/RCRA 3001 to 3008

CFR Citation: 40 CFR 261; 40 CFR 266

Legal Deadline: None

Abstract: This rulemaking will propose to modify the regulatory program for hazardous waste recycling. A number of specific modifications may address activities such as battery recycling, and management of recalled pesticides. These proposed changes would address a number of specific problem areas in the current regulations, while the Agency considers whether more fundamental changes are warranted.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 02/11/93 | 58 FR 8102 |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2870.

Agency Contact: Mitch Kidwell, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 260-8551

RIN: 2050-AD19

3766. NO-MIGRATION VARIANCE FOR PROHIBITED HAZARDOUS WASTE LAND DISPOSAL

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6921/RCRA 3001; 42 USC 6924/RCRA 3004

CFR Citation: 40 CFR 268

Legal Deadline: None

Abstract: The Agency is considering a regulation that further specifies the process for operators to apply for and receive variances that would allow the land disposal of untreated hazardous wastes that have been prohibited from land disposal under 40 CFR 268. The variance would be available for land disposal units that successfully demonstrate that there will be no

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migration of hazardous constituents from the unit for as long as the waste remains hazardous.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/11/92 | 57 FR 35940 |
| NPRM Comment Period End | 10/23/92 | 57 FR 44545 |
| Final Action | 08/00/94 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAN No. 2524.

Accompanying draft guidance manual was made available concurrent with publication of proposal. Guidance assists facility owners and operators in characterizing environmental media of concern and environmental pathways along which constituent migration may occur.

Agency Contact: Dave Reeves, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8652

RIN: 2050-AC44

3767. NEW AND REVISED TESTING METHODS APPROVED FOR RCRA SUBTITLE C HAZARDOUS WASTE TESTING MANUAL SW-846, THIRD EDITION, UPDATE II

Legal Authority: 42 USC 6912/RCRA 2002; 42 USC 6921/RCRA 3001; 42 USC 6924/RCRA 3004; 42 USC 6925/RCRA 3005; 42 USC 6926/RCRA 3006

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 270

Legal Deadline: None

Abstract: This regulatory action will revise certain testing methods and add other new testing methods that are approved or required under Subtitle C of RCRA. These new and revised methods are found in Update II to the Third Edition of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA publication SW-846. The revision to the manual is necessary to provide improved and more complete analytical methods for RCRA-relating testing.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/31/93 | 58 FR 46052 |
| Final Action | 04/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 2826.

Agency Contact: Charles Sellers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-331), Washington, DC 20460, 202 260-4761

RIN: 2050-AD06

3768. HAZARDOUS WASTE MANAGEMENT SYSTEM, AMENDMENT TO SUBPART C RULEMAKING PETITIONS: USE OF GROUNDWATER DATA IN DELISTING DECISIONS

Legal Authority: 42 USC 6903/RCRA 1004; 42 USC 6921/RCRA 3001

CFR Citation: 40 CFR 260.22

Legal Deadline: None

Abstract: This amendment as proposed will generally require those who submit delisting petitions for hazardous wastes to provide groundwater monitoring data as part of their petition. The amended regulations will clarify the Agency's existing authority to consider the impact of a petitioned waste on groundwater and deny a petition based on groundwater contamination. EPA is seeking this amendment to clarify its authority to request and consider such data in delisting decisions.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/12/89 | 54 FR 41930 |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2622.

Agency Contact: Narendra Chaudhari, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-333), Washington, DC 20460, 202 260-4787

RIN: 2050-AC65

3769. UNDERGROUND STORAGE TANKS CONTAINING PETROLEUM; FINANCIAL RESPONSIBILITY REQUIREMENTS; COMPLIANCE DATE TO 1998 FOR FACILITIES MEETING CERTAIN FEDERAL CRITERIA

Legal Authority: 42 USC 6912; 42 USC 6991b

CFR Citation: 40 CFR 280

Legal Deadline: None

Abstract: Under this rule, EPA would propose to extend the Federal deadline for some facilities formerly in Category 4 if they meet federally determined criteria. For example, facilities that have been identified as entities in need of additional time to meet the financial responsibility deadline, facilities which provide essential community services, and facilities which are located in rural areas, might be considered under the criteria. This rule would apply to rural marketers, local governments, and Indian tribes.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/17/93 | 58 FR 43770 |
| Final Action | 12/00/93 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local

Additional Information: SAN No. 3088.

Agency Contact: Sammy K. Ng, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-410W), Washington, DC 20460, 703 308-8882

RIN: 2050-AD44

3770. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: WOOD SURFACE PROTECTION WASTES

Significance: Regulatory Program

Legal Authority: 42 USC 6905; 42 USC 6912; 42 USC 6921/RCRA 3001; 42 USC 6922; 42 USC 6938; 42 USC 9602

CFR Citation: 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 271; 40 CFR 302

Legal Deadline: NPRM, Judicial, March 31, 1993. Final, Judicial, December 31, 1993.

Abstract: This action proposed to list or not to list as hazardous under RCRA wastewaters, process residuals, protectant drippage, and discarded formulations from wood protection processes at facilities that currently use

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or have previously used chlorophenolic formulations. These chemicals are applied to freshly cut lumber at sawmills to protect the wood against sap stain and molds which can grow on the wood during storage.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 04/27/93 | 58 FR 25706 |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 3035.

Agency Contact: David J. Carver, Environmental Protection Agency, Solid Waste and Emergency Response, OS-333, Washington, DC 20460, 202 260-6775

RIN: 2050-AD60

3771. SUSPENSION OF THE TOXICITY CHARACTERISTIC RULE FOR NON-UNDERGROUND STORAGE TANK PETROLEUM CONTAMINATED MEDIA

Legal Authority: 42 USC 6921/RCRA 3001; 42 USC 6912/RCRA 2002

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: This action would suspend the Toxicity Characteristic (TC) rule in States with adequate petroleum response programs, as it applies to non-UST petroleum contaminated media and debris, for a period of three years. This action would generally be consistent with the UST deferral in the TC rule. During this period the Agency would collect additional data, perform additional analyses, and explore other administrative and legal options and issues in preparation for making a final decision as to the appropriate RCRA regulatory treatment for these materials.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/24/92 | 57 FR 61542 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAN No. 3085.

Agency Contact: Dave Fagan, Environmental Protection Agency, Solid Waste and Emergency Response,

(5303W), Washington, DC 20460, 703 308-8620

RIN: 2050-AD64

3772. FINAL DETERMINATION OF THE APPLICABILITY OF THE TOXICITY CHARACTERISTIC RULE TO UNDERGROUND STORAGE TANKS CONTAMINATED MEDIA AND DEBRIS

Significance: Regulatory Program

Legal Authority: 42 USC 6921/RCRA 3001

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: In the final hazardous waste Toxicity Characteristic (TC) rule, EPA decided to temporarily defer a final decision on the application of the TC rule to media and debris contaminated with petroleum from underground storage tanks (USTs) that are subject to UST corrective action requirements under 40 CFR Part 280. The Agency believed the UST regulations governing cleanups at these sites would be adequate in the interim. The application of the TC rule to UST cleanups was temporarily delayed so that the Agency could evaluate the extent and nature of these impacts and alternative mechanisms for implementing UST cleanups. The Agency has completed studies of the characteristics of UST corrective action sites, and current practices for management of media and debris under subtitle I State programs. After evaluation of public comments on the studies, EPA will make a final determination, through the issuance of a proposed and final rule, regarding the applicability of the TC rule to UST petroleum-contaminated media and debris.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 02/12/93 | 58 FR 8504 |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: SAN No. 3189.

Agency Contact: John Heffelfinger, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-410W), Washington, DC 20460, 703 308-8881

RIN: 2050-AD69

3773. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE TREATABILITY STUDIES SAMPLE EXEMPTION

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6938

CFR Citation: 40 CFR 261 (Revised)

Legal Deadline: None

Abstract: Under the existing exclusion, up to 1000 kg of non-acutely hazardous waste may be treated from a single waste stream with a maximum of 250 kg (less than two drums) per day. This quantity limit is insufficient for testing many pilot-scale technologies and serves as an impediment to the development of new technology and inhibits broader treatability testing at hazardous waste sites. The proposed action involves a revision of the RCRA Treatability Study Exemption Rule (40 CFR 261.4(e)-(f)). A new limit will be considered based on needs for testing and de minimis risk.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/07/93 | 58 FR 36387 |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3148.

Agency Contact: Jim Cummings, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-110W), Washington, DC 20460, 703 308-8796

RIN: 2050-AD70

3774. IMPORTS AND EXPORTS OF HAZARDOUS WASTE: IMPLEMENTATION OF THE OECD DECISION FOR RECYCLABLE WASTES

Legal Authority: 22 USC 2656; 42 USC 6901/RCRA 3001

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 266

Legal Deadline: None

Abstract: On March 30, 1992, the Organization for Economic Cooperation and Development (OECD) adopted the Council's Final Decision on the Control of Transfrontier Movements of Wastes Destined for Recovery Operations. The United States, a member of the OECD, supported the Decision, which is

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legally binding. The Decision establishes a graduated system of procedural controls for the export and import of wastes for recovery, depending on whether a waste is included in the green, amber, or red lists. Green waste are subject only to controls imposed in normal international commercial shipments. Amber and red wastes that are considered hazardous are subject to additional controls regarding notification to and consent from the exporting, importing, and transit countries; contracts, tracking documents; and recordkeeping. These provisions are being codified in a final rule which would replace the current RCRA export/import regulations for hazardous waste destined for recovery within the OECD. (cont)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAN No. 3114.

ABSTRACT CONT: These changes do not affect the RCRA export/import regulations for hazardous wastes moving for treatment or disposal within the OECD or moving for treatment, disposal or recovery purposes to other countries outside the OECD.

Agency Contact: Denise Wright, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 260-3519

RIN: 2050-AD87

3775. REGULATORY DETERMINATION ON WASTES FROM THE COMBUSTION OF FOSSIL FUELS

Legal Authority: 42 USC 6921(b)(3)(C)/RCRA 3001(b)(3)(C)

CFR Citation: 40 CFR Not yet determined

Legal Deadline: Final, Judicial, April 1, 1998.

Abstract: As required by consent decree, the Agency determined on December 1, 1992, that additional study of the four large-volume wastes -- fly ash, bottom ash, boiler slag and flue gas emission control wastes -- from the combustion of coal by electric utility power plants was not necessary, and

that a Final Regulatory Determination would be made on these wastes by August 2, 1993. (This determination was signed on August 2, 1993 and published in the Federal Register on August 9, 1993). The Agency also determined that for the remaining fossil-fuel combustion wastes, additional data collection is necessary to make a Regulatory Determination on these wastes and a final regulatory determination will be made by April 1, 1998. The phrase "remaining wastes" refers to (1) fly ash, bottom ash, boiler slag, and flue gas emission control wastes from the combustion of coal by electric utility power plants when such wastes are mixed with, co-disposed, co-treated, or otherwise co-managed with other wastes generated in conjunction with the combustion of coal or other fossil fuels, (CONT)

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Notice of Data Availability | 02/12/93 | 58 FR 8273 |
| Regulatory Determination (Phase I Four Fossil Fuel Wastes) | 08/09/93 | 58 FR 42466 |
| Regulatory Determination (Phase II Remaining Wastes) | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3201.

ABSTRACT CONT: and (2) any other wastes subject to section 8002(N) of RCRA other than fly ash, bottom ash, boiler slag and flue gas emission control wastes that are not mixed with, co-disposal, co-treated, or otherwise co-managed with other wastes generated in conjunction with the combustion of coal or other fossil fuel.

Agency Contact: Patricia Whiting, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-305), Washington, DC 20460, 703 308-8421

RIN: 2050-AD91

3776. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE; AMENDMENTS TO DEFINITION OF SOLID WASTE

Legal Authority: 42 USC 6912 and 6921 et seq

CFR Citation: 40 CFR 261.4(a)(12)

Legal Deadline: None

Abstract: On January 8, 1988 the Agency proposed to exclude from the regulatory definition of solid waste certain in-process recycled secondary materials. EPA is taking final action on parts of that proposal.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-----------|
| NPRM | 01/08/88 | 53 FR 519 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3332.

Agency Contact: Susan Nogas, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 260-4534

RIN: 2050-AD99

3777. REPORT TO CONGRESS AND FINAL REGULATORY DETERMINATION ON CEMENT KILN DUST

Significance: Regulatory Program

Legal Authority: 42 USC 6921/RCRA 3001(b)(3)(A)(iii); RCRA 8002(o)

CFR Citation: 40 CFR Not yet determined

Legal Deadline: NPRM, Judicial, December 31, 1993. Final, Statutory, June 30, 1994. Final, Judicial, June 30, 1994.

Abstract: RCRA 8002(o) requires that the Cement Kiln Dust Report to Congress study the sources and volumes of cement kiln dust, current and alternative waste management practices and their costs and economic impacts, documented damages to human health and the environment from cement kiln dust disposal, and existing state and Federal regulation of these wastes. EPA will use this information to develop a recommendation as to whether regulation of cement kiln dust is warranted under Subtitle C of RCRA. After completion of the Report to Congress, and a opportunity for public comment, EPA will make a final regulatory determination.

By consent decree, the Cement Kiln Dust Report to Congress must be completed by December 31, 1993; the Regulatory Determination must be made by June 30, 1994.

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Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3334.

Agency Contact: William Schoenborn, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-323W), Washington, DC, 20460, 703 308-8421

RIN: 2050—AE02

3778. • USED OIL MANAGEMENT STANDARDS—FOR USED OIL AND PETROLEUM REFINERY WASTES

Legal Authority: 42 USC 6935

CFR Citation: 40 CFR 279

Legal Deadline: None

Abstract: This final rule will finalize the proposed exemptions from the used oil management standards for used oil being introduced into a primary refining process. The exemption was proposed on September 23, 1991.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/23/91 | 56 FR 48000 |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAN No. 3335.

Agency Contact: Eydie Pines, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 260-3509

RIN: 2050—AE03

3779. AMENDMENTS TO GROUNDWATER MONITORING REQUIREMENTS AT HAZARDOUS WASTE FACILITIES

Legal Authority: 42 USC 6924 to 6927/RCRA 3004 to 3007

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: This action would change the subpart F groundwater monitoring regulations. The following is a summary of the changes the Agency is considering: (a) require use of site-

specific data and modeling predictions on containment fate and transport for groundwater monitoring variances; (b) clarify the definition of waste management area and provide flexibility in determining the appropriate monitoring or response programs for individual areas; (c) allow flexibility in schedules for submittal of the information upon approval by the Regional Administrator (RA); (d) clarify the RA's authority to require monitoring of any flow pathway in the uppermost aquifer and unsaturated zone; (e) clarify the RA's authority to designate supplemental monitoring wells when justified by complicated monitoring situations; and (f) allow a return to detection or compliance monitoring as appropriate; (g) add quality assurance and quality control requirements for groundwater monitoring devices and methods.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/26/88 | 53 FR 28160 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2277.

Agency Contact: Hugh Davis, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-5303), Washington, DC 20460, 703 308-8633

RIN: 2050—AB20

3780. CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS (SWMUS) AT HAZARDOUS WASTE MANAGEMENT FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924/RCRA 3004(u), 3004(v)

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: This action would set forth the technical and procedural requirements for conducting corrective action to clean up significant releases to air, surface water, groundwater and soil at solid waste management units (SWMUs) at operating, closed, or closing RCRA facilities. The regulations would define the structure of the program, and the requirements for implementing remedial action, remedy selection and corrective measures. Currently, the permitting agencies must

make case-by-case decisions using a scant regulatory framework. This regulation will be issued in two phases.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/27/90 | 55 FR 30798 |
| Final Action (Phase I) | 02/18/93 | 58 FR 8658 |
| Final Action | 10/00/94 | |
| Final Action (Phase II) | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2390.

Agency Contact: Anne Price, Environmental Protection Agency, Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8657

RIN: 2050—AB80

3781. RCRA SUBTITLE C FINANCIAL TEST CRITERIA (REVISION)

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6924/RCRA 3004; 42 USC 6925/RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 280; 40 CFR 761

Legal Deadline: None

Abstract: This amendment would revise financial test criteria that must be satisfied by TSDf owners and operators employing the test to demonstrate RCRA financial responsibility requirements. The anticipated revisions would adjust test criteria so as to increase availability of this assurance mechanism to financially viable and stable firms and increase sensitivity to bankruptcy prediction.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 07/01/91 | 56 FR 30201 |
| Final Action (3rd Party Liability; Closure/Post Closures) | 09/18/92 | 57 FR 42832 |
| Final Action (Corporate Financial Test) | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2647.

Agency Contact: Ed Coe, Environmental Protection Agency,

EPA—RCRA

Final Rule Stage

Solid Waste and Emergency Response, (5303W), Washington, DC 20460, 703 308-8624

RIN: 2050-AC71

3782. TREATMENT, STORAGE, AND DISPOSAL FACILITY—RCRA AIR EMISSION STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 6924/RCRA 3004, 3007

CFR Citation: 40 CFR 264 subpart X; 40 CFR 264 subpart AA; 40 CFR 264 subpart BB; 40 CFR 264 subpart CC; 40 CFR 265 subpart I; 40 CFR 265 subpart J; 40 CFR 265 subpart AA; 40 CFR 265 subpart BB; 40 CFR 265 subpart CC

Legal Deadline: Final, Statutory, May 1987. Final, Judicial, November 1994.

Abstract: The purpose of this action is to investigate the health and environmental impacts of non-combustion source air emissions from hazardous waste treatment, storage, and disposal facilities and to develop standards for monitoring and control as needed. Sources include tanks, surface impoundments, landfills, waste piles, land treatment operations and wastewater treatment facilities. Pollutants to be considered by such standards would include volatile organic compounds, particulate matter, specific toxic substances, or a combination of these. The mandate for

standards development under RCRA is to protect human health and the environment. The Agency has adopted a three-phase approach: Phase I regulates organic emission from equipment leaks and process vents; Phase II will address tanks, containers, surface impoundments, and miscellaneous units; and Phase III will address residual risk associated with particular hazardous organic constituents.

Timetable:

Phase I: Leaks and Vents
NPRM 02/05/87 (52 FR 3748)
Final Action 06/21/90 (55 FR 25454)
Phase II: Tanks and Impoundments
NPRM 07/22/91 (56 FR 33490)
Final Action 01/00/94

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 2240.

Agency Contact: Michele Aston, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-2363

RIN: 2050-AD62

3783. EXTENSION OF STATES INTERIM AUTHORIZATION OPTION TO CARRY OUT POST-HSWA REGULATIONS

Legal Authority: 42 USC 6926/RCRA 3006(g)

CFR Citation: 40 CFR 271.24

Legal Deadline: None

Abstract: This action proposes to extend the interim authorization option available to States beyond January 1, 1993. Interim authorization allows a State which has been granted RCRA base program authorization to carry out post-HSWA regulations once it has submitted evidence that these regulations are substantially equivalent to the federal requirements. The Agency proposes to extend the availability of interim authorization to January 1, 2003.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 12/18/92 | 57 FR 60129 |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3094.

Agency Contact: Robert Roberts, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-5303W), Washington, DC 20460, 703 308-8761

RIN: 2050-AD57

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Completed Actions

Resource Conservation and Recovery Act (RCRA)

3784. PROCEDURES FOR PLANNING AND IMPLEMENTING OFF-SITE RESPONSE ACTIONS

Significance: Regulatory Program

CFR Citation: 40 CFR 300.440

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 09/22/93 | 58 FR 49200 |

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Ellen Epstein, 202 260-4849

RIN: 2050-AD94

3785. LAND DISPOSAL RESTRICTIONS FOR IGNITABLE AND CORROSIVE CHARACTERISTIC WASTES WHOSE TREATMENT STANDARDS WERE VACATED

CFR Citation: 40 CFR 268; 40 CFR 271

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 05/24/93 | 58 FR 29860 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhonda Craig, 703 308-8771.

RIN: 2050-AD96

3786. TEST METHODS FOR EVALUATING SOLID WASTE (MANUAL SW846 THIRD EDITION) INCORPORATION BY REFERENCE AND GOOD LABORATORY PRACTICES—UPDATE 1

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 270

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 08/31/93 | 58 FR 46040 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Sellers, 202 260-4761

RIN: 2050-AC32

EPA—RCRA

Completed Actions

3787. HAZARDOUS WASTE MANAGEMENT SYSTEMS; AMENDMENT TO SUBPART C RULEMAKING PETITIONS; PROPOSED INCORPORATION OF EPA'S COMPOSITE MODEL FOR LANDFILLS

CFR Citation: 40 CFR 260.22

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/12/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chichang Chen, 202 260-7392

RIN: 2050-AD48

3788. • SOLID WASTE DISPOSAL FACILITY CRITERIA; DELAY OF EFFECTIVE RULE

Significance: Regulatory Program

Legal Authority: 42 USC 6912; 42 USC 6942a(c)

CFR Citation: 40 CFR 258

Legal Deadline: None

Abstract: The proposal delays the effective date of the rule in order to allow a greater number of facilities to come into compliance. Some small landfills have the effective day delayed until April 9, 1994. Financial Assurance (Subpart G) is delayed until April 9, 1995. The effective date for small landfills in remote or arid regions is delayed until October 9, 1995. The requirement to complete closure of specific facilities within six months is proposed to be modified to require closure by October 9, 1994.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/28/93 | 58 FR 40568 |
| Final Action | 10/01/93 | 58 FR 51536 |

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAN No. 3322.

Agency Contact: Andrew Teplitsky, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-301), Washington, DC 20460, 202 260-1099

RIN: 2050-AD98

3789. AMENDMENTS TO BIENNIAL REPORTING REQUIREMENTS

CFR Citation: 40 CFR 262.41; 40 CFR 264.75; 40 CFR 271.10; 40 CFR 265.75

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 09/24/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Myra Galbreath, 202 260-4697

RIN: 2050-AD10

3790. HAZARDOUS WASTE SUMP REQUIREMENTS

CFR Citation: 40 CFR 264; 40 CFR 265.

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/12/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rajani D. Joglekar, 202 260-3516

RIN: 2050-AC79

**ENVIRONMENTAL PROTECTION AGENCY (EPA)
Clean Air Act (CAA)**

Prerule Stage

3791. NAAQS: CARBON MONOXIDE (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7408/CAA 108; 42 USC 7409/CAA 109

CFR Citation: 40 CFR 50.8

Legal Deadline: Final, Statutory, December 31, 1980.

Review by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA is reviewing the health and welfare information that has become available since the last review of the CO NAAQS was completed in September 1985. The Agency will revise the standard if needed to protect the public health and welfare.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|---------|
| Decision on Revision | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAN No. 2762.

Agency Contact: John Haines, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, 919 541-5533

RIN: 2060-AA63

3792. NAAQS: NITROGEN DIOXIDE (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7408/CAA 108; 42 USC 7409/CAA 109

CFR Citation: 40 CFR 50.11

Legal Deadline: Final, Statutory, December 31, 1980.

Reviews by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA is reviewing the health and welfare information (criteria document) that has become available since the last review of the NO₂ NAAQS was completed in June 1985. The criteria document will be reviewed by the Clean Air Scientific Advisory Committee (CASAC). The Agency will

revise the standard if needed to protect the public health and welfare.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| CASAC Review of Draft Staff Paper Document | 12/00/93 | |
| NPRM | 02/15/95 | |
| Final Action | 03/31/96 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 1004.

Agency Contact: John Haines, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, N.C. 27711, 919 541-5533

RIN: 2060-AC06

EPA—CAA

Prerule Stage

3793. REPORT TO CONGRESS AND REGULATORY AGENDA FOR VOCs FROM CONSUMER AND COMMERCIAL PRODUCTS

Legal Authority: Clean Air Act as amended in 1990, sec 183(e)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The use of consumer and commercial products has been identified as a potential source of VOC emissions. Section 183(e) of the Clean Air Act, as amended in 1990, requires that EPA conduct a study of VOC emissions from consumer and commercial products. The objectives of the study are (1) to determine the

potential of these products to contribute to ozone nonattainment; and (2) to establish criteria for selecting categories of products for regulation under Section 183(e). Not later than November 1993, EPA must submit a report to Congress that documents the results of the study. Upon submission of the report to Congress, EPA must list those categories of consumer and commercial products that have been determined, based on the study, to account for at least 80 percent of the VOC emissions from consumer and commercial products. This list, which is to be divided into four groups by priority according to the selection criteria, will comprise the regulatory agenda.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 11/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3037.

Agency Contact: Bruce Moore, Environmental Engineer, Environmental Protection Agency, Air and Radiation, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, 919 541-5460

RIN: 2060-AE24

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

Clean Air Act (CAA)

3794. REVISION OF RULES FOR PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NEW SOURCE REVIEW (NSR)

Significance: Regulatory Program

Legal Authority: Clean Air Act Amendments, title I

CFR Citation: 40 CFR 51.160 to 51.166; 40 CFR 51, appendix S; 40 CFR 52.21; 40 CFR 52.24

Legal Deadline: None

Abstract: The purpose of this action is to amend EPA's existing new source review regulations, including prevention of significant deterioration to reduce the level of program complexity. In addition, certain other revisions will be made to improve the clarity of the existing regulatory language. This rulemaking will satisfy obligations under Exhibit B of the settlement agreement in *Chemical Manufacturers vs. EPA*, No. 79-112 (D.C. Cir.). The regulations contain procedures for reviewing, permitting, and specifying controls for the construction and modification of major air pollution sources in attainment and nonattainment areas. Several new source review regulations will be affected, including the State implementation requirements for the review of new sources and modifications (40 CFR 51.160-166 and Appendix S), the Federal prevention of significant deterioration program (40 CFR 52.21), and Federal restrictions on

new source construction (40 CFR 54.24).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 06/00/94 | |
| Final Action | 06/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 2909.

Agency Contact: David Solomon, Chief, New Source Review Section, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, 919 541-5375

RIN: 2060-AD13

3795. ENHANCED MONITORING PROGRAM

Significance: Regulatory Program

Legal Authority: Clean Air Act Amendments of 1990, section 114(a)(3)

CFR Citation: 40 CFR 64

Legal Deadline: NPRM, Judicial, September 30, 1993. Final, Statutory, November 1992. Final, Judicial, September 30, 1994.

Abstract: Regulations will be developed to provide guidance on the appropriate enhanced monitoring protocols, recordkeeping and reporting requirements for major sources.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 09/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 2942.

Agency Contact: Keith Brown, Environmental Protection Agency, Air and Radiation, (EN-341W), Washington, DC 20460, 703 308-8676

RIN: 2060-AD18

3796. LOCOMOTIVE EMISSIONS STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 7547

CFR Citation: 40 CFR 86

Legal Deadline: Final, Statutory, November 1995.

Abstract: The Clean Air Act Amendments of 1990 require EPA to promulgate emission standards for railroad locomotives. It is likely that railroad locomotives are significant contributors of pollution in some areas of the country for some pollutants. This rulemaking may allow for uniform control of locomotive emissions on the national level.

EPA—CAA

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 06/00/94 | |
| Final Action | 11/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: SAN No. 2961.

Agency Contact: Peter Hutchins, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-8340

RIN: 2060-AD33

3797. ACID RAIN OPT-IN REGULATION

Significance: Regulatory Program

Legal Authority: PL 101-549; Clean Air Act Amendments of 1990, title IV

CFR Citation: 40 CFR 74

Legal Deadline: Final, Statutory, May 15, 1992.

Abstract: Section 410 of the Clean Air Act Amendments allows sources not affected by Title IV to "opt-in" to the Title IV Acid Rain SO₂ Allowance Trading Program. The regulation will provide the necessary procedures for combustion sources to opt into the Acid Rain Program. Rules for process sources interested in opting in will be proposed at a later date.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 04/00/94 | |
| Final Action | 03/00/95 | |

Combustion Sources

NPRM 09/24/93 (58 FR 50088)

Final 08/00/94

Process Sources

NPRM 08/00/94

Final 08/00/95

Small Entities Affected: Undetermined

Government Levels Affected: Local

Additional Information: SAN No. 3009.

Agency Contact: Julie Rosenberg/Adam Klinger, Environmental Protection Agency, Air and Radiation, (6204J), Washington, DC 20460, 202 233-9154

RIN: 2060-AD43

3798. PROHIBITION OF LEADED GASOLINE FOR HIGHWAY USE

Significance: Regulatory Program

Legal Authority: 42 USC 7545

CFR Citation: 40 CFR 80

Legal Deadline: Final, Statutory, December 31, 1995.

Abstract: After December 31, 1995, it shall be unlawful for any person to sell, offer for sale, supply, offer for supply, dispense, transport, or introduce into commerce, for use as fuel in any motor vehicle any gasoline which contains lead or lead additives.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| Final Action | 01/01/95 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3111.

Agency Contact: James W. Caldwell, Environmental Protection Agency, Air and Radiation, (6406J), Washington, DC 20460, 202 233-9020

RIN: 2060-AD55

3799. MOBILE-STATIONARY SOURCE TRADING PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 7502(c)(6)/CAA 172(c)(6); 42 USC 7511a(g)(4)/CAA 182(g)(4)

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: The Clean Air Act requires States to reduce emissions to meet air-quality standards. Under this initiative, EPA will produce guidance for States which clarifies how the CAA requirements can be met by trading emission reductions among mobile and stationary sources. This guidance will encourage States to consider these trading opportunities as they develop their implementation plans for air-quality management. The guidance will also detail any restriction on the ability to trade among these source categories.

Timetable:

| Action | Date | FR Cite |
|------------------|----------|-------------|
| Interim Guidance | 02/23/93 | 58 FR 11134 |
| NPRM | 00/00/00 | |
| Final Guidance | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: SAN No. 3286.

Agency Contact: Terri Wilsie, Environmental Protection Agency, Air and Radiation, (ANR-443), Washington, DC 20460, 202 260-1360

RIN: 2060-AD85

3800. NEW SOURCE REVIEW NONATTAINMENT REQUIREMENTS

Significance: Regulatory Program

Legal Authority: Clean Air Act as amended in 1990, title I

CFR Citation: 40 CFR 51.160 to 51.166; 40 CFR 52.24; 40 CFR 52.10

Legal Deadline: None

Abstract: To comply with the more stringent requirements in the Clean Air Act as amended in 1990 for preconstruction review of new and modified major sources in areas that have been designated by EPA as failing to attain one or more of the national ambient air quality standards, EPA plans to amend its new source review rules.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 02/00/94 | |
| Final Action | 02/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3259.

In order to expedite the completion of the nonattainment new source review (NSR) rulemaking, this action has been split from broader NSR rulemaking (RIN: 2060-AD13).

Agency Contact: David Solomon, Chief, New Source Review Section, Environmental Protection Agency, Air and Radiation, U.S. Environmental Protection Agency, MD-15, Research Triangle Park, NC 27711, 919 541-5375

RIN: 2060-AE11

3801. AMENDMENTS TO THE EMISSION DEFECT REPORTING REQUIREMENTS

Legal Authority: 42 USC 1857 f-6(a); 42 USC 1857 g(a)

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: These amendments to the regulations will update and clarify the emission defect reporting requirements.

EPA-CAA

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 09/00/94 | |
| Final Action | 07/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 3265.

Agency Contact: Cliff Dean, Manufacturers Operations Division, Environmental Protection Agency, Air and Radiation, 401 M Street SW., Mail Code 6405J, Washington, DC 20460, 202 233-9240

RIN: 2060-AE16

3802. INSPECTION/MAINTENANCE PROGRAM REQUIREMENTS—ONBOARD DIAGNOSTIC CHECKS

Legal Authority: 42 USC 7401, Clean Air Act Amendments of 1990

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: This action establishes requirements for checking onboard diagnostic systems as part of the Inspection/Maintenance program pursuant to Clean Air Act Amendments of 1990. Test procedures and state implementation plan requirements are established.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 03/00/94 | |
| Final Action | 12/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3264.

Agency Contact: Eugene J. Tierney, Chief, Inspection Maintenance Section, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4456

RIN: 2060-AE19

3803. PERFORMANCE WARRANTY AND INSPECTION/MAINTENANCE TEST PROCEDURES

Legal Authority: 42 USC 7541; 42 USC 7601

CFR Citation: 40 CFR 51; 40 CFR 85

Legal Deadline: None

Abstract: This action establishes a new short test procedure for use in I/M programs required by the Clean Air Act

Amendments of 1990. Vehicles that are tested and failed using this procedure and that meet eligibility requirements established by the act would be eligible for free warranty repair from the manufacturers.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 02/00/94 | |
| Final Action | 12/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3263.

Agency Contact: Eugene J. Tierney, Chief, Inspection/Maintenance Section, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4456

RIN: 2060-AE20

3804. INSPECTION/MAINTENANCE PROGRAM REQUIREMENTS—PROVISIONS FOR REDESIGNATION

Legal Authority: 42 USC 7511 (A)(2)(b) and (A)(2)(b)(2)

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: This action specifies requirements for SIP approval as it relates to Inspection/Maintenance requirements when a state submits a request to be redesignated to attainment for one of the national ambient air quality standards.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 07/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3261.

Agency Contact: Eugene J. Tierney, Chief, Inspection/Maintenance Section, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4456

RIN: 2060-AE21

3805. INSPECTION/MAINTENANCE RECALL REQUIREMENTS

Legal Authority: 42 USC 7511 (A)(2)(b) and (A)(2)(b)(2)

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: This action specifies requirements for enhanced I/M programs to establish a program to ensure compliance with recall notices. This is pursuant to the Clean Air Act Amendments of 1990.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 12/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3262.

Agency Contact: Eugene J. Tierney, Chief, Inspection/Maintenance Section, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4456

RIN: 2060-AE22

3806. FEDERAL IMPLEMENTATION PLAN TO ACHIEVE THE NATIONAL AMBIENT AIR QUALITY STANDARD FOR OZONE IN THE SACRAMENTO METROPOLITAN AREA, SCAQMD, AND VENTURA COUNTY, CALIFORNIA NONATTAINMENT AREAS

Legal Authority: PL 101-549, sec 110(c)(1); Judicial Order - 971 F.2d 219 (9th Cir. 1992)

CFR Citation: 40 CFR 52

Legal Deadline: NPRM, Judicial, February 14, 1994. Final, Judicial, February 14, 1995.

This is a judicially imposed date for the Sacramento Metro Area. The respective judicial dates for the South Coast Quality Mgt. District are 2/22/94 & 2/22/95. Ventura Co. dates are not final.

Abstract: The Federal Implementation Plans (FIP's) will result in attainment (NAAQS) for tropospheric ozone. Reductions in emissions of (NAAQS) for tropospheric ozone. Reductions in emissions of volatile organic compounds and/or nitrogen oxides are required to attain and maintain the ozone NAAQS. EPA will build on the air quality management plans and State rules for each area. EPA will involve the district and State air resources authorities, other Federal agencies, and others in the rule development process to ensure meeting the judicial schedule and facilitate better rules. Elements of the 1990 Clean Air Act Amendments

EPA—CAA

Proposed Rule Stage

offer greater flexibility with respect to attainment dates and control measures. These elements together with cost effectiveness, Regulatory Flexibility Act, and environmental equity considerations will be Flexibility Act, and environmental equity considerations will be inputs to regulation development process.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 02/00/94 | |
| Final Action | 02/00/95 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 3355.

Agency Contact: Julia Barrow, FIP Team Leader, Environmental Protection Agency, Air and Radiation, 75 Hawthorne Stree (A-2-5), San Francisco, CA 94105, 415 744-2434

RIN: 2060-AE25

3807. • AMBIENT AIR QUALITY SURVEILLANCE SITING CRITERIA FOR OPEN PATH ANALYZERS

Legal Authority: 42 USC 7410 - Clean Air Act; 42 USC 7601(a) - Clean Air Act; 42 USC 7613 - Clean Air Act; 42 USC 7619 - Clean Air Act

CFR Citation: 40 CFR 58

Legal Deadline: None

Abstract: A new method for monitoring pollutants in ambient air has been developed and introduced to the EPA. This new monitor, called an open path analyzer, is capable of measuring pollutant concentrations over a path of several meters to a kilometer. Traditional monitoring methods measure gaseous pollutant concentrations by extracting an air sample through an inlet probe, resulting in a "point" measurement. The advent of open path technology has necessitated this revision of the existing regulations which govern the use of ambient air monitors. These revisions will parallel the existing criteria required for ambient air monitors used in the state and local air quality monitoring networks.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 02/00/94 | |
| Final Action | 01/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3257.

Agency Contact: Lee Ann B. Byrd, Environmental Engineer, Environmental Protection Agency, Air and Radiation, OAQPS (MD-14), Research Triangle Park, NC 27711, 919 541-5367

RIN: 2060-AE31

3808. • EMISSION STATEMENT, PERIODIC EMISSION INVENTORY AND STATEWIDE INVENTORY REQUIREMENTS

Legal Authority: 42 USC 7511; 42 USC 7410

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: Emission statements and periodic inventories are new programs addressed in the 1990 Amendments to the Clean Air Act that calls for emissions reporting. In addition, requirements for the annual reporting of emissions from stationary sources are contained in 40 CFR 51.321 - 51.323. Each of these programs requires either sources or states to report emissions and other supporting data. The data reporting intervals, type of pollutant source, pollutant type, and geographic coverage varies for the three programs. This rule will address the streamlining and consolidation of reporting requirements of each of these programs. The emissions data made available by these programs will also provide a mechanism for tracking emissions on an annual basis.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 08/00/94 | |
| Final Action | 06/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Public Compliance Cost: Initial Cost: \$2,000,000; Yearly Recurring Cost: \$12,000,000; Base Year for Dollar Estimates: 1993

Sectors Affected: Multiple

Analysis: Regulatory Flexibility Analysis

Additional Information: SAN No. 3302.

Agency Contact: Mary Ann Warner - Selph, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 46105, 313 668-4264

RIN: 2060-AE32

3809. • ADDITION OF TEST METHOD 205, "VERIFICATION OF GAS DILUTION SYSTEMS FOR FIELD INSTRUMENT CALIBRATION," TO APPENDIX M OF 40 CFR PART 51

Legal Authority: 42 USC 7410

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: Instrumental test methods currently available require on-site, multi-point calibration with gaseous standards of known concentration. For testing contractor conducting multiple test methods, this can frequently mean the transportation of dozens of high pressure gas cylinders over long distances. Gas dilution systems are available which can be used to dilute a known, certified high level gas into lower concentration gases. This method, which has been available for comment through the Emission Measurement Technical Information Center since April, 1991, provides a standard procedure for certifying the accuracy and precision of these gas dilution systems for field applications. The purpose of this method is to provide the State and local administration with a tool for insuring correct instrument calibration, while providing considerable cost savings to the source.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 01/00/94 | |
| Final Action | 07/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Additional Information: SAN No. 3314.

Agency Contact: Rima Dishaktian, Environmental Protection Agency, Air and Radiation, Office of Air and Radiation (MD-19), Research Triangle Park, NC 27711, 919 541-0443

RIN: 2060-AE33

EPA—CAA

Proposed Rule Stage

3810. • NAAQS: OZONE (REVIEW)**Significance:** Regulatory Program**Legal Authority:** 42 USC 7408 section 108 Clean Air Act; 42 USC 7409 Section 109 Clean Air Act**CFR Citation:** 40 CFR 50.9**Legal Deadline:** Other, Statutory, December 31, 1980.

Final statutory, December 31, 1980. Review by December 31, 1980 and at 5-year intervals thereafter.

Abstract: The EPA is updating the air quality criteria to take into account new health and welfare effects information. A revised criteria document and associated staff paper will be reviewed by the Clean Air Scientific Advisory Committee. Based on the revised air quality criteria, the EPA will determine how these revisions to the existing standards are appropriate.**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 04/00/96 | |
| Final Action | 05/00/97 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Local, State, Federal**Analysis:** Regulatory Impact Analysis; Regulatory Flexibility Analysis**Additional Information:** SAN No. 3353.**Agency Contact:** John Haines, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5533

RIN: 2060-AE57

3811. • REVISION OF SIP COMPLETENESS CRITERIA**Significance:** Agency Priority**Legal Authority:** 42 USC 7401(b)(1); 42 USC 7407(d); 42 USC 7410(k)(1); 42 USC 7410(k)(4); 42 USC 7470 to 79; 42 USC 7501 to 7508; 42 USC 7601(a)**CFR Citation:** 40 CFR 51 app V (Revision)**Legal Deadline:** None**Abstract:** EPA is amending the SIP Completeness Criteria to establish completeness criteria for commitments in light of EPA's conditional approval authority under section 110(k)(4) of the Act. Additionally, EPA is proposing to remove the parallel processing

exception from the completeness criteria. Finally, EPA is proposing to revise the definition of "official submittal" from a State in Section 51.103. This action will classify which elements of the completeness criteria pertain to committal SIPs and it will implement EPA's intent that parallel progressing requests not be treated as official submittals from a State.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/30/93 | |
| NPRM Comment Period End | 11/30/93 | |
| Final Action | 06/30/94 | |
| Final Action Effective | 07/30/94 | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** SAN No. 3354.**Agency Contact:** Denise Gerth, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, 919 541-5550

RIN: 2060-AE58

3812. • ACID RAIN PROGRAM, REVISIONS OF SUBSTITUTION AND REDUCED UTILIZATION REGULATIONS**Significance:** Regulatory Program**Legal Authority:** PL 101-549 Clean Air Act Amendments of 1990, title IV**CFR Citation:** 40 CFR 72**Legal Deadline:** None**Abstract:** EPA plans to propose revisions of the regulations concerning the designation of substitution and compensating units in order to ensure that they are consistent with the purposes and requirements of Title IV.**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None**Government Levels Affected:** Local**Additional Information:** SAN No. 3319.**Agency Contact:** Dwight C. Alpern, Environmental Protection Agency, Air and Radiation, Acid Rain Division (6204J), 401 M Street SW., Washington, DC 20460, 202 233-9151

RIN: 2060-AE59

3813. REVISE CAPTURE EFFICIENCY GUIDELINES**Significance:** Regulatory Program**Legal Authority:** 42 USC 7410/CAA 110**CFR Citation:** 40 CFR Not applicable**Legal Deadline:** None**Abstract:** In order to determine compliance with the volatile organic compounds rules for certain types of printing and coating operations, it is necessary to determine the effectiveness of the system for collecting the vapors to be ducted to a control device, referred to as capture efficiency (CE). EPA is undertaking a study to investigate less expensive ways of using the current CE guidance, as well as to identify criteria for approving alternatives to the current guidance. EPA expects to issue the results of the study in February 1994, followed by rulemaking to incorporate CE methods into EPA regulations.**Timetable:**

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 3016.**Agency Contact:** David Cole, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, 919 541-5565

RIN: 2060-AD84

3814. MEDICAL WASTE INCINERATORS**Significance:** Regulatory Program**Legal Authority:** Clean Air Act Amendments of 1990, sec 129**CFR Citation:** 40 CFR 60**Legal Deadline:** Final, Statutory, November 1992.**Abstract:** The EPA is developing new source performance standards (NSPS) and emission guidelines (EG) for existing sources under Sections 111 and 129 of the Clean Air Act. The NSPS is to reflect the maximum degree of reductions in emissions that have been demonstrated for new units. The EG may be less stringent than the standards for new units. States must submit plans for implementing and enforcing the guidelines. Section 129

EPA-CAA

Proposed Rule Stage

requires emission limits be established for particulate matter, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, and dioxins and dibenzofurans.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 06/00/94 | |
| Final Action | 08/00/95 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 2719.

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5251

RIN: 2060-AC62

3815. NSPS: MUNICIPAL WASTE COMBUSTION—PHASE II AND PHASE III

Significance: Regulatory Program

Legal Authority: 42 USC 4111/Clean Air Act Amendments of 1990, section 129

CFR Citation: 40 CFR 60

Legal Deadline: Final, Statutory, November 1991.

Final deadline for Phase II/Large MWCs is November 1991. Final deadline for Phase III/Small MWCs is November 1992.

Abstract: The Clean Air Act Amendments of 1990 direct EPA to set standards of performance and emission guidelines for new and existing municipal waste combustors under Sections 111 and 129; to base these standards and guidelines on maximum achievable control technology; and to include emission limits for particulate matter, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, mercury, lead, cadmium, and dioxins and dibenzofurans. The standards for both large and small municipal waste combustors have been combined into one set of standards.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 2916.

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5251

RIN: 2060-AD00

3816. NSPS: REVIEW OF SUBPART (D)(A)—ELECTRIC UTILITY STEAM GENERATING UNITS (SO₂)

Significance: Regulatory Program

Legal Authority: 42 USC 7411/CAA 111; Clean Air Act Amendments of 1990, sec 403

CFR Citation: 40 CFR 60

Legal Deadline: Final, Statutory, November 1993.

Abstract: Subpart Da of 40 CFR part 60 applies to large electric utility steam generating facilities. EPA is revising this NSPS, pursuant to Section 403 of the Clean Air Act Amendments of 1990. This section requires the SO₂ emission limitations be revised to reflect changes in Section 111. The revised emission limitations are to result in emissions compliance with the existing NSPS. A regulatory schedule is currently under development.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3106.

Agency Contact: Kenneth R. Durkee, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5425

RIN: 2060-AD04

3817. NESHAP: ASBESTOS PROCESSING STANDARD

Significance: Regulatory Program

Legal Authority: 42 USC 7412/CAA 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The asbestos processing source category was listed as an area source to be regulated under the Clean Air Act. The purpose of this action is

to develop maximum achievable control technology (MACT) or generally achievable control technology (GACT) standards for the asbestos processing source category that is comprised of the milling, manufacturing, and fabrication subcategories of the asbestos NESHAP (40CFR Part 61) Pollutants to be regulated include asbestos and other HAPs emitted by these subcategories.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 07/00/94 | |
| Final Action | 05/00/95 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 2892.

Agency Contact: Sims Roy, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5263

RIN: 2060-AB51

3818. NESHAP: CHROMIUM—ELECTROPLATING

Legal Authority: Clean Air Act Amendments of 1990, sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, November 23, 1994.

Abstract: Chromium compounds are among the pollutants listed as hazardous under Section 112 of the Clean Air Act Amendments of 1990. The EPA will propose to develop standards for chromium emissions from electroplating operations. Hard, decorative, and anodizing operations may be affected. The standards could require the use of maximum achievable control technology pursuant to the Clean Air Act Amendments of 1990.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| Final Action | 11/23/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 2841.

Agency Contact: Lalit Banker, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5420

RIN: 2060-AC14

EPA-CAA

Proposed Rule Stage

3819. NESHAP: ETHYLENE OXIDE FROM COMMERCIAL STERILIZATION

Legal Authority: Clean Air Act Amendments of 1990, sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, November 23, 1994.

Abstract: This standard would control ethylene oxide sterilizers (other than hospital sterilizers).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 02/00/94 | |
| Final Action | 11/23/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 2484.

Agency Contact: David Markwordt, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-0837

RIN: 2060-AC28

3820. NESHAP: HALOGENATED SOLVENT CLEANING

Legal Authority: Clean Air Act Amendments of 1990, sec 112

CFR Citation: 40 CFR 63

Legal Deadline: NPRM, Judicial, November 15, 1993. Final, Judicial, November 15, 1994.

Abstract: An NSPS was proposed for this source category in 1980. Subsequently, in 1987, the Agency solicited public participation in information gathering in preparation for a decision on whether to regulate this source category under the NESHAP program, the NSPS program, or both. The NESHAP regulations are being developed and would apply to new and existing organic halogenated solvent cleaners (degreasers) using any of the hazardous air pollutants listed in the Clean Air Act, as amended. By consent decree, the Agency has to propose a rule for this project by November 15, 1993, and promulgate the rule within twelve (12) months of the proposal.

Timetable:

| Action | Date | FR Cite |
|-------------------------------|----------|-------------|
| Notice (Public Participation) | 08/17/87 | 52 FR 29548 |
| NPRM | 11/00/93 | |
| Final Action | 11/00/94 | |

Small Entities Affected: Businesses
Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 1695.

Agency Contact: Paul Almodovar, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-0283

RIN: 2060-AC31

3821. NESHAP: PULP AND PAPER

Significance: Regulatory Program

Legal Authority: Clean Air Act Amendments of 1990, sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1997.

Abstract: This standard would control air emissions of hazardous air pollutants from pulp and paper mills. The regulation could address air emissions from process vents, storage tank vents, spills, kraft, soda, sulfite, and semichemical mills, and wastewater collection and treatment associated with the following noncombustion mill areas: pulping, turpentine recovery, oil recovery, pulp washing, prebleaching, bleaching, evaporation, and paper making. This regulation may also control air emissions from units associated with the liquor recovery cycle such as the recovery of furnace, lime kiln, causticizing tanks, and smelt tanks. Air emission standards for noncombustion sources at kraft, soda, sulfite, and semichemical mills are being integrated with the Clean Water Act effluent guideline limitations under development for these mills (see RIN 2040-AB53). The standards for this industry will be proposed and promulgated on a phased schedule.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| NPRM for Noncombustion Sources | 10/00/93 | |
| NPRM for Combustion Sources | 10/00/94 | |
| Final Action for All Sources | 09/00/95 | |
| Chemi-Thermo-Mechanical/Chemical, Mechanical, Groundwood,.... | | |
| NPRM | 11/00/95 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 2914. (Noncombustion).

Includes SAN No. 3105 (Combustion).

Agency Contact for Combustion Sources: Jeff Telavder, U.S. EPA (MD-13), Research Triangle Park, NC 27711, (919) 541-5427.

Agency Contact: Penny Lassiter, (Noncombustion Sources), Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5396

RIN: 2060-AD03

3822. GUIDANCE FOR THE IMPLEMENTATION OF SECTION 112(G)—MODIFICATIONS

Significance: Regulatory Program

Legal Authority: Clean Air Act Amendments of 1990, sec 112(g)

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, May 1992.

Abstract: Guidance is being developed in accordance with the requirements of Section 112(g) of the Clean Air Act Amendments of 1990. This guidance may set de minimis levels for the 189 listed hazardous air pollutants and establish a ranking for determinations of offsets.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 10/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 2932.

Agency Contact: Jane Caldwell-Kenkel, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-0328

RIN: 2060-AD06

3823. NESHAP FOR WOOD FURNITURE MANUFACTURING

Legal Authority: Clean Air Act Amendments of 1990, sec 112-

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: This regulation would control emissions of hazardous air pollutants

EPA—CAA

Proposed Rule Stage

from wood furniture manufacturing plants. The Agency is currently negotiating a proposed rule with a Federal Advisory Committee.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 2965.

Agency Contact: James C. Berry, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, N.C. 27711, 919 541-5605

RIN: 2060-AD57

3824. RADIONUCLIDE MAJOR SOURCE DEFINITION

Significance: Agency Priority

Legal Authority: 42 USC 7607/CAA 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: Section 112(a) of the CAA Amendments of 1990 defines major source as any source that emits 10 tons or more per year of any hazardous air pollutant (HAP) or 25 tons or more per year of any combination of HAP. The ton quantities are inappropriate for radionuclides, as very small emissions of radiation may be extremely hazardous. The statute authorizes different criteria to be established for radionuclides. This rulemaking will establish these criteria.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3373.

Agency Contact: David O'Very, Environmental Protection Agency, Air and Radiation, 401 M Street, SW., ORIA - 6602J, Washington, DC 20460, 202 233-9762

RIN: 2060-AD60

3825. NESHAP: STAGE I GASOLINE DISTRIBUTION FACILITIES

Significance: Agency Priority

Legal Authority: Clean Air Act Amendments of 1990, sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1994.

Abstract: Gasoline vapors contain about ten of the hazardous air pollutants HAPs listed in Section 112 of the Clean Air Act Amendments of 1990. These HAP emissions occur during transferring and storage operations. Facilities being analyzed are bulk gasoline terminals and plant pipe facilities, and gasoline service stations. Control alternatives of major sources of emissions (large size terminals and pipeline facilities) are the only alternatives being considered. Costs average about eighteen million dollars per year with benefits of about two thousand tons of HAP reduced, and about forty thousand tons of volatile organic compounds.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/31/94 | |
| Final Action | 11/23/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 2926.

Agency Contact: Stephen A. Shedd, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5397

RIN: 2060-AD93

3826. NESHAP: PETROLEUM REFINERIES

Legal Authority: Clean Air Act Amendments of 1990, sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1994.

EPA is required to promulgate 25% of the listed source categories by November 15, 1994. EPA plans to promulgate this standard by that date to satisfy part of this statutory obligation.

Abstract: Title III of the Clean Air Act Amendments of 1990 requires EPA to develop emission standards for 189 hazardous air pollutants (HAPs). Petroleum refining is among the potential source categories to be regulated under Section 112 of the CAA. Sources of emissions within

petroleum refineries include process vents, equipment leaks, wastewater collection and treatment facilities, transfer operations and storage vessels.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 06/00/94 | |
| Final Action | 06/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3168.

Agency Contact: James F. Durham, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5622

RIN: 2060-AD94

3827. NESHAP: PRINTING/PUBLISHING INDUSTRY

Legal Authority: Clean Air Act Amendments of 1990, sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1994.

EPA is required to promulgate 25% of the listed source categories by November 15, 1994. EPA plans to promulgate this action by that date to satisfy part of this statutory obligation.

Abstract: This regulation would control hazardous air pollutant emissions from printing/publishing facilities. The Agency is currently gathering background information on the rotogravure, flexography, offset lithography, screen printing, letterpress and other parts of the printing/publishing industry. The Agency will make a decision on the scope of this regulation once this work is completed.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/94 | |
| Final Action | 11/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3077.

Agency Contact: David Salman, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-0859

RIN: 2060-AD95

EPA-CAA

Proposed Rule Stage

3828. NESHAP: POLYMERS AND RESINS, GROUP I

Legal Authority: Clean Air Act Amendments of 1990, sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1994.

EPA is required to promulgate 25% of the listed source categories by November 15, 1994. EPA plans to promulgate this standard by that date to satisfy part of this statutory obligation.

Abstract: The regulation under development would control emissions of hazardous air pollutants (HAPs) from the manufacture of the butyl rubber, epichlorohydrin elastomer, ethylene propylene rubber, Hypalon (TM), neoprene, nitrile butadiene rubber, polybutadiene rubber, polysulfide rubber and styrene butadiene rubber and latex. Emissions from process vents, equipment leaks, wastewater and storage will be addressed by this regulation for both new and existing sources.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 09/00/94 | |
| Final Action | 09/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 3166.

Agency Contact: Leslie Evans, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5410
RIN: 2060-AD98

3829. NESHAP: POLYMERS AND RESINS II

Legal Authority: Clean Air Act Amendments of 1990, sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1994. Final, Judicial, February 28, 1995.

EPA is required to promulgate 25% of the listed source categories by November 15, 1994. EPA plans to promulgate this standard by that date to satisfy part of this statutory obligation.

Abstract: This regulation could control emissions of hazardous air pollutants (HAPs) from epoxy resin production

and anon-nylon polyamide resin production processes. These processes were included on the list of categories of sources that was published by the EPA in July 1992. Emissions from process vents equipment leaks, wastewater and storage will be addressed by this regulation for both new and existing facilities.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 04/30/94 | |
| Final Action | 02/28/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3165.

Agency Contact: Randy McDonald, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5402
RIN: 2060-AD97

3830. NESHAP: SURFACE COATING OPERATIONS IN SHIPBUILDING AND SHIP REPAIR

Legal Authority: Clean Air Act Amendments of 1990, sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1994.

EPA is required to promulgate 25% of the listed source categories by November 15, 1994.

Abstract: This regulation would control emissions of hazardous air pollutants from shipbuilding and ship repair operations related to painting.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 07/00/94 | |
| Final Action | 07/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3074.

Agency Contact: Mohamed Serageldin, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-2379
RIN: 2060-AD98

3831. NESHAP: MAGNETIC TAPE MANUFACTURING INDUSTRY

Legal Authority: Clean Air Act Amendments of 1990, sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1994. Final, Judicial, November 23, 1994.

Abstract: EPA is developing a NESHAP for the major source category of magnetic tape manufacturing. This industry manufactures audio video and computer tape by coating a plastic substrate (tape) with a solvent-based magnetic coating. The primary HAPs used in this industry are methyl ethyl ketone, methyl isobutyl ketone, and toluene. These are used both as a solvent for heating and as a cleaning solution for cleaning operations. EPA promulgated an NSPS for this industry in 1988. The standards for the NESHAP are to be technology-based and are to require the maximum achievable control technology (MACT) as described in section 112 of the CAA.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 02/00/94 | |
| Final Action | 11/23/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 2946.

Agency Contact: Deb Stackhouse, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5258
RIN: 2060-AD99

3832. NESHAP: AEROSPACE INDUSTRY

Significance: Regulatory Program

Legal Authority: Clean Air Act Amendments of 1990, sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1994. Final, Judicial, July 31, 1995.

Abstract: This NESHAP will be based on maximum achievable control technology (MACT). The NESHAP will address organic hazardous air pollutants (HAPs) emitted by all processes associated with the manufacture and rework of military and commercial aircraft, subassemblies, and aircraft parts. The majority of HAP emissions from the category come from solvent usage (i.e. MEK, MIBK, toluene, methylene chloride, etc.).

EPA—CAA

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 07/31/94 | |
| Final Action | 07/31/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3075.

Agency Contact: Vickie Boothe, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5426

RIN: 2060-AE02

3833. NESHAP: SECONDARY LEAD SMELTERS

Significance: Regulatory Program

Legal Authority: Clean Air Act Amendments of 1990, sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1994. Final, Judicial, May 31, 1995.

EPA is required to promulgate 25% of the listed source categories by November 15, 1994. EPA plans to promulgate this standard by that date to satisfy part of this statutory obligation.

Abstract: Secondary lead smelters are a major source of hazardous air pollutants. Potential emissions include compounds of lead, antimony, and cadmium; hazardous organic compounds including benzene, methyl chloride, butadiene; and hydrochloric acid. The standard will establish maximum achievable control technology requirements for process furnaces, process fugitive emissions, and area fugitive emissions.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 05/31/94 | |
| Final Action | 05/31/95 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3193.

Agency Contact: George Streit, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-2364

RIN: 2060-AE04

3834. NESHAP FOR SOLID WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

Legal Authority: Clean Air Act Amendments of 1990, sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1994.

EPA is required to promulgate 25% of the listed source categories by November 15, 1994. EPA is planning to promulgate this action by that date to satisfy part of this statutory obligation.

Abstract: This rule will specify maximum control technology (MACT) for facilities that treat, store, dispose of, recycle, recover and/or re-refine solid waste received from off-site. These facilities include commercial waste treatment facilities, used oil re-refining solvent recovery plants, transfer stations, and industrial landfills. Regulatory alternatives and cost/benefit analyses have not yet been developed.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| Final Action | 02/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3159.

Agency Contact: Eric L. Crump, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5032

RIN: 2060-AE05

3835. STANDARDS OF PERFORMANCE FOR HAZARDOUS AIR POLLUTANTS FOR THE MINERAL WOOL PRODUCTION INDUSTRY

Legal Authority: 42 USC 1857 et seq; 44 USC 350 et seq; 4 USC 605; EO 12291

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1997.

Abstract: The Clean Air Act, as amended in 1990, requires the EPA to (1) publish an initial list of all categories of major and area sources of the hazardous air pollutants (HAPs) listed in Section 112(b) of the CAA, (2) promulgate a schedule establishing a date for the promulgation of emissions standards for each of the listed

categories of HAPs emission sources, and (3) develop emission standards for each source of HAPs. These standards are to be technology-based and are to require the maximum degree of emission reduction determined to be achievable by the Administrator. The Agency has determined that the mineral wool production industry may reasonably be anticipated to emit several of the 189 HAPs listed in Section 112(b) of the CAA. As a consequence, a regulatory development program is being pursued for the mineral wool production industry to promulgate emission standards within 7 years of enactment of the Clean Air Act Amendments.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/95 | |
| Final Action | 11/00/96 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3215.

Agency Contact: Mary K. Johnson, Environmental Engineer, Environmental Protection Agency, Air and Radiation, U.S. Environmental Protection Agency, Emission Standards Division (MD-13), Research Triangle Park, NC 27711, 919 541-5025

RIN: 2060-AE08

3836. • OIL AND GAS PRODUCTION MACT

Legal Authority: Clean Air Act Amendments of 1990, sec 122

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1997.

This standard must be promulgated within seven years of enactment of the Clean Air Act.

Abstract: Hazardous air pollutants (HAPs) known to be emitted from oil and gas production facilities include benzene, toluene, ethyl benzene, and xylene isomers (collectively referred to as BTEX), along with 2,2,4-trimethylpentane and hexane. Potential HAP emission sources are gas/liquid separators, natural gas processing operations, glycol dehydration units and reboilers, crude oil storage tanks, and waste water treatment facilities.

EPA—CAA

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/95 | |
| Final Action | 11/00/96 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3229.

Agency Contact: Martha Smith, Environmental Protection Agency, Air and Radiation, Office of Air Quality Planning and Standards, MD-13, Research Triangle Park, NC 27711, 919 541-2421

RIN: 2060-AE34

3837. • NATIONAL EMISSION STANDARD FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR POLYMERS AND RESINS, GROUP III

Legal Authority: Clean Air Act Amendments of 1990, sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: Title III of the amended Clean Air Act requires development of emission standards for all major sources, and selected area sources, emitting any of the 189 hazardous air pollutants identified in Section 112(b) of the Act. Amino, acetal, and phenolic resins productions have been listed as categories of major sources based on documented emissions of phenol and/or formaldehyde. The purpose of the Formaldehyde-based Resin project is to initiate the regulatory process for sources engaged in the production of amino, acetal, and phenolic resins, and to ultimately develop a NESHAP based on candidate Maximum Achievable Control Technology. This standard is a 7-year standard, required to be promulgated by November 1997.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 05/00/95 | |
| Final Action | 05/00/96 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3228.

Agency Contact: David Svendsgaard, Environmental Engineer, Environmental Protection Agency, Air and Radiation,

Research Triangle Park, NC 27711, 919 541-2380

RIN: 2060-AE36

3838. • NESHAP: POLYMERS AND RESINS, GROUP IV

Legal Authority: Clean Air Act Amendments of 1990, sec 112

CFR Citation: 49 CFR 63

Legal Deadline: Final, Statutory, November 15, 1994.

Abstract: This action will control emissions of hazardous air pollutants (H APs) from the manufacturer of polyethylene terephthalate and the major styrene based thermoplastics. Emissions from process vents, equipment leaks, wastewater and storage will be addressed by this regulation for both new and existing sources.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 07/28/94 | |
| Final Action | 07/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 3187.

Agency Contact: Leslie Evans, Environmental Engineer, Environmental Protection Agency, Air and Radiation, Research Triangle Park, NC 27711, 919 541-5410

RIN: 2060-AE37

3839. • NESHAP—PHOSPHORIC ACID MANUFACTURING INDUSTRY

Legal Authority: Clean Air Act Amendments of 1990, section 112.

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1997. Clean Air Act Amendments of 1990

Abstract: The CAAA required EPA to publish an initial list of all categories of major and area sources of the hazardous air pollutants (HAPs) listed in Section 112(b) of the CAAA and, to establish dates for the promulgation of emission standards for each of the listed categories of HAP emission sources and develop emission standards for each source of HAPs such that the schedule is met. The standards are to be technology-based and are to require the maximum degree of emission reduction determined to be

achievable by the Administrator. The Agency has determined that the phosphoric acid manufacturing industry may reasonably be anticipated to emit several of the 189 HAPs listed in Section 112(b) of the CAAA. As a consequence, the source category is included on the initial list of HAP-emitting categories scheduled for standards promulgation within 7 years of enactment of the CAAA. The purpose of this action is to pursue a regulatory development program such that emission standards may be proposed and promulgated according to the mandated schedule.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/95 | |
| Final Action | 11/00/96 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3303.

Agency Contact: David F. Painter, Environmental Engineer, Environmental Protection Agency, Air and Radiation, Industrial Studies Branch, Research Triangle Park, NC 27711, 919 541-5515

RIN: 2060-AE40

3840. • NESHAP—STEEL PICKLING, HC1 PROCESS

Significance: Agency Priority

Legal Authority: Clean Air Act, sec 112 as amended, November 1990

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1995.

EPA is required to promulgate national emission standards for 50% of the source categories listed in Sect. 112(e) by Nov. 15, 1997. EPA plans to promulgate this standard by January 31, 1996.

Abstract: Hydrogen chloride (HC1) and chlorine are among the pollutants listed as hazardous air pollutants in Section 112 of the Clean Air Act Amendments of 1990. Steel pickling processes that use HC1 solution and HC1 regeneration processes have been identified by the EPA as potentially significant sources of HC1 and chlorine air emissions and, as such, a source category for which national emission standards may be warranted.

EPA—CAA

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/95 | |
| Final Action | 01/00/96 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3345.

Agency Contact: James H. Maysilles, Environmental Engineer, Environmental Protection Agency, Air and Radiation, Office of Air Quality Planning and Standards, ESD/ISB (mail code MD-13), Research Triangle Park, NC 27711, 919 541-3265

RIN: 2060-AE41

3841. • NESHAP—CHROMIUM CHEMICAL MANUFACTURING

Significance: Agency Priority

Legal Authority: Clean Air Act, sec 112 as amended November 1990

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1997.

EPA is required to promulgate 50% of the source categories listed in Section 112(e) by November 15, 1997. EPA plans to promulgate this standard by 3/31/95, to satisfy part of the stat requirement

Abstract: Chromium chemical production emits at least one of the 189 hazardous air pollutants (HAPs) as listed in Section 112(b) of the Clean Air Act, as amended in 1990. As a consequence, chromium chemicals production has been included on the initial list of HAP emitting categories published July 16, 1992, in the Federal Register. Currently, only two chromium chemical manufacturing plants exist in the U.S.: Occidental Chemical Corporation in Castle Hayne, NC; and American Chrome & Chemical Inc. plant in Corpus Christi, TX.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 05/00/94 | |
| Final Action | 03/31/95 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3344.

Agency Contact: Iliam D. Rosario, Environmental Engineer, Environmental Protection Agency, Air and Radiation,

Office of Air Quality Planning and Standards, ESD/ISB (mail code MD-13), Research Triangle Park, NC 27711, 919 541-5308

RIN: 2060-AE42

3842. • NESHAP—IRON FOUNDRIES AND STEEL FOUNDRIES

Significance: Agency Priority

Legal Authority: Clean Air Act, sec 112 as amended November 1990

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1997.

EPA is required to promulgate standards for 50% of the source categories listed in Section 112(e) by November 15, 1997. EPA plans to promulgate this standard by the required date.

Abstract: Iron foundries and steel foundries have been identified by the EPA as potentially significant sources of air emissions of manganese compounds, lead compounds, and other substances that are among the pollutants listed as hazardous air pollutants in Section 112 of the Clean Air Act Amendments of 1990. As such, these industries may be source categories for which national emission standards may be warranted.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/96 | |
| Final Action | 11/00/97 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3343.

Agency Contact: James H. Maysilles, Environmental Engineer, Environmental Protection Agency, Air and Radiation, Office of Air Quality Planning and Standards, ESD/ISB (mail code MD-13), Research Triangle Park, NC 27711, 919 541-3265

RIN: 2060-AE43

3843. • NESHAP—PHOSPHATE FERTILIZERS PRODUCTION INDUSTRY

Legal Authority: Clean Air Act Amendments of 1990, sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1997.

Clean Air Act Amendments of 1990

Abstract: EPA is required to publish an initial list of all categories of major and area sources of the hazardous air pollutants (HAPs) listed in Section 112(b) of the CAAA and, to establish dates for the promulgation of emission standards for each of the listed categories of HAP emission sources and develop emission standards for each source of HAPs such that the schedule is met. The standards are to be technology-based and are to require the maximum degree of emission reduction determined to be achievable by the Administrator. The Agency has determined that the phosphate fertilizer production industry may reasonable be anticipated to emit several of the 189 HAPs listed in Section 112(b) of the CAAA. As a consequence, the source category is included on the initial list of HAP-emitting categories scheduled for standards promulgation within 7 years of enactment of the CAAA. The purpose of this action is to pursue a regulatory development program such that emission standards may be proposed and promulgated according to the mandated schedule.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/95 | |
| Final Action | 11/00/96 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3304.

Agency Contact: David F. Painter, Environmental Engineer, Environmental Protection Agency, Air and Radiation, Industrial Studies Branch, Research Triangle Park, NC 27711, 919 541-5515

RIN: 2060-AE44

3844. • NESHAP—CYANIDE CHEMICAL MANUFACTURING

Significance: Agency Priority

Legal Authority: Clean Air Act, sec 112 as amended November 1990

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1997.

EPA is required to promulgate 50% of the source categories listed in Section 112(e) by 11/15/97. EPA plans to promulgate this standard by 11/30/94 to satisfy part of the stat requirement.

EPA-CAA

Proposed Rule Stage

Abstract: Cyanide compounds are among the pollutants listed as hazardous air pollutants in Section 112 of the Clean Air Act Amendments of 1990. As a consequence, the EPA has determined that sources that manufacture cyanide compounds may reasonably be anticipated to emit cyanide compounds in quantities sufficient to qualify them as major sources. Three source categories that either produce hydrogen cyanide or use it in the production of other chemicals, specifically cyanuric chloride and sodium cyanide, are on the initial list of HAP emitting source categories selected for regulation. Emission standards would substantially reduce the amount of cyanide discharged to the atmosphere from cyanide chemical manufacturers.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/94 | |
| Final Action | 11/00/95 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3341.

Agency Contact: Philip B. Mulrine, Environmental Engineer, Environmental Protection Agency, Air and Radiation, Office of Air Quality Planning and Standards, ESD/ISB, Research Triangle Park, NC 27711, 919 541-5489

RIN: 2060-AE45

3845. • NESHAP—PRIMARY COPPER SMELTERS

Significance: Agency Priority

Legal Authority: Clean Air Act, sec 112 as amended November 1990

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1997.

EPA is required to promulgate 50% of the source categories listed in Section 112(e) by 11/15/97. EPA plans to promulgate this standard by 8/30/95, to satisfy part of this stat. requirement.

Abstract: The primary copper smelter industry is known to emit a number of the hazardous air pollutants listed in Section 112 of the Clean Air Act Amendments of 1990. Most smelters have extensive control systems for oxides of sulfur and HAPs. However, fugitive emissions may cause several smelters to exceed major source levels.

Additional emissions standards for several HAPs would decrease the amount of these pollutants emitted to the atmosphere and reduce adverse human health and environmental impacts.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/30/94 | |
| Final Action | 08/30/95 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3340.

Agency Contact: Eugene P. Crumpler, Environmental Engineer, Environmental Protection Agency, Air and Radiation, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, 919 541-0881

RIN: 2060-AE46

3846. • NESHAP—WOOD TREATMENT INDUSTRY

Significance: Agency Priority

Legal Authority: Clean Air Act, sec 112 as amended November 1990

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1997.

EPA is required to promulgate 50% of the source categories listed in Section 112(e) by 11/15/97. EPA plans to promulgate this standard by 4/13/96 to satisfy part of this stat requirement.

Abstract: Many of the chemicals used to treat wood products to protect them from deterioration are listed as hazardous air pollutants in Section 112 of the Clean Air Act Amendments of 1990. Treatment processes have been identified as potentially significant sources of these HAPs and, as such, are source categories for which for which national emission standards may be necessary. Emissions standards would decrease the amount of these HAPs emitted to the atmosphere and reduce adverse human health risks.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 04/14/95 | |
| Final Action | 04/15/96 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3342.

Agency Contact: Eugene P. Crumpler, Environmental Engineer, Environmental Protection Agency, Air and Radiation, Office of Air Quality Planning and Standards, ESD/ISB (MD-13), Research Triangle Park, NC 27711, 919 541-0881

RIN: 2060-AE47

3847. • NESHAP—INTEGRATED IRON AND STEEL

Significance: Agency Priority

Legal Authority: Clean Air Act, sec 112 as amended November 1990

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1993.

EPA is required to promulgate 50% of the source categories listed pursuant to Section 112(e) by November 15, 1997.

Abstract: The EPA has determined that integrated iron and steel mills emit several of the 189 hazardous air pollutants (including compounds of chromium, lead, manganese, and polycyclic organic matter) in quantities sufficient to designate these as major sources. Major operations include sinter production, iron production (blast furnaces), steelmaking (basic oxygen furnaces), and semifinished and finished product preparation. Currently, there are 29 integrated mills in the U.S. which are owned by 17 individual companies. The mills are distributed among 10 States with the majority located in four Mid-Western States (15) and Pennsylvania.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/96 | |
| Final Action | 11/00/97 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3346.

Agency Contact: Joseph N. Myers, Environmental Engineer, Environmental Protection Agency, Air and Radiation, Office of Air Quality Planning and Standards, ESD/ISB, Research Triangle Par, NC 27711, 919 541-5428

RIN: 2060-AE48

3848. • NONESSENTIAL CLASS II PRODUCTS BAN

Legal Authority: PL 101-549

CFR Citation: 40 CFR 82 subpart C

EPA-CAA

Proposed Rule Stage

Legal Deadline: None

Abstract: Section 610(d) bans the sale or distribution, or offer for sale or distribution in interstate commerce aerosol and foam products containing or manufactured with class II substances. Congress provided narrow guidelines for exempting aerosol products, motor vehicle safety foam, medical devices and foam insulation. The NPRM proposed exemptions for certain aerosol products and provides guidance on the definition of insulation.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAN No. 3349.

Agency Contact: Cynthia Newberg, Environmental Protection Specialist, Environmental Protection Agency, Air and Radiation, 6205-J, 401 M Street SW., Washington, DC 20460, 202 233-9729

RIN: 2060-AE50

3849. SEQUENCE OF APPLICATION OF MANDATORY SANCTIONS UNDER SECTION 179

Significance: Agency Priority

Legal Authority: Clean Air Act, sec 179

CFR Citation: 40 CFR 52

Legal Deadline: Final, Statutory, April 22, 1993.

EPA issued initial findings under section 179 on October 22, 1991. Consequently, it may be necessary to impose the first sanctions 18 months from that date.

Abstract: Section 179 of the CAA mandates the imposition of certain sanctions. These sanctions follow one of four types of findings: (1) finding of failure to submit a required SIP; (2) finding that a SIP submittal is incomplete; (3) finding of SIP disapproval; or (4) finding of nonimplementation. The two available sanctions are highway funding restriction and a 2-to-1 emission offset requirement for major new or modified stationary sources. Section 179(a) requires EPA to select one of these two sanctions to be applied 18 months after a finding if the deficiency prompting

the finding is not corrected, and the second sanction 6 months later if the deficiency remains uncorrected. The purpose of this action is to streamline, to the extent possible, the process of deciding the order of sanction application under section 179 by promulgating a rule which states, as a general matter, the order in which EPA would apply the sanctions.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAN No. 3251.

Agency Contact: Chris Stoneman, Environmental Protection Agency, Air and Radiation, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, 919 541-0823

RIN: 2060-AE09

3850. STANDARDS FOR TANK VESSEL LOADING OPERATIONS

Significance: Regulatory Program

Legal Authority: Clean Air Act Amendments of 1990, sec 183

CFR Citation: 40 CFR 90

Legal Deadline: Final, Statutory, November 1992. Final, Judicial, April 30, 1995.

Abstract: This regulation will control volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) emissions from tank vessel loading operations. A regulation is required by Section 183 of the Clean Air Act Amendments of 1990. Approximately 65,000 megagrams of VOCs and 8,000 megagrams of HAPs are emitted annually from tank vessel loading operations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 04/00/94 | |
| Final Action | 04/30/95 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3104.

Agency Contact: David Markwordt, Environmental Protection Agency, Air

and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-0837

RIN: 2060-AD02

3851. • VOC REGULATION FOR AUTOMOBILE AND TRUCK REFINISHING COATINGS

Legal Authority: Clean Air Act Amendments of 1990, sec 183(e)

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: This action will control volatile organic compound (VOC) emissions from automobile refinishing coatings. The regulation will regulate coating manufacturers and distributors. Traditional VOC limitations and phased-in approaches are being considered.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3281.

Agency Contact: Mark Morris, Environmental Protection Agency, Air and Radiation, Research Triangle Park, NC 27711, 919 541-5416

RIN: 2060-AE35

3852. • VOC REGULATION FOR ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS

Significance: Agency Priority

Legal Authority: Clean Air Act Amendments of 1990, sec 183(E)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This regulation under development will control volatile organic compound (VOC) emissions from architectural and industrial maintenance (AIM) coatings. These coatings are applied to stationary structures and their approximations to portable buildings, to pavements, or to curbs. Traditional VOC limitations, market-based approaches, and phased-in approaches are all being considered.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

EPA—CAA

Proposed Rule Stage

Small Entities Affected: Businesses

Government Levels Affected:
Undetermined

Additional Information: SAN No. 3351.

Docket Number A-92-18

Agency Contact: Bruce Madariaga,
Environmental Protection Agency, Air
and Radiation, Research Triangle Park,
NC 27711, 919 541-6521

RIN: 2060-AE55

3853. REVISED LIGHT-DUTY DURABILITY PROCEDURES FOR MODEL YEAR 1996 AND LATER

Significance: Regulatory Program

Legal Authority: 42 USC 7521/CAA
202; 42 USC 7525/CAA 301; 42 USC
7601/CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: This action will establish procedures under which vehicle manufacturers will demonstrate durability of their emission control systems during certification of passenger cars and light-duty trucks beginning with the 1997 model year. Under a separate action (SAN 2949), EPA promulgated revised light-duty durability procedures for certification of model years 1994 through 1996, in line with revised useful life levels mandated by the Clean Air Act Amendments of 1990. The long term durability program will translate into regulation ongoing efforts by the EPA and vehicle manufacturers to develop durability procedures that will more accurately predict the emission deterioration of vehicles in actual use.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| Final Action | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAN No. 3023.

Agency Contact: Jim McCargar,
Environmental Protection Agency, Air
and Radiation, 2565 Plymouth Road,
Ann Arbor, Michigan 48105, 313 668-
4244

RIN: 2060-AE06

3854. COLD TEMPERATURE CARBON MONOXIDE EMISSIONS AVERAGING

Legal Authority: 42 USC 7521/CAA
202(j)

CFR Citation: 40 CFR 86 subpart A

Legal Deadline: None

Abstract: In the Cold Temperature Carbon Monoxide Emissions notice of proposed rulemaking published September 17, 1990 (55 FR 38250), EPA solicited and subsequently received comments regarding a cold temperature CO emissions averaging program, although it did not propose such a program. In the Final Rule, promulgated July 17, 1992 (57 FR 31888), EPA stated that it would publish a proposal regarding an averaging program in the near future, taking the comments received into consideration. The Agency intends to propose an averaging, banking and trading program modelled after such programs already in place for other mobile source pollutants and vehicle classes. Such a program would allow manufacturers additional flexibility to optimize their emission control systems, thus potentially reducing control costs while achieving emission reductions essentially equivalent to those required by the non-averaged standards. The expected effective model year is 1996, which is the first year the current regulations require 100% compliance with the cold temperature CO standards.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 05/00/94 | |
| Final Action | 05/00/95 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAN No. 3191.

Agency Contact: Christine
Mikolajczyk & Lisa Snapp,
Environmental Protection Agency, Air
and Radiation, National Vehicle and
Fuel Emissions Lab, 2565 Plymouth
Road, Ann Arbor, MI 48105, 313 668-
4200

RIN: 2060-AE13

3855. REGULATIONS FOR ENFORCEMENT OF CROSS-BORDER SALES

Legal Authority: Clean Air Act sec 202,
203(a), 301(a)

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: The interest in adopting California emission requirements by other States under section 177 of the Clean Air Act has raised critical implementation and enforcement questions. These questions will affect manufacturers, dealers, and distributors who sell cars in section 177 and their bordering States. Basically, a system must be developed which will allow section 177 State dealers to sell Federal cars and for dealers in those surrounding States to sell California cars, as long as these cars are primarily used in the correct state. A general solution will be similar to the system for enforcing high and low altitude sales (40 CFR Part 86.091-30).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected:
Undetermined

Analysis: Regulatory Flexibility
Analysis

Additional Information: SAN No. 3266.

Agency Contact: Mitch Greenberg,
Office of Mobile Sources,
Environmental Protection Agency, Air
and Radiation, 401 M Street SW., Mail
Code 6405j, Washington, DC 20460, 202
233-9269

RIN: 2060-AE15

3856. AMENDMENTS TO REGULATIONS GOVERNING THE IMPORTATION OF NONCONFORMING VEHICLES

Significance: Agency Priority

Legal Authority: 42 USC 7522/CAA
203; 42 USC 7525/CAA 206; 42 USC
7541/CAA 207; 42 USC 7542/CAA 208;
42 USC 7601/CAA 301; 42 USC
7522/CAA 203; 42 USC 7550/CAA 216;
42 USC 7601/CAA 301

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This action will consider amendments to the regulations in 40 CFR part 85, Subpart P to allow entry into the U.S. of vehicles which are originally sold in Canada and which are identical to their U.S. counterparts, to be certified as commercial importers without obtaining a certificate of

EPA—CAA

Proposed Rule Stage

conformity from EPA. This action is in response to a petition for review of import rules. EPA will also clarify and change certain other issues in part 85, subpart P and subpart R, including: 1) formalizing a longstanding EPA policy regarding the importation of owned vehicles that are proven to be identical to a vehicle certified for sale in the U.S., 2) establishing emission standards applicable to imported nonconforming vehicles, 3) clarifying the regulatory language that concerns exclusions and exemptions from meeting Federal emission requirements, and 4) providing several clarifications to the existing regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAN No. 2665.

Agency Contact: Lenny Lazarus, Environmental Protection Agency, Air and Radiation, (6405-J), Washington, DC 20460, 202 233-9281

RIN: 2060-AC58

3857. AMENDMENT CONCERNING THE LOCATION OF SELECTIVE ENFORCEMENT AUDITS OF FOREIGN MANUFACTURED VEHICLES AND ENGINES

Legal Authority: 42 USC 7525/CAA 206(b)

CFR Citation: 40 CFR 86 subpart G (Revision); 40 CFR 86 subpart K (Revision)

Legal Deadline: None

Abstract: This action would consider an amendment to the existing regulations to include ports of entry as a location for EPA selection of foreign produced vehicles and engines for SEA emissions testing at laboratories in the U.S. While the regulations do not specify EPA authority to conduct such port selections, the increased flexibility provided by port selections warrants amending the regulations. Presently, EPA must travel overseas to conduct SEA audits of foreign manufactured vehicles and engines, even though most manufacturers now have access to laboratory facilities in the U.S. The benefits include a reduction in Agency cost since fewer overseas trips would be necessary. Also, EPA would be able

to conduct more audits of foreign manufactured vehicles and engines.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3139.

Agency Contact: John Guy, Environmental Protection Agency, Air and Radiation, (6405-J), Washington, DC 20460, 202 233-9250

RIN: 2060-AD90

3858. NONCONFORMANCE PENALTIES FOR 1998 MODEL YEAR EMISSION STANDARDS FOR HEAVY-DUTY ENGINES AND VEHICLES

Legal Authority: 42 USC 7525/CAA 206

CFR Citation: 40 CFR 86.1105

Legal Deadline: None

Abstract: This action will address the availability of nonconformance penalties (NCPs) and specific upper limits and penalty rates for 1998 and later emission standards for heavy-duty vehicles (HDVs) and engines (HDEs). The availability of NCPs will allow a manufacturer of HDVs and HDEs whose vehicle engines fail to conform to certain applicable emission standards, but do not exceed designated upper limits, to be issued a certificate of conformity upon payment of a monetary penalty. The issues involving NCPs, the administration of NCPs, and production compliance audits may be addressed.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| Final Action | 11/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3097.

Agency Contact: Leo Breton, Environmental Protection Agency, Air and Radiation, (6405J), Washington, DC 20460, 202 233-9245

RIN: 2060-AE07

3859. REVIEW OF THE FEDERAL TEST PROCEDURE FOR EMISSIONS FROM MOTOR VEHICLES AND MOTOR VEHICLE ENGINES

Significance: Regulatory Program

Legal Authority: PL 101-549, Sec 208

CFR Citation: 40 CFR 86

Legal Deadline: NPRM, Judicial, March 30, 1994. Final, Statutory, May 15, 1992. Final, Judicial, December 31, 1994. Other, Judicial, May 15, 1993. Original stat. deadline of 5/15/92 is from 11/90 Clean Air Act Amendments. Other Judicial date: Per U.S. District Court Consent Decree EPA issued a preliminary technical report on 5/15/93.

Abstract: Section 206(h) of the Clean Air Act (as amended, 1990) requires EPA to "review and revise as necessary" the regulations governing the Federal Test Procedure (FTP) to "insure that vehicles are tested under circumstances which reflect the actual current driving conditions under which motor vehicles used, including conditions relating to fuel, temperature, acceleration, and altitude." The driving cycle used for the FTP was adopted over twenty years ago and accumulated research suggests that it may no longer adequately represent overall vehicle emission control performance under current driving conditions. Extensive surveys of current driving behavior conducted by the EPA indicate significant differences between actual driving behavior. These cycles will be used to assess the benefits and feasibility of revising the FTP by comparing emissions predicted by the FTP with emissions that occur in actual driving.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 03/00/94 | |
| Final Action | 12/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3323.

Agency Contact: John German, Chief, Special Projects Staff, Environmental Protection Agency, Air and Radiation, National Vehicle and Fuel Emissions Lab, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4214

RIN: 2060-AE27

EPA—CAA

Proposed Rule Stage

3860. EMISSION DESIGN AND DEFECT WARRANTY AND PARTS LIST

Legal Authority: 42 USC 7541/CAA 207

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This action may add a previously reserved subpart U to 40 CFR 85 to set forth a list of covered parts, definitions, warranty claim procedures, warranty remedies, and replacement requirements of automobile manufacturers for emission design and defect warranty coverage.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 08/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2727.

Agency Contact: Robert Kenney, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, 202 233-9021

RIN: 2060-AD56

3861. REVISIONS TO REGULATIONS ON REGISTRATION OF FUEL AND FUEL ADDITIVES

Legal Authority: 42 USC 7545/CAA 211

CFR Citation: 40 CFR 79

Legal Deadline: None

Abstract: This action would revise the current program governing the registration of fuel and fuel additives. The revisions would update the regulations to cover certain new fuels and fuel additives that are entering the market or likely to enter the market in the near future.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2728.

Agency Contact: Joseph P. Fernandes, Environmental Protection Agency, Air and Radiation, (6406J), Washington, DC 20460, 202 233-9016

RIN: 2060-AC74

3862. CONTROL OF AIR TOXICS FROM MOTOR VEHICLES

Significance: Regulatory Program

Legal Authority: 42 USC 7545/CAA 211; 42 USC 7521/CAA 202

CFR Citation: 40 CFR 80; 40 CFR 86

Legal Deadline: Final, Statutory, May 15, 1995.

Abstract: The Clean Air Act Amendments of 1990 require EPA to study the need for and feasibility of controlling toxic air pollutants associated with motor vehicles and fuels. Based on this study, EPA must promulgate standards containing reasonable requirements to control such toxic emissions, applying at a minimum to benzene and formaldehyde.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 05/00/94 | |
| Final Action | 05/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAN No. 2769.

Agency Contact: Judy Gray, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4231

RIN: 2060-AC75

3863. AIR POLLUTANT EMISSION REGULATIONS FOR SPARK-IGNITED NONROAD ENGINES 25 HORSEPOWER AND BELOW

Legal Authority: 42 USC 7547/CAA 213

CFR Citation: 40 CFR 90

Legal Deadline: NPRM, Judicial, April 30, 1994. Final, Statutory, November 15, 1992. Final, Judicial, May 30, 1995.

Abstract: This action will establish emission standards for new nonroad spark-ignition engines at and below 25 horsepower, as required by section 213(a)(3) of the Clean Air Act as amended.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 04/00/94 | |
| Final Action | 05/00/95 | |

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Additional Information: SAN No. 3300.

Agency Contact: Debbie Wood, Environmental Protection Agency, Air and Radiation, National Vehicle and Fuel Emissions Lab, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 741-7900

RIN: 2060-AE29

3864. CONTROL OF AIR POLLUTION: STANDARDS FOR EXHAUST EMISSIONS FROM SPARK-IGNITED MARINE PROPULSION ENGINES

Legal Authority: PL 101-549, Sec 222; 42 USC 7547

CFR Citation: 40 CFR 91

Legal Deadline: NPRM, Judicial, September 30, 1994. Final, Judicial, November 22, 1995.

Abstract: This action will implement emission standards and test procedures for currently unregulated spark-ignited marine propulsion engines. Section 213 of the Clean Air Act (CAA) as amended requires the EPA to conduct a study to determine whether emissions of carbon monoxide (CO), oxides of nitrogen (NOx), and volatile organic compounds (VOCs) from nonroad engines and vehicles contribute to levels of ambient ozone and CO in more than one area not in compliance with the National Ambient Air Quality Standards (NAAQS) for these pollutants. EPA has proposed (50 FR 28809) that emissions from such sources significantly contribute to nonattainment of the NAAQS for ozone and CO in more than one area. If the Agency makes this positive determination, section 213 requires EPA to promulgate regulations that will result in reductions in emissions from non-road sources. Consequently, EPA is developing this proposal to reduce emissions from marine propulsion engines.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 09/00/94 | |
| Final Action | 11/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3350.

Agency Contact: Kenneth L. Zerafa, Environmental Protection Agency, Air and Radiation, National Vehicle & Fuel

EPA-CAA

Proposed Rule Stage

Emissions Lab, 2565 Plymouth Road,
Ann Arbor, MI 48105, 313 668-4331

RIN: 2060-AE54

3865. ● STANDARDS OF PERFORMANCE FOR ELECTRIC UTILITY STEAM GENERATING UNITS REVISION

Legal Authority: Clean Air Act Amendments of 1990, sec 407(c)

CFR Citation: 40 CFR 60.40

Legal Deadline: NPRM, Statutory, January 1, 1993. NPRM, Judicial, May 30, 1994. Final, Statutory, January 1, 1994. Final, Judicial, April 30, 1995.

Abstract: The current NSPS for electric utility steam generating units was promulgated in 1979. A major feature of the NSPS is NOx control through the use of overfired air or low NOx burners. Section 407 of the Clean Air Act requires the EPA to revise existing NSPS for NOx emissions from fossil-fuel fired steam generating units, including electric utility units. These revised standards are to reflect improvements in methods for the reduction of NOx emissions. At this time no information has been developed which could be reviewed to estimate costs or benefits of possible revisions to the NSPS. Costs to industry and regulatory agencies arising from revised NSPS are unknown.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 05/00/94 | |
| Final Action | 04/00/95 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAN No. 3352.

Agency Contact: James A. Eddinger, Environmental Engineer, Environmental Protection Agency, Air and Radiation, Office of Air Quality Planning and Standards, MD-13, Research Triangle Park, NC 27711, 919 541-5426

RIN: 2060-AE56

3866. ● PROTECTION OF STRATOSPHERIC OZONE: LABELING; SUPPLEMENTAL PROPOSAL

Legal Authority: PL 101-549, Sec 611; Clean Air Act Amendments of 1990

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: This supplement to the final rule (58 FR 8136), published on February 11, 1993, purposes to exempt companies from the labeling requirements where ozone depleting substances that are introduced into a manufacturing process are subsequently destroyed using one of the five destruction technologies approved by the Parties to the Montreal Protocol. The Proposal will also address several technical issues raised by the final rule.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3348.

Agency Contact: Sue Stenderbach, Chief, Regulation Development Section, Stratospheric Protection Division, Environmental Protection Agency, Air and Radiation, Mail Code 6205-J, 401 M Stree SW., Washington, DC 20460, 202 233-9117

RIN: 2060-AE51

3867. FEDERAL OPERATING PERMIT RULES

Significance: Regulatory Program

Legal Authority: Clean Air Act Amendments of 1990, title V

CFR Citation: 40 CFR 71

Legal Deadline: None

Abstract: Title V of the Clean Air Act Amendments of 1990 requires EPA to promulgate regulations setting forth requirements for States to develop and implement operating permits programs for major stationary sources of air pollutants regulated under the Clean Air Act. These regulations were promulgated on July 21, 1992 (57 FR 32250). Title V also requires EPA to establish where States fail to submit an appropriate State program. These regulations are described in this notice. These regulations would be applied only in those cases where States failed to submit an appropriate State program, and would require sources to submit Federal operating permit applications containing a schedule of compliance. EPA would approve applications and issue Federal operating permits, as well as enforce the program.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| Final Action | 11/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3172.

Agency Contact: Kirt Cox, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, 919 541-5399

RIN: 2060-AD68

3868. GASOLINE DETERGENT ADDITIVES REGULATION

Significance: Regulatory Program

Legal Authority: 42 USC 7545

CFR Citation: 40 CFR 80

Legal Deadline: Final, Statutory, November 15, 1992.

Abstract: The Clean Air Act Amendments of 1990 mandate EPA to promulgate regulations establishing specifications for additives in gasoline beginning in 1995 to prevent the accumulation of deposits in the engine or fuel supply systems. The establishment of such specifications should ensure the use of additives in the 10 to 25 percent of fuel projected not to contain additives by 1995, as well as the proper amount and type of additives to have the desired effect without causing negative side effects. Controlling Controlling engine and fuel supply system deposits is a better vehicle performance, a significant reduction in in-use emissions, and the potential for significant economic advantages due to a decreased need for premium gasoline use.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| Final Action | 11/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3018.

Agency Contact: Jeffrey Herzog, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4227

RIN: 2060-AD71

3869. REGULATIONS GOVERNING AWARDS UNDER SECTION 113(F) OF THE CLEAN AIR ACT

Legal Authority: 42 USC 7413(f)

CFR Citation: 40 CFR 65

Legal Deadline: None

Abstract: Section 113(f) of the Clean Air Act granted to the Administrator authority to pay an award to any person who furnishes information or services which lead to a criminal conviction or a civil penalty for any violation of Title I, III, IV, V, or VI of the Act enforced under section 113. Section 113(f) authorizes the Administrator to prescribe, by regulation, additional criteria for eligibility for such an award. EPA intends that the rule set forth such additional criteria. The rule also describes criteria for assessing the value of information and services when considering paying an award, and what is needed to adequately petition the Administrator for consideration of payment. The rule will also provide an assurance of confidentiality to those who provide information or services on a confidential basis. Furthermore, to implement the goal of the program, the rule will provide direction for providing information or services to the Agency.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 09/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 2939.

Agency Contact: Clara Poffenberger, Environmental Protection Agency, Air and Radiation, (EN-341W), Washington, DC 20460, 703 308-8709

RIN: 2060-AD81

3870. ADMINISTRATION OF THE CLEAN AIR ACT AND THE CLEAN WATER ACT WITH RESPECT TO CONTRACTS, GRANTS, AND LOANS—LIST OF FACILITIES INELIGIBLE FOR FEDERAL PROCUREMENT AND NONPROCUREMENT PROGRAMS

Legal Authority: 42 USC 7401 et seq, 42 USC 1251 et seq

CFR Citation: 40 CFR 15

Legal Deadline: None

Abstract: The existing regulations at 40 CFR part 15 establish a special enforcement-related program under the Clean Air Act (CAA) and Clean Water Act (CWA), commonly referred to as the "Contractor Listing Program." The Contractor Listing Program authorizes EPA to bar facilities from federal contracts, grants or loans as a consequence of criminal or civil violations of the CAA or CWA. The draft proposed revisions to these regulations incorporate new authority granted by the CAA amendments of 1990. The amendments expand the criminal violations for which a facility may be listed and also give EPA the discretion to list other facilities of the owner or operator.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 12/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3221.

Additional Contact: Tom Seaton, LE-133, 202-260-6931

Agency Contact: Tom Seaton, Office of Enforcement, Environmental Protection Agency, Air and Radiation, (LE-133), Washington, DC 20460, 202 260-6931

RIN: 2060-AD83

3871. FIELD CITATION PROGRAM

Legal Authority: 42 USC 7413(d)/CAAA 113(d)

CFR Citation: 40 CFR 59

Legal Deadline: None

Abstract: The Clean Air Act Amendments gives EPA the authority to issue on-the-spot field citations for minor violations of the Clean Air Act, with penalties of up to \$5,000 per day of violation. Section 113(d) of the Act requires the field citation program to be implemented through regulations which provide the informal hearing procedures. These hearing procedures are not required to be as rigorous as those imposed by the Administrative Procedures Act (APA), but nevertheless must provide due process. Agency guidance providing appropriate penalties for specific minor violations will be prepared for EPA employees and made available to the regulated

community. Training on the issuance of field citations will also be developed.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| Final Action | 11/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 2937.

Agency Contact: Jane Engert, Environmental Protection Agency, Air and Radiation, (EN-341W), Washington, DC 20460, 703 308-8677

RIN: 2060-AD82

3872. "SUBSTANTIALLY SIMILAR" DEFINITION FOR DIESEL FUELS

Significance: Regulatory Program

Legal Authority: 42 USC 7545/CAAA 211(f)

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: Section 211(f)(1)(A) of the Clean Air Act prohibits for use in light-duty vehicles, fuels and fuel additives which are not "substantially similar" to fuels or additives used to certify vehicles to emissions standards. Section 211(f)(1)(B) expands these prohibitions to all motor vehicles. Since the term "substantially similar" is not defined in the Act, the intent of this rulemaking is to interpret the term "substantially similar" in regard to diesel fuel and diesel fuel additives and thus make more explicit which products are prohibited by section 211(f)(1)(B). The definition of "substantially similar" enables manufacturers to determine whether their fuels or fuel additives are covered by, or excluded from, the section 211(f)(1)(B) prohibitions.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| ANPRM | 05/30/91 | 56 FR 24362 |
| NPRM | 12/00/93 | |
| Final Action | 07/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 3091.

Agency Contact: David J. Kortum, Environmental Protection Agency, Air

EPA—CAA

Proposed Rule Stage

and Radiation, (6406J), Washington, DC 20460, 202 233-9022

RIN: 2060-AD77

3873. RESTRICTIONS ON MOTOR VEHICLE AND NON-ROAD ENGINES

Significance: Regulatory Program

Legal Authority: 42 USC 7545/CAAA 218

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: These regulations will prohibit the manufacture, sale or introduction into commerce after December 31, 1992, any motor vehicle engine or nonroad engine which requires leaded gasoline for use in 1993 or later model year vehicles or equipment.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| Final Action | 01/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3175.

Agency Contact: James W. Caldwell, Environmental Protection Agency, Air and Radiation, (6406J), Washington, DC 20460, 202 233-9020

RIN: 2060-AD72

3874. INDIVIDUAL CONSTITUENTS STANDARDS - PHASE III OF RCRA AIR EMISSION STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 6924/RCRA 3004; 42 USC 6927/RCRA 3007

CFR Citation: 40 CFR 264; 40 CFR 265

Legal Deadline: Final, Statutory, May 1987.

Abstract: Under RCRA, the Agency is required to promulgate standards for monitoring and control of air emissions from hazardous waste treatment, storage, and disposal facilities (TSDF), as necessary to protect human health and the environment. Phases I and II of the TSDF project limit organic air emissions as a class at TSDF that are subject to regulation under Subtitle C of RCRA. Phase I and Phase II actions are covered under a separate item in this Agenda entitled "Treatment,

Storage, and Disposal Facility -- RCRA Air Emission Standards." The residual risk values following Phases I and II may be higher than the range historically considered safe under RCRA. The Phase III project will use new data on TSDF to perform site-specific modeling of high risk facilities. Possible outcomes include the following: (1) additional RCRA 3004(n) standards for particular hazardous organic constituents; (2) a guidance document for RCRA permit writers; or (3) no additional action.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAN No. 2857.

Agency Contact: Michele Aston, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-2363

RIN: 2060-AC90

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

Clean Air Act (CAA)

3875. USER FEES FOR RADON PROFICIENCY PROGRAMS

Significance: Regulatory Program

Legal Authority: 15 USC 2665/sec 305 Indoor Radon Abatement Act

CFR Citation: 40 CFR 195; 40 CFR 700

Legal Deadline: None

Abstract: Section 305 of the Indoor Radon Abatement Act of 1988 authorizes the Administrator to assess fees "as may be necessary to defray the costs" associated with operating its Radon Proficiency Programs. The fees will be deposited into a special account with amounts in the account to be appropriated for administering and establishing these programs. Fees will be charged for the National Radon Measurement Proficiency (RMP) Program and the National Radon Contractor Proficiency Program (RCPP). State and local governments are exempt from paying a fee to participate in the programs covered by this rule.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/06/90 | 55 FR 50492 |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Local

Sectors Affected: Multiple

Additional Information: SAN No. 2690.

Agency Contact: Stephany Desciscio, Environmental Protection Agency, Air and Radiation, (6604J), Washington, DC 20460, 202 233-9390

RIN: 2060-AC66

3876. ALTERNATIVE FUEL CORPORATE AVERAGE FUEL ECONOMY LABELING REQUIREMENTS

Legal Authority: PL 100-494; 15 USC 2013

CFR Citation: 40 CFR 600

Legal Deadline: None

Abstract: This action implements specific actions taken by Congress with respect to the alternative fuel vehicles in the Corporate Average Fuel Economy (CAFE) program. This includes revising the current CAFE regulations to incorporate CAFE credits and labeling requirements and establishing fuel economy test update procedures and calculations for alternative fuel vehicles.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 03/01/91 | 56 FR 8856 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2726.

Agency Contact: Kenneth Zerafa, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4331

RIN: 2060-AC78

3877. REORGANIZATION OF 40 CFR PART 86, SUBPART A

Legal Authority: 42 USC 7521; 42 USC 7522; 42 USC 7524; 42 USC 7525; 42 USC 7541; 42 USC 7542; 42 USC 7549; 42 USC 7550; 42 USC 7601

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: This action will reorganize subpart A of 40 CFR part 86 to be consistent with the other subparts of Part 86. This action will not amend Subpart A in any substantive way; the stringency of standards, test procedures, and recordkeeping burden will remain unchanged. Due to the minor nature of this action, a direct final rule is being considered.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Direct Final | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2849.

Agency Contact: Jim McCargar, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4244

RIN: 2060-AC94

additional NPRM (published 2/26/93) proposes revisions to the proposed reformulated gasoline simple model and antidumping provisions. Also included are the Agency's proposed complex model and associated revised enforcement provisions, as well as the Phase II performance standards for the year 2000.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 07/15/91 | 56 FR 31176 |
| Supplemental Proposal for Reformulated Gasoline | 04/16/92 | 57 FR 13416 |
| Proposal for Reformulated Gasoline Including Complex Model | 02/26/93 | 58 FR 11722 |
| Final Action | 12/15/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: SAN No. 2959.

Includes SAN No. 3116.

Agency Contact: Paul Machiele, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4264

RIN: 2060-AD27

3878. REFORMULATED GASOLINE

Significance: Regulatory Program

Legal Authority: 42 USC 7545

CFR Citation: 40 CFR 80

Legal Deadline: Final, Statutory, November 15, 1991. Final, Judicial, December 15, 1993.

Abstract: The Clean Air Act Amendments of 1990 require that gasoline sold in the nine worst ozone nonattainment areas be reformulated to be less polluting. Other ozone nonattainment areas may opt in to this program. EPA may delay opt-in depending on sufficiency of supply and distribution capacity. The NPRM published on 7/15/91 (56 FR 31176) also contains provisions requiring EPA to adopt anti-dumping rules for all gasoline sold outside of covered areas. Credit marketing and trading provisions will be decided in the program. The Clean Air Act Amendments contain specific formula requirements for reformulated gasoline as well as performance standards to reduce ozone-forming and toxics emissions. This

3879. PHASEOUT OF LEAD IN GASOLINE AND TEST PROCEDURE FOR LEAD SUBSTITUTES

Significance: Regulatory Program

Legal Authority: 42 USC 7545

CFR Citation: 40 CFR 80

Legal Deadline: Final, Statutory, November 15, 1991.

Abstract: Since the late seventies, EPA has had a program to phase down lead in gasoline. This was a result of evidence that lead from automotive emissions, an air toxic, poses a serious health threat to the public. The Clean Air Act Amendments of 1990 ban the use of leaded gasoline in all motor vehicles beginning in January 1996. Additionally, it is required that a test procedure for determining lead substitute additives' ability to reduce valve wear and to identify other effects be established along with procedures for lead substitutes additive registration. These latter provisions are intended to assure availability of non-lead additives that can be used to protect valves in older engines designed for leaded fuel.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/19/91 | 56 FR 33229 |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: SAN No. 2955.

Agency Contact: James W. Caldwell, Environmental Protection Agency, Air and Radiation, (6406J), Washington, DC 20460, 202 233-9020

RIN: 2060-AD29

3880. CALIFORNIA CLEAN-FUELS PILOT PROGRAM—OPT IN, VEHICLE STANDARDS, SALES REQUIREMENTS, AND FUEL AVAILABILITY

Significance: Regulatory Program

Legal Authority: 42 USC 7589

CFR Citation: 40 CFR 88

Legal Deadline: Final, Statutory, November 1992.

Abstract: The Clean Air Act Amendments of 1990 mandate that EPA establish a pilot program in the State of California to demonstrate the effectiveness of clean-fuel vehicles in controlling air pollution in ozone non-attainment areas. As part of this program, EPA must promulgate regulations establishing light-duty clean-fuel vehicle standards, manufacturer sales requirements, and a voluntary opt-in program for other States with serious, severe or extreme ozone nonattainment areas.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/29/93 | 58 FR 34727 |
| Final Action | 04/30/94 | |

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Additional Information: SAN No. 2957.

Agency Contact: Bryan Manning, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 741-7832

RIN: 2060-AD31

3881. CLEAN-FUEL FLEET PROGRAMS

Significance: Regulatory Program

Legal Authority: 42 USC 7586; 42 USC 7582; 42 USC 7587

EPA—CAA

Final Rule Stage

CFR Citation: 40 CFR 88**Legal Deadline:** Final, Statutory, November 15, 1992.
for Conversions and Standards.**Abstract:** This rulemaking will establish uniform provisions for state programs to require certain centrally fueled fleets to include some clean-fuel vehicles in their new vehicle purchases. It will include regulations governing the conversion of conventional vehicles to meet clean-fuel fleet vehicle requirements, heavy-duty standards for all vehicle/engine classes, and general provisions for state implementation of the Clean-Fuel Fleet program.**Timetable:**

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM Vehicle Conversion and Heavy Duty Standards Regs (SAN 3070) | 06/10/93 | 58 FR 32474 |
| Final Vehicle Conversion and Heavy Duty Standards Regs (SAN 3070) | 04/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Local, State, Federal**Additional Information:** SAN No. 2951.
Includes SAN No. 3070.**Agency Contact:** Bryan Manning, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 741-7832**RIN:** 2060-AD32**3882. MOTOR VEHICLE CERTIFICATION SHORT TEST AND PERFORMANCE WARRANTY PROCEDURES****Significance:** Regulatory Program**Legal Authority:** 42 USC 7525**CFR Citation:** 40 CFR 85; 40 CFR 86**Legal Deadline:** Final, Statutory, November 15, 1991. Final, Judicial, October 15, 1993.**Abstract:** The Clean Air Act Amendments of 1990 require EPA to revise the vehicle certification program to incorporate so-called short tests. Vehicles which cannot pass the short test will not be certified to be sold. In addition, the short test procedures for

use in I/M procedures may be amended.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/08/93 | 58 FR 3380 |
| Final Action | 10/15/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** State, Federal**Additional Information:** SAN No. 2950.**Agency Contact:** Lisa Snapp, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4282**RIN:** 2060-AD34**3883. DETERMINATION OF SIGNIFICANCE AND EMISSION STANDARDS FOR NONROAD COMPRESSION IGNITION ENGINES AT OR ABOVE 50 HP****Legal Authority:** 42 USC 7/CAA 213**CFR Citation:** 40 CFR 89**Legal Deadline:** Final, Statutory, November 15, 1992.**Abstract:** The Clean Air Act Amendments of 1990 include provisions which mandate emission standards be established for nonroad engine categories that are determined to be significant contributors to emission inventories based on an EPA nonroad emission inventory study completed in November 1991. This action will determine the significance for nonroad engine categories and establish emission standards for 1996 and later model year nonroad diesel engines rated at or greater than 50 horsepower.**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/20/93 | 58 FR 28809 |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** State, Federal**Additional Information:** SAN No. 3112.**Agency Contact:** Debbie Wood, Certification Division, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Rd, Ann Arbor, MI 4819, 313 741-7900**RIN:** 2060-AD54**3884. EMISSION STANDARDS FOR GASEOUS-FUELED VEHICLES AND CERTIFICATION PROCEDURES FOR AFTERMARKET CONVERSIONS****Significance:** Regulatory Program**Legal Authority:** 42 USC 7521(a); 42 USC 754(C); 42 USC 7601(A)**CFR Citation:** 40 CFR 85; 40 CFR 86; 40 CFR 600**Legal Deadline:** None**Abstract:** There are currently no emission standards for motor vehicles operating on gaseous fuels (i.e., natural gas and liquefied petroleum). Also, there are no certification procedures for aftermarket conversions. In order to put gaseous-fueled vehicles on an equal footing with other vehicles, EPA has proposed emission standards and certification procedures for gaseous-fueled vehicles which are largely the same as those currently in place for other vehicles. Also, EPA has proposed certification procedures for aftermarket conversions based on the small-volume manufacturers certification procedures.**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/05/92 | 57 FR 52912 |
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** SAN No. 3285.**Agency Contact:** John Mueller, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4275**RIN:** 2060-AD86**3885. DETERMINING CONFORMITY OF GENERAL FEDERAL ACTIONS TO STATE IMPLEMENTATION PLANS****Significance:** Agency Priority**Legal Authority:** 42 USC 7506(c)**CFR Citation:** 40 CFR 51, subpart W; 40 CFR 93, subpart B**Legal Deadline:** Final, Statutory, November 15, 1991. Final, Judicial, October 15, 1993.**Abstract:** The regulation provides a framework for ensuring that Federal actions conform to the appropriate State air quality plan. The regulation sets criteria and procedures to assure that Federal agencies do not take or support actions which are inconsistent with States' efforts to achieve the

national ambient air quality standards. The regulation applies to Federal actions other than actions by the Federal Highway Administration or the Federal Transit Authority.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/18/93 | 58 FR 13836 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAN No. 3207.

Agency Contact: Doug Grano, Environmental Protection Agency, Air and Radiation, U.S. Environmental Protection Agency, MD-15, Research Triangle Park, NC 27711, 919 541-3292
RIN: 2060-AE10

3886. • NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS AS IT APPLIES TO NUCLEAR POWER REACTORS LICENSED BY THE NUCLEAR REGULATORY COMMISSION

Legal Authority: 42 USC 7607(d)(7)(B)

CFR Citation: 40 CFR 61 subpart I

Legal Deadline: None

Abstract: Section 112(d)(9) of the Clean Air Act Amendments of 1990 (CAAA) provides the EPA with the Authority not to regulate NRC-licensees under Section 112, if the agency, by rule and in consultation with the NRC, determines that the NRC regulatory program provides an ample margin of safety to protect the public health. EPA analyzed the public health risks posed by nuclear power plants to determine whether NRC's regulatory program for air emissions provides an ample margin of safety to protect the public health. EPA has determined that the NRC regulatory program results in sufficiently low doses to meet the Clean Air Act requirement of providing an ample margin of safety to protect the public health. Based on these findings, EPA will issue a final rule to rescind Subpart I of 40 CFR Part 61 as it applies to nuclear power reactors.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/05/91 | 56 FR 37196 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAN No. 2887.

Agency Contact: David O'Very, Environmental Protection Agency, Air and Radiation, 401 M Street SW., Mail Code 6602J, Washington, DC 20460, 202 233-9762

RIN: 2060-AE38

3887. • NESHAPS PERTAINING TO FACILITIES OTHER THAN COMMERCIAL NUCLEAR POWER REACTORS LICENSED BY THE NUCLEAR REGULATORY COMMISSION (NRC) OR BY NRC AGREEMENT STATES

Legal Authority: 42 USC 7607(d)(7)(B)

CFR Citation: 40 CFR 61 subpart I

Legal Deadline: None

Abstract: In accordance with section 112(d)(9) of the Clean Air Act Amendments of 1990 (CAAA), EPA is considering whether or not to issue a final rule to rescind Subpart I of 40 CFR Part 61, as it applies to facilities licensed by the Nuclear Regulatory Commission (NRC) or NRC Agreement States which are not engaged in the generation of nuclear power (57 FR 56877, December 1, 1992). Section 112(d)(9) gives EPA the authority to decline to regulate NRC-licensees after the Administrator makes a determination, by rule, and in consultation with the Nuclear Regulatory Commission (NRC), that the regulatory program established by the NRC pursuant to the Atomic Energy Act provides an ample margin of safety to protect the public health. EPA is in the process of deciding whether or not the NRC regulatory program provides an ample margin of safety standard required by the Clean Air Act.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/01/92 | 57 FR 56877 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAN No. 3146.

Agency Contact: David O'Very, Environmental Protection Agency, Air

and Radiation, 401 M Street SW., Mail Code 6602J, Washington, DC 20460, 202 233-9762

RIN: 2060-AE39

3888. • PROTECTION OF STRATOSPHERIC OZONE: MOBILE AIR-CONDITIONING RECOVERY-ONLY STANDARD; SUPPLEMENTAL PROPOSAL

Legal Authority: PL 101-54, Sec 609; Clean Air Act Amendments of 1990

CFR Citation: 40 CFR 82 subpart B

Legal Deadline: None

Abstract: On July 14, 1992, EPA published a final regulation on the servicing of motor vehicle air-conditioners. That rule established that two types of equipment could be used in service: equipment that recovers and recycles refrigerant or equipment that only recovers refrigerant from the motor vehicle. The refrigerant from recover only equipment must then be recycled, on-site or sent off-site for reclamation. The July 14, 1992, final rule contains the equipment standard for recycling equipment in Appendix A, but the recover only equipment standard was proposed separately in a supplemental proposal published April 22, 1992. This rule will finalize the recover only standard as Appendix B in the motor vehicle servicing regulation.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 04/22/93 | 57 FR 14763 |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 3347.

Agency Contact: Lena Nirk, Senior Policy Analyst, Environmental Protection Agency, Air and Radiation, Mail Code 6205-J, 401 M Street SW., Washington, DC 20460, 202 233-9147

RIN: 2060-AE52

3889. DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Legal Authority: 42 USC 7407(d)(3)/CAA 107(d)(3)

CFR Citation: 40 CFR 81

Legal Deadline: Final, Statutory, 00/00/00.

Section 107(d)(3) provides that EPA must promulgate a redesignation no

EPA—CAA

Final Rule Stage

later than 240 days after notification of the affected Governor that the designation should be revised.

Abstract: Section 107(d)(3) of the amended CAA authorizes EPA to notify the Governor of an affected State that, on the basis of air quality data, planning and control considerations or any other air quality-related considerations EPA deems appropriate, EPA believes the designation of an area with respect to the national ambient air quality standards should be revised. EPA has notified the Governors of several States that certain areas should be redesignated as nonattainment for PM-10 (particulate matter with an aerodynamic diameter less than 10 micrometers) and sulfur dioxide (SO₂). The affected States have responded with their recommendations concerning the designations and boundaries for these areas. Section 107(d)(3) provides that EPA is to promulgate the revised designations, making such modifications to the States' recommendations that it deems necessary. EPA proposed its redesignations for these areas in September 1992. This rule will revise the nonattainment designations for PM-10 and SO₂ in 40 CFR part 81 for the affected areas.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/22/92 | 57 FR 43848 |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: SAN No. 3171.

Agency Contact: Larry Wallace, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, 919 541-0906
RIN: 2060-AE03

3890. NAAQS: SULFUR OXIDES (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7409/CAA 109

CFR Citation: 40 CFR 50.4; 40 CFR 50.5

Legal Deadline: Final, Judicial, April 1, 1994.

Deadline is for final action or reproposal.

Abstract: On April 26, 1988, EPA announced its proposed decision not to revise the current standards. The notice also solicited comment on the alternative of adding a new 1-hour standard and certain other revisions. On or before April 1, 1994, EPA is to either: 1) take final action on the primary standard portion of the 1988 proposal; or 2) repropose.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| ANPRM | 10/02/79 | 44 FR 56730 |
| NPRM | 04/26/88 | 53 FR 14926 |
| Final Action | 04/01/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAN No. 1002.

(Primary Standard).

Docket No. A-84-25.

Agency Contact: John Haines, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, 919 541-5533

RIN: 2060-AA61

3891. CRITERIA FOR IMPOSING DISCRETIONARY SANCTIONS UNDER TITLE I

Significance: Regulatory Program

Legal Authority: Clean Air Act, sec 110(m)

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: This rulemaking action would set forth the criteria required under Section 110(m) of the Clean Air Act (established under Title I of the Clean Air Act Amendments of 1990) for exercising the EPA Administrator's authority for discretionary application of sanctions listed in Section 179(b) of the CAA to ensure that during the 24-month period following a finding, disapproval, or determination under Section 179(a) of the CAA, such discretionary sanctions are not applied on a statewide basis where one or more political subdivisions covered by the applicable implementation plan are principally responsible for such deficiency.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/28/92 | 57 FR 44534 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 2930.

Agency Contact: Ted Creekmore, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, 919 541-5699
RIN: 2060-AD10

3892. NSPS: MUNICIPAL SOLID WASTE LANDFILLS

Significance: Regulatory Program

Legal Authority: 42 USC 7411/CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: The purpose of this action is to develop standards for regulating emissions from new and modified municipal solid waste landfills under Section 111(b). Pollutants to be regulated could include one or more designated pollutants (pollutants not regulated under Sections 108 or 112 of the CAA) thus invoking Section 111(d). Section 111(d) requires States to develop emission standards for existing landfills based on EPA guidelines.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 05/30/91 | 56 FR 24468 |
| Notice of Availability | 06/21/93 | 58 FR 33790 |
| Final Action | 10/00/93 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 2535.

Agency Contact: Dennis Doll, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5693
RIN: 2060-AC42

3893. NESHAP: CHROMIUM—INDUSTRIAL COOLING TOWERS

Legal Authority: Clean Air Act Amendments of 1990, sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: Chromium compounds are among the pollutants listed as hazardous air pollutants in Section 112 of the Clean Air Act Amendments of 1990. Industrial process cooling towers that use chromate-based water treatment programs have been identified by EPA as potentially significant sources of chromium air emissions and, as such, a source category for which national emission standards may be warranted. Emission standards would substantially reduce the amount of chromium discharged to the atmosphere from industrial process cooling towers.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/12/93 | 58 FR 43028 |
| Final Action | 07/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3080.

Agency Contact: Phil Mulrine, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5289

RIN: 2060-AC12

3894. NESHAP: HAZARDOUS ORGANIC

Significance: Regulatory Program

Legal Authority: Clean Air Act Amendments of 1990, sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 1992. Final, Judicial, February 28, 1994.

Abstract: This regulation would control emissions of hazardous organic chemicals for synthetic organic chemical manufacturing plants. The regulation will propose to address emissions from storage tanks, process vents, equipment leaks, transfer operations, and wastewater treatment.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/31/92 | 57 FR 62608 |
| Final Action | 02/28/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2363.

Agency Contact: Jan Meyer, Environmental Protection Agency, Air

and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5254

RIN: 2060-AC19

3895. NESHAP: PERCHLOROETHYLENE DRY CLEANING

Legal Authority: Clean Air Act Amendments of 1990, sec 112

CFR Citation: 40 CFR 63

Legal Deadline: NPRM, Judicial, November 15, 1991. Final, Judicial, September 13, 1993.

Abstract: Perchloroethylene is one of the pollutants listed as hazardous under Section 112 of the Clean Air Act Amendments of 1990. Standards are being developed which may apply to industrial, commercial, and coin-operated dry cleaning machines and could also address auxiliary equipment and work practices.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/09/91 | 56 FR 64382 |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 2360.

Agency Contact: Fred Porter/George Smith, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5251

RIN: 2060-AC27

3896. GENERAL PROVISIONS FOR MAJOR AND AREA SOURCES OF AIR TOXICS

Significance: Regulatory Program

Legal Authority: Clean Air Act Amendments of 1990, sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1992. Final, Judicial, February 28, 1994.

Abstract: General provisions are being developed for 40 CFR part 63 which will include standards for categories of stationary sources that emit 189 hazardous air pollutants to be regulated under Section 112 of the Clean Air Act Amendments of 1990. These provisions contain specific requirements that will apply to all sources regulated under Section 112. The general provisions are

effective for a particular source category after promulgation of a standard for that category.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/11/93 | 58 FR 42760 |
| Final Action | 02/28/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 2918.

Agency Contact: Michele Dubow, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-3803

RIN: 2060-AC98

3897. PROTECTION OF STRATOSPHERIC OZONE: SAFE ALTERNATIVES

Significance: Regulatory Program

Legal Authority: PL 101-549; Clean Air Act Amendments of 1990, sec 612

CFR Citation: 40 CFR 82

Legal Deadline: Final, Statutory, November 15, 1992.

Abstract: As mandated by section 612, this regulation will: (1) make unlawful the replacement of any Class I or Class II substance with any substitute that the Administrator determines may present adverse health or environmental effects where an alternative with lower relative risk is available (sec. 612(c)), (2) establish a process for publishing a list of acceptable and unacceptable substitutes for specific Class I substances (612(c)), (3) set forth guidance on how a person may petition the Administrator to add a substance to the lists under subsection (c) or to remove a substance from either of such lists (612(d)), and (4) establish a program to require submission of unpublished health and safety studies on new or existing substitutes not less than 90 days before being introduced into interstate commerce for significant new uses as substitutes for a Class I substance (612(e)).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| ANPRM | 01/16/92 | 57 FR 1994 |
| NPRM | 05/12/93 | 58 FR 28094 |
| Final Action | 02/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

EPA—CAA

Final Rule Stage

Analysis: Regulatory Impact Analysis;
Regulatory Flexibility Analysis

Additional Information: SAN No. 2991.

Agency Contact: Drusilla Hufford,
Environmental Protection Agency, Air
and Radiation, (6202J), Washington, DC
20460, 202 233-9101

RIN: 2060-AD48

3898. NATIONAL EMISSION STANDARDS FOR COKE OVEN BATTERIES

Significance: Regulatory Program

Legal Authority: Clean Air Act
Amendments of 1990, sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory,
December 31, 1992.

Abstract: The Clean Air Act of 1990 requires coke oven emissions standards based on maximum achievable control technology (MACT) for new and existing sources, and a more stringent control limit called "lowest achievable emissions rate" (LAER) for certain existing sources to be promulgated by December 31, 1992. The Coke Oven MACT and LAER standards will establish emission limits for a variety of different aspects of coke oven facilities, including coke oven doors, lids, offtakes, and seconds of charging. The Clean Air Act also requires EPA to issue "work practice standards" with Industry compliance by November 15, 1993, and so-called "residual risk" standards to be promulgated eight years after promulgation of coke oven MACT standards. These residual risk provisions require EPA to examine the remaining risk to the public after technology-based standards are imposed and to further reduce emissions, if appropriate.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/04/92 | 57 FR 57534 |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Local,
State, Federal

Additional Information: SAN No. 3230
(was-1686).

Agency Contact: Amanda Agnew,
Environmental Protection Agency, Air
and Radiation, (MD-13), Research
Triangle Park, NC 27711, 919 541-5268

RIN: 2060-AD67

3899. ESTABLISHMENT OF GUIDANCE FOR IMPLEMENTING CLEAN AIR ACT, SECTION 112(J) PROVISIONS FOR MAKING MACT DETERMINATIONS WHEN EPA FAILS TO PROMULGATE A FEDERAL STANDARD

Significance: Regulatory Program

Legal Authority: Clean Air Act
Amendments of 1990, sec 112(j)

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, May
1992.

Abstract: In the event that EPA fails to promulgate MACT standards on time, States are required by the Clean Air Act to establish case-by-case MACT compliance limits for every major source of emissions that would have been subject to the MACT standard. This guidance is intended to aid the States in making those compliance determinations which the CAA specifies be equivalent to what MACT standards would have required. The guidance is intended to resolve technical issues concerning overlap with other Section 112 programs, and will provide a basis for uniform determinations to be made across a regulated industry. The MACT determinations will be enforced through the Title V permitting process.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/13/93 | 58 FR 37778 |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local,
State

Additional Information: SAN No. 3205.

Agency Contact: Kathy Kaufman,
Environmental Protection Agency, Air
and Radiation, (MD-13), Research
Triangle Park, NC 27711, 919 541-0102

RIN: 2060-AE00

3900. APPROVAL AND DELEGATION OF FEDERAL AIR TOXICS PROGRAMS TO STATE AND LOCAL AGENCIES

Legal Authority: Clean Air Act
Amendments of 1990, sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial,
November 15, 1993.

Abstract: The legal authority to
delegate Federal Title III - Air Toxics

to State and local agencies for implementation and enforcement is contained in Section 112(l). This section also gives EPA authority to approve State and local programs that are at least as stringent as the Federal program. EPA is undertaking this rulemaking to develop guidance for State and local agencies seeking approval or delegations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/19/93 | 58 FR 29296 |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local,
State

Additional Information: SAN No. 3142.

Agency Contact: Sheila Milliken,
Environmental Protection Agency, Air
and Radiation, (MD-13), Research
Triangle Park, NC 27711, 919 541-2625

RIN: 2060-AE01

3901. NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS; NATIONAL EMISSION STANDARDS FOR RADON EMISSIONS FROM THE DISPOSAL OF URANIUM MILL TAILINGS

Legal Authority: 42 USC
7607(d)(7)(B)/CAA 112

CFR Citation: 40 CFR 61 subpart T; 40
CFR 192 subpart D

Legal Deadline: None

Abstract: In accordance with section 112(d)(9) of the Clean Air Act Amendments of 1990, EPA may rescind 40 CFR Part 61, Subpart T as it applies to Nuclear Regulatory Commission (NRC) licensees pursuant to a finding that the NRC regulatory program protects the public health with an ample margin of safety. In October 1991, EPA and NRC (and the affected NRC Agreement States) executed a Memorandum of Understanding (MOU) to address the actions to be undertaken by EPA and NRC to eliminate regulatory redundancy and to ensure uranium mill tailings disposal sites are closed as expeditiously as practicable considering technological feasibility. The Agency proposed to amend the environmental regulations pertaining to uranium mill tailings disposal sites at 40 CFR Part 192, Subpart D pursuant to Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978 on June

8, 1993. These amendments supplement Subpart D by ensuring timely emplacement of a permanent radon barrier and by requiring appropriate monitoring for non-operational uranium mill tailings disposal sites that are licensed by NRC or one of its Agreement States. The Agency anticipates amending 40 CFR Part 192, Subpart D (cont)

Timetable:

| Action | Date | FR Cite |
|-------------------------------------|----------|-------------|
| ANPRM | 12/31/91 | 56 FR 67569 |
| NPRM | 12/31/91 | 56 FR 67561 |
| Interim Final Rule | 12/31/91 | 56 FR 67537 |
| Final Action | 06/00/94 | |
| 40 CFR 192 subpart D | | |
| NPRM 06/08/93 (58 FR 32174) | | |
| Final Action 04/30/93 (58 FR 26067) | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 3039/3040.

San No. 3039 - 40 CFR 192, subpart D.

SAN No. 3040 - 40 CFR 61, subpart T.

ABSTRACT CONT: by October 31, 1993 and rescind 40 CFR part 61, subpart T by June 30, 1994.

Agency Contact: Gale Bonanno, Attorney Advisor, Environmental Protection Agency, Air and Radiation, 401 M Street SW., ORIA - 6602J, Washington, DC 20460, 202 233-9219

RIN: 2060-AE23

3902. • APPROVAL OF SOUTH CAROLINA'S PETITION TO RELAX THE FEDERAL REID VAPOR PRESSURE VOLATILITY STANDARD FOR SOUTH CAROLINA FROM 7.8 PSI TO 9.0 PSI

Legal Authority: Secs 114, 211, and 301(a) of the Clean Air Act, as amended

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: This action will permanently relax the Federal Reid Vapor Pressure Standard in South Carolina from 7.8 psi to 9.0 psi.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3316.

Agency Contact: Michael L. Bass, Environmental Protection Specialist, Environmental Protection Agency, Air and Radiation, Office of Mobile Sources, Mail Code 6406J, Washington, DC 20460, 202 233-9005

RIN: 2060-AE28

3903. • CRITERIA AND PROCEDURES FOR DETERMINING CONFORMITY TO STATE OR FEDERAL IMPLEMENTATION PLANS OF TRANSPORTATION PLANS PROGRAMS AND PROJECTS FUNDED OR APPROVED UNDER TITLE 23 USC OR THE FTA

Legal Authority: 42 USC 7401(6)(1); 42 USC 7407(d); 42 USC 7410(k)(1); 42 USC 7470 to 7479; 42 USC 3501 to 7508; 42 USC 7601(a)

CFR Citation: 40 CFR 51; 40 CFR 93

Legal Deadline: Final, Statutory, November 15, 1991. Final, Judicial, November 1, 1993.

Abstract: Section 176(c) of the Clean Air Act requires transportation plans, programs, and projects which are funded or approved under Title 23 USC or the Federal Transit Act to conform to the state air quality implementation plan. EPA is required by the Clean Air Act to promulgate, with the concurrence of the Department of Transportation, criteria and procedures for determining conformity. The Clean Air Act's definition of conformity prohibits Federal agencies from engaging in or supporting in any way activities which could cause or contribute to new violations, or delaying attainment of air quality standards. The rule will help ensure that the implementation plan achieves its goal of attaining air quality standards, but these benefits are attributable to the strategies in the implementation plan rather than to this rule directly. Costs to metropolitan planning organizations may range from \$10,000 - \$25,000 for a conformity determination on a plan and transportation program.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 01/11/93 | 58 FR 3768 |
| NPRM Comment Period End | 03/01/93 | |
| Final Action | 11/15/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 2963.

Agency Contact: Kathryn Sargent, Environmental Protection Agency, Air and Radiation, Emission Control Strategies Branch, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4441

RIN: 2060-AE60

3904. ECONOMIC INCENTIVE PROGRAM RULES AUTHORIZED UNDER TITLE I OF THE CAA

Significance: Regulatory Program

Legal Authority: Clean Air Act as amended in 1990, sec. 182(g)(4)

CFR Citation: 40 CFR 51, subpart U, sec 51.490 to 51.494; 40 CFR 51, app W

Legal Deadline: Final, Statutory, November 15, 1992.

Abstract: In serious, severe, and extreme ozone nonattainment areas and serious carbon monoxide areas, the Clean Air Act provides for the establishment by a State of an economic incentive program where the State fails to meet a required progress milestone. Section 182(g)(4) requires the EPA to publish rules or States to follow in developing an economic incentive program for reducing ozone precursors.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 02/23/93 | 58 FR 11110 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 2964.

Agency Contact: Karen Martin, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, 919 541-5274

RIN: 2060-AD58

3905. CONTROL TECHNIQUES GUIDELINES

Significance: Regulatory Program

Legal Authority: Clean Air Act, sec 183(a)

CFR Citation: Not applicable

Legal Deadline: Final, Statutory, November 1993.

EPA—CAA

Final Rule Stage

Abstract: The Clean Air Act requires EPA to issue control techniques guidelines (CTG) for 13, including two specifically named, source categories within three years of enactment. Currently, CTGs are being developed for chemical manufacturing distillation operations, chemical plant reactor processes, wood furniture manufacturing, coating of plastic parts-business machines, coating of plastic parts-automobiles, offset lithography, industrial wastewater treatment, volatile organic liquid storage tanks, batch processes, aerospace coating operations, and shipbuildings and repair. The wood furniture, aerospace, and shipbuilding projects are on a later schedule than the others due to a need to coordinate with Section 112 hazardous air pollutant standards being developed for the same source categories. CTGs were also being developed for automobile refinishing and cleanup solvents. Automobile refinishing will now be addressed by an available control technology (ACT) document.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Final Notice and Document (for chemical plant distillation and reactors, process vents) | 10/00/93 | |
| Final Notice and Document (aerospace) | 11/00/94 | |
| for all other CTGs | | |
| Final Notice and Document | 08/00/94 | |
| shipbuilding | | |
| Final Notice and Document | 07/00/95 | |
| wood furniture | | |
| Final Notice and Document | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 3029.

Agency Contact: Susan Wyatt, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5605

RIN: 2060-AD05

3906. EMISSIONS STANDARDS FOR NEW MOTOR VEHICLES AND MOTOR VEHICLE ENGINES FUELED WITH COMPRESSED NATURAL GAS OR LIQUIFIED PETROLEUM GAS

Legal Authority: 42 USC 7521/CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: This action will establish exhaust emissions standards and test procedures for all classes of motor vehicles and motor vehicle engines fueled with compressed natural gas or liquefied petroleum gas.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/05/92 | 57 FR 52912 |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2763.

Agency Contact: John Mueller, Environmental Protection Agency, Air and Radiation, 2585 Plymouth Road, Ann Arbor, MI 48105, 313 668-4275

RIN: 2060-AC79

3907. NONCONFORMANCE PENALTIES FOR 1994 MODEL YEAR EMISSION STANDARDS FOR HEAVY-DUTY VEHICLES AND ENGINES

Legal Authority: 42 USC 7525/CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: This action will address the availability of nonconformance penalties (NCPs) and specific upper limits and penalty rates for 1994 and later emission standards for heavy-duty vehicles (HDVs) and engines (HDEs). The availability of NCPs will allow a manufacturer of HDVs or HDEs, whose vehicles or engines fail to conform to certain applicable emission standards but which do not exceed a designated upper limit, to be issued a certificate of conformity upon payment of a monetary penalty. This action also addresses issues related to the selection of vehicle or engine configurations for production compliance audits (PCAs), eligibility criteria for PCAs, the measurement of emission results during PCA testing.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/29/92 | 50 FR 22675 |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAN No. 2801.

Agency Contact: Anthony Erb, Environmental Protection Agency, Air and Radiation, (EN-340F), Washington, DC 20460, 202 260-6536

RIN: 2060-AC96

3908. ALTERNATIVE TEST PROCEDURE FOR THE VOLUNTARY AFTERMARKET PART CERTIFICATION PROGRAM

Legal Authority: 42 USC 7541(b)/CAA 207(b)

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This action would adopt an alternative testing procedure to be used in the voluntary aftermarket part certification program for certifying aftermarket parts. Currently only the full Federal Test Procedure and Emission Critical Parameters for Specified Parts are acceptable test procedures for this program. A proposed rulemaking was published on August 8, 1989. Based on the public comments received and further analysis, EPA developed a supplemental notice of proposed rulemaking which was published on January 30, 1991. Analysis of all public comments are complete and work on the final rulemaking is under way.

Timetable:

| Action | Date | FR Cite |
|---------------------|----------|-------------|
| NPRM | 08/08/89 | 54 FR 32598 |
| NPRM (Supplemental) | 01/30/91 | 56 FR 3746 |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: SAN No. 2637.

Agency Contact: John L. Wehrly, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4286

RIN: 2060-AC50

3909. WAIVER OF PREEMPTION OF CALIFORNIA FOR NONROAD ENGINE AND VEHICLE STANDARDS**Significance:** Agency Priority**Legal Authority:** 42 USC 7543(e)**CFR Citation:** 40 CFR 85**Legal Deadline:** None

Abstract: The Clean Air Act Amendments of 1990 require EPA to issue regulations to implement section 209(e), which addresses the state adoption of emission standards for new nonroad vehicles and engines. This rulemaking clarifies the categories of equipment that are preempted from state regulations. The rule also sets forth criteria to be used for nonroad engine waivers.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/06/91 | 56 FR 45866 |
| Final Action | 01/00/94 | |

Small Entities Affected: None**Government Levels Affected:** Local, State**Additional Information:** SAN No. 2952.

Agency Contact: Janice Raburn, Environmental Protection Agency, Air and Radiation, Manufacturers Operations Division, 401 M Street, SW (Mail Code 6405), Washington, DC 20460, 202 233-9294

RIN: 2060-AE17**3910. FUEL AND FUEL ADDITIVES: REGISTRATION REQUIREMENTS****Significance:** Regulatory Program**Legal Authority:** 42 USC 7545(e)/CAA 211(e)**CFR Citation:** 40 CFR 79; 40 CFR 80**Legal Deadline:** Final, Statutory, August 7, 1978. Other, Statutory, October 1, 1993.

Consent Decree, October 1, 1993. OAR anticipates requesting an extension from plaintiffs to complete rule by 3/31/94.

Abstract: General Registration requirements for Motor Vehicles fuels and fuel additives have been in effect since 1975. The current ordered regulatory action will implement the additional registration requirements contained in Section 211(e) of the Clean Air Act. These provisions require that the manufacturers of fuels

currently in use and new fuels supply EPA information regarding composition of emissions produced by these products, their effects on vehicle emissions and their effect on public health and welfare.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| ANPRM | 08/07/90 | 55 FR 32218 |
| NPRM | 04/15/92 | 57 FR 13168 |
| Final Action | 03/01/94 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Analysis:** Regulatory Impact Analysis**Additional Information:** SAN No. 2365.

Agency Contact: Judith Gray, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4231

RIN: 2060-AC10**3911. ACID RAIN NITROGEN OXIDES CONTROL REGULATION****Significance:** Regulatory Program**Legal Authority:** PL 101-549, sec 407; Clean Air Act Amendments of 1990, Title IV**CFR Citation:** 40 CFR 76**Legal Deadline:** Final, Statutory, January 1, 1997. Final, Judicial, October 31, 1993.

Judicial deadline, for Group I boilers. Statutory deadline for Group II boilers. NPRM, Statutory, May 15, 1992, for Group I boilers. NPRM, Statutory, January 1, 1997, for Group II boilers.

Abstract: This regulatory action establishes NOx emission limitations for Phase I tangentially-fired, dry bottom wall-fired boilers (Group I - Section 407(b)(1)) which must be met by January 1, 1995. Emissions limits for a second group of boilers (Group II - Section 407(b)(2)), including cyclones and wet bottom wall-fired units, will be effective in 2000 and will be set in a later rulemaking. Boilers from both groups that are listed under Phase II will be subject to their relevant emissions limits after 2000. In addition, the rule will determine conditions of applications for emission averaging and alternative emission limits for both groups of boilers.

Timetable:

| Group I Phase I Boilers | | |
|-------------------------|----------|-------------|
| NPRM | 11/25/92 | (57 FR 228) |
| Final Action | 10/00/93 | |

Group I, Phase II Boilers

NPRM 01/00/96

Group II Boilers

Final Action 01/00/97

Small Entities Affected: Undetermined**Government Levels Affected:** Local**Analysis:** Regulatory Impact Analysis**Additional Information:** SAN No. 2888.

Agency Contact: Larry Kertcher/Doris Price, Environmental Protection Agency, Air and Radiation, (6204J), Washington, DC 20460, 202 233-9180

RIN: 2060-AD45**3912. ACCELERATED PHASEOUT OF CLASS I AND CERTAIN CLASS II CHEMICALS AND LISTING OF NEW CLASS I CHEMICALS****Significance:** Regulatory Program**Legal Authority:** 42 USC 4526/CAA 606**CFR Citation:** 40 CFR 82**Legal Deadline:** Final, Statutory, December 1993.

Abstract: Section 606 requires the Agency to grant or deny petitions received to promulgate regulations to accelerate the phaseout of Class I or II chemicals (CFCs, methyl chloroform, carbon tetrachloride) within 180 days of receipt. If the Agency grants a petition and proposes regulations accelerating the phaseout, it must promulgate a final rule one year after the proposal. The Agency has received two petitions to date requesting the acceleration of the phaseout, the first of which was submitted on December 3, 1991, and published a proposal to accelerate the phaseout on March 18, 1993. Section 602 requires the Agency to grant or deny petitions received to add chemicals to the list of Class I substances. If the Agency proposes to add a substance to the list in response to a petition, section 602 requires it to do so within one year of the receipt of the petition. EPA received a petition to add methyl bromide to the list of class I substance substances on December 3, 1991, and published a proposal to list it on March 18, 1993.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|-------------|
| NPRM | 03/18/93 | 58 FR 15014 |
| Response to Petition | 03/18/93 | 58 FR 15014 |
| Final Action | 11/00/93 | |

Small Entities Affected: Businesses**Government Levels Affected:** None

EPA—CAA

Final Rule Stage

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 3157.

Agency Contact: Sue Stendebach, Environmental Protection Agency, Air and Radiation, (6205J), Washington, DC 20460, 202 233-9185

RIN: 2060-AD91

3913. PROTECTION OF STRATOSPHERIC OZONE: FEDERAL PROCUREMENT

Significance: Regulatory Program

Legal Authority: PL 101-549; Clean Air Act Amendments of 1990, sec 613

CFR Citation: 40 CFR 82

Legal Deadline: Final, Statutory, May 15, 1992. Final, Judicial, October 15, 1993.

Abstract: EPA is required to develop, in consultation with the General Services Administration and the Department of Defense, regulations requiring each department, agency and instrumentality of the United States to conform its procurement regulations to the policies and requirements of title VI and to maximize the substitution of safe alternatives to ozone depleting substances.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 04/12/93 | 58 FR 19080 |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: SAN No. 2899.

Agency Contact: Peter Voigt, Environmental Protection Agency, Air and Radiation, (6205J), Washington, DC 20460, 202 233-9185

RIN: 2060-AD51

3914. DEVELOPMENT OF A SCHEDULE FOR REGULATING SOURCE CATEGORIES OF HAZARDOUS AIR POLLUTANTS SUBJECT TO SECTION 112 OF THE CLEAN AIR ACT AMENDMENTS OF 1990

Legal Authority: Clean Air Act Amendments of 1990, sec 112

CFR Citation: Not applicable

Legal Deadline: Final, Statutory, November 15, 1992. Final, Judicial, November 15, 1993.

Abstract: This action complies with the requirements of section 112(e) of the 1990 Clean Air Act Amendments to publish a schedule for the promulgation of emission standards for sources of hazardous air pollutants.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/24/92 | 57 FR 44147 |
| Final Action | 11/15/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 2971.

This action is split from RIN:2060-AC87.

Agency Contact: Charles French, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-0467

RIN: 2060-AD66

3915. • APPROVAL OF SOUTH CAROLINA'S PETITION TO RELAX THE FEDERAL REID VAPOR PRESSURE VOLATILITY STANDARD FOR SOUTH CAROLINA FROM 7.8 PSI TO 9.0 PSI

Legal Authority: 114, 211, and 301(a) of the Clean Air Act as Amended

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: This action will permanently relax the federal Reid Vapor Pressure (RVP) standard in South Carolina from 7.8 psi to 9.0 psi.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3316.

Agency Contact: Michael L. Ball, Environmental Protection Specialist, Environmental Protection Agency, Air and Radiation, Office of Mobile Sources, (6406J), Washington, DC 20460, 202 233-9005

RIN: 2060-AE28

3916. REGULATIONS GOVERNING PRIOR NOTICE OF CITIZEN SUITS BROUGHT UNDER SECTION 304 OF THE CLEAN AIR ACT

Legal Authority: 42 USC 7604

CFR Citation: 40 CFR 54

Legal Deadline: None

Abstract: Section 304 of the Clean Air Act grants to citizens the authority to bring suits for violations of the Clean Air Act. This proposal amends the existing citizen suit notice provisions to: 1) reflect changes made to Section 304 in the 1990 Amendments, including the express inclusion of notice requirements for suits against the Administrator alleging Agency action unreasonably delayed; 2) clarify, for each type of citizen action requiring notice, the timing of such notice; and 3) conform CAA notice practice more closely to the practice under other, more recent citizen suit notice regulation promulgated pursuant to other Federal environmental statutes.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 02/10/93 | 58 FR 7870 |
| Final Action | 04/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 2940.

Additional Contact: Steve Viggiani, Mail Code LE-134A 202-260-2842.

Agency Contact: Suzanne Childress, Environmental Protection Agency, Air and Radiation, (EN-341W), Washington, DC 20460, 703 308-8706

RIN: 2060-AD80

3917. TREATMENT, STORAGE, AND DISPOSAL FACILITY - RCRA AIR EMISSION STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 6924/RCRA 3004, 3007

CFR Citation: 40 CFR 264 subpart X; 40 CFR 264 subpart AA; 40 CFR 264 subpart BB; 40 CFR 264 subpart CC; 40 CFR 265 subpart I; 40 CFR 265 subpart J; 40 CFR 265 subpart AA; 40 CFR 265 subpart BB; 40 CFR 265 subpart CC

Legal Deadline: Final, Statutory, May 1987. Final, Judicial, November 1994.

Abstract: The purpose of this action is to investigate the health and environmental impacts of non-combustion source air emissions from hazardous waste treatment, storage, and disposal facilities and to develop standards for monitoring and control as

EPA—CAA

Final Rule Stage

needed. Sources include tanks, surface impoundments, landfills, waste piles, land treatment operations and wastewater treatment facilities. Pollutants to be considered by such standards would include volatile organic compounds, particulate matter, specific toxic substances, or a combination of these. The mandate for standards development under RCRA is to protect human health and the environment. The Agency has adopted a three-phase approach: Phase I regulates organic emissions from

equipment leaks and process vents; Phase II will address tanks, containers, surface impoundments, and miscellaneous units; and Phase III will address residual risks from particular hazardous organic constituents.

Timetable:

Phase I Leaks and Vents
 NPRM 02/05/87 (52 FR 3748)
 Final Action 06/21/90 (55 FR 25454)
Phase II Tanks and Impoundments
 NPRM 07/22/91 (56 FR 33490)
 Final Action 01/00/94

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 2240.

Agency Contact: Michele Aston, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-2363

RIN: 2060-AB94

**ENVIRONMENTAL PROTECTION AGENCY (EPA)
 Clean Air Act (CAA)**

Completed Actions

3918. PROTECTION OF STRATOSPHERIC OZONE: RECYCLING

Significance: Regulatory Program

CFR Citation: 40 CFR 82

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 05/14/93 | 58 FR 28660 |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Debbie Ottinger, 202 233-9149

RIN: 2060-AC80

Government Levels Affected: Federal

Agency Contact: Phil Carlson, 313 668-4270

RIN: 2060-AD37

3921. IN-USE URBAN BUS TEST-INS PROCEDURES

Significance: Regulatory Program

CFR Citation: 40 CFR 86

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 06/08/93 | 58 FR 32121 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Lieske, 313 668-4584

RIN: 2060-AD38

CFR Citation: 40 CFR 51.166; 40 CFR 52.21

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 06/03/93 | 58 FR 31622 |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Daniel DeRoeck, 919 541-5593

RIN: 2060-AE12

3919. REVISION OF GASOLINE VOLATILITY ENFORCEMENT PROCEDURES

CFR Citation: 40 CFR 80

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 03/17/93 | 58 FR 14476 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph Sopata, 202 233-9034

RIN: 2060-AC97

3922. ACID RAIN PHASE I RESERVE/PHASE II ALLOWANCE ALLOCATIONS SUBPART

Significance: Regulatory Program

CFR Citation: 40 CFR 73, subpart B

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 03/23/93 | 58 FR 15634 |

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Kathy Barglaki, 202 233-9074

RIN: 2060-AD42

3924. FINAL APPROVAL OF COLORADO'S PETITION TO RELAX THE FEDERAL REID VAPOR PRESSURE VOLATILITY STANDARD FOR COLORADO IN 1992 AND 1993

CFR Citation: 40 CFR 80

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 04/30/93 | 58 FR 26067 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael L. Ball, 202 233-9005

RIN: 2060-AE18

3920. URBAN BUS PARTICULATE MATTER (PM) STANDARDS

Significance: Regulatory Program

CFR Citation: 40 CFR 86

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 04/21/93 | 58 FR 21359 |

Small Entities Affected: None

3923. NEW SOURCE REVIEW - PM10 INCREMENTS FOR PSD AREAS

Significance: Agency Priority

3925. NAAQS: LEAD (REVIEW)

Significance: Regulatory Program

CFR Citation: 40 CFR 50.12

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 10/13/93 | |

Small Entities Affected: None

Government Levels Affected: None

EPA-CAA

Completed Actions

Agency Contact: John Haines, 919 541-5533

RIN: 2060-AA95

3926. NSPS: SOCM REACTOR PROCESSES

CFR Citation: 40 CFR 60

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 08/31/93 | 58 FR 45948 |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Sheila Milliken, 919 541-2625

RIN: 2060-AB55

3927. GUIDELINE ON AIR QUALITY MODELS (REVISION)

CFR Citation: 40 CFR 51.166(e); 40 CFR 52.21(m)

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 07/20/93 | 58 FR 38816 |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Joseph Tikvart, 919 541-5561

RIN: 2060-AC43

3928. PROTECTION OF STRATOSPHERIC OZONE: ACCELERATED PHASEOUT/ LISTING OF CLASS I CHEMICALS

Completed:

| Reason | Date | FR Cite |
|----------------------------|----------|---------|
| Duplicate of RIN 2060-AD91 | 10/13/93 | |

RIN: 2060-AD92

ENVIRONMENTAL PROTECTION AGENCY (EPA) Superfund (CERCLA)

Proposed Rule Stage

3929. RISK MANAGEMENT PLANS FOR CHEMICAL ACCIDENTAL RELEASE PREVENTION

Significance: Regulatory Program

Legal Authority: PL 101-549; Clean Air Act Amendments of 1990

CFR Citation: 40 CFR 68

Legal Deadline: Final, Statutory, November 15, 1993.

Abstract: EPA must promulgate reasonable regulations and appropriate guidance to provide for the prevention and detection of accidental releases from stationary sources. The regulations must require stationary sources where a regulated substance is present in quantities greater than a threshold amount to implement a risk management plan for detection and prevention of accidental releases.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2979.

Agency Contact: Lyse Helsing, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-120), Washington, DC 20460, 202 260-6128

RIN: 2050-AD26

3930. NATIONAL OIL AND HAZARDOUS SUBSTANCES CONTINGENCY PLAN (TECHNICAL REVISIONS)

Legal Authority: 42 USC 9601-9657; 33 USC 1321(c)(2)

CFR Citation: 40 CFR 35; 40 CFR 30011

Legal Deadline: None

Abstract: In carrying out the revised National Oil and Hazardous Substances Pollution Contingency Plan (NCP), EPA has identified several provisions that may be interpreted differently than the Agency intended. In order to avoid any confusion, and to better inform the public, EPA is proposing clarifications to four sections of the NCP. None of these changes are intended to be substantive.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/31/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 3126.

Agency Contact: Hugo Paul Fleischman, Environmental Protection Agency, Solid Waste and Emergency Response, (5203G), Washington, DC 20460, 703 603-8769

RIN: 2050-AD73

3931. DESIGNATION UNDER CERCLA AND REPORTABLE QUANTITY ADJUSTMENTS OF NEW CLEAN AIR ACT HAZARDOUS AIR POLLUTANTS

Legal Authority: 42 USC 9602/CERCLA 102(a)

CFR Citation: 40 CFR 302.4

Legal Deadline: None

Abstract: This action would list under 40 CFR part 302 as CERCLA Hazardous Substances the previously non-CERCLA Hazardous Air Pollutants added to Section 112 of the Clean Air Act (CAA) by the CAA Amendments of 1990. This action would also adjust the Statutory Reportable Quantities of these hazardous air pollutants.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| Final Action | 09/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAN No. 3000.

Agency Contact: Gerain H. Perry, Environmental Protection Agency, Solid Waste and Emergency Response, (5202G), Washington, DC 20460, 703 603-8732

RIN: 2050-AD33

EPA—CERCLA

Proposed Rule Stage

3932. DELETION OF SACCHARIN FROM THE LIST OF HAZARDOUS WASTES UNDER RCRA AND THE LIST OF HAZARDOUS SUBSTANCES UNDER CERCLA

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921/RCRA 3001; 42 USC 6938; 42 USC 9602

CFR Citation: 40 CFR 261.33(f); 40 CFR 261 app VIII; 40 CFR 302.4

Legal Deadline: None

Abstract: This proposed rule would remove saccharin from the list of hazardous wastes under Section 3001 of the Resource Conservation and Recovery Act (RCRA) and from the list of hazardous substances under Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This regulatory action is in response to a petition to remove saccharin from regulation under RCRA and CERCLA. The petition is based on recent studies that dispute previous scientific findings that saccharin is a possible carcinogen. It is anticipated that the proposed action would result in annual new cost savings to both government and the regulated community because saccharin would no longer be subject to regulation under RCRA and CERCLA.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 20 Food and Kindred Products

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Additional Information: SAN No. 3050.

Agency Contact: Wanda L. Levine, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-333), Washington, DC 20460, 202 260-7458

RIN: 2050-AD45

3933. NATIONAL CONTINGENCY PLAN-SUBPART K: A ROADMAP TO THE NCP FOR FEDERAL FACILITIES

Legal Authority: 42 USC 9605/CERCLA 105; 42 USC 9620/CERCLA 120

CFR Citation: 40 CFR 300

Legal Deadline: None

Abstract: Subpart K of the NCP, entitled "Federal Facilities," is a roadmap to the entire NCP for Federal facilities, and it consolidates in one subpart of the NCP references to the requirements in the other subparts that Federal agencies must follow when conducting CERCLA response actions where the release is on, or where the sole source of the release is from, their facility. It also codifies certain other provisions of Section 120 of CERCLA relating to Federal facilities.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAN No. 2650.

Agency Contact: Jackie Tenusak, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-110), Washington, DC 20460, 703 260-9433

RIN: 2050-AC76

3934. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES: PROPOSED RULES

Legal Authority: 42 USC 9605(a)(8)(b)/CERCLA 105(a)(8)(B)

CFR Citation: 40 CFR 300.425

Legal Deadline: None
Deadline is for annual update.

Abstract: This action proposes to revise the National Priorities List (NPL) for uncontrolled waste sites in the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases and to delete sites that have been cleaned up. By court order, several sites in updates 14 and 15 must be finalized by 7/15/93.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 07/29/91 | 56 FR 35840 |

Update 12
NPRM 02/07/92 (57 FR 4824)

Update 13

NPRM 10/14/92 (57 FR 47204)

Update 14

NPRM 10/00/93

Update 15

NPRM 11/00/93

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. not yet assigned.

Agency Contact: Robert Myers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-230), Washington, DC 20460, 202 260-3412

RIN: 2050-AD47

3935. PROCEDURES FOR REIMBURSEMENT PETITIONS UNDER SECTION 106(B) OF CERCLA

Legal Authority: 42 USC 9606(b)/CERCLA 106(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: EPA is considering proposing a rule to set out a uniform process of review of petitions for reimbursement filed by parties who have been ordered to clean up Superfund sites. A uniform process would facilitate EPA consideration of these petitions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 09/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAN No. 2855.

Agency Contact: Fred Zimmerman, Environmental Protection Agency, Solid Waste and Emergency Response, (5502G), Washington, DC 20460, 703 603-9063

RIN: 2050-AD11

3936. REVISIONS TO THE NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

Legal Authority: 33 USC 1321/CWA 311(d)(1), as amended by the Oil Pollution Act

CFR Citation: 40 CFR 300

Legal Deadline: Final, Statutory, August 18, 1991.

Abstract: Under the Oil Pollution Act of 1990, EPA will prepare and publish

EPA—CERCLA

Proposed Rule Stage

revisions to the National Oil and Hazardous Substances Contingency Plan for the removal of oil and hazardous substances. EPA has initiated an inter-agency review process to make changes needed to implement the requirements of the Oil Pollution Act of 1990. The revised NCP would address a number of new elements including, but not limited to, response to worst case discharges and discharges that may pose a substantial threat to public health and welfare, a Fish and Wildlife Plan, and Area Contingency Plans.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/15/93 | |
| Final Action | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2882.

Agency Contact: Rich Norris, Environmental Protection Agency, Solid Waste and Emergency Response, (5202G), Washington, DC 20460, 703 603-8780

RIN: 2050-AD24

3937. AMENDMENTS TO THE EXTREMELY HAZARDOUS SUBSTANCES LIST UNDER SECTION 302 OF THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

Legal Authority: PL 99-499/SARA title III

CFR Citation: 40 CFR 355

Legal Deadline: None

Abstract: EPA is correcting errors found in the Extremely Hazardous Substances List under Section 302 of

the Emergency Planning and Community Right-To-Know Act of 1986. The list became final in the Federal Register on April 22, 1987 (52 FR 13378). This rulemaking is to amend the list based upon errors found in the studies used to place the chemicals on the list.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 12/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Additional Information: SAN No. 3036.

Agency Contact: John Ferris, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-120), Washington, DC 20460, 202 260-4043

RIN: 2050-AD50

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

Superfund (CERCLA)

3938. LIST OF REGULATED SUBSTANCES AND THRESHOLDS FOR ACCIDENTAL RELEASE PREVENTION; REQUIREMENTS FOR PETITIONS UNDER SECTION 112(R)(3) OF THE CAAA OF 1990

Significance: Regulatory Program

Legal Authority: PL 101-549; Clean Air Act Amendments of 1990

CFR Citation: 40 CFR 68

Legal Deadline: Final, Statutory, November 15, 1992. Final, Judicial, January 15, 1994.

Abstract: EPA must promulgate an initial list of at least 100 substances that, in the event of accidental release, are known to cause or may reasonably be anticipated to cause death, injury or serious adverse human health or environmental effects. EPA must establish a threshold quantity for each substance listed, by rule, considering toxicity, reactivity, volatility, dispersibility, combustibility or flammability, and the amount known to cause death, injury, or serious adverse human health effects. EPA must establish procedures for the addition and deletion of substances from the list.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/19/93 | 58 FR 5102 |
| Final Action | 01/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis

Additional Information: SAN No. 2972.

Agency Contact: Vanessa Rodriguez, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-120), Washington, DC 20460, 202 260-7913

RIN: 2050-AD25

3939. • THE NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES; DELETION POLICY FOR RESOURCE CONSERVATION AND RECOVERY (RCRA) FACILITIES

Legal Authority: 42 USC 9605/CERCLA 105

CFR Citation: 40 CFR 300

Legal Deadline: None

Abstract: The rule would finalize criteria proposed on December 21, 1988 (53 FR 51421) to be applied in decisions about whether to delete sites from the National Priorities List for the purpose of deferring them to RCRA Subtitle C corrective action authorities. The Agency currently defers willing and financially able sites to RCRA Subtitle C; however, it has not, to this point, finalized its policy of deleting sites from the NPL so that RCRA can address them. Doing so will reduce duplicative oversight resources and authorities and make them available for the types of sites, i.e., abandoned sites with uncontrolled releases, that Superfund is intended to address. Adoption of this policy should not impose any significant additional demands on Federal funds or other resources. Most likely it will save Superfund oversight resources by letting RCRA address sites that meet the criteria, i.e., sites that are progressing well under RCRA Subtitle C authorities and whose deletion would not disrupt on-going cleanup activities.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/21/88 | 53 FR 51421 |
| Final Action | 11/00/93 | |

EPA—CERCLA

Final Rule Stage

Small Entities Affected: None**Government Levels Affected:** State, Federal**Additional Information:** SAN No. 3337.**Agency Contact:** June Wiaz, Environmental Scientist, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-5204G), 703 603-8864**RIN:** 2050-AE04**3940. REPORTING EXEMPTIONS FOR FEDERALLY PERMITTED RELEASES OF HAZARDOUS SUBSTANCES****Significance:** Regulatory Program**Legal Authority:** 42 USC 9602/CERCLA 102**CFR Citation:** 40 CFR 117; 40 CFR 302; 40 CFR 355**Legal Deadline:** None**Abstract:** This action would clarify the definition of "federally permitted release" in Section 101(10) of CERCLA. Federally permitted releases of hazardous substances are exempt from reporting under Section 103 of CERCLA and from CERCLA liability.**Timetable:**

| Action | Date | FR Cite |
|---------------------|----------|-------------|
| NPRM | 07/19/88 | 53 FR 27268 |
| Supplemental Notice | 07/11/89 | 54 FR 29306 |
| Final Action | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** State**Additional Information:** SAN No. 2394.

For Further Information Contact: RCRA/Superfund 800-424-9346; in Washington, DC area dial 703-920-9810. The Telecommunications Device for the Deaf (TDD) Hotline number is 800-553-7672; in the Washington, DC area it is 703-486-3323.

Agency Contact: Gerrain H. Perry, Environmental Protection Agency, Solid Waste and Emergency Response, (5202G), Washington, DC 20460, 703 603-8732**RIN:** 2050-AB82**3941. REPORTABLE QUANTITY ADJUSTMENTS FOR PETROLEUM REFINERY PRIMARY TREATMENT SLUDGES****Legal Authority:** 42 USC 9602; 42 USC 9603; 42 USC 9604; 33 USC 1321; 33 USC 1361**CFR Citation:** 40 CFR 302; 40 CFR 302.4; 40 CFR 261.31**Legal Deadline:** None**Abstract:** This action would adjust the reportable quantities (RQs) for waste streams F037 and F038 (sludges from petroleum refinery separation processes) under CERCLA, as amended.**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/27/91 | 56 FR 12826 |
| Final Action | 09/00/94 | |

Small Entities Affected: None**Government Levels Affected:** Local, State, Federal**Additional Information:** SAN No. 2868.

For further information contact the RCRA/Superfund Hotline at 800-424-9346; in the Washington, DC area call 703-920-9810. The Telecommunications Device for the Deaf (TDD) Hotline number is 800-553-7672; in the Washington, DC area it is 703-486-3323.

Agency Contact: Gerain Perry, Environmental Protection Agency, Solid Waste and Emergency Response, (5202G), Washington, DC 20460, 703 603-8732**RIN:** 2050-AD15**3942. COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT (CERCLA) COST RECOVERY****Legal Authority:** 42 USC 9605 and 9615 /CERCLA 105 and 115**CFR Citation:** 40 CFR 300; 40 CFR 308**Legal Deadline:** None**Abstract:** This rule would (1) establish a new methodology for calculating EPA's indirect cost, thus allowing for full recovery of indirect costs; (2) list categories of documentation of response actions which EPA will maintain, thus adopting unified cost recovery documentation standards for the entire Agency; (3) clarify CERCLA statute of limitations for cost recovery actions; (4) specify when prejudgment interest begins to accrue.**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/06/92 | 57 FR 34742 |
| NPRM Comment | 11/05/92 | |
| Period End | | |
| Final Action | 02/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** SAN No. 2702.**Agency Contact:** Filomena Chau, Environmental Protection Agency, Solid Waste and Emergency Response, (5502G), Washington, DC 20460, 703 603-8966**RIN:** 2050-AC98**3943. ADMINISTRATIVE REPORTING EXEMPTIONS UNDER CERCLA FOR RELEASES OF RADIONUCLIDES FROM FOUR SOURCE CATEGORIES****Legal Authority:** 42 USC 9602/CERCLA 103**CFR Citation:** 40 CFR 302.6(c); 40 CFR 355.40(a)(2)(vi)**Legal Deadline:** None**Abstract:** This rule would codify administrative reporting exemptions from the requirements of section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for radionuclide release from: (1) large land holdings; (2) disturbances of land for purposes other than mining; (3) the dumping of coal and coal ash at utility and industrial facilities with coal-fired boilers; and (4) coal and coal ash piles at utility and industrial facilities with coal-fired boilers. This regulatory action is in response to a court decision specified in *The Fertilizer Institute v. EPA* (935 F. 2d 1303 (1991)). It is anticipated that the proposed action would result in annual net cost savings to both government and the regulated community because facilities that receive the administrative reporting exemptions would no longer be subject to the reporting requirements of CERCLA section 103.**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/30/92 | 57 FR 56726 |
| Final Action | 12/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None**Sectors Affected:** 49 Electric, Gas, and Sanitary Services; 16 Heavy Construction Other Than Building Construction-Contractors; 01 Agricultural Production-Crops**Additional Information:** SAN No. 3054.**Agency Contact:** Gerain H. Perry, Environmental Protection Agency, Solid Waste and Emergency Response,

EPA—CERCLA

Final Rule Stage

(5202G), Washington, DC 20460, 703 603-8732

RIN: 2050-AD46

3944. AMENDMENT TO THE NCP APPENDIX: OSWER PROCEDURES FOR CONTRACT LABORATORY PROGRAM (CLP) INVESTIGATIONS

Legal Authority: 42 USC 9605/CERCLA 105

CFR Citation: 40 CFR 300

Legal Deadline: None

Abstract: This rule would describe procedures for EPA to deal consistently with Contract Laboratory Program (CLP) labs under investigation for alleged fraud, to protect the authenticity and reliability of CLP data and the validity of EPA decisions made using CLP data.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/20/92 | 40 FR 21576 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2976.

Agency Contact: Hans Crump, Environmental Protection Agency, Solid Waste and Emergency Response, (5204G), Washington, DC 20460, 703 603-8821

RIN: 2050-AD34

3945. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES: FINAL RULES

Legal Authority: 42 USC 9605/CERCLA 105

CFR Citation: 40 CFR 300.425

Legal Deadline: None

Deadline is for annual update.

Abstract: This action finalizes sites proposed for inclusion on the National Priorities List (NPL) for uncontrolled waste sites in the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous

substance releases and to delete sites that have been cleaned up.

Timetable:

| | |
|----------|-------------------------------------|
| Final 11 | Final Action 10/14/92 (57 FR 47180) |
| Final 12 | Final Action 12/00/93 |
| Final 13 | Final Action 06/00/94 |
| Final 14 | Final Action 12/00/94 |
| Final 15 | Final Action 06/00/95 |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. not yet assigned.

Agency Contact: Robert Myers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-230), Washington, DC 20460, 703 603-8851

RIN: 2050-AD75

3946. FACILITY RESPONSE PLANNING

Significance: Regulatory Program

Legal Authority: 33 USC 1321/CWA 311(j)(5), as amended by the Oil Pollution Act

CFR Citation: 40 CFR 112

Legal Deadline: Final, Statutory, August 18, 1992.

Abstract: The Oil Pollution Act of 1990 (OPA) expands the scope of public and private planning and response activities associated with discharges of oil. The rule would implement an OPA requirement that facility owners and operators prepare response plans to respond to a worst case discharge of oil. These plans would apply to facilities that, because of their location, reasonably could be expected to cause substantial harm to the environment by a discharge of oil into or on navigable waters, adjoining shorelines, or the exclusive economic zone.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 02/17/93 | 58 FR 8824 |
| Final Action | 02/00/94 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAN No. 2923.

Agency Contact: Bobbie Lively-Diebold, Environmental Protection Agency, Solid Waste and Emergency Response, (5202G), Washington, DC 20460, 703 356-8774

RIN: 2050-AD30

3947. ADMINISTRATIVE HEARING PROCEDURES FOR CLASS II PENALTIES UNDER CERCLA AND EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

Legal Authority: 42 USC 9609/11045

CFR Citation: 40 CFR 22

Legal Deadline: None

Abstract: This rule will govern the conduct of administrative hearings for all penalties to be assessed under CERCLA Section 109 and SARA Section 325. The rule provides the procedures for these penalty assessments. The action is expected to have a negligible economic impact on consumers, industries, or governmental agencies, but will provide the benefit of uniform procedures for assessing penalties.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 05/16/89 | 54 FR 21174 |
| Final Action | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAN No. 2512.

Agency Contact: Sandra Connors, Environmental Protection Agency, Office of Enforcement, (LE-134S), Washington, DC 20460, 202 260-3110

RIN: 2050-AC39

**ENVIRONMENTAL PROTECTION AGENCY (EPA)
Superfund (CERCLA)**

Completed Actions

3948. REPORTABLE QUANTITY ADJUSTMENTS OF LEAD, LEAD COMPOUNDS, LEAD-CONTAINING HAZARDOUS WASTE STREAMS, AND METHYL ISOCYANATE

CFR Citation: 40 CFR 302; 40 CFR 355; 40 CFR 117

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/30/93 | 58 FR 35314 |
| Final Action Effective | 07/30/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Gerain H. Perry, 703 603-8732

RIN: 2050-AD16

3949. PRIOR NOTICE OF CITIZEN SUITS UNDER CERCLA

CFR Citation: 40 CFR 373

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 11/23/92 | 57 FR 55038 |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia Sims, 202 260-2860

RIN: 2050-AC70

**ENVIRONMENTAL PROTECTION AGENCY (EPA)
General**

Proposed Rule Stage

3950. PRIVACY ACT OF 1974; PROPOSED ALTERATION OF EXISTING NEW SYSTEM OF RECORDS

Legal Authority: 42 USC 552a

CFR Citation: Not applicable

Legal Deadline: None

Abstract: The Privacy Act of 1974 provides that Congress and the Office of Management and Budget be notified of proposed systems of records and that the public be given a 30-day period in which to comment on the routine uses of the system. EPA provided such notice for a new system of records named "Criminal Investigative Index and Files" on April 25, 1986, 51 FR 15830. EPA is proposing altering this system because of statutory changes in the enforcement provisions implemented by EPA as well as organizational changes.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAN No. not yet assigned.

Agency Contact: Bruce G. Bellin, Environmental Protection Agency, Office of Enforcement, (LE-134X), Washington, DC 20460, 202 260-9668

RIN: 2020-AA18

3951. • SIMPLIFICATION OF EPA'S PROCESS FOR TREATING INDIAN TRIBES AS STATES

Legal Authority: 33 USC 1377; 42 USC 300j-11

CFR Citation: 40 CFR 35; 40 CFR 124; 40 CFR 130; 40 CFR 131; 40 CFR 142; 40 CFR 145

Legal Deadline: None

Abstract: The Clean Water Act, Safe Drinking Water Act, and Clean Air Act authorize EPA to treat Indian tribes as states for purposes of program authorization and grant awards. The Agency promulgated regulations for implementing this authority under the Water Acts and is developing regulations under the Clean Air Act. The process for approving tribes for "Treatment as a State" (TAS) under various programs has proven to be burdensome and offensive to tribes. EPA established a working group to focus on ways of improving and simplifying the process. The Workgroup developed recommendations which were developed as Agency policy in November 1992. The purpose of this regulation will be to implement the recommendations of the Workgroup. The Agency will adopt a policy to simplify the TAS process, eliminate duplicative requirements, and improve overall procedures.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| Final Action | 01/00/95 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Additional Information: SAN No. 3250.

Agency Contact: Marshall Cain, Environmental Protection Agency, Office of Enforcement, (A-104), Washington, DC 20460, 202 260-8792

RIN: 2020-AA20

3952. • PUBLIC INFORMATION AND CONFIDENTIALITY REGULATIONS

Legal Authority: 5 USC 552; 7 USC 136 et seq; 33 USC 1251 et seq; 42 USC 300f et seq; 42 USC 6901 et seq; 42 USC 7401 et seq; 42 USC 9601 et seq; 42 USC 11001 et seq; 15 USC 2601 et seq; 42 USC 4912; 33 USC 1414; 21 USC 346; 15 USC 2005

CFR Citation: 40 CFR 2; 40 CFR 57; 40 CFR 122; 40 CFR 123; 40 CFR 145; 40 CFR 233; 40 CFR 260; 40 CFR 270; 40 CFR 271; 40 CFR 281; 40 CFR 350; 40 CFR 403

Legal Deadline: None

Abstract: EPA regulations at 40 CFR part 2, subpart B, provide procedures for handling and disclosing information claimed as CBI. Although these regulations have succeeded in protecting business information, changes in Agency workload, practice, and statutory authority have outstripped the ability of these regulations to cut down on unnecessary procedures, expedite activities involving confidential business information, and simplify the regulations. In addition, EPA would consolidate confidentiality provisions from other Parts of 40 CFR.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 12/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: SAN No. 3240.

Agency Contact: Donald A. Sadowsky, Environmental Protection Agency, Office of Enforcement, Office of General

EPA—GENERAL

Proposed Rule Stage

Counsel (LE-132K), Washington, DC
20460, 202 260-5469

RIN: 2020-AA21

3953. PROCUREMENT INTEGRITY

Legal Authority: 41 USC 423

CFR Citation: 48 CFR 1503

Legal Deadline: None

Abstract: The proposed rule will implement Federal Acquisition Regulation (FAR) guidance concerning procurement integrity.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: SAN No. 3098.

Agency Contact: Nan Parry, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, 202 260-0900

RIN: 2030-AA25

3954. SOURCE SELECTION PROCEDURES

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 1515

Legal Deadline: None

Abstract: This action will revise EPA's source selection procedures.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: SAN No. 3255.

Agency Contact: Nan Parry, Environmental Protection Agency, Administration and Resource Management, (PM-214E), Washington, DC 20460, 202 260-0900

RIN: 2030-AA29

3955. MISCELLANEOUS REVISIONS OF ORGANIZATIONAL TITLES AND AUTHORITY

Legal Authority: 41 USC 418B, OFPP Policy Act sec 22

CFR Citation: 48 CFR 1501; 48 CFR 1503; 48 CFR 1506; 48 CFR 1514; 48 CFR 1515; 48 CFR 1516; 48 CFR 1517; 48 CFR 1522; 48 CFR 1530; 48 CFR 1531; 48 CFR 1532; 48 CFR 1536; 48 CFR 1545

Legal Deadline: None

Abstract: This rule will amend the EPA Acquisition Regulation to reflect changes in the Agency's contracting organization.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: SAN No. 3256.

Agency Contact: Louise Senzel, Environmental Protection Agency, Administration and Resource

Management, (PM-214F), Washington, DC 20460, 202 260-6204

RIN: 2030-AA30

3956. AMENDMENTS TO PART 22 CONSOLIDATED PROCEDURAL RULES

Legal Authority: 7 USC 1361; 15 USC 2615(a); 15 USC 2647; 33 USC 1319(g); 33 USC 1415(a); 33 USC 1418; 42 USC 6912; 42 USC 7413(d)(1); 42 USC 7601; 42 USC 7607(a); 42 USC 9609; 42 USC 11045; 42 USC 300g-3(b)

CFR Citation: 40 CFR 22

Legal Deadline: None

Abstract: The Agency is proposing amendments to the Consolidated Rules of Practice under 40 CFR part 22. These amendments will include technical amendments correcting the address to which penalty payments are sent, lengthening the period to file an appeal, and modifying the specified procedures for service of process. The Agency will also propose more substantive amendments regarding handling Confidential Business Information, default judgments, and burden of proof on penalty assessments. In addition, part 22 will be amended to implement the 1990 CAA amendments, which will permit civil penalties to be assessed in administrative enforcement hearings.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAN No. 2662.

Agency Contact: Helene Ambrosimo, Environmental Protection Agency, Office of Enforcement, (LE-134P), Washington, DC 20460, 202 260-0239

RIN: 2020-AA13

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

General

3957. ● INDIAN TRIBES: GENERAL ASSISTANCE GRANTS FOR ENVIRONMENTAL PROTECTION PROGRAMS

Legal Authority: PL 102-497, sec 11; Indian Environmental General Assistance Program Act of 1992

CFR Citation: 40 CFR 35; 40 CFR 31

Legal Deadline: Final, Statutory, October 24, 1993.

The Administrator shall promulgate regulations establishing grant application procedures within 12 months following enactment of section 11, P.L. 102-497 (enacted 10/14/92).

Abstract: This interim final regulation establishes the General Assistance Program and the rules and procedures under which Indian tribal governments and intertribal consortia may apply for general assistance grants to build capacity to administer environmental regulatory programs on Indian lands; and to provide technical assistance from EPA in the development of multi-media programs to address environmental issues on Indian lands. Tribes can tailor capacity-building through general assistance with additional program development and/or implementation assistance through program specific grants. During fiscal years 1990-93, \$1 4.6 million has been awarded to over 250 tribes and Alaska Native villages through the multi-media assistance program, precursor of the General Assistance Program. The Act authorizes up to \$15 million per fiscal year. The General Assistance Program enables tribes to plan, develop and establish their capability to implement programs administered by EPA on Indian lands.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Additional Information: SAN No. 3217.

Agency Contact: B. Katherine Biggs, Environmental Protection Agency, Office of Enforcement, (A-104), Washington, DC 20460, 202 260-5078

RIN: 2020-AA19

3958. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: 33 USC 1251 et seq; 42 USC 7401 et seq; 42 USC 300(f) et seq; 7 USC 136 et seq; 15 USC 2601 et seq; 42 USC 9601 et seq; 20 USC 4011 et seq; 33 USC 1401 et seq

CFR Citation: 40 CFR 31

Legal Deadline: None

Abstract: This is a revision to a common rule designed to establish uniform administrative rules for Federal grants and cooperative agreements and subawards to State, local, and Indian tribal governments.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: SAN No. 3100.

Agency Contact: Richard Mitchell or Ellen Haffa, Environmental Protection Agency, Administration and Resource Management, (PM-216F), Washington, DC 20460, 202 260-5268

RIN: 2030-AA27

3959. GENERAL REGULATION FOR ASSISTANCE PROGRAMS FOR OTHER THAN STATE AND LOCAL GOVERNMENTS

Legal Authority: Budget and Accounting Procedures Act of 1950, as amended; Reorganization Plan No. 202 of 1970, EO 11541

CFR Citation: 40 CFR 30

Legal Deadline: None

Abstract: This revision is necessary to implement proposed changes to OMB's Circular A-110, "Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations." When OMB publishes the revised Circular A-110, this regulation will be updated accordingly.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|------------|
| NPRM | 08/27/92 | 56 FR 7305 |
| Interim Final Rule | 01/00/94 | |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: SAN No. 3101.

Agency Contact: Vince Martin, Environmental Protection Agency, Administration and Resource Management, (PM-216F), Washington, DC 20460, 202 260-9294

RIN: 2030-AA28

3960. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS RECEIVING FINANCIAL ASSISTANCE FROM THE EPA (REVISION)

Legal Authority: 42 USC 6101/Age Discrimination Act of 1979

CFR Citation: 40 CFR 7

Legal Deadline: None

Abstract: This action is necessary to add age as a basis for nondiscrimination to EPA's Federally-Assisted Nondiscrimination Regulation.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/09/81 | 46 FR 2306 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAN No. 2218.

Agency Contact: Nereid Maxey, Environmental Protection Agency, Office of the Administrator, Office of Civil Rights, (A-105), Washington, DC 20460, 202 260-4567

RIN: 2090-AA09

3961. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: PL 101-121; 33 USC 1251 et seq; 42 USC 7401 et seq; 42 USC 6901 et seq; 42 USC 300f et seq; 7 USC 136 et seq; 15 USC 2601 et seq; 42 USC 9601 et seq; 20 USC 4011 et seq; 33 USC 1401 et seq

EPA—GENERAL

Final Rule Stage

CFR Citation: 40 CFR 34

Legal Deadline: None

Abstract: This is a common rule designed to implement the Anti-Lobbying Act passed October 23, 1989. The common rule prohibits the use of Federal funds for lobbying by grantees and applicants.

Timetable:

| Action | Date | FR Cite |
|--------------------|--------------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 6736 |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: SAN No. 3219.

Agency Contact: Richard Mitchell, Environmental Protection Agency, Administration and Resource Management, (PM-216F), Washington, DC 20460, 202 260-6077

RIN: 2030-AA24

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Completed Actions

General

3962. CONFIDENTIALITY REGULATIONS: SPECIAL RULES GOVERNING CERTAIN INFORMATION UNDER FIFRA (REVISION)

CFR Citation: 40 CFR 2.307

Completed:

| Reason | Date | FR Cite |
|---------------------------------------|----------|---------|
| Withdrawn Combined with RIN 2020-AA21 | 08/31/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rafael Deleon, 202 260-4550

RIN: 2020-AA06

3963. INSTRUCTIONS FOR PREPARATION OF COST OR PRICING PROPOSALS

CFR Citation: 48 CFR 1515; 48 CFR 1552

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 08/13/93 | 58 FR 45843 |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Edward N. Chambers, 202 260-6028

RIN: 2030-AA20

[FR Doc. 93-23536 Filed 10-22-93; 8:45 am]

BILLING CODE 6560-50-F

Federal Register

Monday
October 25, 1993

Part XXIII

Equal Employment Opportunity Commission

Semiannual Regulatory Agenda

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Semiannual Regulatory Agenda

AGENCY: Equal Employment Opportunity Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Equal Employment Opportunity Commission is publishing its semiannual regulatory agenda

pursuant to Executive Order 12291, 3 CFR, 1981 Comp., p. 127, and the Regulatory Flexibility Act, 5 U.S.C. chapter 6. The agenda contains all regulations which are scheduled for review or development during the next 12 months.

FOR FURTHER INFORMATION CONTACT: Irene L. Hill, Assistant Legal Counsel for Coordination, Office of the Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507; telephone (202) 663-4689.

SUPPLEMENTARY INFORMATION: The Commission identified seven current and projected rulemakings for inclusion in the agenda. Two have been published as ANPRMs. Two have been published as NPRMs. Two are currently under development or review by Commission staff, and one is reported as a new agenda item.

Signed in Washington, DC, this 25th day of August 1993.

For the Commission.

Tony E. Gallegos,
Chairman.

Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3964 | Early Retirement Plans | 3046-AA36 |
| 3965 | Possible Revisions to Interpretations Relating to Benefits Under Employee Benefit Plans | 3046-AA37 |

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3966 | Procedures for Handling Complaints of Employment Discrimination Under the Government Employee Rights Act of 1991 | 3046-AA45 |
| 3967 | Discrimination Because of Religion Under Title VII of the Civil Rights Act of 1964, as Amended | 3046-AA47 |
| 3968 | Guidelines on Harassment Based on Race, Color, Religion, Gender, National Origin, Age, or Disability | 3046-AA48 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3969 | Pension Accruals and Contributions Under ADEA | 3046-AA31 |
| 3970 | Procedures for Handling Complaints of Employment Discrimination on the Basis of Disability Filed Under the Americans with Disabilities Act and the Rehabilitation Act of 1973 | 3046-AA42 |

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Prerule Stage

3964. EARLY RETIREMENT PLANS

Legal Authority: 29 USC 628

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The ADEA prohibits discrimination on the basis of age with respect to an employee's compensation, terms, conditions, or privileges of employment. In light of recent amendments to the ADEA and several cases dealing with early retirement, questions have arisen regarding the legality of early retirement plans in

general and of specific plans. Since the use of early retirement has expanded greatly in recent years, the Commission deems it appropriate to consider the issuance of regulatory guidance in the area. The ANPRM seeks comment on issues such as voluntariness, plan structuring and eligibility to participate. The Commission is reassessing this project in light of the Supreme Court's decision in *Public Employees Retirement System of Ohio v. Betts*, 492 U.S. 158 (1989), and the enactment of

the Older Workers Benefit Protection Act, Pub. L. 101-433 (Oct. 16, 1990).

Timetable:

| Action | Date | FR Cite |
|--------------------------|--------------|-------------|
| ANPRM | 07/15/88 | 53 FR 26789 |
| ANPRM Comment Period End | 10/13/88 | |
| Next Action | Undetermined | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

EEOC

Prerule Stage

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507, 202 663-4690

RIN: 3046-AA36

3965. POSSIBLE REVISIONS TO INTERPRETATIONS RELATING TO BENEFITS UNDER EMPLOYEE BENEFIT PLANS

Legal Authority: 29 USC 628

CFR Citation: 29 CFR 1625.10

Legal Deadline: None

Abstract: The current interpretive regulations at 29 CFR 1625.10 were framed in 1979. Since that time the ADEA has been amended in a manner that necessitates considering revisions to the regulations, for example, the lifting of the age 70 cap. Accordingly, the Commission requested public comment to determine whether revisions are necessary and, if so, the nature and scope of any such revision. The continuing viability of this project is being assessed in light of the Supreme Court's decision in Public Employees Retirement System of Ohio v. Betts, 492 U.S. 158 (1989), and the enactment of the Older Workers Benefit Protection Act, Pub. L. 101-433 (Oct. 16, 1990).

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 07/15/88 | 53 FR 26788 |
| ANPRM Comment Period End | 10/13/88 | |
| Next Action Undetermined | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507, 202 663-4690

RIN: 3046-AA37

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Proposed Rule Stage

3966. PROCEDURES FOR HANDLING COMPLAINTS OF EMPLOYMENT DISCRIMINATION UNDER THE GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991

Legal Authority: 2 USC 1220

Government Employee Rights Act of 1991; 42 USC 2000e et seq Title VII of the Civil Rights Act; 29 USC 633 Age Discrimination in Employment Act; 42 USC 12112 to 12114 Americans with Disabilities Act

CFR Citation: 29 CFR 1603

Legal Deadline: None

Abstract: Under the Civil Rights Act of 1964 certain staff members of State and local elected officials were exempt from protection against employment discrimination. Section 321 of the Government Employee Rights Act of 1991 extends protections to the employment of persons who have been chosen or appointed by a State or local elected public official to serve on his or her personal staff, to serve the elected official on the policy-making level, or to serve as an immediate advisor with respect to the exercise of the constitutional or legal powers of the official's office. Section 320 of the Government Employee Rights Act of 1991 extends protections to certain presidential appointees who are not otherwise protected under section 17 of title VII of the Civil Rights Act of 1964. Section 320 does not cover individuals whose appointment is made by and with the advice and consent of the

Senate, advisory committee members or members of the uniformed services.

These are procedural regulations for processing such complaints of discrimination by previously exempt or uncovered individuals.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Agency Contact: Thomas J. Schlageter, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507, 202 663-4670

RIN: 3046-AA45

3967. DISCRIMINATION BECAUSE OF RELIGION UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED-

Legal Authority: 42 USC 2000e Title VII, Civil Rights Act of 1964 as amended

CFR Citation: 29 CFR 1605

Legal Deadline: None

Abstract: The Equal Employment Opportunity Commission is proposing a revision to section 1605.2(c)(2) of its Guidelines on Discrimination Because of Religion. These revisions will reflect

Supreme Court precedent in Ansonia Board of Education v. Philbrook 479 U.S. 60 (1986) on religious accommodation. If adopted, this revision will clarify an employer's duty of religious accommodation and will prevent an employee or prospective employee from being discriminated against and unnecessarily penalized because of his or her religious practices.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dianna B. Johnston, Assistant Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507, 202 663-4679

RIN: 3046-AA47

3968. • GUIDELINES ON HARASSMENT BASED ON RACE, COLOR, RELIGION, GENDER, NATIONAL ORIGIN, AGE, OR DISABILITY

Legal Authority: 42 USC 2000e; Title VII of the Civil Rights Act of 1964, as amended; 29 USC 701 et seq; Rehabilitation Act of 1973, as amended; 29 USC 621; The Age Discrimination in Employment Act of 1967, as amended; 42 USC 12101 et seq; The Americans with Disabilities Act

EEOC

Proposed Rule Stage

CFR Citation: 29 CFR 1609**Legal Deadline:** None

Abstract: The Equal Employment Opportunity Commission is issuing guidelines covering harassment that is based upon race, color, religion, gender (excluding harassment that is sexual in nature), national origin, age, or disability. The Commission has

determined that it would be useful to have consolidated guidelines that set forth the standards for determining whether conduct in the workplace constitutes illegal harassment under various antidiscrimination statutes.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Dianna B. Johnston, Assistant Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507, 202 663-4679

RIN: 3046-AA48

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Final Rule Stage

3969. PENSION ACCRUALS AND CONTRIBUTIONS UNDER ADEA**Significance:** Agency Priority

Legal Authority: 29 USC 628 The Age Discrimination in Employment Act of 1967; PL 99-509, Sec 9204

CFR Citation: 29 CFR 1625.10

Legal Deadline: Final, Statutory, February 1, 1988.

Rule will be completed when the Department of the Treasury completes its regulatory review.

Abstract: Regulations, as may be necessary, to carry out congressional enactments regarding pension accruals and contributions under ADEA.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/27/87 | 52 FR 45360 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment

Opportunity Commission, 1801 L Street NW., Washington, DC 20507, 202 663-4690

RIN: 3046-AA31**3970. PROCEDURES FOR HANDLING COMPLAINTS OF EMPLOYMENT DISCRIMINATION ON THE BASIS OF DISABILITY FILED UNDER THE AMERICANS WITH DISABILITIES ACT AND THE REHABILITATION ACT OF 1973**

Legal Authority: 42 USC 12101 et seq; PL 101-336 The Americans with Disabilities Act (ADA)

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, January 26, 1992.

Abstract: Section 107(b) of the ADA requires that agencies with enforcement authority for actions which allege employment discrimination under the ADA and section 504 of the Rehabilitation Act of 1973 must develop procedures that ensure that administrative complaints filed under the ADA or the Rehabilitation Act are processed in a manner which avoids

duplication of effort and prevents the imposition of inconsistent or conflicting standards by EEOC and the Department of Justice.

These regulations will contain procedures and standards to ensure that complaints are processed in an effective manner, and that consistent standards are applied to the same requirements imposed by both statutes.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 04/21/92 | 57 FR 14630 |
| Final Action | 11/00/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Elizabeth M. Thornton, Deputy Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507, 202 663-4689

RIN: 3046-AA42

[FR Doc. 93-21446 Filed 10-22-93; 8:45 am]

BILLING CODE 6570-06-F

Federal Register

Monday
October 25, 1993

Part XXIV

**Federal Emergency
Management Agency**

Semiannual Regulatory Agenda

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Semiannual agenda.

SUMMARY: The Federal Emergency Management Agency publishes its semiannual regulatory agenda in April and October to inform interested parties of progress on FEMA regulations. The agenda lists regulations that will be under development or review during the period October 1, 1993, to March 31, 1994.

ADDRESSES: For information about specific regulations, please contact the person listed as the agency contact in the agenda.

FOR FURTHER INFORMATION CONTACT: For general information on FEMA's regulatory agenda, contact H. Crane Miller, Office of the General Counsel, Federal Emergency Management

Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3340.

SUPPLEMENTARY INFORMATION: Executive Order 12291 "Federal Regulation" directs each executive agency to adopt procedures to improve existing and future regulations. Publication of an agenda of regulations is called for at least semiannually in order to give the public adequate notice of agency rulemaking activities; also, publication of a regulatory flexibility agenda concerning rules likely to have a significant impact on a substantial number of small entities must be published in accordance with 5 U.S.C. 601 *et seq.*

In fulfillment of the requirements of Executive Order 12291 and 5 U.S.C. 601 *et seq.*, this agenda describes current and projected regulations and regulations which will be under review or development during the period October 1, 1993, to March 31, 1994. This agenda also contains information on regulations on which action was completed since the last FEMA semiannual agenda was published April 26, 1993, at 58 FR 25096 to 25104.

Public comment on the agenda, including comments by State and local governments, is invited and should be submitted to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472; FAX (202) 646-4536. Please refer to the title and the Regulation Identifier Number (RIN) of the rule about which you are inquiring or commenting.

The agenda is not limited to major or significant rules and contains information concerning all FEMA regulations to be developed, reviewed, or published in the next 6 months except for routine flood elevation determinations, listings of eligible communities under the National Flood Insurance Program and the National Crime Insurance Program, listings of suspended communities and similar designations under the National Flood Insurance Program, and FEMA organizational and management matters.

Dated: September 1, 1993.

John P. Carey,
General Counsel.

Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3971 | Release of Materials From the National Defense Stockpile | 3067-AB75 |

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 3972 | Review and Approval of State and Local Emergency Response Plans | 3067-AA76 |
| 3973 | Radiological Emergency Planning and Preparedness | 3067-AA77 |
| 3974 | Comprehensive Cooperative Agreement Policies, Procedures, and Associated Programs | 3067-AB18 |
| 3975 | National Flood Insurance Program Changes for Structures on Land Subject to Imminent Collapse or Subsidence ... | 3067-AB42 |
| 3976 | Use of Civil Defense Personnel, Materials, and Facilities for Natural Disaster Purposes | 3067-AB48 |
| 3977 | Machine Tool Trigger Order Program Guidance | 3067-AB63 |
| 3978 | Guidance for Sector Studies and Production Base Analyses (Civilian Agencies) | 3067-AB72 |
| 3979 | Individual Assistance Regulations | 3067-AB73 |
| 3980 | Disaster Assistance—Coastal Barrier Resources Act | 3067-AB78 |
| 3981 | Administrative Remedies for False Claims and Statements | 3067-AB80 |
| 3982 | National Flood Insurance Program—Write Your Own Program Changes | 3067-AB99 |
| 3983 | National Flood Insurance Program Repetitive Losses | 3067-AC00 |
| 3984 | Policy and Procedures on the Use of Standby Agreements and Educational Orders | 3067-AC07 |
| 3985 | FEMA; Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Govern- ments | 3067-AC08 |
| 3986 | Population Standard for Local Government Participation in State and Local Emergency Management Assistance Programs | 3067-AC11 |
| 3987 | Disaster Assistance; Public Assistance Eligibility | 3067-AC12 |
| 3988 | Disaster Assistance; Seismic Safety Standards in New Building Construction | 3067-AC13 |
| 3989 | Disaster Assistance; Adjustments and Loans of Non-Federal Shares of Assistance | 3067-AC14 |

FEMA

Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3990 | Voluntary Agreements under Section 708 of the Defense Production Act of 1950, as Amended | 3067-AC15 |
| 3991 | Establish Flood Insurance Rate Zone AR | 3067-AC17 |
| 3992 | Enforcement of Nondiscrimination on the Basis of Disability in Programs Receiving Federal Financial Assistance ... | 3067-AC18 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 3993 | National Defense Executive Reserve Guidance | 3067-AB51 |
| 3994 | New Restrictions on Lobbying | 3067-AB64 |
| 3995 | National Flood Insurance Program; General Provisions and Insurance Coverage | 3067-AB71 |
| 3996 | Disaster Assistance—Public Assistance Insurance Requirements | 3067-AB77 |
| 3997 | National Earthquake Hazards Reduction Program; Criteria for Acceptance of Gifts, Bequests, or Services | 3067-AB84 |
| 3998 | Disaster Assistance; Public Elementary and Secondary School Facilities | 3067-AB97 |
| 3999 | Organization, Functions, and Delegations of Authority | 3067-AC06 |
| 4000 | Mandatory Declassification Review Procedures | 3067-AC09 |

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4001 | Disaster Assistance; Public Assistance Eligibility of Costs | 3067-AB85 |
| 4002 | Disaster Assistance—Public Assistance Eligibility | 3067-AB86 |
| 4003 | Organization, Functions, and Delegations of Authority | 3067-AC01 |
| 4004 | Fee for Services To Support the Federal Emergency Management Agency's Offsite Radiological Emergency Preparedness Program | 3067-AC10 |
| 4005 | List of Jurisdictions Eligible for Sale of Crime Insurance | 3067-AC16 |
| 4006 | Removal of 44 CFR Part 3, Standards of Conduct | 3067-AC19 |

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Prerule Stage

3971. RELEASE OF MATERIALS FROM THE NATIONAL DEFENSE STOCKPILE

Legal Authority: 50 USC 98f; 50 USC 404; EO 12148; EO 12656

CFR Citation: 44 CFR 328

Legal Deadline: None

Abstract: Procedures for releasing strategic and critical materials from the stockpile. The release authority has been retained by the President.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| ANPRM | 10/00/93 | |
| ANPRM Comment Period End | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Richard F. Marilley, Acting Chief, Mobilization Policy and Plans Division, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3003

RIN: 3067-AB75

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Proposed Rule Stage

3972. REVIEW AND APPROVAL OF STATE AND LOCAL EMERGENCY RESPONSE PLANS

Legal Authority: 50 USC app 225g; EO 12148

CFR Citation: 44 CFR 350

Legal Deadline: None

Abstract: Updates existing regulation governing policies and procedures for review and approval of State and local

emergency plans and preparedness for the offsite effects of a radiological emergency which might occur at a commercial nuclear power plant.

FEMA

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |
| Final Action | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Vern Wingert, Chief, Program Development Branch, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-2872

RIN: 3067-AA76

3973. RADIOLOGICAL EMERGENCY PLANNING AND PREPAREDNESS

Legal Authority: EO 12148; EO 12241

CFR Citation: 44 CFR 351

Legal Deadline: None

Abstract: Updates regulations which set out Federal agency roles and assigns tasks regarding Federal assistance to States and local governments in their radiological emergency planning and preparedness activities connected with radiological accidents at commercial nuclear power plants.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/02/93 | 58 FR 41154 |
| NPRM Comment | 10/02/93 | |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Vern Wingert, Chief, Program Development Branch, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-2872

RIN: 3067-AA77

3974. COMPREHENSIVE COOPERATIVE AGREEMENT POLICIES, PROCEDURES, AND ASSOCIATED PROGRAMS

Legal Authority: 50 USC 2286; 50 USC 2251; 42 USC 5121; 42 USC 5151; 42 USC 7701; 42 USC 4001; PL 95-224; PL 96-295; PL 99-499; PL 93-288; PL 95-124; PL 90-488; PL 93-234; PL 90-577; EO 12148

CFR Citation: 44 CFR 305; 44 CFR 302; 44 CFR 360; 44 CFR 301; 5 CFR 900

Legal Deadline: None

Abstract: Cooperative agreements are used when stimulating a public purpose (the multiple programs delivered in each comprehensive cooperative agreement are aimed primarily at stimulating civil defense). The Federal Civil Defense Act of 1950, as amended, authorizes the major portions of comprehensive cooperative agreement programs and assistance dollars, and is the major legislative authority underpinning the process. Various Civil Preparedness Guides provide complete notice to States and interested parties and complete the policy and procedural requirements.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment | 02/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sylvia A. Carroll, Program Analyst, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3503

RIN: 3067-AB18

3975. NATIONAL FLOOD INSURANCE PROGRAM CHANGES FOR STRUCTURES ON LAND SUBJECT TO IMMINENT COLLAPSE OR SUBSIDENCE

Legal Authority: 42 USC 4002 et seq; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 60; 44 CFR 61; 44 CFR 62

Legal Deadline: None

Abstract: Section 544 of the Housing and Community Development Act of 1987 provided a new benefit to National Flood Insurance Program policyholders: Payment for demolition or relocation of an insured structure if it is located "along the shore of a lake or other body of water and is certified by appropriate State or local land use authority to be subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels." FEMA published interim regulations on this subject on September 23 and November 2, 1988, and commissioned an investigation through the National

Academy of Sciences to provide a basis for further regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment | 02/00/94 | |
| Period End | | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Donald L. Collins, Assistant Administrator, IPATS, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3419

RIN: 3067-AB42

3976. USE OF CIVIL DEFENSE PERSONNEL, MATERIALS, AND FACILITIES FOR NATURAL DISASTER PURPOSES

Legal Authority: 50 USC app 2253

CFR Citation: 44 CFR 312.5

Legal Deadline: None

Abstract: This rule is proposed to clarify the use of civil defense personnel in times of natural disasters. The rule would permit 30 days' use of civil defense personnel on disaster operations, at the discretion of State officials, with the possibility of extension of that period upon request to the Regional Director or Associate Director for State and Local Programs and Support.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment | 02/00/94 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: C. Dwight Poe, Program Analyst, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3492

RIN: 3067-AB48

3977. MACHINE TOOL TRIGGER ORDER PROGRAM GUIDANCE

Legal Authority: 50 USC app 2061 et seq; EO 10480; EO 12656

CFR Citation: 44 CFR 340

Legal Deadline: None

FEMA

Proposed Rule Stage

Abstract: Provides guidance on use of DPA authorities to reduce lead time for acquiring machine tools by defense contractors and therefore reduce production for needed military items.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment | 02/00/94 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Richard Marilley, Acting Chief, Mobilization Policy and Plans Division, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3003

RIN: 3067-AB63

3978. GUIDANCE FOR SECTOR STUDIES AND PRODUCTION BASE ANALYSES (CIVILIAN AGENCIES)

Legal Authority: 50 USC 404; EO 12148; EO 12656

CFR Citation: 44 CFR 339

Legal Deadline: None

Abstract: The production base analyses rule is designed to give guidance and set minimum standards for civilian agencies in collecting data and conducting the analyses.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment | 02/00/94 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: James Grichar, Senior Economist, Office of Mobilization Preparedness/NP, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3054

RIN: 3067-AB72

3979. INDIVIDUAL ASSISTANCE REGULATIONS

Significance: Regulatory Program

Legal Authority: PL 93-288, as amended

CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: This rule would simplify program requirements for individual

assistance to disaster victims, standardize program definitions where possible, revise procedures for compliance with floodplain management regulations, simplify procedures to prevent duplication of benefits, provide easier access to programs, and streamline State involvement in the disaster assistance programs.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |
| Final Action | 03/00/94 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Additional Information: RINs 3067-AB43 and 3067-AB52 have been incorporated into this action.

Agency Contact: Charles D. Robinson, Senior Program Officer, Disaster Assistance Program, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-4262

RIN: 3067-AB73

3980. DISASTER ASSISTANCE—COASTAL BARRIER RESOURCES ACT

Significance: Agency Priority

Legal Authority: 16 USC 3501; 42 USC 5121

CFR Citation: 44 CFR 206.340

Legal Deadline: None

Abstract: This proposed rule incorporates into the existing regulation for disaster assistance within the Coastal Barrier Resources System changes made by the Coastal Barrier Improvement Act of 1990 (PL 101-591).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 02/00/94 | |
| NPRM Comment | 04/00/94 | |
| Period End | | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Charles B. Stuart, Program Officer, Disaster Assistance Programs, Federal Emergency

Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3691

RIN: 3067-AB78

3981. ADMINISTRATIVE REMEDIES FOR FALSE CLAIMS AND STATEMENTS

Legal Authority: 31 USC 3801-12

CFR Citation: 44 CFR 19

Legal Deadline: None

Abstract: The Program Fraud and Civil Remedies Act (the Act) enacted on October 21, 1986, and codified at 31 USC 3801 through 3812, establishes an administrative remedy against any person who makes a false claim or written statement to certain Federal agencies, including the Federal Emergency Management Agency. Any person who makes a false, fictitious, or fraudulent claim or written statement to an affected agency may be liable for a penalty up to \$5,000 and an assessment up to double the amount falsely claimed. This proposed rule would comply with the Act's requirement that affected Federal agencies implement its provisions through regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul J. Lillis, Assistant Inspector General for Investigations, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-2885

RIN: 3067-AB60

3982. NATIONAL FLOOD INSURANCE PROGRAM—WRITE YOUR OWN PROGRAM CHANGES

Significance: Agency Priority

Legal Authority: 42 USC 4002 et seq; EO 12127

CFR Citation: 44 CFR 62

Legal Deadline: None

Abstract: Changes financial audit procedures for Write Your Own companies with fewer than 25,000 flood insurance policies in force; adds procedures for companies unable to carry out their write-your-own obligations; and adds a provision to allow a special expense provision to

FEMA

Proposed Rule Stage

Write Your Own companies meeting marketing goals in States with low market penetration.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |
| Final Action | 05/00/94 | |
| Final Action Effective | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3422

RIN: 3067-AB99

3983. NATIONAL FLOOD INSURANCE PROGRAM REPETITIVE LOSSES

Legal Authority: 42 USC 4002 et seq; EO 12127

CFR Citation: 44 CFR 61

Legal Deadline: None

Abstract: Amends standard flood insurance policy to provide for a claims co-payment or an increased deductible for any property sustaining repetitive flood losses.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |
| Final Action | 05/00/94 | |
| Final Action Effective | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3422

RIN: 3067-AC00

3984. POLICY AND PROCEDURES ON THE USE OF STANDBY AGREEMENTS AND EDUCATIONAL ORDERS

Legal Authority: EO 12656

CFR Citation: 44 CFR 342

Legal Deadline: None

Abstract: FEMA proposes to add 44 CFR 342 to implement national security

emergency preparedness policy under E.O. 12656, to support the initiation, development, and implementation of national security emergency preparedness programs and plans among the Federal departments and agencies. Part 342 would provide policy and procedural guidance on the use of Standby Agreements and Educational Orders designed to provide a rapid transition from routine to emergency operations and to use effectively the period after initial warning of possible national security emergencies.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard F. Marilley, Acting Chief, Mobilization Policy & Plans Division, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3003

RIN: 3067-AC07

3985. FEMA; UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: 31 USC 1111; 31 USC 503

CFR Citation: 44 CFR 13

Legal Deadline: None

Abstract: FEMA proposes to adopt revisions to "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," previously published at 53 FR 8078, 3/11/88, 44 CFR 13.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles F. McNulty, Chief, Assistance Standards Branch, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-2976

RIN: 3067-AC08

3986. POPULATION STANDARD FOR LOCAL GOVERNMENT PARTICIPATION IN STATE AND LOCAL EMERGENCY MANAGEMENT ASSISTANCE PROGRAMS

Significance: Agency Priority

Legal Authority: 50 USC app 2251 et seq; EO 12148

CFR Citation: 44 CFR 302

Legal Deadline: None

Abstract: This proposed rule would establish population standards for eligibility of political subdivisions to become subgrantees under the Emergency Management Assistance (EMA) Program. The rule is proposed to encourage States to provide EMA funds to jurisdictions or groupings of jurisdictions that have the necessary resource bases to establish viable agency emergency management organizations and capabilities.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 04/00/94 | |
| Final Action Effective | 06/00/94 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: C. Dwight Poe, State and Local Programs and Support, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3492

RIN: 3067-AC11

3987. DISASTER ASSISTANCE; PUBLIC ASSISTANCE ELIGIBILITY

Significance: Agency Priority

Legal Authority: 42 USC 5121 et seq

CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: This proposed rule would remove permanent beach and related restoration work that occurs within coastal high hazard areas from eligibility for funding under the Stafford Act, 42 USC 5121 et seq, as amended.

FEMA

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment | 03/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Charles B. Stuart, Program Officer, State and Local Programs and Support, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3691

RIN: 3067-AC12

3988. DISASTER ASSISTANCE; SEISMIC SAFETY STANDARDS IN NEW BUILDING CONSTRUCTION

Significance: Agency Priority

Legal Authority: 42 USC 5121 et seq; EO 12699

CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: This proposed rule would require jurisdictions to have in place, or to adopt prior to project approval, building codes that include seismic safety provisions in order to receive funding for new building construction under the Stafford Act, 42 USC 5121 et seq. The seismic safety provisions would be required to exceed or substantially equal the seismic guidelines of the most recent or immediately preceding edition of the National Earthquake Hazards Reduction Program Recommended Provisions.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 02/00/94 | |
| NPRM Comment | 04/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Paul Tertell, Civil Engineer, State and Local Programs and Support, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3935

RIN: 3067-AC13

3989. DISASTER ASSISTANCE; ADJUSTMENTS AND LOANS OF NON-FEDERAL SHARES OF ASSISTANCE

Significance: Agency Priority

Legal Authority: EO 12148; EO 12673

CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: This proposed rule would establish guidelines for processing requests for adjustments to the cost share ratio established under the Stafford Act, 42 USC 5121, as amended. The revision to established guidance for processing loan requests of the non-Federal share is being undertaken to make this section consistent with the provisions of Title V (the Credit Reform Act of 1990) of the Omnibus Budget Reconciliation Act of 1990, PL 101-508.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Pauline Campbell, State and Local Programs and Support, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3606

RIN: 3067-AC14

3990. VOLUNTARY AGREEMENTS UNDER SECTION 708 OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

Significance: Agency Priority

Legal Authority: 50 USC app 2061 to 2171

CFR Citation: 44 CFR 332

Legal Deadline: None

Abstract: This proposed rule would expand defenses from antitrust laws, exempt meetings under a voluntary agreement from the Federal Advisory Committee Act provisions, provide breach of contract protection for actions taken as authorized under a voluntary agreement or plan of action, and would incorporate the plan of action as the method for implementing a voluntary agreement without requiring the formal process for the initial agreement.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 02/00/94 | |
| NPRM Comment | 04/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard F. Marilley, Mobilization Policy & Plans Div., National Preparedness Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3003

RIN: 3067-AC15

3991. ESTABLISH FLOOD INSURANCE RATE ZONE AR

Significance: Agency Priority

Legal Authority: 42 USC 4002; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 60; 44 CFR 61; 44 CFR 65

Legal Deadline: None

Abstract: This proposed rule would establish criteria for determining a community's eligibility for Zone AR designation (areas of special flood hazard resulting from the disaccreditation of a flood protection system which was previously credited with providing 100-year flood protection) and for mapping special flood hazard areas as Zone AR. The rule would also establish flood insurance rates and floodplain management requirements to be applied in areas designated as Zone AR.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 01/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John L. Matticks, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-2767

RIN: 3067-AC17

3992. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE

Significance: Agency Priority

Legal Authority: 29 USC 794

CFR Citation: 44 CFR 7

Legal Deadline: None

Abstract: This proposed rule would require all recipients of Federal financial assistance from the Federal

FEMA

Proposed Rule Stage

Emergency Management Agency to ensure nondiscrimination against qualified individuals with disabilities in all FEMA programs and activities. It would establish standards for what constitutes discrimination on the basis of mental or physical disability, define "individual with disabilities" and "qualified individual with disabilities,"

and would establish a complaint mechanism for resolving allegations of discrimination.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Clive, Equal Opportunity Manager, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3957

RIN: 3067-AC18

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Final Rule Stage

3993. NATIONAL DEFENSE EXECUTIVE RESERVE GUIDANCE

Legal Authority: 50 USC 404; 50 USC app 2061 et seq; EO 12656

CFR Citation: 44 CFR 337

Legal Deadline: None

Abstract: Provides guidance and procedures for those Federal departments and agencies delegated authority under Executive Order 11179 to sponsor reserve units under National Defense Executive Reserve Program.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|------------|
| NPRM | 02/15/90 | 55 FR 5476 |
| Final Action | 12/00/93 | |
| Final Action Effective | 02/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Richard F. Marilley, Acting Chief, Mobilization Policy and Plans Division, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3003

RIN: 3067-AB51

3994. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 31 USC 1352

CFR Citation: 44 CFR 18

Legal Deadline: None

Abstract: FEMA, with other Government agencies, is issuing this common rule which, generally, prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying in connection with a specific contract, grant, or loan.

Timetable:

| Action | Date | FR Cite |
|--------------------|--------------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 6736 |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Charles F. McNulty, Chief, Assistance Standards Branch, Office of Financial Management, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3718

RIN: 3067-AB64

3995. NATIONAL FLOOD INSURANCE PROGRAM; GENERAL PROVISIONS AND INSURANCE COVERAGE

Legal Authority: 42 USC 4002 et seq; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 61

Legal Deadline: None

Abstract: Changes the National Flood Insurance Program Policy Forms, including adding new policy forms for condominiums; adds a definition of elevated building to the policy forms; and makes other changes in the policy forms.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/30/92 | 57 FR 33669 |
| NPRM Comment Period End | 09/30/92 | |
| Final Action | 10/00/93 | |
| Final Action Effective | 10/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C

Street SW., Washington, DC 20472, 202 646-3419

RIN: 3067-AB71

3996. DISASTER ASSISTANCE—PUBLIC ASSISTANCE INSURANCE REQUIREMENTS

Significance: Agency Priority

Legal Authority: 42 USC 5121 et seq

CFR Citation: 44 CFR 206.250

Legal Deadline: None

Abstract: This interim rule addresses requirements for purchase of flood and other hazard insurance for receipt of disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (PL 93-288, as amended). A previous interim rule with request for comments was published March 26, 1989, at 54 FR 11639. In response to comments, a second interim rule was published with a request for comments, December 11, 1991, 56 FR 64558.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Final Rule | 12/11/91 | 56 FR 64558 |
| Final Action | 03/00/94 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Karen Forbes, Program Specialist, Disaster Assistance Programs, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3807

RIN: 3067-AB77

FEMA

Final Rule Stage

3997. NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM; CRITERIA FOR ACCEPTANCE OF GIFTS, BEQUESTS, OR SERVICES

Legal Authority: PL 101-614
CFR Citation: 42 CFR 362
Legal Deadline: None

Abstract: This regulation will establish policy and provide criteria for the acceptance of gifts, bequests, and donations by the Director of FEMA or his designee, for the National Earthquake Hazard Reduction Program under the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701, et seq., Section 9, Acceptance of Gifts).

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/09/92 | 57 FR 30455 |
| NPRM Comment Period End | 09/07/92 | |
| Final Action | 11/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Mary S. Taylor, Emergency Management Specialist, State and Local Programs and Support, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3079
RIN: 3067-AB84

3998. DISASTER ASSISTANCE; PUBLIC ELEMENTARY AND SECONDARY SCHOOL FACILITIES

Significance: Agency Priority
Legal Authority: 42 USC 5121 et seq
CFR Citation: 44 CFR 206
Legal Deadline: None

Abstract: This rule will permit FEMA to grant assistance to public schools in major disasters without having to make an exception in each case where there is an overlap of the authority of the U. S. Department of Education and FEMA. This rule will eliminate overlap of FEMA and U.S. Department of Education programs.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/01/92 | 57 FR 29856 |
| NPRM Comment Period End | 09/01/92 | |
| Final Action | 11/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: None
Government Levels Affected: Local, State

Agency Contact: Charles Stuart, General Engineer, State and Local Programs and Support, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3691
RIN: 3067-AB97

3999. ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Legal Authority: 5 USC 552; EO 12127; EO 12148, as amended
CFR Citation: 44 CFR 2
Legal Deadline: None

Abstract: This rule reflects a reorganization of the U.S. Fire Administration at the FEMA National Emergency Training Center, Emmitsburg, Maryland.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Charles B. Stuart, 202 646-3691

RIN: 3067-AB85

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ronald P. Face, Jr., Director, Office of NETC Operations and Support, U.S. Fire Administration, Federal Emergency Management Agency, 16825 South Seton Avenue, Emmitsburg, MD 21727, 301 447-1223

RIN: 3067-AC06

4000. MANDATORY DECLASSIFICATION REVIEW PROCEDURES

Significance: Agency Priority

Legal Authority: 31 USC 9701; EO 12356

CFR Citation: 44 CFR 8

Legal Deadline: None

Abstract: This rule will require the Federal Emergency Management Agency to develop procedures to process requests for the mandatory review of classified information, and to implement declassification reviews. This amended rule makes minor changes to existing regulations.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 00/00/00 | |
| Final Action Effective | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mary K. Getter, Chief, Information Security Division, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3125

RIN: 3067-AC09

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Completed Actions

4001. DISASTER ASSISTANCE; PUBLIC ASSISTANCE ELIGIBILITY OF COSTS

Significance: Agency Priority
CFR Citation: 44 CFR 206.228

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/14/93 | 58 FR 47994 |
| Final Action Effective | 10/14/93 | |

4002. DISASTER ASSISTANCE—PUBLIC ASSISTANCE ELIGIBILITY

CFR Citation: 44 CFR 206.221

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/14/93 | 58 FR 47992 |
| Final Action Effective | 10/14/93 | |

Small Entities Affected: Organizations

FEMA

Completed Actions

Government Levels Affected: Local, State

Agency Contact: Charles B. Stuart, 202 646-3691

RIN: 3067-AB86

4003. ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Significance: Agency Priority

CFR Citation: 44 CFR 2

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/26/93 | 58 FR 45061 |
| Final Action Effective | 08/26/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Arthur E. Curry, 202 646-3718

RIN: 3067-AC01

4004. FEE FOR SERVICES TO SUPPORT THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S OFFSITE RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

Significance: Agency Priority

CFR Citation: 44 CFR 354

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/01/93 | 58 FR 35770 |
| Final Action Effective | 10/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Vern Wingert, 202 646-2872

RIN: 3067-AC10

4005. • LIST OF JURISDICTIONS ELIGIBLE FOR SALE OF CRIME INSURANCE

Significance: Agency Priority

Legal Authority: 12 USC 1749bbb

CFR Citation: 44 CFR 81

Legal Deadline: None

Abstract: This interim rule restores the eligibility of the State of Tennessee, making its citizens eligible to purchase Federal crime insurance policies against burglary and robbery losses on and after June 30, 1993.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Final Rule | 06/30/93 | 58 FR 34919 |
| Final Action | 06/30/93 | 58 FR 34919 |
| Final Action Effective | 06/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kimber A. Wald, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, 202 646-3440

RIN: 3067-AC16

4006. • REMOVAL OF 44 CFR PART 3, STANDARDS OF CONDUCT

Significance: Agency Priority

Legal Authority: 5 USC app 402; EO 12674; EO 12731

CFR Citation: 44 CFR 3

Legal Deadline: None

Abstract: This rule removes 44 CFR part 3, Standards of Conduct, which is superseded by governmentwide standards of conduct, and reserves part 3.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action Effective | 04/22/93 | 58 FR 47218 |
| Final Action | 09/08/93 | 58 FR 47218 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William R. Cumming, Deputy Designated Agency Ethics Officer, Federal Emergency Management Agency, 500 C Street, SW., Room 840, Washington, DC 20472, 202 646-4103

RIN: 3067-AC19

[FR Doc. 93-22931 Filed 10-22-93; 8:45 am]

BILLING CODE 6719-01-F

Federal Register

Monday
October 25, 1993

Part XXV

General Services Administration

Semiannual Regulatory Agenda

GENERAL SERVICES ADMINISTRATION (GSA)

GENERAL SERVICES
ADMINISTRATION41 CFR Chs. 1, 101, 105, 201, 301, 302,
303, and 304

48 CFR Ch. 5

Unified Agenda of Federal Regulations

AGENCY: General Services
Administration (GSA).

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those actions that were completed since April 1993. This agenda was developed under the guidelines in an Office of Management and Budget memorandum dated June 14, 1993. GSA's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: Rodney P. Lantier, Chief, Directives and Correspondence Management Branch, (202) 501-0666.

SUPPLEMENTARY INFORMATION: None of the regulations listed is considered a major rule under Executive Order 12291 "Federal Regulation."

Dated: August 23, 1993.

Roger W. Johnson,

Administrator of General Services.

Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4007 | Nondiscrimination on the Basis of Race, Color, National Origin, and, Where Applicable, Sex | 3090-AC49 |
| 4008 | Enforcement of Nondiscrimination on the Basis of Handicap in Federally Assisted Programs | 3090-AE32 |
| 4009 | Definition of "Equivalent Level of Safety" | 3090-AE93 |
| 4010 | Smoking | 3090-AF02 |

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4011 | Warranty Clause (5-380) | 3090-AE85 |
| 4012 | Performance Incentives in Fixed-Price Contracts (5-350) | 3090-AE86 |
| 4013 | Disclosure of Procurement-Sensitive Information to Non-Government Evaluators (5-379) | 3090-AE87 |
| 4014 | Phase I - Regulation Review Project (5-378) | 3090-AE88 |
| 4015 | Reissuance of the General Services Administration Acquisition Regulation (GSAR) | 3090-AE90 |
| 4016 | Discontinuing Paper Orders (GSAR 5-181) | 3090-AE99 |
| 4017 | Identification of Energy-Efficient Office Equipment and Supplies Containing Recovered Materials or Other Environmental Attributes (GSAR 5-383) | 3090-AF01 |
| 4018 | Update of Transportation Documentation and Audit Regulations | 3090-AE77 |
| 4019 | Clarify Requirements for Obtaining Delegations of Procurement Authority | 3090-AE71 |
| 4020 | Clarify FIRMR Delegations of Procurement Authority Provisions for 8(a) Program Acquisitions and Provision Regarding GSA Nonmandatory Schedules | 3090-AE74 |
| 4021 | Revise FIRMR Provisions To Reflect Changes In GSA Programs and To Clarify GSA Intent | 3090-AE75 |
| 4022 | Implement Requirements for Energy - Efficient Computers | 3090-AF03 |
| 4023 | FIRMR Applicability and Other Issues | 3090-AF04 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4024 | Provisions and Clauses (Design-Build Service Contracts) (GSAR 5-303) | 3090-AE02 |
| 4025 | Equitable Adjustments Clause (GSAR 5-255) | 3090-AE05 |
| 4026 | New Restrictions on Lobbying | 3090-AE25 |
| 4027 | Multiyear Contracting Under Federal Supply Service (FSS) and Multiple Award Schedule Program (5-288) | 3090-AE54 |
| 4028 | Submission of Multiple Award Schedule (MAS) Pricelist (5-336) | 3090-AE70 |
| 4029 | Multiple Awards Schedule Improvement Project (GSAR 5-348) | 3090-AE79 |
| 4030 | Debarment and Suspension Factfinding (GSAR 5-347) | 3090-AE89 |
| 4031 | Reporting Excess Government-Owned Property Possibly Containing Lead-Based Paint; Disposal of Surplus Real Property Containing Lead-Based Paint; Non-Federal Interim Use of Excess and Surplus | 3090-AF00 |
| 4032 | Federal Travel Regulation (FTR) Amendment (Unassigned), Acceptance of Payment From a Non-Federal Source for Travel Expenses | 3090-AE19 |
| 4033 | Federal Travel Regulation (FTR) Amendment (Unassigned), Title Requirements for Reimbursement of Real Estate Transaction Expenses | 3090-AE48 |

GSA

Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4034 | Federal Travel Regulation (FTR) Amendment (Unassigned), Use of Government Aircraft and Government-Negotiated Rental Agreement Automobiles | 3090-AE82 |
| 4035 | Federal Travel Regulation (FTR) Amendment (Unassigned), Increase in Maximum Reimbursement Limitation for Real Estate Sale and Purchase Expenses | 3090-AE92 |
| 4036 | Federal Travel Regulation (FTR) Amendment (Unassigned), Maximum Per Diem Rates | 3090-AE97 |
| 4037 | Federal Travel Regulation (FTR) Amendment (Unassigned), Relocation Income Tax (Rit) Allowance Tax Tables | 3090-AE98 |
| 4038 | Federal Property Management Regulations Part 101-17, Assignment and Utilization of Space | 3090-AD42 |
| 4039 | Federal Property Management Regulation Part 101-18, Acquisition of Real Property | 3090-AE43 |
| 4040 | Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments | 3090-AE96 |

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4041 | Agency Protest Procedures (5-348A) | 3090-AE58 |
| 4042 | Administrative Records for Debarment and Suspension (5-322) Change 45 | 3090-AE72 |
| 4043 | Enforcement of Nondiscrimination on the Basis of Handicap in Federally Conducted Programs | 3090-AC48 |
| 4044 | Publicity and Credit Sales Policies Concerning the Disposal of Certain Surplus Government-Owned Real Property .. | 3090-AE40 |
| 4045 | Non-Federal Interim Use of Certain Government-Owned Real Property | 3090-AE41 |
| 4046 | Federal Excess and Surplus Real Property Containing Lead-Based Paint | 3090-AE76 |
| 4047 | Federal Travel Regulation (FTR) Amendment 30, Relocation Income Tax (RIT) Allowance Payments for Transfers To, From, and Between Points in Puerto Rico, Etc | 3090-AE46 |
| 4048 | Federal Travel Regulation (FTR) Amendment 29, Maximum Per Diem Rates | 3090-AE78 |
| 4049 | Federal Travel Regulation (FTR) Amendment 28, Relocation Income Tax (RIT) Allowance Tax Tables | 3090-AE84 |
| 4050 | Proposal To Amend the Management of Buildings and Grounds | 3090-AE95 |

GENERAL SERVICES ADMINISTRATION (GSA)

Prerule Stage

OFFICE OF ADMINISTRATION

4007. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, AND, WHERE APPLICABLE, SEX

Legal Authority: 40 USC 476; 42 USC 2000d-1; 20 USC 1681

CFR Citation: 41 CFR 101-8.2

Legal Deadline: None

Abstract: The General Services Administration proposes this regulation to implement all of the above cited Federal laws. These statutes prohibit discrimination, in whole or in part, so that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program activity receiving Federal assistance from the General Services Administration. In addition, the objectives of the regulation are to

streamline certain administrative procedural requirements by consolidating prohibitions of discrimination into one regulation and to make requirements clear and convenient for applicants and recipients to comply with, as well as making the regulation manageable for GSA to administer.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas E. Henderson, EEO Specialist (AKC), General Services Administration, 18th and F Streets NW., Washington, DC 20405, 202 501-1368

RIN: 3090-AC49

4008. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 41 CFR 101-8

Legal Deadline: None

Abstract: The General Services Administration (GSA) proposes this regulation to implement the above cited law. This regulation would amend GSA's regulation for enforcement of section 504 of the Rehabilitation Act of 1973, as amended, in federally assisted programs of activities to include a cross-reference to the Uniform Federal Accessibility Standards.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Thomas E. Henderson, EEO Specialist, Office of Ethics and Civil Rights (AK), General Services Administration, 18th & F

GSA

Prerule Stage

Streets NW., Washington, DC 20405,
202 501-1871

RIN: 3090-AE32

PUBLIC BUILDINGS SERVICE

4009. DEFINITION OF "EQUIVALENT LEVEL OF SAFETY"

Legal Authority: PL 102-522, sec 108

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, October 26, 1994.

Abstract: Title I - United States Fire Administration Act, section 108 amends the Fire Prevention and Control Act of 1974 to require sprinklers, or an "equivalent level of safety," in all new Federal Employee Office Buildings and during renovations of such buildings if they are six stories or higher. Sprinklers (or an "equivalent level of safety") and hard-wired smoke detectors are required in federally assisted multifamily housing. The General Services Administration, the National Institute of Standards and Technology, and the Department of

Defense must issue regulations defining "equivalent level of safety." This regulation will define "equivalent level of safety" and the procedures for determining it.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Donald G. Bathurst, Chief, Fire Protection Engineering Branch (PFSM), General Services Administration, 18th & Streets NW., Washington, DC 20405, 202 501-1271

RIN: 3090-AE93

4010. • SMOKING

Legal Authority: 63 Stat. 390, Sec 205(c); 40 USC 486(c)

CFR Citation: 41 CFR 101-20.105-3

Legal Deadline: None

Abstract: Passive environmental tobacco smoke has been classified as a Class A human carcinogen by EPA. Current FPMR's ban smoking in GSA-controlled buildings, except in designated smoking areas determined

by the occupant agency head. In view of EPA's classification of passive smoke as a carcinogen, legislation has been introduced in the Congress to ban smoking in Federal buildings and an Executive order is being considered to also ban smoking in the executive branch. Upon enactment of legislation or issuance of an executive order, GSA will revise current policy to address the EPA findings.

There should be no costs associated with the implementation of a proposed rule other than the posting of new signs prohibiting smoking.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| ANPRM | 12/00/93 | |
| Interim Final Rule | 12/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James E. Herbert, Jr., Director, Facility Management Division, General Services Administration, 202 501-1563

RIN: 3090-AF02

GENERAL SERVICES ADMINISTRATION (GSA)

Proposed Rule Stage

OFFICE OF ACQUISITION POLICY

4011. WARRANTY CLAUSE (5-380)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 552

Legal Deadline: None

Abstract: This proposed change to the General Services Administration Acquisition Regulation (GSAR) would revise the text of the Warranty-Multiple Award Schedule at 552.246-73 to provide for greater consistency with the multiple award schedule (MAS) policy of buying commercial products under commercial conditions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no

paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy (VP), General Services Administration, 18th and F Streets NW., Washington, DC 20405, 202 501-3822

RIN: 3090-AE85

4012. PERFORMANCE INCENTIVES IN FIXED-PRICE CONTRACTS (5-350)

Legal Authority: 40 USC 486(e)

CFR Citation: 48 CFR 516

Legal Deadline: None

Abstract: The regulations do not currently provide for the use of incentives in fixed-price contracts. In connection with the implementation of the Quality Contractor Program, GSA proposes to revise the regulations to provide for the use of monetary incentives in fixed-price contracts as a contractual mechanism for rewarding contractors that perform at levels which

exceed the minimum required by the contract.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy (VP), General Services Administration, 18th and F Streets NW., Washington, DC 20405, 202 501-3822

RIN: 3090-AE86

4013. DISCLOSURE OF PROCUREMENT-SENSITIVE INFORMATION TO NON-GOVERNMENT EVALUATORS (5-379)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 515

Legal Deadline: None

Abstract: This proposed change to the General Services Administration Acquisition Regulation would revise section 503.104-5 to authorize the release of proprietary information to non-Government employees in certain circumstances; to revise section 503.104-10 to prescribe a new contract clause entitled "Restrictions on Disclosure of Information" for use in service contracts when the contractor will be authorized access to use proprietary information in the performance of the contract; to add sections 515.413 and 515.413-2 to implement section 15.413-2 of the Federal Acquisition Regulation by establishing agency procedures for releasing proposals outside the Government for evaluation and to add section 552.203-74 to provide the text of the Restriction on Disclosure of Information clause.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy (VP), General Services Administration, 18th & F Streets NW., Washington, DC 20405, 202 501-3822

RIN: 3090-AE87

4014. PHASE 1 - REGULATION REVIEW PROJECT (5-376)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 501

Legal Deadline: None

Abstract: The Office of GSA Acquisition Policy recently conducted a review of the agency's acquisition regulatory/directive system. One of the objectives of the review effort was to identify regulatory material which was unnecessary or duplicative of the Federal Acquisition Regulation (FAR).

This proposed change would delete a number of provisions of the GSAR that were found to be unnecessary or duplicative of the FAR.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy (VP), General Services Administration, 18th & F Streets NW., Washington, DC 20405, 202 501-3822

RIN: 3090-AE88

4015. REISSUANCE OF THE GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 501

Legal Deadline: None

Abstract: GSA proposes to revise and reissue chapter 5, 48 CFR, in its entirety. The reissuance will represent the culmination of the Total Quality Management project to review GSA's acquisition regulation/directive system.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Sectors Affected: All

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy (VP), General Services Administration, 18th & F Streets NW., Washington, DC 20405, 202 501-3822

RIN: 3090-AE90

4016. • DISCONTINUING PAPER ORDERS (GSAR 5-181)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 516; 48 CFR 552

Legal Deadline: None

Abstract: The proposed rule amends an existing clause to provide for the placement of orders through computer-to-computer Electronic Data Interchange (EDI) or by an alternative method employing facsimile transmission if computer-to-computer EDI is not possible. A new clause is prescribed describing ordering information contractors should provide to the contracting officer to establish the EDI interface or facsimile method.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of Acquisition Policy, 18th & F Streets NW., Washington, DC 20405, 202 501-3822

RIN: 3090-AE99

4017. • IDENTIFICATION OF ENERGY-EFFICIENT OFFICE EQUIPMENT AND SUPPLIES CONTAINING RECOVERED MATERIALS OR OTHER ENVIRONMENTAL ATTRIBUTES (GSAR 5-383)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 538; 48 CFR 552

Legal Deadline: None

Abstract: The proposed rule will prescribe a clause for inclusion in multiple award solicitations and contracts issued by GSA's Federal Supply Service (FSS) and Information Resources Management Service (IRMS) that requests offerors to identify items that have environmental benefits. The purpose of such identification is to facilitate agency ordering under resulting contracts of those products in furtherance of a policy established by statute and executive directives.

GSA

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of Acquisition Policy, 18th & F Streets NW., Washington, DC 20405, 202 501-3822

RIN: 3090-AF01

FEDERAL SUPPLY SERVICE**4018. UPDATE OF TRANSPORTATION DOCUMENTATION AND AUDIT REGULATIONS**

Significance: Agency Priority

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None

Abstract: This regulation will update the policy and procedures governing the audit of payments for domestic and foreign freight transportation services furnished for the account of the United States.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John W. Sandfort, Deputy Director, Regulations and Program Development Division (FWPD), General Services Administration, 18th & F Streets NW., Washington, DC 20405, 202 219-3164

RIN: 3090-AE77

INFORMATION RESOURCES MANAGEMENT SERVICE**4019. CLARIFY REQUIREMENTS FOR OBTAINING DELEGATIONS OF PROCUREMENT AUTHORITY**

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201

Legal Deadline: None

Abstract: FIRMR users have mentioned some confusion regarding the interpretations of provisions regarding delegation of procurement authority thresholds. Specific concerns involve the applicability of the thresholds to certain General Services Administration (GSA) programs. GSA is examining FIRMR provisions dealing with delegations thresholds to determine their adequacy. GSA is also reviewing agency acquisition actions to determine the impact of FIRMR provisions. An interim rule will be developed to make appropriate changes. The proposed rule is expected to improve Government efficiency by clarifying regulation provisions.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 11/00/93 | |
| Final Action Effective | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Anne Horth, Procurement Analyst, Regulation Analysis Division (KMR), General Services Administration, Information Resources Management Service, Washington, DC 20405, 202 501-3194

RIN: 3090-AE71

4020. CLARIFY FIRMR DELEGATIONS OF PROCUREMENT AUTHORITY PROVISIONS FOR 8(A) PROGRAM ACQUISITIONS AND PROVISION REGARDING GSA NONMANDATORY SCHEDULES

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201

Legal Deadline: None

Abstract: The FIRMR is being amended to clarify provisions regarding delegations of procurement authority issued under the Small Business Administration 8(a) Program and justification for other than full and open competition when using the General Services Administration's nonmandatory schedule contracts. The proposed amendment is expected to improve government efficiency by clarifying regulatory provisions.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Anne Horth, Procurement Analyst, Regulation Analysis Division (KMR), General Services Administration, Information Resources Management Service, Washington, DC 20405, 202 501-3194

RIN: 3090-AE74

4021. REVISE FIRMR PROVISIONS TO REFLECT CHANGES IN GSA PROGRAMS AND TO CLARIFY GSA INTENT

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201

Legal Deadline: None

Abstract: The Purchase of Telephones and Services (POTS) Program will no longer be a GSA mandatory-for-use Program. FIRMR provisions will be amended to reflect its new status. Changes will also be made to reflect GSA organizational changes and to clarify FIRMR provisions (e.g., regarding the use of Government telephones) and explain when agencies may use other agency contracts for FIP resources.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Ann Horth, Procurement Analyst, Regulation Analysis Division (KMR), General Services Administration, Information Resources Management Service, Washington, DC 20405, 202 501-3194

RIN: 3090-AE75

4022. • IMPLEMENT REQUIREMENTS FOR ENERGY - EFFICIENT COMPUTERS

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201

GSA Proposed Rule Stage

Legal Deadline: None

Abstract: Executive Order (E.O.) 12845 requires executive agencies to ensure that by October 18, 1993, all acquisition of microcomputers meet Environmental Protection Agencies "Energy Star" specification for energy efficiency. E.O. 12845 requires agencies to report any exemptions to this requirement to GSA for consolidation in an annual report to the President. An interim rule will be issued to provide specific information on energy efficiency requirements in acquisition and to further implement E.O. 12845.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Anne Horth, Procurement Analyst, Regulations Analysis Division (KMR), General Services Administration, Information Resources Management Service, Washington, DC 20405, 202 501-3194
RIN: 3090-AF03

4023. • FIRMR APPLICABILITY AND OTHER ISSUES

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201

Legal Deadline: None

Abstract: FIRMR users have requested that FIRMR applicability provisions be clarified as they relate to specific acquisitions, e.g., when government-furnished equipment is provided in an

acquisition. The proposed rule will provide this clarification and make various other changes, such as the use of OMB Circular A-94 in the present value evaluation of bids and proposals in lieu of the rescinded A-104.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 07/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Anne Horth, Procurement Analyst, General Services Administration, Regulations Analysis Division (KMR), Information Resources Management Service, Washington, DC 20405, 202 501-3194

RIN: 3090-AF04

GENERAL SERVICES ADMINISTRATION (GSA) Final Rule Stage

OFFICE OF ACQUISITION POLICY

4024. PROVISIONS AND CLAUSES (DESIGN-BUILD SERVICE CONTRACTS) (GSAR 5-303)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 510; 48 CFR 516; 48 CFR 528; 48 CFR 536; 48 CFR 543; 48 CFR 548; 48 CFR 549; 48 CFR 552

Legal Deadline: None

Abstract: This proposed change to the General Services Administration Acquisition Regulation would revise the prescription for use of several provisions and clauses, revise the text of other provisions and clauses, and add new clauses as well as a matrix in order to provide for the use of design-build service contracts.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/26/91 | 56 FR 29207 |
| NPRM Comment Period End | 07/26/91 | 56 FR 29207 |
| Final Action | 11/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: All

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no

paperwork burden associated with this action.

Additional Information: The underlying information collection is imposed by the Federal Acquisition Regulation.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy (VP), General Services Administration, 18th & F Streets NW., Washington, DC 20405, 202 501-3822

RIN: 3090-AE02

4025. EQUITABLE ADJUSTMENTS CLAUSE (GSAR 5-255)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 515; 48 CFR 543; 48 CFR 552

Legal Deadline: None

Abstract: This proposed change to the General Services Administration Acquisition Regulation would amend the title and text of the Equitable Adjustments clause at 552.243-71 prescribed for use in construction contracts. Additionally, the proposed change would provide instructions to contractors for completing the SF-1411 for submission in connection with construction contracts.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 04/01/91 | 56 FR 13301 |
| NPRM Comment Period End | 05/01/91 | 56 FR 13301 |
| Final Action | 11/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: All

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: The underlying information collection is imposed by the Federal Acquisition Regulation.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy, General Services Administration, 18th & F Streets NW., Washington, DC 20405, 202 501-3822

RIN: 3090-AE05

4026. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 31 USC 1352; PL 101-121, sec 319; 40 USC 486(c)

GSA

Final Rule Stage

CFR Citation: 41 CFR 105-69**Legal Deadline:** None

Abstract: The Agency will join 28 other Executive agencies in issuing a final common rule for the purpose of implementing new statutory prohibitions and disclosure requirements with regard to certain influencing activities.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| OMB Interim Final Guidance | 12/20/89 | 54 FR 52306 |
| Interim Final Rule | 02/26/90 | 55 FR 6753 |
| Interim Final Rule Effective | 02/26/90 | 55 FR 6753 |
| Further OMB Guidance | 06/15/90 | 55 FR 24540 |
| Further OMB Guidance | 01/15/92 | 57 FR 1771 |

Next Action Undetermined

Small Entities Affected: None**Government Levels Affected:** Local, State**Sectors Affected:** All**Analysis:** Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy (VP), General Services Administration, 18th & F Streets NW., Washington, DC 20405, 202 501-3822

RIN: 3090-AE25

4027. MULTIYEAR CONTRACTING UNDER FEDERAL SUPPLY SERVICE (FSS) AND MULTIPLE AWARD SCHEDULE PROGRAM (5-288)

Legal Authority: 40 USC 486(c)**CFR Citation:** 48 CFR 505; 48 CFR 516; 48 CFR 538; 48 CFR 552**Legal Deadline:** None

Abstract: This proposed change to the General Services Administration Acquisition Regulation would provide policy and procedures concerning the use of multiyear contracting in the Federal Supply Service's (FSS) Multiple Award Schedule (MAS) Program. Additionally, the change prescribes a clause and alternates, which permit new offerors to submit

proposals and current contractors to add new items during specific 30-day periods ("open seasons") of the particular multiyear schedule solicitation. A second clause is prescribed for the limited circumstance when the multiyear solicitation will not provide for at least one open season.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 03/13/92 | 57 FR 8854 |
| NPRM Comment Period End | 04/13/92 | 57 FR 8854 |
| Final Action | 10/00/93 | |

Small Entities Affected: Governmental Jurisdictions**Government Levels Affected:** None**Sectors Affected:** Multiple

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy, General Services Administration, 18th & F Streets NW., Washington, DC 20405, 202 501-3822

RIN: 3090-AE54

4028. SUBMISSION OF MULTIPLE AWARD SCHEDULE (MAS) PRICELIST (5-336)

Legal Authority: 40 USC 486(c)**CFR Citation:** 48 CFR 538; 48 CFR 552**Legal Deadline:** None

Abstract: This proposed change to the General Services Administration Acquisition Regulation (GSAR) would amend the GSAR to incorporate a new clause that would require contractor submission of the authorized GSA Schedule Pricelists on electronic media, for inclusion on the Multiple Award Schedule Contract Information (MASKI), which is a new on-line GSA information system.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| NPRM | 11/16/92 | 57 FR 54036 |
| Interim Final Rule | 10/00/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses**Government Levels Affected:** None**Sectors Affected:** Multiple**Analysis:** Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy (VP), General Services Administration, 18th & F Streets NW., Washington, DC 20405, 202 501-3822

RIN: 3090-AE70

4029. MULTIPLE AWARDS SCHEDULE IMPROVEMENT PROJECT (GSAR 5-348)

Legal Authority: 40 USC 486(c)**CFR Citation:** 48 CFR 515; 48 CFR 538; 48 CFR 552**Legal Deadline:** None

Abstract: The Multiple Award Schedule (MAS) Improvement Project was initiated by the GSA Administrator in late 1990. As part of that project, GSA would prescribe a Price Reductions clause for use in Multiple Award Schedule (MAS) solicitations and contracts. This proposed modification to the clause is intended to clarify the clause's applicability and reduce contractor reporting requirements. Also, the MAS Policy Statement of October 1, 1982, (47 FR 50242, November 5, 1982) would be canceled and the regulation would be amended to prescribe a format for Discount Schedule and Marketing Data (DSMD) which is used for collecting information from offerors regarding their commercial sales and marketing practices; and prescribe a process through which contracting officers will establish MAS price negotiation objectives and determine fair and reasonable prices.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 06/08/93 | 58 FR 32085 |
| Next Action Undetermined | | |

Small Entities Affected: Businesses**Government Levels Affected:** None**Sectors Affected:** All**Analysis:** Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

GSA

Final Rule Stage

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy (VP), General Services Administration, 18th & F Streets NW., Washington, DC 20405, 202 501-3822

RIN: 3090-AE79

4030. DEBARMENT AND SUSPENSION FACTFINDING (GSAR 5-347)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 509

Legal Deadline: None

Abstract: This proposed rule would modify the GSA regulation to limit the factfinding role for debarment and suspension to provide for consistency with the FAR.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/06/93 | 58 FR 26948 |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, Office of Acquisition Policy (VP), General Services Administration, 18th & F Streets NW., Washington, DC 20405, 202 501-3822

RIN: 3090-AE89

FEDERAL PROPERTY RESOURCES SERVICE

4031. • REPORTING EXCESS GOVERNMENT-OWNED PROPERTY POSSIBLY CONTAINING LEAD-BASED PAINT; DISPOSAL OF SURPLUS REAL PROPERTY CONTAINING LEAD-BASED PAINT; NON-FEDERAL INTERIM USE OF EXCESS AND SURPLUS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.202-2(c); 41 CFR 101-47.202-7; 41 CFR 101-47.203-9; 41 CFR 101-47.303-1a; 41 CFR 101-47.304-4; 41 CFR 101-47.304-13; 41 CFR 101-47.304-14; 41 CFR 101-47.307-2; 41 CFR 101-47.308-6; 41 CFR 101-47.312

Legal Deadline: None

Abstract: The General Services Administration proposes to amend regulations concerning reports of excess Government-owned real property that may contain lead-based paint or underground storage tanks; the disposal of surplus real property that may contain hazardous or toxic substances; the use of certain terms and conditions in surplus property disposal instruments; non-Federal interim uses of excess and surplus real property; and compliance with the terms and conditions of preview real property conveyances made under section 414 (a) of the Housing and Urban Development Act of 1969.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Marjorie L. Lomax, Director, Policy Analysis and Planning Division (DRP), General Services Administration, 18th & F Streets NW., Washington, DC 20405, 202 501-0052

RIN: 3090-AF00

FEDERAL SUPPLY SERVICE

4032. FEDERAL TRAVEL REGULATION (FTR) AMENDMENT (UNASSIGNED), ACCEPTANCE OF PAYMENT FROM A NON-FEDERAL SOURCE FOR TRAVEL EXPENSES

Legal Authority: 5 USC 5701 to 5709; EO 11609, 36 FR 13747, 3 CFR 1971 to 1975 Comp, p 586; 31 USC 1353; 40 USC 486(c)

CFR Citation: 41 CFR 301-1; 41 CFR 304-1

Legal Deadline: None

Abstract: This amendment constitutes the final rule governing the acceptance of payment for travel, subsistence and related expenses from a non-Federal source. This rule supersedes Interim Rule 4, published at 57 FR 53283, November 9, 1992, with request for comments. The economic impact of this amendment is favorable on all Federal agencies.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 11/09/92 | 57 FR 53283 |

Action Date FR Cite

| | | |
|------------------------|----------|--|
| Final Action | 04/00/94 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief Regulatory Policy Branch (FBXR), Transportation Management Division, General Services Administration, Federal Supply Service, Washington, DC 20406, 703 305-5745

RIN: 3090-AE19

4033. FEDERAL TRAVEL REGULATION (FTR) AMENDMENT (UNASSIGNED), TITLE REQUIREMENTS FOR REIMBURSEMENT OF REAL ESTATE TRANSACTION EXPENSES

Legal Authority: 5 USC 5721 to 5734; 20 USC 905(a); EO 11609, 36 FR 13747, 3 CFR 1971 to 1975 Comp, p 586

CFR Citation: 41 CFR 302-1; 41 CFR 302-6

Legal Deadline: None

Abstract: This amendment broadens the scope of employees who meet the FTR title requirements to qualify for real estate sale/purchase expense reimbursement. The economic impact of this amendment has not been determined to date.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 04/00/94 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulatory Policy Branch (FBXR), Transportation Management Division, General Services Administration, Washington, DC 20406, 703 305-5745

RIN: 3090-AE48

4034. FEDERAL TRAVEL REGULATION (FTR) AMENDMENT (UNASSIGNED), USE OF GOVERNMENT AIRCRAFT AND GOVERNMENT-NEGOTIATED RENTAL AGREEMENT AUTOMOBILES

Significance: Agency Priority
Legal Authority: 5 USC 5701 to 5709; 31 USC 1353; 40 USC 486(c); EO 11609, 36 FR 13747, 3 CFR 1971 to 1975 Comp, p 586

GSA

Final Rule Stage

CFR Citation: 41 CFR 301-1; 41 CFR 301-2; 41 CFR 301-3

Legal Deadline: None

Abstract: This amendment implements provisions of Office of Management and Budget (OMB) Circular A-126, revised May 26, 1992, 57 FR 22150, to allow authorization of Federal civilian employee travel by government aircraft in the conduct of official business. The amendment also modifies the FTR to reflect that the government car rental program is governed by a negotiated car rental agreement instead of contract. The estimated economic impact of this amendment has not been determined to date.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Final Rule | 11/18/92 | 57 FR 54305 |
| Final Action | 04/00/94 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulatory Policy Branch (FBXR), Transportation Management Division, General Services Administration, Federal Supply Service, Washington, DC 20406, 703 305-5745

RIN: 3090-AE82

4035. FEDERAL TRAVEL REGULATION (FTR) AMENDMENT (UNASSIGNED), INCREASE IN MAXIMUM REIMBURSEMENT LIMITATION FOR REAL ESTATE SALE AND PURCHASE EXPENSES

Legal Authority: 5 USC 5721 to 5734; 20 USC 905(a); EO 11609, 36 FR 13747

CFR Citation: 41 CFR 302-6

Legal Deadline: Final, Statutory, October 1, 1993.

Abstract: This amendment increases the maximum reimbursement limitations for allowable real estate sale and purchase expenses incident to a change of official station. The estimated economic impact of this amendment on all Federal agencies is \$3.3 million.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 10/00/93 | |
| Final Action Effective | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulatory Policy Branch (FBXR), Transportation Management Division, General Services Administration, Federal Supply Service, Washington, DC 20406, 703 305-5745

RIN: 3090-AE92

4036. FEDERAL TRAVEL REGULATION (FTR) AMENDMENT (UNASSIGNED), MAXIMUM PER DIEM RATES

Significance: Agency Priority

Legal Authority: 5 USC 5702; 5 USC 5707; EO 11609, 36 FR 13747, 3 CFR, 1971-1975 Comp, p 586

CFR Citation: 41 CFR 301

Legal Deadline: None

Abstract: Pursuant to the 1993 meal and lodging cost survey, appendix A to 41 CFR chapter 301 is revised to reflect changes in the listing formerly published at 58 FR 12890, March 5, 1993. The economic impact of this amendment has not been determined to date.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 12/00/93 | |
| Final Action Effective | 01/01/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Vella J. Cloyd, Chief, Program Analysis Branch (FBXP), Transportation Management Division, General Services Administration, Federal Supply Service, Washington, DC 20406, 703 305-5745

RIN: 3090-AE97

4037. FEDERAL TRAVEL REGULATION (FTR) AMENDMENT (UNASSIGNED), RELOCATION INCOME TAX (RIT) ALLOWANCE TAX TABLES

Significance: Agency Priority

Legal Authority: 5 USC 5721 to 5734; 20 USC 905(a); EO 11609, 36 FR 13747, 3 CFR, 1971-1975 Comp, p 586; EO 12486, 49 FR 7349, 3 CFR, 1984 Comp, p 165

CFR Citation: 41 CFR 302-11

Legal Deadline: None

Abstract: This amendment provides the annual update to the State and Federal tax tables used in computing relocation

income tax (RIT) allowance payments for Federal employees.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 12/00/93 | |
| Final Action Effective | 01/01/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry A. Tucker, Chief, Regulatory Policy Branch (FBXR), Transportation Management Division, General Services Administration, Federal Supply Service, Washington, DC 20406, 703 305-5745

RIN: 3090-AE98

PUBLIC BUILDINGS SERVICE

4038. FEDERAL PROPERTY MANAGEMENT REGULATIONS PART 101-17, ASSIGNMENT AND UTILIZATION OF SPACE

Significance: Agency Priority

Legal Authority: 40 USC 481; 40 USC 601; 7 USC 1924; 40 USC 490; 40 USC 531; 42 USC 3601; 42 USC 4321; 42 USC 4201; EO 12072; EO 12411; EO 12512; PL 100-678

CFR Citation: 41 CFR 101-17

Legal Deadline: None

Abstract: Federal Property Management Regulation Temporary Regulation D-76, Part 101-17, Assignment and Utilization of Space, was published in August 1991. It is intended that this regulation will become permanent. Its purpose is to improve space delivery process for Federal agencies by making it more efficient, more timely, and better able to deliver quality space that supports agency mission needs. The regulation does the following: implements a new space assignment process that emphasizes client service; establishes a new comprehensive move policy that clarifies roles and responsibilities; revises the GSA location policy to be more responsive to agency mission needs; revises the standard alterations which agencies receive upon an initial move, to recognize modern office needs; and revises the space classification definitions to eliminate ambiguity. These changes will result in a more efficient space delivery process and improve the overall efficiency of Government operations. The intention

GSA

Final Rule Stage

is to extend Temporary Regulation D-76 until such time as the Final Rule, which will supersede it, is approved for publication.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/05/89 | 54 FR 50251 |
| NPRM Comment Period End | 01/04/90 | |
| Final Action | 10/00/93 | |
| Final Action Effective | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Patrick Mountain, Chief, Assignment and Utilization Policy Branch (PQRP), General Services Administration, 18th & F Streets NW., Washington, DC 20405, 202 501-0407

RIN: 3090-AD42

4039. FEDERAL PROPERTY MANAGEMENT REGULATION PART 101-18, ACQUISITION OF REAL PROPERTY

Significance: Agency Priority

Legal Authority: 40 USC 471; 40 USC 490; 40 USC 304C; 40 USC 601 to 615; 42 USC 4201 to 4244; 40 USC 531 to 535; 42 USC 3601; EO 12072

CFR Citation: 41 CFR 101-18

Legal Deadline: None

Abstract: This final rule sets forth the basic policy under which the General

Services Administration (GSA) leases or delegates to other agencies the authority to lease space in privately owned buildings. It lists certain categories of special-purpose space which may be leased for up to 20 years by any agency without specific authorization from the Administrator of GSA. It designates certain types of space which may be acquired for lease terms of up to 20 years by designated agencies without further specific authorization from the Administrator of GSA. There are no major changes to this final rule as a result of agency comments on the proposed rule.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/09/91 | 56 FR 64221 |
| NPRM Comment Period End | 02/07/92 | 56 FR 64221 |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Paul Herndon, Chief, Surveys and Training Branch (PQRU), General Services Administration, 18th & F Streets NW., Washington, DC 20405, 202 501-4084

RIN: 3090-AE43

4040. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Significance: Agency Priority

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 105.71-1

Legal Deadline: None

Abstract: This action adopts common regulations establishing consistency and uniformity among Federal agencies in the administration of grants and cooperative agreements to State, local, and federally recognized Indian tribal governments.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: State

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Ada L. Rairigh, Chief, Procurement Evaluation and Support Branch, General Services Administration, 18th & F Streets NW., Room 7314, Washington, DC 20405, 202 501-0907

RIN: 3090-AE96

GENERAL SERVICES ADMINISTRATION (GSA)

Completed Actions

4041. AGENCY PROTEST PROCEDURES (5-348A)

CFR Citation: 48 CFR 533

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/21/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, 202 501-3822

RIN: 3090-AE58

4042. ADMINISTRATIVE RECORDS FOR DEBARMENT AND SUSPENSION (5-322) CHANGE 45

CFR Citation: 48 CFR 509

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/08/93 | 58 FR 26919 |
| Final Action Effective | 05/21/93 | 58 FR 26919 |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, 202 501-3822

RIN: 3090-AE72

4043. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

CFR Citation: 41 CFR 105-8

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|------------|
| Final Action | 03/08/91 | 56 FR 9862 |
| Final Action Effective | 03/08/91 | 56 FR 9862 |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal

Agency Contact: Myrtle K. Cook, 202 501-1368

RIN: 3090-AC48

GSA

Completed Actions

4044. PUBLICITY AND CREDIT SALES POLICIES CONCERNING THE DISPOSAL OF CERTAIN SURPLUS GOVERNMENT-OWNED REAL PROPERTY

CFR Citation: 41 CFR 101-47.304-4

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 05/18/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie L. Lomax, 202 501-0052

RIN: 3090-AE40

4045. NON-FEDERAL INTERIM USE OF CERTAIN GOVERNMENT-OWNED REAL PROPERTY

Significance: Agency Priority

CFR Citation: 41 CFR 101-47.203-9; 41 CFR 101-47.312

Completed:

| Reason | Date | FR Cite |
|---------------------------|----------|---------|
| Merged with RIN 3090-AE76 | 06/18/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie L. Lomax, 202 501-0052

RIN: 3090-AE41

4046. FEDERAL EXCESS AND SURPLUS REAL PROPERTY CONTAINING LEAD-BASED PAINT

Significance: Agency Priority

CFR Citation: 41 CFR 101-202.2; 41 CFR 101-47.202-7; 41 CFR 101-47.304; 41 CFR 101-47.307-2

Completed:

| Reason | Date | FR Cite |
|---------------------------|----------|---------|
| Merged with RIN 3090-AE41 | 06/18/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie L. Lomax, 202 501-0052

RIN: 3090-AE76

4047. FEDERAL TRAVEL REGULATION (FTR) AMENDMENT 30, RELOCATION INCOME TAX (RIT) ALLOWANCE PAYMENTS FOR TRANSFERS TO, FROM, AND BETWEEN POINTS IN PUERTO RICO, ETC

CFR Citation: 41 CFR 302-11

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 03/23/93 | 58 FR 15436 |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert A. Clauson, 703 305-5745

RIN: 3090-AE46

4048. FEDERAL TRAVEL REGULATION (FTR) AMENDMENT 29, MAXIMUM PER DIEM RATES

Significance: Agency Priority

CFR Citation: 41 CFR 301

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 03/05/93 | 58 FR 12890 |
| Final Action Effective | 03/12/93 | 58 FR 12890 |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Donna L. Cooke, 703 305-5745

RIN: 3090-AE78

4049. FEDERAL TRAVEL REGULATION (FTR) AMENDMENT 28, RELOCATION INCOME TAX (RIT) ALLOWANCE TAX TABLES

Significance: Agency Priority

CFR Citation: 41 CFR 302-11

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|------------|
| Final Action | 02/16/93 | 58 FR 8547 |
| Final Action Effective | 01/01/93 | 58 FR 8547 |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert A. Clauson, 703 305-5745

RIN: 3090-AE84

4050. PROPOSAL TO AMEND THE MANAGEMENT OF BUILDINGS AND GROUNDS

CFR Citation: 41 CFR 101-20

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/19/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mark C. Ramsey, 202 501-0430

RIN: 3090-AE95

[FR Doc. 93-21447 Filed 10-22-93; 8:45 am]

BILLING CODE 6820-34-F

Federal Register

Monday
October 25, 1993

Part XXVI

Merit Systems Protection Board

Semiannual Regulatory Agenda

MERIT SYSTEMS PROTECTION BOARD (MSPB)

MERIT SYSTEMS PROTECTION BOARD

5 CFR Ch. II

Regulatory Agenda

AGENCY: Merit Systems Protection Board.

ACTION: Semiannual agenda of regulations.

herein for publication in the Unified Agenda of Federal Regulations, E.O. 12291. No other regulatory action is scheduled for review or development from October 1993 through September 1994.

FOR FURTHER INFORMATION CONTACT: Paul D. Mahoney, Director, Office of Management Analysis, (202) 653-8892.

Dated: August 11, 1993.

SUMMARY: The following Merit Systems Protection Board (MSPB) regulations have been amended. They are submitted

Merit Systems Protection Board.
Ben L. Erdreich,
Chairman.

MERIT SYSTEMS PROTECTION BOARD (MSPB)

Completed Actions

4051. • PRACTICES AND PROCEDURES FOR APPEALS AND STAY REQUESTS OF PERSONNEL ACTIONS ALLEGEDLY BASED ON WHISTLEBLOWING

Significance: Agency Priority
Legal Authority: 5 USC 1204; 5 USC 1221; 5 USC 2302(b)(8); 5 USC 7701
CFR Citation: 5 CFR 1209.8

Legal Deadline: None

Abstract: The Merit Systems Protection Board amended part 1209 by adding commercial overnight delivery as a method of filing for appeals and stay requests of personnel actions allegedly based on whistleblowing. These changes conform the regulations to actual and accepted practice.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/07/93 | 58 FR 36345 |
| Final Action Effective | 07/07/93 | 58 FR 36345 |

Small Entities Affected: None
Government Levels Affected: Federal
Agency Contact: Robert E. Taylor, Clerk of the Board, Merit Systems Protection Board, 1120 Vermont Avenue NW., Washington, DC 20419, 202 653-7200
RIN: 3124-AA28

4052. • PRACTICES AND PROCEDURES; COMMERCIAL OVERNIGHT DELIVERY

Significance: Agency Priority
Legal Authority: 5 USC 1204; 5 USC 7701
CFR Citation: 5 CFR 1201.4

Legal Deadline: None

Abstract: The Merit Systems Protection Board amended part 1201 by adding commercial overnight delivery as a method of service of written

submissions and of filing written submissions and by defining the date of filing written submissions as the date the document is delivered to the commercial overnight delivery service. These changes conform the regulations to actual and accepted practice.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/07/93 | 58 FR 36345 |
| Final Action Effective | 07/07/93 | 58 FR 36345 |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert E. Taylor, Clerk of the Board, Merit Systems Protection Board, 1120 Vermont Avenue NW., Washington, DC 20419, 202 653-7200

RIN: 3124-AA27

[FR Doc. 93-23537 Filed 10-22-93; 8:45 am]

BILLING CODE 7400-01-F

Federal Register

Monday
October 25, 1993

Part XXVII

**National Aeronautics
and Space
Administration**

Semiannual Regulatory Agenda

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Semiannual agenda of regulations.

SUMMARY: NASA's regulatory agenda describes those regulations being considered for development or amendment by NASA, the need and

legal basis for the actions being considered, the name and telephone number of a knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

ADDRESSES: Director, Resources and Management Controls Office (Code JM), Office of Management Systems and Facilities, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Margaret M. Herring, (202) 358-2264.

SUPPLEMENTARY INFORMATION: OMB guidelines dated June 14, 1993,

"October 1993 Unified Agenda of Federal Regulations," Executive Order 12291 "Federal Regulation," and NASA Management Instruction 1410.10 "Federal Register: Delegation of Authority and Requirements for Publication of NASA Documents" require a regulatory agenda of those regulations under development and review be published in the Federal Register each April and October.

Dated: August 19, 1993.

Danalee Green,

Acting Director, Resources and Management Controls Office.

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4053 | NASA Research Grant Handbook Directive 92-1 | 2700-AB30 |
| 4054 | NASA Research Grant Handbook | 2700-AB31 |
| 4055 | NASA FAR Supplement Coverage on Uncompensated Overtime | 2700-AB40 |
| 4056 | Increasing Contractor Liability | 2700-AB41 |
| 4057 | NASA Supplemental Standards of Ethical Conduct Regulations Jointly Issued With the Office of Government Ethics | 2700-AB44 |
| 4058 | Standards of Conduct Subpart G—Administrative Enforcement Procedures for Alleged Violations of 18 USC 207 ... | 2700-AB47 |
| 4059 | Standards of Conduct Subpart H—Post-Employment Regulations | 2700-AB48 |
| 4060 | Crime Control for Child Care Programs | 2700-AB49 |
| 4061 | NASA Seal, NASA Insignia, Program Identifiers, Flags, and the Agency's Unified Visual Communications System .. | 2700-AB50 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4062 | Tracking and Data Relay Satellite System (TDRSS); Use and Reimbursement Policy for Non-U.S. Government Users | 2700-AA29 |
| 4063 | Uniform Administrative Requirements for Grants and Cooperative Agreements | 2700-AA95 |
| 4064 | Streamlined Source Selection | 2700-AB03 |
| 4065 | NASA Astronaut Candidate Recruitment and Selection Program | 2700-AB05 |
| 4066 | New Restrictions on Lobbying | 2700-AB06 |
| 4067 | Indemnification | 2700-AB12 |
| 4068 | NASA FAR Supplement Directive (NFSD) 89-13 | 2700-AB26 |
| 4069 | "Made in America" Labels | 2700-AB29 |
| 4070 | NASA FAR Supplement Directive (NFSD) 89-14 | 2700-AB35 |
| 4071 | NASA FAR Supplement Directive (NFSD) 89-15 | 2700-AB36 |
| 4072 | NASA FAR Supplement Directive (NFSD) 89-16 | 2700-AB37 |
| 4073 | NASA FAR Supplement Directive (NFSD) 89-17 | 2700-AB38 |
| 4074 | Streamlining the Major System Acquisition Process | 2700-AB39 |
| 4075 | Specifying Procurement Line Items (PLI) Within NASA Contracts | 2700-AB42 |
| 4076 | Cost Plus Award Fee (CPAF) Contracting | 2700-AB43 |
| 4077 | Special Policy on Small, Self-Contained Payloads by Domestic Educational Institutions | 2700-AB45 |
| 4078 | Procedures for NASA Drug Testing and Alcohol Testing Programs | 2700-AB46 |

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Proposed Rule Stage

4053. NASA RESEARCH GRANT HANDBOOK DIRECTIVE 92-1**Legal Authority:** 31 USC 6301 et seq**CFR Citation:** 14 CFR 1260**Legal Deadline:** None**Abstract:** Miscellaneous changes to the NASA Research Grant Handbook.**Timetable:**

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** David K. Beck, Chief, Policy Development Branch A, Office of Procurement, Code HP, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 358-0476**RIN:** 2700-AB30**4054. NASA RESEARCH GRANT HANDBOOK****Legal Authority:** 31 USC 6301 et seq**CFR Citation:** 14 CFR 1260**Legal Deadline:** None**Abstract:** Revision and retitling of NASA Grant and Cooperative Agreement Handbook.**Timetable:**

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** David K. Beck, Chief, Policy Development Branch A, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 358-0476**RIN:** 2700-AB31**4055. NASA FAR SUPPLEMENT COVERAGE ON UNCOMPENSATED OVERTIME****Significance:** Agency Priority**Legal Authority:** 42 USC 24732(c)(1)**CFR Citation:** 48 CFR 18**Legal Deadline:** None**Abstract:** NASA FAR Supplement coverage provides guidance on uncompensated overtime.**Timetable:**

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.**Agency Contact:** David K. Beck, Chief, Policy Development Branch A, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 358-0476**RIN:** 2700-AB40**4056. INCREASING CONTRACTOR LIABILITY****Significance:** Agency Priority**Legal Authority:** 42 USC 2473(c)(1)**CFR Citation:** 48 CFR 18**Legal Deadline:** None**Abstract:** The proposed clause increases contractor liability under cost type contracts beyond the current level of liability--cases involving fraud, willful misconduct, or lack of good faith on the part of management.**Timetable:**

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** David K. Beck, Chief, Policy Development Branch A, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 358-0476**RIN:** 2700-AB41**4057. NASA SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT REGULATIONS JOINTLY ISSUED WITH THE OFFICE OF GOVERNMENT ETHICS****Significance:** Agency Priority**Legal Authority:** 5 USC app (Ethics in Government Act of 1978); EO 12674; EO 12731; 5 USC 7351; 5 USC 7353**CFR Citation:** Not yet determined**Legal Deadline:** None**Abstract:** The NASA supplemental executive agency standards of ethical conduct regulations, to be issued jointly with the Office of Government Ethics (OGE) in a new chapter of 5 CFR, after OGE approval, will supplement the new OGE executive branch standards of ethical conduct, codified at 5 CFR part 2635. The supplemental regulations, to be issued in accordance with sections 201(a) and 301(a) of EO 12674, as modified by EO 12731, will set forth NASA-specific provisions under applicable law and regulation which are needed to round out the executive branch-wide ethical standards.**Timetable:**

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Agency Contact:** James L. Hoffman, Senior Attorney, Code G, National Aeronautics and Space Administration, NASA Headquarters, 300 E Street SW., Washington, DC 20654, 202 358-2465**RIN:** 2700-AB44**4058. STANDARDS OF CONDUCT SUBPART G—ADMINISTRATIVE ENFORCEMENT PROCEDURES FOR ALLEGED VIOLATIONS OF 18 USC 207****Significance:** Agency Priority**Legal Authority:** 18 USC 207**CFR Citation:** 14 CFR 1207; 14 CFR 1207.700; 14 CFR 1207.701; 14 CFR 1207.702; 14 CFR 1207.703; 14 CFR 1207.704**Legal Deadline:** None**Abstract:** NASA will amend subpart G of part 1207, sections 1207.700 - 1207.704 to reflect recent amendments to 18 USC 207.**Timetable:**

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Additional Information:** NASA has a self-imposed deadline of July 30, 1993.

NASA

Proposed Rule Stage

Agency Contact: Adam Greenstone, Attorney Advisor, Code G, National Aeronautics and Space Administration, NASA Headquarters, 300 E Street, SW., Washington, DC 20546, 202 358-2465
RIN: 2700-AB47

4059. STANDARDS OF CONDUCT SUBPART H—POST-EMPLOYMENT REGULATIONS

Legal Authority: 18 USC 201 to 219
CFR Citation: 14 CFR 1207; 14 CFR 1207.800; 14 CFR 1207.801
Legal Deadline: None
Abstract: NASA will amend subpart H of part 1207, sections 1207.800 and 1207.801 to reflect recent amendments to 18 USC, Section 207.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Undetermined
Government Levels Affected: Federal
Additional Information: NASA has a self-imposed deadline of July 30, 1993.
Agency Contact: Adam Greenstone, Attorney Advisor, Code G, National Aeronautics and Space Administration, NASA Headquarters, 300 E Street, SW., Washington, DC 20546, 202 358-2465
RIN: 2700-AB48

4060. ● CRIME CONTROL FOR CHILD CARE PROGRAMS

Legal Authority: 42 USC 13041
CFR Citation: 14 CFR 1231
Legal Deadline: None

Abstract: This regulation establishes NASA policy and requirements for the development and implementation of child care with respect to safety measures for child care facilities, and screening current and prospective Federal civil servant and non-civil servant child care workers who will provide child care services at NASA-sponsored child care centers.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses
Government Levels Affected: State

Agency Contact: Joan S. Peterson, Chief, Agency Personnel Policy, Office of Human Resources and Education, National Aeronautics and Space Administration, 300 E Street SW., NASA Headquarters, Washington, DC 20546, 202 358-1216
RIN: 2700-AB49

4061. ● NASA SEAL, NASA INSIGNIA, PROGRAM IDENTIFIERS, FLAGS, AND THE AGENCY'S UNIFIED VISUAL COMMUNICATIONS SYSTEM

Legal Authority: 42 USC 2472(a) and 2473(c)(1)
CFR Citation: 14 CFR 1221
Legal Deadline: None

Abstract: This regulation sets forth the policy governing the use of the NASA Seal, the NASA Insignia, NASA Program Identifiers and the NASA Flags. This regulation also establishes and sets forth the concept and scope of the NASA Unified Visual Communications System and prescribes the policy and guidelines for implementation of the system.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None
Government Levels Affected: Federal
Agency Contact: Robert Schulman, NASA Graphics Coordinator, Code POS, National Aeronautics and Space Administration, 300 E Street SW., NASA Headquarters, Washington, DC 20546, 202 358-2381
RIN: 2700-AB50

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Final Rule Stage

4062. TRACKING AND DATA RELAY SATELLITE SYSTEM (TDRSS); USE AND REIMBURSEMENT POLICY FOR NON-U.S. GOVERNMENT USERS

Legal Authority: PL 85-568 Sec 203; 42 USC 2473
CFR Citation: 14 CFR 1215
Legal Deadline: None

Abstract: Annual revision of appendix A to reflect each Calendar Year rate change for TDRSS services.

Timetable:

| Action | Date | FR Cite |
|--------------------------------------|----------|-------------|
| Final Action for CY 1993 Rate Change | 05/15/92 | 57 FR 20746 |
| Final Action for CY 1994 Rate Change | 00/00/00 | |
| Final Action for CY 1995 Rate Change | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene Ferrick, Office of Space Communications, Code OX, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 358-2030

RIN: 2700-AA29

4063. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: PL 97-258; 31 USC 6301 et seq

CFR Citation: 14 CFR 1270

Legal Deadline: None

Abstract: Common rule for grants administration replacing NASA implementation of OMB Circular A-110.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-----------|
| NPRM | 11/04/88 | 53 FR 214 |
| Begin Review | 04/01/91 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David K. Beck, Chief, Policy Development Branch A, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 358-2105

RIN: 2700-AA95

4064. STREAMLINED SOURCE SELECTION

Legal Authority: 42 USC 2473(c)(1)
CFR Citation: 48 CFR 1870

NASA

Final Rule Stage

Legal Deadline: None

Abstract: Techniques for improving the timeliness for evaluating proposals by the Source Evaluation Board Method.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 00/00/00 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: David K. Beck, Chief, Policy Development Branch A, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 358-0476

RIN: 2700-AB03

4065. NASA ASTRONAUT CANDIDATE RECRUITMENT AND SELECTION PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 2473; 47 USC 721(b)

CFR Citation: 14 CFR 1214 subpart 1214.11

Legal Deadline: None

Abstract: NASA is currently revising this regulation concerning the Astronaut Candidate Recruitment and Selection Program to include selection requirements for Space Station Freedom Station Operator and Station Scientist Astronaut candidates.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. Robert L. Tucker, Director, Policy and Plans, Code MB, National Aeronautics and Space Administration, NASA Headquarters, 300 E Street SW., Washington, DC 20546, 202 358-2347

RIN: 2700-AB05

4066. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 31 USC 1352; PL 101-121, Sec 319; 31 USC 9301; PL 97-258

CFR Citation: 12 CFR 1271

Legal Deadline: None

Abstract: This interim rule is in response to section 319 of Public Law 101-121. Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the executive and legislative branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, cooperative agreement, loan, or a Federal commitment to insure or guarantee a loan, must disclose lobbying.

Timetable:

| Action | Date | FR Cite |
|--------------------|--------------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 6748 |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: Local, State

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: David K. Beck, Chief, Policy Development Branch A, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 358-0476

RIN: 2700-AB06

4067. INDEMNIFICATION

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 18

Legal Deadline: None

Abstract: This regulation will bring procurement matters into line with Agency regulations proposed as 14 CFR 1266--Cross-Waiver of Liability--55 FR No. 72, page 13912 (April 13, 1990) and improve the process flow of contractor requests.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: David K. Beck, Chief, Policy Development Branch A, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 358-0476

RIN: 2700-AB12

4068. NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 89-13

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 18

Legal Deadline: None

Abstract: Miscellaneous quarterly intra-agency changes to the NASA FAR Supplement, exclusive of actions requiring public review and comment or imposing paperwork burdens which were not previously published as proposed rules or notices in the Federal Register.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: David K. Beck, Chief, Policy Development Branch A, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 358-0476

RIN: 2700-AB26

4069. "MADE IN AMERICA" LABELS

Significance: Agency Priority

Legal Authority: 42 USC 2473 (c)(1)

CFR Citation: 48 CFR 18

Legal Deadline: None

Abstract: Implements Public Law 102-195, which makes ineligible for NASA contracts and subcontracts persons who misuse "Made in America" labels.

NASA

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|------------|
| Interim Final Rule | 03/09/92 | 57 FR 8279 |
| Final Action | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: David K. Beck, Chief, Policy Development Branch A, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 358-0476

RIN: 2700-AB29

4070. NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 89-14**Significance:** Agency Priority**Legal Authority:** 42 USC 2473(c)(1)**CFR Citation:** 48 CFR 18**Legal Deadline:** None

Abstract: Miscellaneous quarterly intra-agency changes to the NASA FAR Supplement, exclusive of actions requiring public review and comment or imposing paperwork burdens which were not previously published as proposed rules or notices in the Federal Register.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: David K. Beck, Chief, Policy Development Branch A, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 358-2105

RIN: 2700-AB35

4071. NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 89-15**Significance:** Agency Priority**Legal Authority:** 42 USC 1473(c)(1)**CFR Citation:** 48 CFR 18**Legal Deadline:** None

Abstract: Miscellaneous quarterly intra-agency changes to the NASA FAR Supplement, exclusive of actions requiring public review and comment or imposing paperwork burdens which were not previously published as proposed rules or notices in the Federal Register.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 03/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: David K. Beck, Chief, Policy Development Branch A, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 358-2105

RIN: 2700-AB36

4072. NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 89-16**Significance:** Agency Priority**Legal Authority:** 42 USC 2473(c)(1)**CFR Citation:** 48 CFR 18**Legal Deadline:** None

Abstract: Miscellaneous quarterly intra-agency changes to the NASA FAR Supplement, exclusive of actions requiring public review and comment or imposing paperwork burdens which were not previously published as proposed rules or notices in the Federal Register.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 06/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: David K. Beck, Chief, Policy Development Branch A, Code HP, Office of Procurement, National

Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 358-2105

RIN: 2700-AB37

4073. NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 89-17**Significance:** Agency Priority**Legal Authority:** 42 USC 2473(c)(1)**CFR Citation:** 48 CFR 18**Legal Deadline:** None

Abstract: Miscellaneous quarterly intra-agency changes to the NASA FAR Supplement, exclusive of actions requiring public review and comment or imposing paperwork burdens which were not previously published as proposed rules or notices in the Federal Register.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 09/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: David K. Beck, Chief, Policy Development Branch A, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 358-2105

RIN: 2700-AB38

4074. STREAMLINING THE MAJOR SYSTEM ACQUISITION PROCESS**Significance:** Agency Priority**Legal Authority:** 42 USC 2473(c)(1)**CFR Citation:** 48 CFR 18**Legal Deadline:** None

Abstract: NASA FAR Supplement coverage provides for selection/down selection between phases of a major system acquisition utilizing a streamlined approach which eliminates the current NASA requirement to provide a new, formal solicitation for each phase of the acquisition.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

NASA

Final Rule Stage

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: David K. Beck, Chief, Policy Development Branch A, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546; 202 358-2105

RIN: 2700-AB39

4075. SPECIFYING PROCUREMENT LINE ITEMS (PLI) WITHIN NASA CONTRACTS

Significance: Agency Priority

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 18

Legal Deadline: None

Abstract: NASA's Associate Administrator for Procurement will begin requiring contracts to specify contract deliverables at the Procurement Line Item (PLI) level. PLI information normally includes data such as the item number, item description, unit of measure, unit price, quality, and line item amount.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: David K. Beck, Chief, Policy Development Branch A, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 358-2105

RIN: 2700-AB42

4076. COST PLUS AWARD FEE (CPAF) CONTRACTING

Significance: Agency Priority

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 18

Legal Deadline: None

Abstract: NSF coverage revises and expands guidance pertaining to the structuring and administration of CPAF contracts to increase consistency and strengthen administration of this type of contract across the NASA Centers.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 04/14/93 | 58 FR 19398 |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: David K. Beck, Chief, Policy Development Branch A, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 358-0476

RIN: 2700-AB43

4077. SPECIAL POLICY ON SMALL, SELF-CONTAINED PAYLOADS BY DOMESTIC EDUCATIONAL INSTITUTIONS

Legal Authority: 42 USC 2473; PL 85-568

CFR Citation: 14 CFR 1214.10

Legal Deadline: None

Abstract: The goal of NASA's policy on "Use of Small, Self-Contained Payloads," as stated in subpart 1214.9, is to stimulate and encourage the use of space by a wide range of users, particularly those associated with education. For a payload for flight as a domestic educational institution payload, the applying institution must be a U.S. public or nonprofit educational institution; the payload must be certified by an authorized official of the institution to be part of an educational or research project that is principally for the benefit of students, rather than nonstudents, such as faculty or research staff, payload experiments should involve students in all phases of the project, including concept development, initial planning, design, conduct, and analysis of the results of the experiments. Involvement

of faculty or other professionals in a supervisory, advisory, or consultative relationship with the students is necessary. Projects may include applied research, basic research and/or other activities which have further educational uses beyond the immediate research effort.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 12/29/92 | 57 FR 61794 |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Malcom Phelps, Chief, Technology and Evaluation Branch, Code FET, National Aeronautics and Space Administration, NASA Headquarters, 300 E Street SW., Washington, DC 20546, 202 358-1540

RIN: 2700-AB45

4078. PROCEDURES FOR NASA DRUG TESTING AND ALCOHOL TESTING PROGRAMS

Legal Authority: 42 USC 2473; EO 12564; 5 USC 552(a)

CFR Citation: 14 CFR 1272 (New)

Legal Deadline: None

Abstract: This regulation proposes to implement the Civil Space Employee Testing Act of 1991 which requires NASA to establish an employee alcohol testing program and changes the employee drug testing program to include preemployment testing and split sample collection method.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/06/93 | 58 FR 36159 |
| Final Action | 07/00/94 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Joan S. Peterson, Chief, Agency Personnel Policy, Code FPP, National Aeronautics and Space Administration, NASA Headquarters, 300 E Street, SW., Washington, DC 20546, 202 358-1218

RIN: 2700-AB46

[FR Doc. 93-23538 Filed 10-22-93; 8:45 am]

BILLING CODE 7510-01-F

Federal Register

Monday
October 25, 1993

Part XXVIII

**National Archives
and Records
Administration**

Semiannual Regulatory Agenda

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: National Archives and Records Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that the

National Archives and Records Administration (NARA) plans for the next 12 months and those actions that have been completed since April 1993. This agenda was developed under the guidelines in OMB's Memorandum for Regulatory Contacts at Executive Departments and Establishments, dated June 14, 1993. NARA's purpose in publishing this agenda is to allow interested persons an opportunity to have more comprehensive documentation of NARA's regulatory

plans and to provide a systematic means of monitoring regulatory activity in NARA. None of the regulations listed in the agenda is considered major under Executive Order 12291 "Federal Regulation."

FOR FURTHER INFORMATION CONTACT: Mary Ann Hadyka, Acting Director, Policy and Program Analysis Division, (202) 501-5110.

Dated: August 27, 1993.

Trudy H. Peterson,
Acting Archivist of the United States.

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4079 | NARA Facilities | 3095-AA06 |
| 4080 | Audiovisual Management Policies and Procedures | 3095-AA18 |
| 4081 | Restrictions on Access to Archival Records | 3095-AA21 |
| 4082 | Federal Records Centers | 3095-AA27 |
| 4083 | NARA Exhibition Loan Standards | 3095-AA37 |
| 4084 | National Historical Publications and Records Commission; Grant Procedures | 3095-AA43 |
| 4085 | Creation and Maintenance of Records; Adequate and Proper Documentation | 3095-AA45 |
| 4086 | Agency Program Evaluations | 3095-AA48 |
| 4087 | Records Disaster Prevention and Recovery; Vital Records | 3095-AA51 |
| 4088 | Public Use of Records and Donated Historical Materials | 3095-AA53 |
| 4089 | Implementation of John F. Kennedy Assassination Records Collection Act of 1992 | 3095-AA54 |
| 4090 | Domestic Distribution of United States Information Agency Materials in the Custody of the National Archives | 3095-AA55 |
| 4091 | NARA Research Room Hours | 3095-AA56 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4092 | NARA Regulations; General Provisions | 3095-AA01 |
| 4093 | Administrative Requirements for Grants and Cooperative Agreements | 3095-AA23 |

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4094 | Micrographics Records Management | 3095-AA22 |

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Proposed Rule Stage

4079. NARA FACILITIES

Legal Authority: 44 USC 2104(a); 44 USC 2110

CFR Citation: 36 CFR 1280

Legal Deadline: None

Abstract: NARA is updating its regulations on the use of NARA

facilities and property to remove obsolete material and to clarify existing provisions, and to add provisions for the new facility in College Park, Maryland (Archives II).

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 12/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: Undetermined
Government Levels Affected: None
Agency Contact: Mary Ann Hadyka, Chief, Information Management and Directives Branch, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001, 301 713-6730
RIN: 3095-AA06

4080. AUDIOVISUAL MANAGEMENT POLICIES AND PROCEDURES

Legal Authority: 44 USC 2104(a); 44 USC 2904; 44 USC 3101
CFR Citation: 36 CFR 1232
Legal Deadline: None
Abstract: The OMB Circular A-114 "Audiovisual Management" has been combined with OMB Circular A-130 "Information Management". Part 1232 of 36 CFR needs clarification and expansion to incorporate specific details of A-114 and its appendices that remain in effect. This regulation provides the necessary information to implement the audiovisual management requirements of A-130.

Timetable:

Annual Audiovisual Reporting Requirements
 NPRM 11/00/93
Audiovisual Management Policies and Procedures
 NPRM 00/00/00
Organizational Name Change
 Final Action 05/14/93 (58 FR 28506)

Small Entities Affected: None
Government Levels Affected: Federal
Procurement: This is a procurement-related action for which there is no statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

Additional Information: The regulation is being revised in two stages. Because agencies must submit their annual audiovisual report to the Multimedia and Publications Distribution Division/National Archives Fulfillment Center by January 1, 1994, reporting requirements are being implemented in an interim final rule. The remaining provisions will be included in a NPRM to be issued later this fall. The National Audiovisual Center has been renamed to the Multimedia and Publications Distribution Division/National Archives Fulfillment Center as a result of a

reorganization effective October 1, 1992. The regulation was changed to reflect the new title on May 14, 1993.
Agency Contact: Linda N. Brown, Assistant Archivist, Office of Public Programs, National Archives and Records Administration, Washington, DC 20408, 202 501-5200
RIN: 3095-AA18

4081. RESTRICTIONS ON ACCESS TO ARCHIVAL RECORDS

Legal Authority: 44 USC 2108(a); 44 USC 2104(a)
CFR Citation: 36 CFR 1256.40
Legal Deadline: None
Abstract: This rule will amend specific agency restrictions on the use of certain accessioned archival records. The restrictions will be in conformity with the Freedom of Information Act.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 03/00/94 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Mary Ronan, Director, Access Staff, Office of National Archives, National Archives and Records Administration, Washington, DC 20408, 202 501-5959
RIN: 3095-AA21

4082. FEDERAL RECORDS CENTERS

Legal Authority: 44 USC ch 21; 44 USC ch 29; 44 USC ch 31
CFR Citation: 36 CFR 1228
Legal Deadline: None
Abstract: NARA is updating regulations in subpart I of part 1228 relating to transfer of records to Federal records centers to clarify provisions and to remove outdated material.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 12/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: None
Government Levels Affected: Federal

Agency Contact: Mary Ann Hadyka, Chief, Information Management and Directives Branch, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001, 301 713-6730
RIN: 3095-AA27

4083. NARA EXHIBITION LOAN STANDARDS

Legal Authority: 44 USC 2104a; 44 USC 2109
CFR Citation: 36 CFR 1284
Legal Deadline: None
Abstract: To make the permanently valuable records of the U.S. Government more widely available, NARA may lend for exhibition purposes original records (in sufficiently good condition to withstand the rigors of travel and exhibition) to qualified institutions that will provide care for the borrowed items in accordance with NARA's minimum loan requirements and any additional requirements that are deemed appropriate for particular records. This regulation notifies interested institutions of this program and provides some basic information including where to obtain the necessary technical criteria.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 06/00/94 | |
| NPRM Comment Period End | 07/00/94 | |
| Final Action | 08/00/94 | |
| Final Action Effective | 09/00/94 | |

Small Entities Affected: Governmental Jurisdictions, Organizations
Government Levels Affected: Local, State, Federal
Agency Contact: Linda N. Brown, Assistant Archivist, Office of Public Programs, National Archives and Records Administration, Washington, DC 20408, 202 501-5200
RIN: 3095-AA37

4084. NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION; GRANT PROCEDURES

Legal Authority: 44 USC 2104(a); 44 USC 2501 to 2506
CFR Citation: 36 CFR 1206
Legal Deadline: None

NARA

Proposed Rule Stage

Abstract: To update the program descriptions; to revise appointment procedures for state historical advisory boards; to cite audit requirements of OMB Circular A-133, Audits of Institutions of Higher Education and Other Nonprofit Organizations; and to notify grantees of the lobbying certification requirement for grants of \$100,000 or more.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 03/00/94 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Gerald W. George, Executive Director, National Historical Publications and Records Commission, National Archives and Records Administration, Washington, DC 20408, 202 501-5600

RIN: 3095-AA43

4085. CREATION AND MAINTENANCE OF RECORDS; ADEQUATE AND PROPER DOCUMENTATION

Legal Authority: 44 USC 2904; 44 USC 3101; 44 USC 3102

CFR Citation: 36 CFR 1222

Legal Deadline: None

Abstract: This rule expands the guidance on the identification of personal materials, including a new requirement for the creation and maintenance of a comprehensive inventory of all documentary materials. It also includes a more extensive discussion of the removal of documentary materials, including requirements that agencies develop written procedures to ensure that departing officials do not remove Federal records from agency custody and that agencies create a record of the removal of documentary materials.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 03/00/94 | |
| Final Action Effective | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Frank B. Evans, Deputy Assistant Archivist for Records Administration, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001, 301 713-7100

RIN: 3095-AA45

4086. AGENCY PROGRAM EVALUATIONS

Legal Authority: 44 USC 2906

CFR Citation: 36 CFR 1220.50; 36 CFR 1220.52; 36 CFR 1220.54; 36 CFR 1220.56

Legal Deadline: None

Abstract: This change is intended to update the regulations regarding NARA's inspections of agency records management programs.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marilyn McLennan, Director, Agency Services Division (NIA), National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001, 301 713-6677

RIN: 3095-AA48

4087. RECORDS DISASTER PREVENTION AND RECOVERY; VITAL RECORDS

Legal Authority: 44 USC 2104(a); 44 USC 2904(a); 44 USC 3101; 44 USC 3102; 44 USC 3105

CFR Citation: 36 CFR 1236

Legal Deadline: None

Abstract: This change updates NARA's regulations regarding agency vital records programs.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marilyn McLennan, Director, Agency Services Division (NIA), National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001, 301 713-6677

RIN: 3095-AA51

4088. PUBLIC USE OF RECORDS AND DONATED HISTORICAL MATERIALS

Legal Authority: 44 USC 2101 to 2118; 5 USC 552; EO 12600

CFR Citation: 36 CFR 1252; 36 CFR 1254

Legal Deadline: None

Abstract: NARA is updating its regulations concerning use of archival records and donated historical materials to clarify definitions and other provisions relating to research room and reference service procedures and to remove outdated material.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 12/00/93 | |
| Final Action | 01/00/94 | |
| Final Action Effective | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Hadyka, Chief, Information Management and Directives Branch, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001, 301 713-6730

RIN: 3095-AA53

4089. IMPLEMENTATION OF JOHN F. KENNEDY ASSASSINATION RECORDS COLLECTION ACT OF 1992

Legal Authority: PL 102-526

CFR Citation: 36 CFR 1255

Legal Deadline: None

Abstract: This rule will establish procedures to be followed by NARA in responding to requests for access to records contained in the President John F. Kennedy Assassination Records Collection.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

NARA

Proposed Rule Stage

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 12/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ronan,
Director, Access Staff, National
Archives and Records Administration,
Washington, DC 20408, 202 501-5959

RIN: 3095-AA54

**4090. DOMESTIC DISTRIBUTION OF
UNITED STATES INFORMATION
AGENCY MATERIALS IN THE
CUSTODY OF THE NATIONAL
ARCHIVES**

Legal Authority: PL 101-246, sec 202

CFR Citation: 36 CFR 1256

Legal Deadline: None

Abstract: This rule will establish
procedures for making available USIA
produced motion pictures, films,

videotapes, and other materials when
the materials become eligible for
domestic dissemination.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 01/00/94 | |
| NPRM Comment Period End | 02/00/94 | |
| Final Action | 03/00/94 | |
| Final Action Effective | 04/00/94 | |

Small Entities Affected: Businesses,
Governmental Jurisdictions,
Organizations

Government Levels Affected: None

Agency Contact: Michael J. Kurtz,
Acting Assistant Archivist, Office of the
National Archives, National Archives
and Records Administration,
Washington, DC 20408, 202 501-5300

RIN: 3095-AA55

**4091. • NARA RESEARCH ROOM
HOURS**

Legal Authority: 44 USC 2104(a)

CFR Citation: 36 CFR 1253.1

Legal Deadline: None

Abstract: NARA is modifying the hours
that three research rooms in the
National Archives Building are open.
This action is being taken in
preparation for the opening of
additional research rooms in the new
National Archives facility in College
Park, Maryland.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/22/93 | 58 FR 49251 |
| NPRM Comment Period End | 11/08/93 | 58 FR 49251 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Hadyka,
Chief, Information Management and
Directives Branch, National Archives
and Records Administration, The
National Archives at College Park, 8601
Adelphi Road, College Park, MD 20740-
6001, 301 713-6730

RIN: 3095-AA56

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Final Rule Stage

**4092. NARA REGULATIONS;
GENERAL PROVISIONS**

Legal Authority: 44 USC 2104(a)

CFR Citation: 36 CFR 1200; 36 CFR
1201

Legal Deadline: None

Abstract: NARA is establishing a new
part in 36 CFR chapter XII to contain
administrative regulations. This
regulation will provide a delegation of
authority from the Archivist of the
United States to other NARA officials.
As part of the rulemaking, current
regulations on the use of NARA seals
will be moved to a new Part 1201.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 04/00/94 | |
| Final Action Effective | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Hadyka,
Chief, Information Management and
Directives Branch, National Archives
and Records Administration, The
National Archives at College Park, 8601
Adelphi Road, College Park, MD 20740-
6001, 301 713-6730

RIN: 3095-AA01

**4093. ADMINISTRATIVE
REQUIREMENTS FOR GRANTS AND
COOPERATIVE AGREEMENTS**

Legal Authority: 44 USC 2104; 44 USC
2504

CFR Citation: 36 CFR 1207

Legal Deadline: None

Abstract: This action proposes
updating and replacing implementation
of OMB Circulars and the agencywide
common rule regarding the

administration of grants and
cooperative agreements.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/04/88 | 53 FR 44716 |
| NPRM Comment Period End | 01/03/89 | 53 FR 44716 |
| Final Action | 11/00/93 | |

Small Entities Affected: Governmental
Jurisdictions, Organizations

Government Levels Affected: Local,
State, Federal

Agency Contact: Mary Ann Hadyka,
Chief, Information Management and
Directives Branch, National Archives
and Records Administration, The
National Archives at College Park, 8601
Adelphi Road, College Park, MD 20740-
6001, 301 713-6730

RIN: 3095-AA23

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Completed Actions

**4094. MICROGRAPHICS RECORDS
MANAGEMENT**

CFR Citation: 36 CFR 1230

Completed:

| Reason | Date | FR Cite |
|------------------------|-------------|----------------|
| Final Action | 09/22/93 | 58 FR 49193 |
| Final Action Effective | 10/22/93 | 58 FR 49193 |

Small Entities Affected: None

Government Levels Affected: Federal
Agency Contact: Mary Ann Hadyka,
301 713-6730

RIN: 3095-AA22

[FR Doc. 93-21448 Filed 10-22-93; 8:45 am]

BILLING CODE 7515-01-F

Federal Register

Monday
October 25, 1993

Part XXIX

**National Endowment
for the Arts**

Semiannual Regulatory Agenda

NATIONAL ENDOWMENT FOR THE ARTS (NEA)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**National Endowment for the Arts****45 CFR Ch. XI****Semiannual Agenda of Regulations**

AGENCY: National Endowment for the Arts, NFAH.

ACTION: Publication of the semiannual agenda.

SUMMARY: Pursuant to Executive Order 12291 and the Regulatory Flexibility Act (5 U.S.C. 605), the National Endowment for the Arts publishes this regulatory agenda describing agency regulations under development or review.

FOR FURTHER INFORMATION CONTACT: Ms. Catherine A. Stevens, General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, or call (202) 682-5418.

Laurence Baden,
Deputy Chairman for Management,
National Endowment for the Arts.

NATIONAL ENDOWMENT FOR THE ARTS (NEA)**Proposed Rule Stage****4095. COLLECTION OF CLAIMS**

Significance: Agency Priority

Legal Authority: PL 97-365; 31 USC 3711; 31 USC 3716 to 3718; 5 USC 5514; 5 USC 552a; 31 USC 3701

CFR Citation: 45 CFR 1150

Legal Deadline: None

Abstract: The proposed rule amends the National Endowment for the Arts regulation for collecting debts. Principally, the amendments implement the Debt Collection Act of 1982 (PL 97-365), which amended the Federal Claims Collection Act of 1966 (31 USC 3711, 3716-3718) to authorize among other things, charging of interest penalties and administrative costs, and the use of administrative offset, private collection agencies and credit agencies by the Government. The amendments also implement governmentwide regulations issued by the Department of Justice and the General Accounting Office (49 FR 8889) and Office of Personnel Management (49 FR 27470).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment | 02/00/94 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: RIN 3135-AA04 was merged with RIN 3135-AA01 on 01/29/91.

Agency Contact: Catherine A. Stevens, General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue

NW., Washington, DC 20506, 202 682-5418

RIN: 3135-AA01

4096. NONDISCRIMINATION ON THE BASIS OF AGE

Significance: Agency Priority

Legal Authority: 42 USC 6101 et seq

CFR Citation: 45 CFR 1156

Legal Deadline: None

Abstract: This rule prohibits discrimination on the basis of age in programs and activities receiving assistance from the National Endowment for the Arts. These regulations are proposed pursuant to the requirements of the Age Discrimination Act and consistent with the general governmentwide regulations issued by the Department of Health and Human Services.

Timetable:

| Action | Date | FR Cite |
|----------------|----------|-------------|
| NPRM | 10/02/79 | 44 FR 56725 |
| NPRM Comment | 11/15/79 | |
| Period End | | |
| Second NPRM | 12/00/93 | |
| Second NPRM | 02/00/94 | |
| Comment Period | | |
| End | | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Catherine A. Stevens, General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202 682-5418

RIN: 3135-AA03

4097. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES; EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Legal Authority: 42 USC 2000d to 2000d-4

CFR Citation: 45 CFR 1140

Legal Deadline: None

Abstract: This proposed rule would implement title VI of the Civil Rights Act of 1964 (42 USC 2000d to 2000d-4) and the Civil Rights Restoration Act of 1987 (Pub. L. 100-259, 102 Stat 28). It replaces existing regulations that implement title VI for both the National Endowment for the Arts and the National Endowment for the Humanities (45 CFR 1110) and applies to the National Endowment for the Arts only.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment | 02/00/94 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Catherine A. Stevens, General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Room 522, Washington, DC 20506, 202 682-5418

RIN: 3135-AA10

NATIONAL ENDOWMENT FOR THE ARTS (NEA)

Final Rule Stage

4098. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Significance: Agency Priority

Legal Authority: Budget and Accounting Act of 1921, as amended; Budget and Accounting Procedures Act of 1950, as amended; Reorganization Plan No. 2 of 1970; EO 11541; 31 USC 6301 to 6308; Pres. Memo. for Heads of Exec. Depts & Agencies (Mar. 12, 1987)

CFR Citation: 45 CFR 1157

Legal Deadline: None

Abstract: This action proposes a common rule to be published by various agencies establishing consistency and uniformity in the administration of grants and cooperative agreements to State, local, and federally recognized Indian tribal governments, as well as institutions of higher education, hospitals, and other nonprofit organizations, and commercial or for-profit entities..

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/04/88 | 53 FR 44718 |
| NPRM Comment Period End | 01/03/89 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Catherine A. Stevens, General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202 682-5418

RIN: 3135-AA06

4099. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 31 USC 1352; PL 101-121, sec 319; 20 USC 959

CFR Citation: 45 CFR 1158

Legal Deadline: None

Abstract: This rule is for the purpose of implementing section 319 of the Interior and Related Agencies Appropriation Act for Fiscal Year 1990, which establishes certain prohibitions and disclosure requirements with respect to lobbying.

Timetable:

| Action | Date | FR Cite |
|--------------------|--------------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 6736 |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Catherine A. Stevens, General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202 682-5418

RIN: 3135-AA07

4100. COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT

Significance: Agency Priority

Legal Authority: 42 USC 4371 et seq; 42 USC 7609; 40 CFR 1500 to 1508; EO 11514; EO 11991

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The proposed rule provides Endowment procedures to supplement and comply with 42 USC 4371 et seq. and 40 CFR parts 1500-1508. The proposed rule sets out the types of projects funded by the Endowment which may require environmental assessments and the agency procedures for reviewing such assessments.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Catherine A. Stevens, General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202 682-5418

RIN: 3135-AA08

[FR Doc. 93-21449 Filed 10-22-93; 8:45 am]

BILLING CODE 7537-01-F

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Part XXX

National Endowment for the Humanities

Semiannual Regulatory Agenda

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

45 CFR Ch. XI

Unified Agenda of Regulations

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Publication of the unified agenda of regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601-612, and Executive Order 12291 "Federal Regulation," dated February 17, 1981, the National Endowment for the Humanities is required to publish, in April and October of each year, an agenda of proposed regulations that the

Endowment has issued or expects to issue and current rules that are under agency review.

FOR FURTHER INFORMATION CONTACT: Michael S. Shapiro, General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW., Washington, DC 20506, (202) 606-8322.

Sheldon Hackney, *Chairman.*

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH)

Prerule Stage

4101. STANDARDS OF CONDUCT OF EMPLOYEES

Legal Authority: 5 CFR 735; 5 CFR 2635 (Proposed Revision); EO 12674; 18 USC 207 to 209; Ethics Reform Act of 1989

CFR Citation: 45 CFR 1105

Legal Deadline: None

Abstract: To repeal affected portions of agency regulation superseded by governmentwide OGE standards of ethical conduct and to supplement, as necessary:

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David C. Fisher, Deputy General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202 606-8322

RIN: 3136-AA18

general updating of the Privacy regulations.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

4102. • PRIVACY ACT REGULATIONS

Legal Authority: 5 USC 552a(F)

CFR Citation: 45 CFR 1115

Legal Deadline: None

Abstract: To amend the current Privacy Act regulations for the purpose of adding a new system of records for "Office of Inspector General Investigative Files" and to perform a

Agency Contact: David C. Fisher, Deputy General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202 606-8322

RIN: 3136-AA18

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH)

Proposed Rule Stage

4103. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES

Legal Authority: 42 USC 2000(d) to 2000(d)(4)

CFR Citation: 45 CFR 1110; 45 CFR 1173

Legal Deadline: None

Abstract: This proposed regulation implements title VI of the Civil Rights Act of 1984, which prohibits discrimination on the basis of race, color, or national origin in federally assisted programs and activities, with respect to programs and activities receiving Federal financial assistance from the National Endowment for the Humanities.

Programs and activities receiving Federal financial assistance from the National Endowment for the

Humanities are currently covered by a regulation implementing title VI that was issued by the National Foundation on the Arts and the Humanities in 1973 (45 CFR 1110). The proposed rule will remove NEH programs from the coverage of the earlier rule and replace it with a new part applicable only to NEH-assisted programs and activities. Programs and activities assisted by the National Endowment for the Arts remain covered under the existing regulation.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Margaret Horne, EEO Officer, National Endowment for the

Humanities, 1100 Pennsylvania Avenue NW., Room 817, Washington, DC 20506, 202 606-8399

RIN: 3136-AA11

4104. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: 20 USC 959(a)(1)

CFR Citation: 45 CFR 1174

Legal Deadline: None

Abstract: To propose a common rule to be implemented by various agencies to establish uniformity and consistency in the administration of grants and cooperative agreements to State and local governments.

NEH **Proposed Rule Stage**

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/04/88 | 53 FR 44710 |
| NPRM Comment Period End | 01/03/89 | |
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined
Government Levels Affected: Local, State
Agency Contact: David C. Fisher, Deputy General Counsel, National Endowment for the Humanities, 1100

Pennsylvania Avenue NW., Washington, DC 20506, 202 606-8322
RIN: 3136-AA17

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) **Final Rule Stage**

4105. IMPLEMENTATION OF TITLE IX OF THE EDUCATION ACT AMENDMENTS OF 1972

Legal Authority: 20 USC 1681

CFR Citation: 41 CFR 1171

Legal Deadline: None

Abstract: The proposed regulation implements title IX of the Education Act Amendments of 1972, which prohibit discrimination or denial of benefits on the basis of sex under any educational program or activity receiving Federal financial assistance.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None
Agency Contact: Margaret Horne, EEO Officer, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW., Room 817, Washington, DC 20506, 202 606-8399
RIN: 3136-AA14

4106. GOVERNMENT GUIDANCE FOR RESTRICTIONS ON INFLUENCING ACTIVITIES

Significance: Regulatory Program
Legal Authority: PL 101-121, sec 319
CFR Citation: 45 CFR 1158

Legal Deadline: None

Abstract: Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using

appropriation funds for influencing the executive or legislative branches.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 6736 |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: David C. Fisher, Deputy General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202 606-8322

RIN: 3136-AA15

[FR Doc. 93-21809 Filed 10-22-93; 8:45 am]
BILLING CODE 7530-01-F

Federal Register

**Monday
October 25, 1993**

Part XXXI

**National Science
Foundation**

Semiannual Regulatory Agenda

NATIONAL SCIENCE FOUNDATION (NSF)

NATIONAL SCIENCE FOUNDATION

45 CFR Ch. VI

Regulatory Agenda

AGENCY: National Science Foundation.

ACTION: Regulatory agenda.

SUMMARY: The National Science Foundation is publishing its October

1993 regulatory agenda pursuant to Executive Order 12291 "Federal Regulation," 3 CFR, 1981 Comp., p. 127; the Regulatory Flexibility Act, 5 U.S.C. 601-612; and the Office of Management and Budget Memorandum for Regulatory Contacts at Executive Departments and Establishments (June 14, 1993).

FOR FURTHER INFORMATION CONTACT: For additional information on a particular

item, call or write the individual identified as agency contact. General comments or inquiries about this agenda may be directed to Vicki L. De Hullu, Office of the General Counsel, National Science Foundation, Washington, DC 20550, (202) 357-9435.

Dated: August 23, 1993.

Vicki L. De Hullu,
Legal Office Administrator.

NATIONAL SCIENCE FOUNDATION (NSF)

Proposed Rule Stage

4107. CONFLICT OF INTEREST/ETHICS STANDARDS, REPORTING REQUIREMENTS, TRAINING

Legal Authority: 5 USC 7351; 5 USC 7353; 5 USC app III; 5 USC app IV; EO 12674; 5 CFR 2634; 5 CFR 2635; 5 CFR 2638

CFR Citation: 45 CFR 680 to 685

Legal Deadline: None

Abstract: NSF regulations governing its Conflicts of Interest/Ethics Program will be revised to conform to anticipated revised regulations from the Office of Government Ethics.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Charles S. Brown, Assistant General Counsel, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, 202 357-9435

RIN: 3145-AA20

4108. • CLAIMS COLLECTION AND ADMINISTRATIVE OFFSET

Legal Authority: 31 USC 3711; 31 USC 3716; 31 USC 3718; 31 USC 3720A

CFR Citation: 45 CFR 608

Legal Deadline: None

Abstract: Provide a regulatory framework under which the National Science Foundation can utilize the claim collection authorities of 31 USC 3711, 3716, 1718, and 3720A, and participate in various interagency cooperative programs designed to improve the ability of Federal agencies

to collect debts with due regard to appropriate procedural safeguards. No other alternatives are being considered. Costs are minimal, although given the nature of NSF programs the benefits will also probably be minor.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/02/93 | 58 FR 46600 |
| NPRM Comment | 10/04/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jesse E. Lasken, Assistant General Counsel, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, 202 357-9435

RIN: 3145-AA23

4109. • SALARY OFFSET

Legal Authority: 5 USC 5514; 5 CFR 55D, subpart K; EO 12107

CFR Citation: 45 CFR 607

Legal Deadline: None

Abstract: Implements the collection procedures of the Debt Collection Act authorizing salary offset to collect debts of Federal employees. No other alternatives are available, unless an employee agrees to a voluntary refund. The costs of the program are minimal and allow for a speedy collection in lieu of litigation.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/02/93 | 58 FR 46597 |
| NPRM Comment | 10/04/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jesse E. Lasken, Assistant General Counsel, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, 202 357-9435

RIN: 3145-AA24

4110. • AMENDMENT TO ENVIRONMENTAL ASSESSMENT PROCEDURES FOR PROPOSED NATIONAL SCIENCE FOUNDATION ACTIVITIES IN ANTARCTICA

Legal Authority: 42 USC 4371 et seq, Nat. Enviro. Policy Act of 1970, as amended; 40 CFR 1500 to 1508, CEQ Regulations; EO 12114

CFR Citation: 45 CFR 641

Legal Deadline: None

Abstract: NSF's existing environmental assessment procedures for proposed National Science Foundation activities in Antarctica will be amended to take into account the requirements of the National Environmental Policy Act.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Miriam Leder, Assistant General Counsel, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, 202 357-9435

RIN: 3145-AA25

NATIONAL SCIENCE FOUNDATION (NSF)

Final Rule Stage

4111. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 31 USC 1352; PL 100-121, sec 319

CFR Citation: 45 CFR 604

Legal Deadline: None

Abstract: Section 1352 of title 31 of the United States Code, enacted on October 23, 1989, imposes limitations

on the use of appropriated funds to influence certain Federal contracting and financial transactions. National Science Foundation regulations implementing that statute will follow the governmentwide model now being developed.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 6736 |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Herman Flemming, Policy Analyst, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 2230, 202 357-7880

RIN: 3145-AA17

NATIONAL SCIENCE FOUNDATION (NSF)

Completed Actions

4112. CONSERVATION OF ANTARCTIC ANIMALS AND PLANTS; WASTE REGULATION, ENFORCEMENT, AND HEARING PROCEDURES

Significance: Agency Priority

CFR Citation: 45 CFR 670 to 672

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 08/15/93 | 58 FR 34713 |

Small Entities Affected: None

Government Levels Affected: Federal
Agency Contact: Miriam Leder, 202 357-9435

RIN: 3145-AA15
[FR Doc. 93-21450 Filed 10-22-93; 8:45 am]
BILLING CODE 7555-01-F

Federal Register

Monday
October 25, 1993

Part XXXII

Office of
Government Ethics

Semiannual Regulatory Agenda

OFFICE OF GOVERNMENT ETHICS (OGE)

**OFFICE OF GOVERNMENT ETHICS
5 CFR Ch. XVI**

**Semiannual Regulatory Agenda,
October 1993**

AGENCY: Office of Government Ethics.

ACTION: Semiannual agenda of substantive regulations.

SUMMARY: The following Office of Government Ethics (OGE) substantive regulations are scheduled for development or review during the period from October 1, 1993, through September 30, 1994. This agenda fulfills OGE's responsibility to publish a semiannual regulatory agenda under

Executive Order 12291 "Federal Regulation" and has been prepared in accordance with guidance received from the Office of Management and Budget. None of the OGE regulations in this October 1993 agenda will have a significant economic impact on a substantial number of small entities as defined under the Regulatory Flexibility Act, 5 U.S.C. chapter 6. In addition, none of the listed OGE regulatory actions are major rules under E.O. 12291 nor procurement-related. Furthermore, the organizational and procedural rules of OGE are not listed herein (see section 1(a)(3) of E.O. 12291).

This publication in the Federal Register does not impose a binding

obligation on the Office of Government Ethics with respect to any particular item on its agenda. The dates shown for the future steps of each action are estimates and not commitments to act by the date shown. Moreover, other substantive OGE regulatory actions, in addition to the entries listed, are not precluded.

FOR FURTHER INFORMATION CONTACT: William E. Gressman, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917; telephone (202) 523-5757, FAX: (202) 523-6325.

Approved: August 27, 1993.
Stephen D. Potts,
Director, Office of Government Ethics.

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4113 | Standards of Ethical Conduct for Employees of the Executive Branch | 3209-AA04 |
| 4114 | Executive Agency Ethics Training Programs | 3209-AA07 |
| 4115 | Interpretation of 18 USC 209, the Constraint Against Private Supplementation of Salaries of Executive Branch Officials and Employees | 3209-AA12 |
| 4116 | Interpretation, Exemptions, and Waiver Guidance Concerning 18 USC 208 (Acts Affecting a Personal Financial Interest) | 3209-AA09 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4117 | Financial Disclosure, Qualified Trusts, and Certificates of Divestiture for Executive Branch Employees | 3209-AA00 |
| 4118 | Public Financial Disclosure, Conflicts of Interest, and Certificates of Divestiture for Executive Branch Officials | 3209-AA06 |
| 4119 | Executive Agency Supplemental Financial Disclosure Regulations Issued Jointly With the Concurrence of the Office of Government Ethics | 3209-AA16 |
| 4120 | Executive Agency Supplemental Standards of Ethical Conduct Regulations Issued Jointly With the Concurrence of the Office of Government Ethics | 3209-AA15 |
| 4121 | Limitations on Outside Employment and Prohibition of Honoraria; Confidential Reporting of Payments to Charities In Lieu of Honoraria | 3209-AA13 |
| 4122 | Post-Employment Conflict of Interest Restrictions | 3209-AA14 |

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4123 | Interpretation of 18 USC 208, Acts Affecting a Personal Financial Interest | 3209-AA11 |

OFFICE OF GOVERNMENT ETHICS (OGE)

Proposed Rule Stage

4113. STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH

Significance: Agency Priority

Legal Authority: 5 USC 7301; 5 USC 7351; 5 USC 7353; 5 USC app (Ethics in Government Act of 1978); EO 12674; EO 12731

CFR Citation: 5 CFR 2635 (New & Revision)

Legal Deadline: None

Abstract: New regulation implementing certain provisions of Executive Order 12674 on Principles of Ethical Conduct, as modified by EO 12731, and the Ethics Reform Act of 1989 (Pub. L. 101-194), as amended, has, effective February 3, 1993, superseded executive branch employee conduct and gifts rules of prior 5 CFR part 735, subparts A (except old section 735.106, separately superseded along with subpart D thereof -- see RIN 3209-AA00), B, and C, and the interim gifts rule at old 5 CFR 2635.101, as well as pertinent portions of agency conduct regulations issued thereunder.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 07/29/91 | 56 FR 33778 |
| NPRM Comment Period End | 09/20/91 | |
| Final Overall Regulation on Standards of Ethical Conduct | 09/07/92 | 57 FR 35006 |
| Correction | 10/27/92 | 57 FR 48567 |
| Correction | 11/04/92 | 57 FR 52569 |
| NPRM on Participation in Professional Associations | 08/08/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Leslie L. Wilcox, Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209-AA04

4114. EXECUTIVE AGENCY ETHICS TRAINING PROGRAMS

Significance: Agency Priority

Legal Authority: 5 USC app (Ethics in Government Act of 1978); EO 12674; EO 12731

CFR Citation: 5 CFR 2638.701 to 2638.704 (New)

Legal Deadline: None

Abstract: Regulation specifying the responsibilities of executive branch agencies and their designated agency ethics officials to develop and implement orientation and annual ethics training courses and to distribute appropriate guidance materials to their employees under sections 301(b) and (c) of E.O. 12674, as modified by E.O. 12731. Also requires agencies to submit annual ethics training plans to the Office of Government Ethics for review.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 09/18/90 | 55 FR 38335 |
| NPRM Comment Period End | 11/17/90 | |
| Final Rule on Executive Agency Ethics Training Programs | 04/07/92 | 57 FR 11886 |
| Correction | 04/27/92 | 57 FR 15219 |
| Amendment | 12/10/92 | 57 FR 58899 |
| Correction | 12/28/92 | 57 FR 61612 |
| Proposed Amendment | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John C. Condry, Chief, Educational Design Division, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209-AA07

4115. INTERPRETATION OF 18 USC 209, THE CONSTRAINT AGAINST PRIVATE SUPPLEMENTATION OF SALARIES OF EXECUTIVE BRANCH OFFICIALS AND EMPLOYEES

Significance: Agency Priority

Legal Authority: 5 USC app (Ethics in Government Act of 1978, title IV); EO 12674; EO 12731

CFR Citation: 5 CFR 2639 (New)

Legal Deadline: None

Abstract: Proposed regulation to interpret section 209 of title 18, U.S.C., prohibiting the private supplementation of the Government salary of executive branch officers and employees.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 08/08/94 | |
| NPRM Comment Period End | 08/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stephen J. McCleary, Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209-AA12

4116. INTERPRETATION, EXEMPTIONS, AND WAIVER GUIDANCE CONCERNING 18 USC 208 (ACTS AFFECTING A PERSONAL FINANCIAL INTEREST)

Significance: Agency Priority

Legal Authority: 18 USC 208; 5 USC app (Ethics in Government Act of 1978, title IV); EO 12674; EO 12731

CFR Citation: 5 CFR 2640 (New)

Legal Deadline: None

Abstract: Proposed regulation will interpret section 208(a) of title 18, U.S.C., which prohibits officers and employees of the executive branch from officially participating personally and substantially in a particular matter in which there is a personal financial interest or a financial interest of a related person or organization (absent a waiver under 18 U.S.C. 208(b)). It will also list and describe interests which are considered to be too remote or too inconsequential to affect the integrity of the services of executive branch officers or employees, in accordance with 18 U.S.C. 208(b)(2). Such interests will be exempt from the restrictions of 18 U.S.C. 208(a), generally requiring disqualification. The proposed regulation will also provide guidance to executive branch agencies as to the kinds of interests that are not so substantial as to be deemed likely to affect the integrity of the services the Government may expect from an employee and which, therefore, may be waived from the general rule of disqualification under 18 U.S.C. 208(a) pursuant to 18 U.S.C. 208(b)(1). In addition, guidance will be (cont)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 03/00/94 | |
| NPRM Comment Period End | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: RIN 3209-AA11 was merged into this regulation on August 11, 1993.

OGE Proposed Rule Stage

| | | |
|---|---|--|
| <p>ABSTRACT CONT: provided concerning the issuance of waivers to special Government employee advisory</p> | <p>committee members pursuant to 18 U.S.C. 208(b)(3). Agency Contact: Marilyn L. Glynn, Associate General Counsel, Office of</p> | <p>Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917, 202 523-5757 RIN: 3209-AA09</p> |
|---|---|--|

OFFICE OF GOVERNMENT ETHICS (OGE) Final Rule Stage

4117. FINANCIAL DISCLOSURE, QUALIFIED TRUSTS, AND CERTIFICATES OF DIVESTITURE FOR EXECUTIVE BRANCH EMPLOYEES

Significance: Agency Priority
Legal Authority: 5 USC app (Ethics in Government Act of 1978); 26 USC 1043; EO 12674; EO 12731
CFR Citation: 5 CFR 2634 (New & Revision); 5 CFR 735.106 (Revision); 5 CFR 735.401 to 735.412 (Revision)
Legal Deadline: None

Abstract: Regulation revising the executive branch public and confidential financial disclosure report systems for high-level officials and certain midlevel employees, respectively, in light of the changes to the Ethics in Government Act effected by the Ethics Reform Act of 1989 (Pub. L. 101-194), as amended, including by Pub. L. 101-280 and sections 313 and 314 of Pub. L. 102-90. The new disclosure provisions apply to reports filed since January 1, 1991. Subpart I of the regulation has, effective October 5, 1992, superseded prior 5 CFR part 735, subpart D (and 5 CFR 735.106), along with executive agency regulations thereunder, and established a revised system of confidential reporting, modeled generally on the public reporting system, for executive branch agency midlevel employees with sensitive duties and special Government employees.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 12/02/86 | 51 FR 43359 |
| Interim Final Rule | 04/07/92 | 57 FR 11800 |
| Correction | 05/22/92 | 57 FR 21854 |
| Correction | 12/31/92 | 57 FR 62605 |
| Revised Interim Final Rule | 07/21/93 | 58 FR 38911 |
| Proposed Amendment to Interim Final Rule | 09/01/93 | 58 FR 46096 |
| Technical Amendments to Interim Final Rule | 11/00/93 | |
| Final Action | 08/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: G. Sid Smith, Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209-AA00

4118. PUBLIC FINANCIAL DISCLOSURE, CONFLICTS OF INTEREST, AND CERTIFICATES OF DIVESTITURE FOR EXECUTIVE BRANCH OFFICIALS

Significance: Agency Priority
Legal Authority: 5 USC app (Ethics in Government Act of 1978); 26 USC 1043
CFR Citation: 5 CFR 2634.1001 to 2634.1004
Legal Deadline: None

Abstract: Regulation implementing a provision of the Ethics Reform Act of 1989 (Pub. L. 101-194), as amended by Pub. L. 101-280, providing for tax deferral if sale of property by an executive branch official (or related person) is deemed necessary to comply with conflict of interest requirements pursuant to a certificate of divestiture issued by the Office of Government Ethics.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 04/18/90 | 55 FR 14407 |
| Final Action | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Norman B. Smith, Senior Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209-AA06

4119. EXECUTIVE AGENCY SUPPLEMENTAL FINANCIAL DISCLOSURE REGULATIONS ISSUED JOINTLY WITH THE CONCURRENCE OF THE OFFICE OF GOVERNMENT ETHICS

Significance: Agency Priority
Legal Authority: 5 USC 7301; 5 USC app (Ethics in Government Act of 1978); 26 USC 1043; EO 12674; EO 12731; 5 CFR 2634.104

CFR Citation: 5 CFR 2634; 5 CFR ch XXI et seq
Legal Deadline: None

Abstract: The supplemental executive agency financial disclosure regulations, to be issued jointly with the concurrence of the Office of Government Ethics (OGE) at agency expense in new chapters at the end of 5 CFR, after OGE approval, will supplement the new OGE executive branch financial disclosure regulations, as codified in 5 CFR part 2634. The supplemental regulations, to be issued in accordance with sections 201(d) and 301(a) of EO 12674, as modified by EO 12731, will set forth those agency-specific provisions as are needed under particular laws and regulations in order to complement the executive branch-wide financial disclosure provisions.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|---------------|
| Final Action | 02/00/95 | |
| FDIC Employees (5 CFR Ch. XXII) | | |
| Interim Final Rule | 07/26/93 | (58 FR 39625) |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: G. Sid Smith, Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209-AA16

OGE

Final Rule Stage

4120. EXECUTIVE AGENCY SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT REGULATIONS ISSUED JOINTLY WITH THE CONCURRENCE OF THE OFFICE OF GOVERNMENT ETHICS

Significance: Agency Priority

Legal Authority: 5 USC 7301; 5 USC app (Ethics in Government Act of 1978); EO 12674; EO 12731; 5 CFR 2635.105

CFR Citation: 5 CFR 2635; 5 CFR ch XXI et seq

Legal Deadline: None

Abstract: The supplemental executive agency standards of ethical conduct regulations, to be issued jointly with the concurrence of the Office of Government Ethics (OGE) at agency expense in new chapters at the end of 5 CFR, after OGE approval, will supplement the new OGE executive branch standards of ethical conduct, as codified at 5 CFR part 2635. The supplemental regulations, to be issued in accordance with section 201(a) and 301(a) of EO 12674, as modified by EO 12731, will set forth those agency-specific provisions under applicable law and regulation, such as restrictions on holding certain financial interests and designation of departmental subunits, which are needed to round out the executive branch-wide ethical standards for employees of particular departments and agencies.

Timetable:

| Action | Date | FR Cite |
|------------------------------------|----------|---------------|
| Final Action | 02/00/95 | |
| FTC Employees (5 CFR Ch. XLVII) | | |
| Interim Final Rule | 05/27/93 | (58 FR 30695) |
| ICC Employees (5 CFR Ch. XL) | | |
| Final Action | 08/06/93 | (58 FR 41889) |
| OPIC Employees (5 CFR Ch. XXXIII) | | |
| Interim Final Rule | 06/17/93 | (58 FR 33319) |
| PRC Employees (5 CFR Ch. XLVI) | | |
| Final Rule | 08/12/93 | (58 FR 42839) |
| Treasury Employees (5 CFR Ch. XXI) | | |
| NPRM | 08/03/93 | (58 FR 41193) |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Leslie L. Wilcox, Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209-AA15

4121. LIMITATIONS ON OUTSIDE EMPLOYMENT AND PROHIBITION OF HONORARIA; CONFIDENTIAL REPORTING OF PAYMENTS TO CHARITIES IN LIEU OF HONORARIA

Significance: Agency Priority

Legal Authority: 5 USC app (Ethics in Government Act of 1978); EO 12674; EO 12671

CFR Citation: 5 CFR 2636

Legal Deadline: None

Abstract: Regulation implementing the prohibition on honoraria as well as the new limitations on outside employment, as provided in the Ethics in Government Act, as amended by the 1989 Ethics Reform Act (Pub. L. 101-194) and Pub. L. 101-280, effective January 1, 1991, and section 314(b) of Pub. L. 102-90, effective January 1, 1992. A separate provision (not yet effective) of the regulation will govern reports by executive branch officials of payments, in lieu of honoraria, donated to charities.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Interim Final Rule | 01/17/91 | 56 FR 1721 |
| Deferral of Effective Date of 5 CFR 2636.205 | 05/10/91 | 56 FR 21589 |
| Deferral of Effective Date of 5 CFR 2636.205 | 10/11/91 | 56 FR 51319 |
| Revision of Honorarium Definition in 5 CFR 2636.203(a) | 01/08/92 | 57 FR 601 |
| Deferral of Effective Date of 5 CFR 2636.205 | 02/14/92 | 57 FR 5369 |
| Amendments to Interim Final Rule | 01/00/94 | |
| Make 5 CFR 2636.205 Effective | 01/00/94 | |
| Final Action | 12/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Leslie L. Wilcox, Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209-AA13

4122. POST-EMPLOYMENT CONFLICT OF INTEREST RESTRICTIONS

Significance: Agency Priority

Legal Authority: 5 USC app (Ethics in Government Act of 1978, secs 402 & 404); 18 USC 207; EO 12674; EO 12731

CFR Citation: 5 CFR 2641; 5 CFR 2637 (Continuation)

Legal Deadline: None

Abstract: Interpretive regulation giving guidance for the executive branch on the various substantive restrictions of the current version of the post-Government employment conflict of interest statute 18 U.S.C. 207, which became effective January 1, 1991, pursuant to title I of the Ethics Reform Act of 1989 (Pub. L. 101-194), as amended. Parts of the regulation, dealing with procedures for waivers by the Office of Government Ethics of certain senior official constraints (based on executive agency hardship), designated senior employees, and separate agency designations, have already been published in the Federal Register. The Office of Government Ethics also has continued to publish in the CFR the interpretive regulation, 5 CFR part 2637 (but now without the no-longer-effective former Senior Employee and old agency component designation listings), under the lifetime bar of the prior version of the post-employment law which still applies to executive branch employees who left the Government before January 1, 1991.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Interim Final Rule | 02/01/91 | 56 FR 3951 |
| Designation of Senior Employees and Separate Agency Components | 01/28/92 | 57 FR 3115 |
| Designation of Additional Separate Agency Component | 04/07/92 | 57 FR 11673 |
| Amendment to Prior Post-employment Regulation (Part 2637) | 12/31/92 | 57 FR 62467 |
| Amendment to Interim Final Rule (Part 2641) | 06/21/93 | 58 FR 33755 |
| Interim Final Rule | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Julia Loring Eirinberg, Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917, 202 523-5757

RIN: 3209-AA14

OFFICE OF GOVERNMENT ETHICS (OGE)

Completed Actions

4123. INTERPRETATION OF 18 USC 208, ACTS AFFECTING A PERSONAL FINANCIAL INTEREST**Significance:** Agency Priority**Legal Authority:** 5 USC app (Ethics in Government Act of 1978, title IV); EO 12674; EO 12731**CFR Citation:** 5 CFR 2640 (New)**Legal Deadline:** None**Abstract:** Proposed regulation to interpret section 208(a) of title 18,

U.S.C., which prohibits officers and employees of the executive branch from officially participating personally and substantially in a particular matter in which there is a personal financial interest or a financial interest of a related person or organization (absent a waiver under 18 U.S.C. 208(b)).

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|---------|
| Merged into RIN 3209-AA09 | 08/11/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Marilyn L. Glynn, Associate General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917, 202 523-5757**RIN:** 3209-AA11

[FR Doc. 93-21810 Filed 10-22-93; 8:45 am]

BILLING CODE 6345-01-F

Federal Register

Monday
October 25, 1993

Part XXXIII

Office of
Management and
Budget

Semiannual Regulatory Agenda

OFFICE OF MANAGEMENT AND BUDGET (OMB)

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Ch. III and 48 CFR Ch. 99

Federal Regulations; OMB Circulars, OFPP Policy Letters, and CASB Cost Accounting Standards Included in the Semiannual Agenda of Federal Activities

AGENCY: Office of Management and Budget.

ACTION: Publication of semiannual agenda.

SUMMARY: The Office of Management and Budget (OMB) is publishing its semiannual agenda of upcoming activities for OMB Circulars, Office of Federal Procurement Policy (OFPP) Policy Letters, and Cost Accounting Standards Board (CASB) Cost Accounting Standards.

OMB Circulars and OFPP Policy Letters are published in accordance

with OMB's internal procedures for implementing Executive Order No. 12291. OMB policy guidelines are issued under authority derived from several sources including: Subtitles I, II, and V of title 31, United States Code; Executive Order No. 11541; and other specific authority as cited. OMB Circulars and OFPP Policy Letters communicate guidance, instructions, and information of a continuing nature to executive branch agencies. As such, OMB Circulars and OFPP Policy Letters are not regulations. Nonetheless, because these issuances are typically of public interest, they are generally published in the **Federal Register** in both proposed (for public comment) and final stages. For this reason, they are presented below in the standard format of "prerule," "proposed rule," and "final rule" stages.

CASB Cost Accounting Standards are issued under authority derived from 41 U.S.C. 422. Cost Accounting Standards

are rules governing the measurement, assignment, and allocation of costs to contracts with the United States Government.

For purposes of this agenda, we have excluded directives that outline procedures to be followed in connection with the President's budget and legislative programs and directives that affect only the internal functions, management, or personnel of Federal agencies.

FOR FURTHER INFORMATION CONTACT: See agency person listed for each entry in the agenda, c/o Office of Management and Budget, Washington, DC 20503. On the overall agenda, contact John B. Arthur, (202) 395-7250, at the above address.

Dated: September 15, 1993.

Office of Management and Budget.
John B. Arthur,
Assistant Director for Administration.

Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4124 | Performance of Commercial Activities (Circular No. A-76) | 0348-AA45 |
| 4125 | Recognition and Pricing of Changing Capital Asset Values Resulting From Mergers and Business Combinations | 0348-AB20 |

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4126 | Audit Followup (Circular No. A-50) | 0348-AB09 |
| 4127 | A Guide for Writing and Administering Performance Statements of Work for Service Contracts (OFPP Pamphlet No. 4) | 0348-AA34 |
| 4128 | Major System Acquisitions (Circular No. A-109) | 0348-AA97 |
| 4129 | Cost Principles for Nonprofit Organizations (Circular No. A-122) | 0348-AB01 |
| 4130 | Internal Control Systems (Circular No. A-123) | 0348-AB02 |
| 4131 | Audits of State and Local Governments (Circular No. A-128) | 0348-AA90 |
| 4132 | Statistical Policy Directives | 0348-AA43 |
| 4133 | Unfunded Pension Costs | 0348-AB18 |
| 4134 | Accounting for the Pricing of Fully Funded Defined Benefit Pension Plans in Government Contracts | 0348-AB21 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4135 | Policy Governing Charges for Rental Quarters and Other Facilities (Circular No. A-45) | 0348-AA85 |
| 4136 | Cost Principles for State and Local Governments (Circular No. A-87) | 0348-AA83 |
| 4137 | Indirect Cost Rates, Audit and Audit Followup at Educational Institutions (Circular No. A-88) | 0348-AB07 |
| 4138 | Uniform Requirements for Assistance to State and Local Governments (Circular No. A-102) | 0348-AA96 |
| 4139 | Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations (Circular No. A-110) | 0348-AA98 |

OMB

Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4140 | Federal Participation in the Development and Use of Voluntary Standards (Circular No. A-119) | 0348-AA99 |
| 4141 | Guidelines for the Use of Advisory and Assistance Services (Circular A-120) | 0348-AB00 |
| 4142 | Policies on Management of Federal Information Resources (Circular No. A-130) | 0348-AA76 |
| 4143 | Application of Cost Accounting Standards to Colleges and Universities | 0348-AB16 |
| 4144 | Thresholds for Cost Accounting Standards Coverage | 0348-AB17 |
| 4145 | Automated Procurement Systems (OFPP Policy Letter) | 0348-AB11 |
| 4146 | Management Oversight of Service Contracting (OFPP Policy Letter) | 0348-AB13 |

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4147 | Policies on Government Publications (Circular No. A-3) | 0348-AA77 |
| 4148 | Cost Principles for Educational Institutions (Circular No. A-21) | 0348-AA93 |
| 4149 | Federal Government User Charges Policy (Circular No. A-25) | 0348-AA41 |
| 4150 | Management of Federal Audiovisual Activities (Circular No. A-114) | 0348-AA84 |
| 4151 | Financial Management Systems (Circular No. A-127) | 0348-AA89 |
| 4152 | Value Engineering (Circular No. A-131) | 0348-AB10 |

OFFICE OF MANAGEMENT AND BUDGET (OMB)

Prerule Stage

4124. PERFORMANCE OF COMMERCIAL ACTIVITIES (CIRCULAR NO. A-76)

Legal Authority: 31 USC 503(b); 31 USC 1111; 31 USC 1114(a); 41 USC 405(a), sec 6(a), The OFPP Act, as amended; EO 8248, sec 2, as amended; Reorganization Plan No. 2 of 1970; EO 11541, sec 1, as amended; EO 12615, sec 2

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-76, last revised in August 1983, sets forth the policy of acquiring commercial products and services from the private sector, and provides guidance on the development of performance work statements and on comparing the cost of Government performance with contractor performance. This Circular is currently under review to incorporate changes including those recommended by the President's Council for Management Improvement.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Under Review | 00/00/00 | |

Small Entities Affected: Businesses
Government Levels Affected: Federal
Agency Contact: David C. Childs, Policy Analyst, Office of Management and Budget, General Management Division, Washington, DC 20503, 202 395-6104

RIN: 0348-AA45

4125. RECOGNITION AND PRICING OF CHANGING CAPITAL ASSET VALUES RESULTING FROM MERGERS AND BUSINESS COMBINATIONS

Legal Authority: 41 USC 422

CFR Citation: 48 CFR ch 99

Legal Deadline: None

Abstract: This rule deals with the measurement and assignment of the costs resulting from the recognition of

changing capital asset values established subsequent to mergers and business combinations by Government contractors.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Rein Abel, Director of Research, Cost Accounting Standards Board, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, 202 395-3254

RIN: 0348-AB20

OFFICE OF MANAGEMENT AND BUDGET (OMB)

Proposed Rule Stage

4126. AUDIT FOLLOWUP (CIRCULAR NO. A-50)

Legal Authority: PL 100-504, Amending the Inspector General Act of 1978

CFR Citation: None

Legal Deadline: None

Abstract: The revision of Circular A-50 is to incorporate management reporting requirements and definitions contained in P.L. 100-504.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|---------|
| Proposed Revision | 11/00/93 | |
| Final Revision | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Kathleen Turco, Management Analyst, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503, 202 395-6911

RIN: 0348-AB09

4127. A GUIDE FOR WRITING AND ADMINISTERING PERFORMANCE STATEMENTS OF WORK FOR SERVICE CONTRACTS (OFPP PAMPHLET NO. 4)

Legal Authority: 31 USC 1112; 31 USC 1114; 41 USC 401 et seq

CFR Citation: None

Legal Deadline: None

Abstract: Proposed revision of A-76 no longer includes this as part of its mandatory documentation. OFPP Pamphlet No. 4 will be withdrawn upon publication of the revised OMB Circular A-76.

Timetable:

| Action | Date | FR Cite |
|-----------------|----------|---------|
| To Be Withdrawn | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Linda Mesaros, Management Analyst, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, 202 395-4821

RIN: 0348-AA34

CFR Citation: 48 CFR 1

Legal Deadline: None

Abstract: OMB Circular No. A-109 is intended to ensure the effectiveness and efficiency of the Major System Acquisition Process. The Circular is being revised to incorporate statutory, policy and management changes that have occurred since it was first issued in 1976.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Request for Public Comment on Existing Circular | 07/03/91 | 56 FR 30601 |
| Publish Proposed Circular for Comment | 12/00/93 | |
| Issue Revised Circular | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Wayne Amchin, Management Analyst, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, 202 395-4908

RIN: 0348-AA97

4129. COST PRINCIPLES FOR NONPROFIT ORGANIZATIONS (CIRCULAR NO. A-122)

Legal Authority: PL 101-576, sec 503(a) and (b), CFO Act of 1990

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This review will update the Circular.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|---------|
| Proposed Revision | 03/00/94 | |
| Final Revision | 06/00/94 | |

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Jack Sheehan, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503, 202 395-3993

RIN: 0348-AB01

4130. INTERNAL CONTROL SYSTEMS (CIRCULAR NO. A-123)

Legal Authority: PL 97-255 Federal Managers' Financial Integrity Act; 31 USC 3512

CFR Citation: Not applicable

Legal Deadline: None

Abstract: OMB Circular A-123 implements the Federal Managers' Financial Integrity Act (FMFLA) and establishes policies and procedures for internal control reviews. The Circular will be reviewed for opportunities to simplify the internal control process.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|---------|
| Proposed Revision | 12/00/93 | |
| Final Revision | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Wendy Zenker, Management Analyst, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503, 202 395-6911

RIN: 0348-AB02

4131. AUDITS OF STATE AND LOCAL GOVERNMENTS (CIRCULAR NO. A-128)

Legal Authority: 31 USC 7501; 31 USC 1111

CFR Citation: None

Legal Deadline: None

Abstract: This Circular establishes requirements for audits of State and Local Governments.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|---------|
| Proposed Revision | 03/00/94 | |
| Final Revision | 09/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Palmer Marcantonio, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503, 202 395-3993

RIN: 0348-AA90

4132. STATISTICAL POLICY DIRECTIVES

Legal Authority: 31 USC 1104(d); 44 USC 3504(d)(4)

4128. MAJOR SYSTEM ACQUISITIONS (CIRCULAR NO. A-109)

Legal Authority: 31 USC 1111; 41 USC 405

OMB

Proposed Rule Stage

CFR Citation: None

Legal Deadline: None

Abstract: The Directives give general policies for gathering, compiling, analyzing, publishing, and disseminating statistical information by the agencies in the Executive Branch of the Federal Government. A draft Circular was issued for public comment on January 20, 1988. The public comment period was subsequently extended to July 15, 1988. A revised draft circular is planned to be issued for public comment by April 1994. The final circular is planned for December 1994.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|------------|
| Draft Circular for Public Comment | 01/20/88 | 53 FR 1542 |
| Revised Draft for Public Comment | 04/00/94 | |
| Final Circular | 12/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Katherine Wallman, Chief, Statistical Policy, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, 202 395-3093

RIN: 0348-AA43

4133. UNFUNDED PENSION COSTS

Legal Authority: 41 USC 422

CFR Citation: 48 CFR ch 99

Legal Deadline: None

Abstract: This rule deals with the treatment of pension costs attributable to unfunded government contractor pension plans.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|------------|
| ANPRM | 01/26/93 | 58 FR 6103 |
| ANPRM Comment Period End | 04/12/93 | 58 FR 6103 |
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

Agency Contact: Robert Lynch, Project Director, Cost Accounting Standards Board, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, 202 395-3254

RIN: 0348-AB18

4134. ACCOUNTING FOR THE PRICING OF FULLY FUNDED DEFINED BENEFIT PENSION PLANS IN GOVERNMENT CONTRACTS

Legal Authority: 41 USC 422

CFR Citation: 48 CFR ch 99

Legal Deadline: None

Abstract: This rule deals with the measurement and assignment of the costs of defined benefit pension plans, to Government contracts, in situations in which plan funding has been subject to certain limitations prescribed in the Internal Revenue Code under the Omnibus Budget Reconciliation Act of 1987, PL 100-203, 101 Stat 1330-1331, as well as the 1986 Tax Reform Act, PL 99-514, 100 Stat 2085.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|------------|
| ANPRM | 01/26/93 | 58 FR 6103 |
| ANPRM Comment Period End | 04/12/93 | 58 FR 6103 |
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Robert Lynch, Project Director, Cost Accounting Standards Board, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, 202 395-3254

RIN: 0348-AB21

OFFICE OF MANAGEMENT AND BUDGET (OMB)

Final Rule Stage

4135. POLICY GOVERNING CHARGES FOR RENTAL QUARTERS AND OTHER FACILITIES (CIRCULAR NO. A-45)

Legal Authority: 5 USC 5911(f); EO 11609, Sec 9

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-45 was issued to provide policy guidance regarding charges for rental quarters and other Government facilities. OMB is reviewing this Circular pursuant to the provisions of paragraph 9 of the Circular, dated March 28, 1984. Public comments have been analyzed and a final draft of the circular is being coordinated.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| Draft Published for Comment | 11/22/91 | 58 FR 58935 |
| Publish Final Circular | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Richard A. Ong, Deputy Associate Administrator, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, 202 395-7209

RIN: 0348-AA85

4136. COST PRINCIPLES FOR STATE AND LOCAL GOVERNMENTS (CIRCULAR NO. A-87)

Legal Authority: 31 USC 1111; PL 101-576, sec 503(a) and (b), CFO Act of 1990

CFR Citation: None

Legal Deadline: None

Abstract: This review will update the circular.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|-------------|
| Proposed Revision | 08/19/93 | 58 FR 44212 |
| Final Revision | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: Local, State

OMB

Final Rule Stage

Agency Contact: Palmer Marcantonio, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503, 202 395-3993
RIN: 0348-AA83

4137. INDIRECT COST RATES, AUDIT AND AUDIT FOLLOWUP AT EDUCATIONAL INSTITUTIONS (CIRCULAR NO. A-88)

Legal Authority: 31 USC 1111; PL 101-576, Chief Financial Officers Act of 1990

CFR Citation: None

Legal Deadline: None

Abstract: This Circular provides policies for:

- (a) establishing indirect cost rates;
- (b) auditing;
- (c) correcting systems deficiencies; and
- (d) resolving questioned cost.

This Circular will be rescinded.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|-------------|
| Notice of Rescission | 10/01/91 | 56 FR 49824 |
| Rescission | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Palmer Marcantonio, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503, 202 395-3993

RIN: 0348-AB07

4138. UNIFORM REQUIREMENTS FOR ASSISTANCE TO STATE AND LOCAL GOVERNMENTS (CIRCULAR NO. A-102)

Legal Authority: 42 USC 4212 et seq; 41 USC 401 et seq

CFR Citation: None

Legal Deadline: None

Abstract: The purpose of the review is to update the Circular to include statutory changes passed since the issuance of the Circular on March 11, 1988.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|-------------|
| Proposed Revision | 08/05/92 | 57 FR 34599 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Palmer Marcantonio, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503, 202 395-3993

RIN: 0348-AA96

4139. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS (CIRCULAR NO. A-110)

Legal Authority: 41 USC 401 et seq

CFR Citation: None

Legal Deadline: None

Abstract: The proposed changes will update the administrative requirements contained in the Circular.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|-------------|
| Proposed Revision | 08/27/92 | 57 FR 39018 |
| Final Revision | 09/00/94 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Palmer A. Marcantonio, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503, 202 395-3993

RIN: 0348-AA98

4140. FEDERAL PARTICIPATION IN THE DEVELOPMENT AND USE OF VOLUNTARY STANDARDS (CIRCULAR NO. A-119)

Legal Authority: 31 USC 1111

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This Circular encourages Federal participation in the development of voluntary standards, and the use of such standards in procurement, regulatory and other applications. Consideration will be given to revising the Circular to strengthen provisions relating to agency implementation, and other appropriate improvements.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|------------|
| Begin Review | 10/01/91 | |
| Revision Published for Comment | 03/20/92 | 57 FR 9749 |
| Promulgate Revised Circular | 10/00/93 | |
| End Review | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Chris Jordan, Policy Analyst, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, 202 395-6803

RIN: 0348-AA99

4141. GUIDELINES FOR THE USE OF ADVISORY AND ASSISTANCE SERVICES (CIRCULAR A-120)

Legal Authority: 41 USC 405; 31 USC 1111

CFR Citation: 48 CFR 1

Legal Deadline: None

Abstract: Circular A-120 defines advisory and assistance services, establishes management controls, and assigns responsibilities to the agency head for the effective use of these services. A new more comprehensive approach-- in the form of an OFPP Policy Letter on the "Management Oversight of Service Contracting" -- is being developed to replace A-120. The Policy Letter provides specific guidance on what constitutes good management practices to prevent abuses in the use of service contracting.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Development of Draft Policy Letter | 07/30/91 | |
| Internal OMB Clearance | 08/23/91 | |
| Obtain Agency Comments | 09/13/91 | |
| Publish Draft for Comment | 12/20/91 | 56 FR 66091 |
| Publish Proposed Rescission Notice | 12/20/91 | 56 FR 66089 |
| Comment Period End | 02/18/92 | |
| Issue Final Policy Letter And Rescission Notice | 10/00/93 | |

OMB

Final Rule Stage

Small Entities Affected: Businesses**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Linda G. Williams, Deputy Associate Administrator for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, 202 395-3302

RIN: 0348-AB00

4142. POLICIES ON MANAGEMENT OF FEDERAL INFORMATION RESOURCES (CIRCULAR NO. A-130)

Legal Authority: 44 USC 3504; 5 USC 552a; 40 USC 759; 40 USC 487

CFR Citation: None**Legal Deadline:** None

Abstract: OMB Circular No. A-130, "Management of Federal Information Resources," issued December 12, 1985, establishes policy for the management of Federal information resources, and provides certain procedural and analytic guidelines for implementing specific aspects of these policies. OMB is reviewing the Circular for consistency with the Computer Security Act of 1987 (PL 100-235) and the Computer Matching and Privacy Protection Act of 1988. On June 25, 1993, OMB completed the first of three revisions to the Circular. On September 10, 1993, OMB proposed changes to the information technology management part of the Circular. Plans are to propose changes to the computer security part of the Circular next year.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Begin Review | 01/04/88 | |
| Advance Proposal of Changes | 01/04/89 | 54 FR 214 |
| Comment Period End | 04/10/89 | |
| Second Advance Proposal To Replace Circular | 06/15/89 | 54 FR 25554 |
| Third Advance Proposal To Replace Circular | 03/04/91 | 56 FR 9026 |
| Proposal To Replace Circular | 04/29/92 | 57 FR 18296 |
| First Phase Revision Final | 06/25/93 | 58 FR 36068 |
| Second Phase Revision Proposed | 09/10/93 | 58 FR 47790 |

| Action | Date | FR Cite |
|-------------------------------|----------|---------|
| Second Phase Revision Final | 01/31/94 | |
| Third Phase Revision Proposed | 02/00/94 | |
| Third Phase Revision Final | 09/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Peter N. Weise, Senior Policy Analyst, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, 202 395-4814

RIN: 0348-AA76

4143. APPLICATION OF COST ACCOUNTING STANDARDS TO COLLEGES AND UNIVERSITIES**Significance:** Agency Priority**Legal Authority:** 41 USC 422**CFR Citation:** 48 CFR ch 99**Legal Deadline:** None

Abstract: The Cost Accounting Standards Board is considering the development of Cost Accounting Standards and an applicable disclosure statement for application to colleges and universities that receive federal contracts.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 08/02/92 | 57 FR 23189 |
| ANPRM Comment Period End | 08/03/92 | 57 FR 23189 |
| NPRM | 12/21/92 | 57 FR 60503 |
| NPRM Comment Period End | 03/05/93 | 57 FR 60503 |
| Final Action | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Rudolph Schuhbauer, Project Director, Cost Accounting Standards Board, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, 202 395-3254

RIN: 0348-AB16

4144. THRESHOLDS FOR COST ACCOUNTING STANDARDS COVERAGE**Legal Authority:** 41 USC 422**CFR Citation:** 48 CFR ch 99**Legal Deadline:** None

Abstract: This rule will adjust thresholds for the application of the Cost Accounting Standards to negotiated government prime contracts and subcontracts.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 10/16/92 | 57 FR 47438 |
| ANPRM Comment Period End | 12/15/92 | 57 FR 47438 |
| NPRM | 04/09/93 | 56 FR 18363 |
| NPRM Comment Period End | 06/23/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** Local, State

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard C. Loeb, Executive Secretary, Cost Accounting Standards Board, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, 202 395-3254

RIN: 0348-AB17

4145. AUTOMATED PROCUREMENT SYSTEMS (OFPP POLICY LETTER)**Legal Authority:** 41 USC 405**CFR Citation:** None**Legal Deadline:** None

Abstract: Proposed Policy Letter, "Automated Procurement Data Systems" establishes policies for improving the management and control of automated data systems. The Policy Letter requires agencies to utilize appropriate internal management controls to obtain accurate, complete, and timely reporting of data on Federal contracting. It also requires agencies to minimize duplication associated with designing and developing automated procurement systems.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| Draft for Public Comment | 04/27/92 | 57 FR 15338 |

OMB

Final Rule Stage

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Comment Period End | 06/26/92 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Linda G. Williams, Deputy Associate Administrator for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, 202 395-3302

RIN: 0348-AB11

4146. MANAGEMENT OVERSIGHT OF SERVICE CONTRACTING (OFPP POLICY LETTER)

Legal Authority: 41 USC 405

CFR Citation: 48 CFR 1

Legal Deadline: None

Abstract: Proposed Policy Letter, "Management Oversight of Service Contracting", focuses on specific types of service contracting problems and mandates greater management controls in the acquisition and use of such contracts. A series of questions are provided as guidelines for agencies to use in improving controls in the five areas that require increased managerial attention: inherently governmental functions, competition, control, cost effectiveness, and conflicts of interest.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| Draft for Public Comment | 12/20/91 | 56 FR 66091 |
| Comment Period End | 02/18/92 | |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Linda G. Williams, Deputy Associate Administrator for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, 202 395-3302

RIN: 0348-AB13

OFFICE OF MANAGEMENT AND BUDGET (OMB)

Completed Actions

4147. POLICIES ON GOVERNMENT PUBLICATIONS (CIRCULAR NO. A-3)

Legal Authority: 44 USC 1108

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-3, "Government Publications", last revised in May 1985, prescribes policies and procedures for approving funding for government periodicals to fulfill the requirements of 44 USC 1108, and for reporting periodicals and non-recurring publications. On August 18, 1989, OMB issued OMB Bulletin No. 89-15 which effected certain revisions to Circular A-3 in reporting requirements. OMB Bulletin No. 90-09, issued July 31, 1990, repeated these revisions to Circular No. A-3. On June 25, 1993, OMB issued revisions to Circular No. A-130, "Management of Federal Information Resources," which incorporated the requirements of Circular No. A-3 (with revisions), and therefore rescinded Circular No. A-3.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Begin Review | 01/04/88 | |
| Advance Proposal to Replace Circular | 01/04/89 | 54 FR 214 |
| Comment Period End | 04/10/89 | |
| Second Advance Proposal To Replace Circular | 06/15/89 | 54 FR 25554 |

| Action | Date | FR Cite |
|--|----------|-------------|
| Third Advance Proposal To Replace Circular | 03/04/91 | 56 FR 9026 |
| Notice of Rescission | 10/01/91 | 56 FR 49824 |
| Proposed Rescission of Circular, Incorporation Into Circular No. A-130 | 04/29/92 | 57 FR 18296 |
| Rescission | 06/25/93 | 58 FR 36068 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter N. Weiss, Senior Policy Analyst, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, 202 395-4814

RIN: 0348-AA77

4148. COST PRINCIPLES FOR EDUCATIONAL INSTITUTIONS (CIRCULAR NO. A-21)

Significance: Agency Priority

Legal Authority: PL 101-576, sec 503(a) and (b), CFO Act of 1990

CFR Citation: Not applicable

Legal Deadline: None

Abstract: OMB Circular A-21 establishes Governmentwide accounting principles for the direct and indirect (allocated overhead) costs of Federal grants and contracts with colleges and

universities. The Circular divides allocated overhead costs into seven "cost pools" that form the basis of a university's indirect cost rate. Four of these pools are for administrative costs. In Fiscal Year (FY) 1989 estimated Federal payments for university overhead were about \$2.5 billion of an estimated \$9.2 billion for direct scientific research. The problem of rising overhead costs has been the subject of continuing and extensive debate.

Timetable:

| Action | Date | FR Cite |
|---------------------------|----------|-------------|
| Final Revision No. 1 | 10/03/91 | 56 FR 50224 |
| Publish Draft for Comment | 12/09/92 | 57 FR 58394 |
| Final Revision | 07/26/93 | 58 FR 39996 |

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Jack Sheehan, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503, 202 395-3993

RIN: 0348-AA93

4149. FEDERAL GOVERNMENT USER CHARGES POLICY (CIRCULAR NO. A-25)

Legal Authority: 31 USC 9701

CFR Citation: None

OMB

Completed Actions

Legal Deadline: None

Abstract: General policies for Federal agencies on administering user charges and formulating legislative proposals regarding user charges are set forth in OMB Circular No. A-25.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| Draft Published for Comment | 01/21/92 | 57 FR 2293 |
| Public Comment Period End | 02/15/92 | 57 FR 2293 |
| Final Action | 07/15/93 | 58 FR 38142 |
| Final Action Effective | 07/15/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Deborah M. Saunders, Financial Economist, Office of Management and Budget, Budget Analysis and Systems Division, Washington, DC 20503, 202 395-3673

RIN: 0348-AA41

4150. MANAGEMENT OF FEDERAL AUDIOVISUAL ACTIVITIES (CIRCULAR NO. A-114)

Legal Authority: 31 USC 1111

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-114 was issued to produce policies governing the consolidation, use, and management of federal audiovisual resources. With the incorporation of its principal policies into Circular A-130, Circular A-114 has been rescinded.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| Proposed Incorporation into A-130 | 04/29/92 | 57 FR 18296 |
| Final Rescission | 07/02/93 | 58 FR 36068 |

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: The principal policies in OMB Circular No. A-114, "Management of Audiovisual Activities" were consolidated into a revised OMB Circular No. A-130, "Management of Federal Information Resources." OMB Circular No. A-114 was therefore rescinded.

Agency Contact: Linda Mesaros, Management Analyst, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, 202 395-4821

RIN: 0348-AA84

4151. FINANCIAL MANAGEMENT SYSTEMS (CIRCULAR NO. A-127)

Legal Authority: 31 USC 3512, Federal Managers' Financial Integrity Act; PL 101-576, Chief Financial Officers Act of 1990

CFR Citation: None

Legal Deadline: None

Abstract: Circular A-127 provides guidance to the Executive Branch on the development and operation of financial management systems. Issued December 19, 1984, the Circular has been revised to: (1) reflect passage of the Chief Financial Officers Act; and (2) clarify policy guidance concerning financial management systems.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|-------------|
| Proposed Revision | 01/22/93 | 58 FR 5776 |
| Final Revision | 07/30/93 | 58 FR 41014 |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jean Holcombe, Office of Federal Financial Management, Office of Management

and Budget, Washington, DC, 20503, 202 395-6903

RIN: 0348-AA89

4152. VALUE ENGINEERING (CIRCULAR NO. A-131)

Legal Authority: 31 USC 1111

CFR Citation: None

Legal Deadline: None

Abstract: This Circular was issued in January 1988 to require the use of value engineering, when appropriate, to identify and reduce nonessential procurement and program costs. The Circular has been revised to foster agency implementation and greater use of value engineering techniques.

Timetable:

| Action | Date | FR Cite |
|--------------------------------------|----------|-------------|
| Begin Review | 10/01/91 | |
| Publish Revised Circular for Comment | 09/10/92 | 57 FR 41524 |
| End Review | 11/30/92 | |
| Revised Circular Issued as Final | 06/14/93 | 58 FR 32964 |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Chuck Clark, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503, 202 395-6803

RIN: 0348-AB10

[FR Doc. 93-23539 Filed 10-22-93; 8:45 am]

BILLING CODE 3110-01-F

Federal Register

Monday
October 25, 1993

Part XXXIV

Office of Personnel Management

Semiannual Regulatory Agenda

OFFICE OF PERSONNEL MANAGEMENT (OPM)**OFFICE OF PERSONNEL
MANAGEMENT****5 CFR Ch. I****Regulatory Agenda**

AGENCY: Office of Personnel Management.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Office of Personnel Management regulations are scheduled for development or review from October 1, 1993, through September 30, 1994. This agenda carries out OPM's responsibilities to publish a semiannual agenda under E.O. 12291 "Federal Regulation" and the Regulatory Flexibility Act (5 U.S.C. chapter 6). This publication in the Federal Register does not impose a

binding obligation on the Office of Personnel Management with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded.

FOR FURTHER INFORMATION CONTACT: JoAnn G. Blackler, (202) 606-1973.

U.S. Office of Personnel Management.
Patricia W. Lattimore,
Acting Deputy Director.

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4153 | Special Interagency Placement Provisions in Areas Severely Impacted by Reductions in Force | 3206-AF60 |
| 4154 | Schedule A Authorities for Temporary, Seasonal, and Intermittent Employment | 3206-AF53 |
| 4155 | Use of Private Sector Temporaries | 3206-AE80 |
| 4156 | Employment of Individual Experts and Consultants | 3206-AF37 |
| 4157 | Term Appointments | 3206-AF54 |
| 4158 | Temporary Appointments | 3206-AF55 |
| 4159 | Senior Executive Service Recertification | 3206-AF44 |
| 4160 | Reduction in Force Assignment Rights | 3206-AF50 |
| 4161 | Reduction in Force Permissive Temporary Exception | 3206-AF63 |
| 4162 | Reduction in Force Excepted Service Tenure Groups | 3206-AF64 |
| 4163 | Repayment of Student Loans | 3206-AE51 |
| 4164 | Rulemaking to Implement the Human Resources Development (HRD) Policy Initiatives on Needs Assessment | 3206-AF05 |
| 4165 | Performance Management Reform | 3206-AF57 |
| 4166 | Prevailing Rate Systems, Oscoda-Alpena, Michigan, FWS Wage Area | 3206-AF58 |
| 4167 | Prevailing Rate Systems, Champaign, Illinois, NAF FWS Wage Area | 3206-AF61 |
| 4168 | Lump-Sum Payments for Annual Leave | 3206-AF38 |
| 4169 | Pay Administration Under the FLSA; Compliance | 3206-AA40 |
| 4170 | Allowances and Differentials; Cost-of-Living Allowance and Post Differential - Nonforeign Areas | 3206-AF40 |
| 4171 | Allowances and Differentials; Cost-of-Living Allowance and Post Differential - Nonforeign Areas | 3206-AF41 |
| 4172 | Pay Administration (Allowances); Allowance Based on Duty at Remote Worksites | 3206-AF15 |
| 4173 | Absence and Leave; Sick Leave | 3206-AE95 |
| 4174 | Federal Equal Opportunity Recruitment Program | 3206-AE05 |
| 4175 | Disabled Veterans Affirmative Action Program (DVAAP) | 3206-AE07 |
| 4176 | Political Activity of Federal Employees | 3206-AA47 |
| 4177 | Retirement; Cost-of-Living Adjustments | 3206-AF31 |
| 4178 | Federal Employees' Group Life Insurance Program; Merging of Parts of CFR Pertaining to Life Insurance | 3206-AF32 |
| 4179 | Federal Employees Health Benefits Program; Legal Actions on Changes to Disputed Claims Provisions | 3206-AF18 |
| 4180 | Federal Employees Health Benefits Program; Reserves | 3206-AF33 |
| 4181 | Federal Employees Health Benefits Program; Miscellaneous Amendments | 3206-AF45 |
| 4182 | Debarments, Civil Monetary Penalties, and Assessments Imposed Against Providers | 3206-AD76 |
| 4183 | Temporary Schedule C Positions | 3206-AF56 |
| 4184 | Voting Rights Program | 3206-AD98 |
| 4185 | OPM Procurement Regulations | 3206-AB28 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4186 | Federal Employees' Health Benefits Program; Continuation of Coverage for Temporary Employees on OWCP | 3206-AF17 |
| 4187 | Claims Collection Standards; Debt Collection Act of 1982; Administrative Offset | 3206-AF28 |
| 4188 | Claims Collection Standards; Debt Collection Act of 1982; Salary Offset | 3206-AF29 |
| 4189 | Implementation of the Program Fraud Civil Remedies Act of 1986 | 3206-AF43 |
| 4190 | Availability of Official Information | 3206-AF42 |
| 4191 | Amendment to Selective Service Registration Requirements | 3206-AD68 |
| 4192 | Senior Executive Service Reassignments and Pay Setting | 3206-AE77 |

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Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4193 | Advance Certification To Participate in Retraining and Placement Assistance Programs | 3206-AF00 |
| 4194 | Job Listings; Full Consideration of Displaced Defense Employees | 3206-AF36 |
| 4195 | Promotion and Internal Placement | 3206-AF09 |
| 4196 | Reduction in Force Notice—Exception to 60 Days' Specific Notice | 3206-AF47 |
| 4197 | Executive, Management, and Supervisory Development | 3206-AC12 |
| 4198 | Pay Under the General Schedule; Locality-Based Comparability Payments | 3206-AF46 |
| 4199 | Prevailing Rate Systems, Travis, Texas, NAF FWS Wage Area | 3206-AF62 |
| 4200 | Pay Administration (General); Pay for Duty Involving Physical Hardship or Hazard | 3206-AE31 |
| 4201 | Allowances and Differentials; Separate Maintenance Allowances for Duty at Johnston Island | 3206-AF59 |
| 4202 | Allowances and Differentials; Uniform Allowances | 3206-AE36 |
| 4203 | Cost-of-Living Allowances (Non-Foreign Areas) | 3206-AF52 |
| 4204 | Family and Medical Leave | 3206-AF51 |
| 4205 | Suitability—Suitability Disqualification/Rating Actions | 3206-AC19 |
| 4206 | Personnel Security and Related Programs | 3206-AC21 |
| 4207 | Investigations | 3206-AB92 |
| 4208 | Retirement; Disability Retirement | 3206-AF24 |
| 4209 | Retirement; Debt Collection | 3206-AE72 |
| 4210 | Retirement; FERS Basic Annuity | 3206-AE73 |
| 4211 | Retirement; FERS Coverage Elections | 3206-AE01 |
| 4212 | Miscellaneous Federal Employees Health Benefits Acquisition Regulation (FEHBAR) Amendments | 3206-AE67 |

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4213 | Stay-in-School Program | 3206-AE52 |
| 4214 | Organization of the Government for Personnel Management; Personnel Management in Agencies | 3206-AA66 |
| 4215 | Amendment to Veterans' Readjustment Appointment Regulations | 3206-AE59 |
| 4216 | Reduction in Force—Permissive Temporary Exception | 3206-AF04 |
| 4217 | Pay Rates and Systems (General); Aggregate Limitation on Pay | 3206-AE21 |
| 4218 | Changes in Metropolitan Area Definitions | 3206-AF49 |
| 4219 | Pay Under the General Schedule; Locality-Based Comparability Payments | 3206-AF39 |
| 4220 | Metric Conversion | 3206-AE88 |
| 4221 | Wage Area Redefinition | 3206-AF12 |
| 4222 | Prevailing Rate Systems, Horry County, South Carolina, NAF FWS Wage Area | 3206-AF27 |
| 4223 | Prevailing Rate Systems; Macomb, Michigan, NAF Wage Area | 3206-AF48 |
| 4224 | Pay Administration (General); Advance Payments for New Employees | 3206-AE30 |
| 4225 | Payments During an Evacuation | 3206-AF25 |
| 4226 | Hazard Pay for General Schedule Employees; Exposure to Asbestos | 3206-AE18 |
| 4227 | Processing Garnishment Orders for Child Support and/or Alimony | 3206-AB42 |
| 4228 | Processing Garnishment Orders for Child Support and/or Alimony | 3206-AE54 |
| 4229 | Allowances and Differentials; Cost-of-Living Allowance and Post Differential - Nonforeign Areas | 3206-AF13 |
| 4230 | Miscellaneous Corrections of Retirement Regulations | 3206-AF65 |
| 4231 | Retirement; Credit and Deposits for Military Service | 3206-AB73 |
| 4232 | Retirement; Disability Retirement | 3206-AB77 |
| 4233 | Retirement; Children's Survivor Benefits Based on Student Status | 3206-AE40 |
| 4234 | Retirement; Reemployment of Annuitants | 3206-AD60 |
| 4235 | Retirement; Credit for Military Service | 3206-AD87 |
| 4236 | Federal Employees' Group Life Insurance; Change in Employee Contribution and Open Enrollment Period | 3206-AE65 |
| 4237 | Federal Employees' Group Life Insurance Program and Federal Employees Health Benefits Program; Benefits for Hostages in Iraq, Kuwait, and Lebanon | 3206-AF20 |
| 4238 | FEGLI; Option Coverage Within 60 Days of a Divorce or Death of a Spouse | 3206-AE64 |
| 4239 | Federal Employees Health Benefits Program; Limitation on Inpatient Hospital Charges and FEHB Program Payments; OBRA of 1990 Provision | 3206-AE90 |
| 4240 | Federal Employees Health Benefits Program; An Opportunity to Change to a Family Enrollment | 3206-AF19 |
| 4241 | Federal Employees' Group Life Insurance Acquisition Regulation | 3206-AE04 |

OFFICE OF PERSONNEL MANAGEMENT (OPM)

Proposed Rule Stage

4153. • SPECIAL INTERAGENCY PLACEMENT PROVISIONS IN AREAS SEVERELY IMPACTED BY REDUCTIONS IN FORCE**Legal Authority:** 5 USC 1302**CFR Citation:** 5 CFR 212; 5 CFR 300; 5 CFR 330**Legal Deadline:** None

Abstract: Regulations under which the Director of OPM may establish special local placement provisions in geographic areas where a significant number of Federal employees may be losing their jobs through reduction in force or transfer of function.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Edward P. McHugh, Career Entry Group, Staffing Policy Division, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-0960

RIN: 3206-AF60**4154. • SCHEDULE A AUTHORITIES FOR TEMPORARY, SEASONAL, AND INTERMITTENT EMPLOYMENT****Legal Authority:** 5 USC 3301; 5 USC 3302**CFR Citation:** 5 CFR 213**Legal Deadline:** None

Abstract: The proposed regulations would consolidate paragraphs (i) and (m) of section 213.3102, which both cover temporary, intermittent, and seasonal employment. The revised regulations would eliminate overlapping coverage, remove coverage for appointments that no longer meet the criteria for exception, and establish a 2-year maximum service limit for temporary Schedule A appointments.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 06/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Tracy Spencer, Career Entry Group, Staffing Policy Division, Office of Personnel

Management, 1900 E St. NW., Washington, DC 20415, 202 606-0960

RIN: 3206-AF53**4155. USE OF PRIVATE SECTOR TEMPORARIES****Legal Authority:** 5 USC 552; 5 USC 1103(a)(5); 5 USC 3301; 5 USC 3302; EO 10577**CFR Citation:** 5 CFR 300, subpart E**Legal Deadline:** None

Abstract: OPM plans to revise the rule based on comments it will receive from Federal Agencies, temporary help service firms, and other interested parties.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** None

Agency Contact: Thomas O'Connor, Career Entry Group, Staffing Policy Division, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-0960

RIN: 3206-AE80**4156. EMPLOYMENT OF INDIVIDUAL EXPERTS AND CONSULTANTS****Legal Authority:** 5 USC 3109**CFR Citation:** 5 CFR 304**Legal Deadline:** None

Abstract: As required by recent statute, OPM is prescribing criteria for the employment and pay of experts and consultants by Federal agencies under 5 U.S.C. 3109, and provisions to ensure compliance.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Thomas O'Connor, Career Entry Group, Staffing Policy Division, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-0960

RIN: 3206-AF37**4157. • TERM APPOINTMENTS****Legal Authority:** 5 USC 3301; 5 USC 3302**CFR Citation:** 5 CFR 316**Legal Deadline:** None

Abstract: The proposed regulations would increase agencies' flexibility to satisfy legitimate nonpermanent employment needs that may extend beyond the current 4-year limit. The regulations would increase the maximum service limit for term appointments from 4 to 5 years, and would permit term appointments longer than 5 years with OPM approval.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Tracy Spencer, Career Entry Group, Staffing Policy Division, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-0960

RIN: 3206-AF54**4158. • TEMPORARY APPOINTMENTS****Legal Authority:** 5 USC 3301; 5 USC 3302**CFR Citation:** 5 CFR 316**Legal Deadline:** None

Abstract: The proposed regulations would restrict use of temporary appointments to short-term employment needs to guard against creating situations in which employees serve almost continuously for years with no benefits. The regulations would reduce the maximum service limit for temporary appointments to 1 year with no more than one 1-year extension and provide for exceptions only in rare and unusual circumstances, would prohibit agencies from making successive temporary appointments to the same positions, and would set out appropriate and inappropriate uses of temporary appointments.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 06/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

OPM

Proposed Rule Stage

Agency Contact: Tracy Spencer,
Career Entry Group, Staffing Policy
Division, Office of Personnel
Management, 1900 E St. NW.,
Washington, DC 20415, 202 606-0960
RIN: 3206-AF55

**4159. SENIOR EXECUTIVE SERVICE
RECERTIFICATION**

Legal Authority: 5 USC 3393a

CFR Citation: 5 CFR 317

Legal Deadline: None

Abstract: Under the law, career Senior Executive Service (SES) members must be recertified every 3rd calendar year (CY) if they have 156 weeks of continuous service in the SES. The first recertification cycle occurred in CY 1991. Based on experience in that cycle, we intend to revise existing regulations in preparation for the CY 1994 cycle.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Neal Harwood,
Human Resources Development Group,
Office of Executive and Management
Policy, Office of Personnel
Management, 1900 E St. NW.,
Washington, DC 20415, 202 606-1610
RIN: 3206-AF44

**4160. • REDUCTION IN FORCE
ASSIGNMENT RIGHTS**

Legal Authority: 5 USC 1302; 5 USC
3502; 5 USC 3503

CFR Citation: 5 CFR 351

Legal Deadline: None

Abstract: These proposed regulations broaden the "retreat" right, a form of "bumping" within the same retention subgroup that is limited to positions formerly held by a competing employee, to encompass additional positions held by other employees with less service in the same subgroup. The expanded retreat right would be mandatory for all RIF actions effected 6 months after the publication date of final regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 08/25/93 | 58 FR 44778 |

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM Comment | 10/25/93 | |
| Period End | | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas A. Glennon,
Career Entry Group, Staffing Policy
Division, Office of Personnel
Management, 1900 E St. NW.,
Washington, DC 20415, 202 606-0960
RIN: 3206-AF50

**4161. • REDUCTION IN FORCE
PERMISSIVE TEMPORARY
EXCEPTION**

Legal Authority: 5 USC 1302

CFR Citation: 5 CFR 351

Legal Deadline: None

Abstract: These proposed regulations would give agencies greater authority to use permissive temporary exceptions to the regular order of release in reduction in force (RIF) competition. This change would assist an agency in meeting a Government obligation to an employee (such as delaying the effective date of an employee's release by RIF long enough to allow a full 60- or 120-day notice to the employee). These proposed regulations would also allow an agency to consider only subgroup standing in releasing employees during the 120-day period immediately before an installation closes.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas A. Glennon,
Career Entry Group, Staffing Policy
Division, Office of Personnel
Management, 1900 E St. NW.,
Washington, DC 20415, 202 606-0960
RIN: 3206-AF63

**4162. • REDUCTION IN FORCE
EXCEPTED SERVICE TENURE
GROUPS**

Legal Authority: 5 USC 1302

CFR Citation: 5 CFR 351

Legal Deadline: None

Abstract: These proposed regulations would clarify tenure groups for

excepted service employees under OPM's reduction in force (RIF) regulations. These proposed regulations would also incorporate the definition of "undue interruption" into the retention regulations, and delete a redundant reference to critical elements found in the provisions covering competitive levels and assignment rights. These changes would assist agencies in properly determining employees' retention rights.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas A. Glennon,
Career Entry Group, Staffing Policy
Division, Office of Personnel
Management, 1900 E St. NW.,
Washington, DC 20415, 202 606-0960
RIN: 3206-AF64

**4163. REPAYMENT OF STUDENT
LOANS**

Legal Authority: 5 USC 5379

CFR Citation: 5 CFR 537

Legal Deadline: None

Abstract: OPM plans to issue proposed and final regulations that will permit agencies to repay all or part of an outstanding student loan in order to recruit or retain highly qualified professional technical or administrative personnel. This is a new provision contained in the National Defense Authorization Act for Fiscal Year 1991, Pub. L. 101-510. Agencies may pay up to a maximum of \$6,000 per employee in a calendar year, or \$40,000 overall. In return, the employee must agree to remain with the agency for at least 3 years.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Christina Gonzales,
Career Entry Group, Staffing Policy
Division, Office of Personnel
Management, 1900 E St. NW.,
Washington, DC 20415, 202 606-0960
RIN: 3206-AE51

OPM

Proposed Rule Stage

4164. RULEMAKING TO IMPLEMENT THE HUMAN RESOURCES DEVELOPMENT (HRD) POLICY INITIATIVES ON NEEDS ASSESSMENT**Legal Authority:** 5 USC 410**CFR Citation:** 5 CFR 410**Legal Deadline:** None

Abstract: OPM is issuing final regulations in part 410 of 5 CFR in the area of training needs assessment. The needs assessment regulations will require agencies to implement a systematic process for linking organizational, occupational, and individual needs. The regulations also amend section 410.302 by inserting the word "disabled" to ensure that agencies provide safeguards against unjustified denial of developmental opportunities for employees with disabilities. The term "Other Development" is introduced in subparts B and C reflecting the view that options other than formal training should be considered in establishing developmental activities.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Tom Fox, Human Resources Development Group, Policy and Curriculum Initiatives Division, Office of Personnel Management, P. O. Box 7559 (Room 1206B), Washington, DC 20044, 703 235-1016

RIN: 3206-AF05**4165. ● PERFORMANCE MANAGEMENT REFORM****Legal Authority:** 5 USC 43; 5 USC 45; 5 USC 54**CFR Citation:** 5 CFR 430; 5 CFR 451; 5 CFR 540**Legal Deadline:** None

Abstract: Legal and regulatory changes needed for reform of the current performance management systems: the Performance Management and Recognition System (PMRS), the Performance Management System (PMS), and the Incentive Awards authority.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Doris Hausser, Chief, Performance Management and Incentive Awards Division, OLRWP, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E St. NW., Washington, DC 20415, 202 606-2720

RIN: 3206-AF57**4166. ● PREVAILING RATE SYSTEMS, OSCODA-ALPENA, MICHIGAN, FWS WAGE AREA****Legal Authority:** 5 USC 5343**CFR Citation:** 5 CFR 532**Legal Deadline:** None

Abstract: The closing of Wurtsmith Air Force Base (the host activity for the Oscoda-Alpena, Michigan, FWS wage area) and the resultant small number of FWS employees remaining in the wage area necessitates a redefinition of this FWS wage area. These regulations will define the Oscoda-Alpena, Michigan, FWS wage area counties to the appropriate wage area.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Paul Shields, Personnel Systems and Oversight Group, Office of Compensation Policy, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-2848

RIN: 3206-AF58**4167. ● PREVAILING RATE SYSTEMS, CHAMPAIGN, ILLINOIS, NAF FWS WAGE AREA****Legal Authority:** 5 USC 5343**CFR Citation:** 5 CFR 532**Legal Deadline:** None

Abstract: The closing of Chanute AFB, the host activity for the Champaign, Illinois, NAF FWS wage area necessitates a redefinition of wage

areas. These regulations will abolish the Champaign wage area and add the county having continuing NAF employment to the most appropriate existing wage area.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Paul Shields, Personnel Systems and Oversight Group, Office of Compensation Policy, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-2848

RIN: 3206-AF61**4168. LUMP-SUM PAYMENTS FOR ANNUAL LEAVE****Legal Authority:** 5 USC 5553**CFR Citation:** 5 CFR 550, subpart L**Legal Deadline:** None

Abstract: The Technical and Miscellaneous Civil Service Amendments Act of 1992 (Pub. L. 102-378, 10/02/92) created a new provision, for 5 U.S.C. 5553, to provide OPM with regulatory authority for administering lump-sum payments for annual leave.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| Final Action | 03/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: John Cahill, Personnel Systems and Oversight Group, Office of Compensation Policy, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-2858

RIN: 3206-AF38**4169. PAY ADMINISTRATION UNDER THE FLSA; COMPLIANCE****Legal Authority:** 29 USC 204(f); 5 USC 1103(a)(5)**CFR Citation:** 5 CFR 551, subpart F**Legal Deadline:** None

Abstract: Proposed new regulation covering the FLSA Compliance Program and simplifying the FLSA claims handling process.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Marjorie A. Marks, Chief, Family Programs and Employee Relations Division, OLRWP, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E St. NW., Washington, DC 20415, 202 606-2920

RIN: 3206-AA40

4170. ALLOWANCES AND DIFFERENTIALS; COST-OF-LIVING ALLOWANCE AND POST DIFFERENTIAL - NONFOREIGN AREAS

Legal Authority: 5 USC 5941

CFR Citation: 5 CFR 591, subpart B

Legal Deadline: None

Abstract: Executive Order 10,000 requires OPM to review nonforeign area cost-of-living allowances from time to time. This review is conducted by means of annual surveys. Under 5 CFR 591.205(d), OPM is required to publish proposed revisions in allowance rates in the FEDERAL REGISTER for comment, along with a detailed description of the calculation of each allowance rate. Although reductions in allowance rates are currently prohibited by a provision in Pub. L. 102-141 (October 28, 1991), OPM is required to publish the results of the summer 1992 and winter 1993 surveys and the proposed new rates if these surveys indicate that any increases in allowance rates are justified.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 01/00/94 | |

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Phyllis G. Foley, Personnel Systems and Oversight Group, Office of Compensation Policy, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-3710

RIN: 3206-AF40

4171. ALLOWANCES AND DIFFERENTIALS; COST-OF-LIVING ALLOWANCE AND POST DIFFERENTIAL - NONFOREIGN AREAS

Legal Authority: 5 USC 5941

CFR Citation: 5 CFR 591, subpart B

Legal Deadline: None

Abstract: Executive Order 10,000 and section 591.211 of title 5, Code of Federal Regulations, require OPM to review post differentials established for nonforeign areas at least annually. If this review results in any changes in allowance rates, the Administrative Procedure Act requires that OPM publish the proposed changes in the Federal Register for comment, followed by publication of a final rule.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 03/00/94 | |

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Phyllis G. Foley, Personnel Systems and Oversight Group, Office of Compensation Policy, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-3710

RIN: 3206-AF41

4172. PAY ADMINISTRATION (ALLOWANCES); ALLOWANCE BASED ON DUTY AT REMOTE WORKSITES

Legal Authority: 5 USC 5942

CFR Citation: 5 CFR 591, subpart C

Legal Deadline: None

Abstract: To implement provisions of section 1206(g) of the National Defense Authorization Act for Fiscal Year 1991 (Pub. L. 101-510, November 5, 1990) amending 5 U.S.C 5942, regulatory revision is needed to allow adjustment of the maximum payable remote worksite allowance, now \$10 per day (established by law in 1971 and never adjusted).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 04/00/94 | |

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Jane R. Kuhl, Personnel Systems and Oversight Group, Office of Compensation Policy, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-2858

RIN: 3206-AF15

4173. ABSENCE AND LEAVE; SICK LEAVE

Significance: Regulatory Program

Legal Authority: 5 USC 6311

CFR Citation: 5 CFR 630

Legal Deadline: None

Abstract: The proposed regulations would permit employees to use a limited amount of sick leave each year to: (1) provide care for a family member as a result of sickness, injury, pregnancy, or childbirth; (2) make arrangements necessitated by the death of a family member; or (3) attend the funeral of a family member.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 04/00/94 | |

Small Entitles Affected: None

Government Levels Affected: None

Agency Contact: Martha Hoehn, Personnel Systems and Oversight Group, Office of Compensation Policy, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-2858

RIN: 3206-AE95

4174. FEDERAL EQUAL OPPORTUNITY RECRUITMENT PROGRAM

Legal Authority: 5 USC 7201

CFR Citation: 5 CFR 720, subpart B

Legal Deadline: None

Abstract: The Office of Affirmative Recruiting and Employment (OARE) is proposing to amend its regulations on the Federal Equal Opportunity Recruitment Program (FEORP) to streamline and strengthen them to achieve workforce diversity.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 03/00/94 | |

Small Entitles Affected: None

OPM

Proposed Rule Stage

Government Levels Affected: None

Agency Contact: Beverly M. Jones, Career Entry Group, Affirmative Recruiting and Employment, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-0870

RIN: 3206-AE05

4175. DISABLED VETERANS AFFIRMATIVE ACTION PROGRAM (DVAAP)

Legal Authority: 38 USC 101(2); 38 USC 2011(3); 38 USC 2014

CFR Citation: 5 CFR 720, subpart C

Legal Deadline: None

Abstract: The Office of Affirmative Recruiting and Employment (OARE) is proposing to amend its regulations on the Disabled Veterans Affirmative Action Program (DVAAP) to simplify and reduce paperwork requirements and eliminate provisions that are not specifically required by law or are administratively burdensome.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald A. Smith, Career Entry Group, Affirmative Recruiting and Employment, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-0870

RIN: 3206-AE07

4176. POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Legal Authority: 5 USC 1308; 5 USC 3301; 5 USC 3302; 5 USC 7301; 5 USC 7321 to 7325; 5 USC 7327; 42 USC 2729; EO 10577; 5 USC 7701 et seq; EO 12107

CFR Citation: 5 CFR 733

Legal Deadline: None

Abstract: Prescribes: (1) regulations under the Hatch Act and related provisions of law that restrict the political activity of Federal employees; (2) definitional and structural revisions; and (3) possible addition and/or rescission of partial exceptions by the Director for municipalities or political subdivisions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: JoAnn Chabot, Attorney, Office of the General Counsel, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-1920

RIN: 3206-AA47

4177. RETIREMENT; COST-OF-LIVING ADJUSTMENTS

Legal Authority: 5 USC 8340(g); 5 USC 8344(d)

CFR Citation: 5 CFR 831.702

Legal Deadline: None

Abstract: This regulation is necessary to support OPM's policy in regard to the application of cost-of-living adjustments in the "turnaround" computation which Members of Congress may elect under 5 U.S.C. 8244(d).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene R. Littleford, Retirement and Insurance Group, Office of Retirement and Insurance Policy, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-0299

RIN: 3206-AF31

4178. FEDERAL EMPLOYEES' GROUP LIFE INSURANCE PROGRAM; MERGING OF PARTS OF CFR PERTAINING TO LIFE INSURANCE

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873

Legal Deadline: None

Abstract: Regulations to merge and consolidate the four parts of the Code pertaining to FEGLI in order to simplify and facilitate understanding of the FEGLI Program.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abby L. Block, Chief, Insurance Policy Division, Retirement and Insurance Group, Office of Personnel Management, Office of Retirement and Insurance Policy, 1900 E St. NW., Washington, DC 20415, 202 606-0191

RIN: 3206-AF32

4179. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; LEGAL ACTIONS ON CHANGES TO DISPUTED CLAIMS PROVISIONS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890.107

Legal Deadline: None

Abstract: Regulations to clarify provisions with regard to disputed Federal Employees Health Benefits (FEHB) Program claims.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abby L. Block, Chief, Insurance Policy Division, Retirement and Insurance Group, Office of Personnel Management, Office of Retirement and Insurance Policy, 1900 E St. NW., Washington, DC 20415, 202 606-0191

RIN: 3206-AF18

4180. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; RESERVES

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to clarify the extent of an underwriter's right to OPM held reserves for claims presented during a run-out period after a carrier changes underwriters or a carrier ceases to participate in the FEHB Program.

OPM

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 06/00/94 | |
| Final Action | 12/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abby L. Block, Chief, Insurance Policy Division, Retirement and Insurance Group, Office of Personnel Management, Office of Retirement and Insurance Policy, 1900 E St. NW., Washington, DC 20415, 202 606-0191

RIN: 3206-AF33

4181. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to provide an opportunity to enroll in the FEHB Program or to change enrollment from self to self and family upon the occurrence of a marital separation, and other miscellaneous amendments.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abby L. Block, Chief, Insurance Policy Division, Retirement and Insurance Group, Office of Personnel Management, Office of Retirement and Insurance Policy, 1900 E St. NW., Washington, DC 20415, 202 606-0191

RIN: 3206-AF45

4182. DEBARMENTS, CIVIL MONETARY PENALTIES, AND ASSESSMENTS IMPOSED AGAINST PROVIDERS

Significance: Regulatory Program

Legal Authority: 5 USC 8902a

CFR Citation: 5 CFR 890, subpart J

Legal Deadline: None

Abstract: These regulations will implement title I of Public Law 100-654, the "Federal Employees Health Benefits Amendments Act of 1988,"

which authorizes OPM to debar health care providers who are culpable of certain offenses from participation in the FEHBP, and to levy monetary penalties and assessments against individuals who have submitted false claims to FEHBP carriers.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 10/30/89 | 54 FR 43939 |
| NPRM | 02/04/93 | 58 FR 7052 |
| NPRM | 01/00/94 | |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joyce Blalock, Chief, Administrative Sanctions Branch, Office of the Inspector General, Office of Personnel Management, 2300 Clarendon Blvd., Arlington, VA 22201, 703 908-8688

RIN: 3206-AD76

4183. TEMPORARY SCHEDULE C POSITIONS

Legal Authority: 5 USC 3301; 5 USC 3302; EO 10577

CFR Citation: 5 CFR 213

Legal Deadline: None

Abstract: OPM proposes to simplify the regulation that sets the limit on the maximum number of new temporary Schedule C positions an agency can establish, and to permit an increase of that number.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 03/00/94 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sylvia Cole, Career Entry Group, Staffing Operations Division, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-0950

RIN: 3206-AF56

4184. VOTING RIGHTS PROGRAM

Legal Authority: 42 USC 1973(a) to 1973(e)

CFR Citation: 45 CFR 801

Legal Deadline: None

Abstract: The Voting Rights Act of 1965 places certain responsibilities on

the Office of Personnel Management in order to effectuate the guarantees of the 15th Amendment. OPM is responsible, when so requested by the Attorney General, for opening and staffing examining offices in order to examine applicants to be registered to vote. Accordingly, when the Attorney General determines it is necessary, the Office may be requested to open offices in political subdivisions in various States to examine the qualifications of minorities or non-English speaking citizens to vote.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephanie J. Peters, Attorney, Office of General Counsel, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-1920

RIN: 3206-AD98

4185. OPM PROCUREMENT REGULATIONS

Legal Authority: 48 CFR ch 1

CFR Citation: 48 CFR ch 17

Legal Deadline: None

Abstract: Regulations to implement and supplement the Federal Acquisition Regulations (FAR). The FAR were effective April 1, 1984.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Alfred F. Chatterton III, Chief, Procurement Division, Administration Group, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-2240

RIN: 3206-AB28

OFFICE OF PERSONNEL MANAGEMENT (OPM)

Final Rule Stage

4186. FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM; CONTINUATION OF COVERAGE FOR TEMPORARY EMPLOYEES ON OWCP

Legal Authority: 5 USC 8906; 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to allow temporary employees to continue FEHB coverage when they go on OWCP, and to allow temporary employees to change health plans if their salary is insufficient to pay the premium withholdings.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| Interim Final Rule Effective | 09/13/93 | |
| Interim Final Rule | 09/20/93 | 58 FR 48946 |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abby L. Block, Chief, Insurance Policy Division, Retirement and Insurance Group, Office of Personnel Management, Office of Retirement and Insurance Policy, 1900 E St. NW., Washington, DC 20415, 202 606-0191

RIN: 3206-AF17

4187. CLAIMS COLLECTION STANDARDS; DEBT COLLECTION ACT OF 1982; ADMINISTRATIVE OFFSET

Legal Authority: 31 USC 952; 5 USC 1103; 5 USC 5514; 31 USC 3701; 31 USC 3711; 31 USC 3716; 31 USC 3720A

CFR Citation: 5 CFR 179

Legal Deadline: None

Abstract: The Office of Personnel Management (OPM) is issuing regulations to govern the collection of debts owed to the United States which arose from transactions involving OPM. These regulations implement the debt collection procedures provided under the Debt Collection Act of 1982.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anna M. Wilson, Office of the Chief Financial Officer, Office of Financial Policy and Oversight, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-2106

RIN: 3206-AF28

4188. CLAIMS COLLECTION STANDARDS; DEBT COLLECTION ACT OF 1982; SALARY OFFSET

Legal Authority: 31 USC 952; PL 95-454; 5 USC 5514

CFR Citation: 5 CFR 179

Legal Deadline: None

Abstract: The Office of Personnel Management (OPM) is issuing regulations to govern the collection of debts owed to OPM by Federal employees. These regulations implement the debt collection procedures provided under section 5 of the Debt Collection Act of 1982.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anna M. Wilson, Office of the Chief Financial Officer, Office of Financial Policy and Oversight, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-2106

RIN: 3206-AF29

4189. IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

Legal Authority: 31 USC 3801 to 3812

CFR Citation: 5 CFR 185

Legal Deadline: None

Abstract: Establishes administrative procedures to recover damages where the Office of Personnel Management has been defrauded.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Murray Meeker, Attorney, Office of the General Counsel, Office of Personnel Management, 1900

E St. NW., Washington, DC 20415, 202 606-1980

RIN: 3206-AF43

4190. AVAILABILITY OF OFFICIAL INFORMATION

Legal Authority: 5 USC 552

CFR Citation: 5 CFR 294

Legal Deadline: None

Abstract: This proposed rulemaking makes a number of editorial changes and updates to subpart A of 5 CFR 294, Availability of Official Information. In particular, the section on fees has been rearranged and edited to improve the flow of information. These changes are designed to better ensure that OPM's Freedom of Information Act implementing regulations are clear and understandable.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 06/08/93 | 58 FR 32043 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: C. Ronald Trueworthy, Chief, Information Policy Branch, Office of Information Resources Management, Office of Personnel Management, Administration Group, 1900 E St. NW., CHP 500, Washington, DC 20415, 703 908-8550

RIN: 3206-AF42

4191. AMENDMENT TO SELECTIVE SERVICE REGISTRATION REQUIREMENTS

Legal Authority: 5 USC 3328

CFR Citation: 5 CFR 300, subpart G

Legal Deadline: None

Abstract: OPM will issue revised proposed and final rules delegating authority to agencies to determine whether a Federal job applicant's failure to register with the Selective Service was knowing and willful. This change was authorized by an amendment to 5 U.S.C. 3328, which imposes the selective service registration requirement as a condition of employment in Federal executive agencies. The delegation will permit faster agency decisions for interested job seekers and reduce paperwork.

OPM

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 04/29/88 | 53 FR 15400 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Action suspended pending decision by the President on DOD recommendations regarding termination of selective service registration requirement.

Agency Contact: Thomas O'Connor, Career Entry Group, Staffing Policy Division, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-0960

RIN: 3206-AD68

4192. SENIOR EXECUTIVE SERVICE REASSIGNMENTS AND PAY SETTING

Legal Authority: 5 USC 3395; 5 USC 5383

CFR Citation: 5 CFR 317; 5 CFR 534

Legal Deadline: None

Abstract: To implement provisions of the Senior Executive Service Improvements Act (Pub. L. 102-175) regulations are needed to revise rules governing: (1) the restriction on the involuntary reassignment of career SES appointees within 120 days after the appointment of a new agency head, or most immediate noncareer supervisor who has authority to make the initial appraisal for the appointee, when the appointee is on detail during the period; and (2) protection for certain career appointees against pay reductions upon entering the SES from the competitive service.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/30/92 | 57 FR 56529 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Neal Harwood, Human Resources Development Group, Office of Executive and Management Policy, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-1610

RIN: 3206-AE77

4193. ADVANCE CERTIFICATION TO PARTICIPATE IN RETRAINING AND PLACEMENT ASSISTANCE PROGRAMS

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 3502; 5 USC 3503

CFR Citation: 5 CFR 330; 5 CFR 351

Legal Deadline: None

Abstract: This regulation would permit agencies to issue employees a Certification of Expected Separation prior to receipt of a specific reduction in force notice. The employees could use the certification, up to 6 months prior to separation, to qualify for services under the Job Training Partnership Act administered by the Department of Labor, and to receive early placement assistance through OPM and agency programs.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 05/26/92 | 57 FR 21883 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leota Shelkey, Career Entry Group, Staffing Policy Division, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-0960

RIN: 3206-AF00

4194. JOB LISTINGS; FULL CONSIDERATION OF DISPLACED DEFENSE EMPLOYEES

Legal Authority: 5 USC 3329

CFR Citation: 5 CFR 330; 5 CFR 335

Legal Deadline: None

Abstract: As required by the statute, this regulation would require agencies to report to OPM their announcements of competitive service vacancies for which they will accept applications from outside their own work force. This regulation also would require agencies to give full consideration to job applications of displaced Defense employees for vacancies in the competitive, excepted, and Senior Executive Service.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 04/08/93 | 58 FR 18139 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leota Shelkey, Career Entry Group, Staffing Policy Division, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-0960

RIN: 3206-AF36

4195. PROMOTION AND INTERNAL PLACEMENT

Legal Authority: 5 USC 3301; 5 USC 3302; EO 10577

CFR Citation: 5 CFR 335

Legal Deadline: None

Abstract: This regulation would merge existing authorities for temporary and term promotion into a single temporary promotion authority for up to 5 years.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/15/92 | 57 FR 47279 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leota Shelkey, Career Entry Group, Staffing Policy Division, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-0960

RIN: 3206-AF09

4196. • REDUCTION IN FORCE NOTICE—EXCEPTION TO 60 DAYS' SPECIFIC NOTICE

Legal Authority: 5 USC 1302; 5 USC 3502; 5 USC 3503

CFR Citation: 5 CFR 351

Legal Deadline: None

Abstract: These interim regulations authorize the Director of OPM to approve a reduction in force notice period of less than 60 days specific written notice, or less than 120 days when a significant number of Department of Defense employees will be separated. In both situations, the Director of OPM may approve the shortened RIF notice period only in situations caused by unforeseeable circumstances. The shortened notice period must include at least 30 days specific written notice.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 06/08/93 | 58 FR 32046 |
| Final Action | 10/00/93 | |

OPM

Final Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas A Glennon, Career Entry Group, Staffing Policy Division, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-0960
RIN: 3206-AF47

4197. EXECUTIVE, MANAGEMENT, AND SUPERVISORY DEVELOPMENT

Significance: Regulatory Program

Legal Authority: 5 USC 3397

CFR Citation: 5 CFR 317; 5 CFR 412

Legal Deadline: None

Abstract: Regulations pertaining to executive, management, and supervisory development and certification of graduates of Senior Executive Service candidate development programs.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/02/93 | 58 FR 11988 |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Constance Guitian, Human Resources Development Group, Training Policy and Curriculum Division, Office of Personnel Management, Office of Executive and Management Policy, 1900 E St. NW., Washington, DC 20415, 202 606-1832
RIN: 3206-AC12

4198. PAY UNDER THE GENERAL SCHEDULE; LOCALITY-BASED COMPARABILITY PAYMENTS

Significance: Regulatory Program

Legal Authority: 5 USC 5304(i)

CFR Citation: 5 CFR 531, subpart F

Legal Deadline: NPRM, Statutory, January 1, 1994.

Current law (the Federal Employees Pay Comparability Act of 1990) provides that agencies begin making locality-based comparability payments in January 1994.

Abstract: To implement a provision of the Federal Employees Pay Comparability Act of 1990 (FEPCA), regulations are needed to establish rules governing administration of locality-based comparability payments.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/31/93 | 58 FR 46024 |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James R. Weddel, Personnel Systems and Oversight Group, Office of Compensation Policy, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-2858

RIN: 3206-AF46

4199. • PREVAILING RATE SYSTEMS, TRAVIS, TEXAS, NAF FWS WAGE AREA

Legal Authority: 5 USC 5343; 5 USC 5346

CFR Citation: 5 CFR 532

Legal Deadline: None

Abstract: The Office of Personnel Management is abolishing the Travis, Texas, Nonappropriated Fund (NAF) wage area.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 08/30/93 | 58 FR 45413 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Brenda Roberts, Personnel Systems and Oversight Group, Office of Compensation Policy, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-2848

RIN: 3206-AF62

4200. PAY ADMINISTRATION (GENERAL); PAY FOR DUTY INVOLVING PHYSICAL HARDSHIP OR HAZARD

Significance: Regulatory Program

Legal Authority: 5 USC 5545(d)

CFR Citation: 5 CFR 550, subpart I

Legal Deadline: Final, Statutory, May 4, 1990.

Abstract: To implement provisions of the Federal Employees Pay Comparability Act of 1990, regulatory revision is needed to delete "irregular or intermittent duty" as a condition of eligibility for hazard pay employees, and prescribe circumstances (if any) in

which hazard pay may be paid when the classification of a position takes into account the degree of physical hardship or hazard involved.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 05/03/91 | 56 FR 20343 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jane Kuhl, Personnel Systems and Oversight Group, Office of Compensation Policy, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-2858

RIN: 3206-AE31

4201. • ALLOWANCES AND DIFFERENTIALS; SEPARATE MAINTENANCE ALLOWANCES FOR DUTY AT JOHNSTON ISLAND

Significance: Regulatory Program

Legal Authority: 5 USC 5942a; EO 11609

CFR Citation: 5 CFR 591

Legal Deadline: None

Abstract: The regulations would authorize payment of a separate maintenance allowance to Federal civilian employees assigned to Johnston Island, a nonforeign duty post.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| Interim Final Rule | 10/04/93 | 58 FR 51565 |
| Interim Final Rule Effective | 11/04/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roger Knadle, Personnel Systems and Oversight Group, Office of Compensation Policy, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-2858

RIN: 3206-AF59

4202. ALLOWANCES AND DIFFERENTIALS; UNIFORM ALLOWANCES

Legal Authority: 5 USC 5901

CFR Citation: 5 CFR 591, subpart A

Legal Deadline: Final, Statutory, May 4, 1991.

OPM

Final Rule Stage

Abstract: The proposed regulations would establish a higher initial maximum uniform allowance rate for civilian Federal employees in certain situations where the typical basic uniform required by a Federal agency involves a high initial outlay of funds.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/05/93 | 58 FR 26694 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jane R. Kuhl, Personnel Systems and Oversight Group, Office of Compensation Policy, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-2858

RIN: 3206-AE36

4203. • COST-OF-LIVING ALLOWANCES (NON-FOREIGN AREAS)

Legal Authority: 5 USC 5941

CFR Citation: 5 CFR 591, subpart B

Legal Deadline: None

Abstract: Proposed rule increasing cost-of-living allowance (COLA) rates paid to General Schedule, Postal Service, and selected other Federal employees in selected areas.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/30/93 | 58 FR 45556 |
| Final Action | 09/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phyllis G. Foley, Personnel Systems and Oversight Group, Office of Compensation Policy, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-3710

RIN: 3206-AF52

4204. • FAMILY AND MEDICAL LEAVE

Significance: Regulatory Program

Legal Authority: 5 USC 6387

CFR Citation: 5 CFR 630, subpart L

Legal Deadline: Final, Statutory, August 5, 1993.

Abstract: To implement title II of the Family and Medical Leave Act of 1993 (FMLA) (Pub. L. 103-3, February 5,

1993) which provides covered Federal employees an entitlement of 12 administrative workweeks of unpaid leave for certain family and medical needs.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 10/00/93 | 58 FR 39596 |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jo Ann Perrini, Personnel Systems and Oversight Group, Office of Compensation Policy, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-1413

RIN: 3206-AF5T

4205. SUITABILITY—SUITABILITY DISQUALIFICATION/RATING ACTIONS

Significance: Regulatory Program

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7301; EO 10577; EO 11222

CFR Citation: 5 CFR 731, subparts B and C

Legal Deadline: None

Abstract: Comprehensive review of suitability standards. OMB returned package of proposed regulatory changes on May 19, 1993, so that the new Administration could review them.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Begin Review | 11/01/85 | |
| Interim Final Rule | 04/23/91 | 56 FR 18650 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Lafferty, Deputy Associate Director, Investigations Group, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-1999

RIN: 3206-AC19

4206. PERSONNEL SECURITY AND RELATED PROGRAMS

Significance: Regulatory Program

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7312; 50 USC 403; EO 10450; EO 10577

CFR Citation: 5 CFR 732

Legal Deadline: None

Abstract: Comprehensive review of security standards. OMB returned package of proposed regulatory changes on May 19, 1993, so that the new Administration could review them.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Begin Review | 11/01/85 | |
| Interim Final Rule | 04/23/91 | 56 FR 18650 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Lafferty, Deputy Associate Director, Investigations Group, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-1999

RIN: 3206-AC21

4207. INVESTIGATIONS

Significance: Regulatory Program

Legal Authority: PL 93-579; 5 USC 552a

CFR Citation: 5 CFR 736

Legal Deadline: None

Abstract: Review of Governmentwide background investigations standards. OMB returned package of proposed regulatory changes on May 19, 1993, so that the new Administration could review them.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Begin Review | 11/01/85 | |
| Interim Final Rule | 04/23/91 | 56 FR 18650 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Lafferty, Deputy Associate Director, Investigations Group, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-1999

RIN: 3206-AB92

4208. RETIREMENT; DISABILITY RETIREMENT

Legal Authority: 5 USC 8337; 5 USC 8461

CFR Citation: 5 CFR 831, subpart E; 5 CFR 844, subpart B

Legal Deadline: None

Abstract: This regulation will clarify filing requirements for disability

OPM

Final Rule Stage

retirements and will conform FERS regulations to CSRS regulations in regard to the withdrawal of disability applications.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: H. T. Newland, Jr., Retirement and Insurance Group, Office of Retirement and Insurance Policy, Office of Personnel Management, 1900 E St. NW., Washington, DC. 20415, 202 606-0299

RIN: 3206-AF24

4209. RETIREMENT; DEBT COLLECTION

Legal Authority: 5 USC 8347; 5 USC 8461

CFR Citation: 5 CFR 835, subpart E

Legal Deadline: None

Abstract: These regulations will amend the Civil Service Retirement System (CSRS) and Federal Employees Retirement System (FERS) regulations by consolidating existing regulations in three different subparts of the CSRS regulations and 5 CFR 845 in the FERS regulations to eliminate duplication of the provisions governing debt collection. This item is for subpart E of the new part 835, which will address collections of Government claims from payments made by OPM.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/05/92 | 57 FR 45753 |
| Final Action | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia A. Rochester, Retirement and Insurance Group, Office of Retirement and Insurance Policy, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-0299

RIN: 3206-AE72

4210. RETIREMENT; FERS BASIC ANNUITY

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 842, subparts B to G

Legal Deadline: None

Abstract: These final regulations will amend FERS Basic Annuity regulations governing Eligibility (subpart B), Credit for Service (subpart C), Computations (subpart F), and Alternative Forms of Annuities (subpart G). These regulations have been published at various times in interim final form, and have been affected by statutory changes.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 01/16/87 | 52 FR 2061 |
| Interim Final Rule | 01/16/87 | 52 FR 2067 |
| Interim Final Rule | 02/11/87 | 52 FR 4473 |
| Interim Final Rule | 02/11/87 | 52 FR 4479 |
| Interim Final Rule | 05/14/87 | 52 FR 18193 |
| Interim Final Rule | 04/08/88 | 53 FR 11635 |
| Interim Final Rule | 02/09/90 | 55 FR 4598 |
| Final Rule | 12/27/90 | 55 FR 53136 |
| Interim Final Rule | 02/19/91 | 56 FR 6549 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. Rosenblatt, Retirement and Insurance Group, Office of Retirement and Insurance Policy, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-0777

RIN: 3206-AE73

4211. RETIREMENT; FERS COVERAGE ELECTIONS

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 846

Legal Deadline: None

Abstract: Regulations to implement the provisions of the Federal Employees Retirement System Act of 1986, as amended, dealing with the election of Federal Employees Retirement System coverage by employees under the Civil Service Retirement System and certain other employees and to allow agencies authorization to accept retroactive

FERS elections in specific circumstances.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 05/21/87 | 52 FR 19235 |
| Interim Final Rule | 09/13/93 | 58 FR 47821 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Retirement and Insurance Group, Office of Retirement and Insurance Policy, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-0299

RIN: 3206-AE01

4212. MISCELLANEOUS FEDERAL EMPLOYEES HEALTH BENEFITS ACQUISITION REGULATION (FEHBAR) AMENDMENTS

Legal Authority: 5 USC 8913; 5 USC 486(c)

CFR Citation: 48 CFR ch 16

Legal Deadline: None

Abstract: Regulations to amend certain provisions in the Federal Employees Health Benefits Acquisition Regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/29/93 | 58 FR 34769 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Abby L. Block, Chief, Insurance Policy Division, Retirement and Insurance Group, Office of Personnel Management, Office of Retirement and Insurance Policy, 1900 E St. NW., Washington, DC 20415, 202 606-0191

RIN: 3206-AE67

OFFICE OF PERSONNEL MANAGEMENT (OPM)

Completed Actions

4213. STAY-IN-SCHOOL PROGRAM
CFR Citation: 5 CFR 213.3102; 5 CFR 575.103

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 06/15/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Helen Lee, 202 606-0870

RIN: 3206-AE52

4214. ORGANIZATION OF THE GOVERNMENT FOR PERSONNEL MANAGEMENT; PERSONNEL MANAGEMENT IN AGENCIES

CFR Citation: 5 CFR 230; 5 CFR 250

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/02/93 | 58 FR 36119 |
| Final Action Effective | 08/05/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bruce Oland, 202 606-2458

RIN: 3206-AA66

4215. AMENDMENT TO VETERANS' READJUSTMENT APPOINTMENT REGULATIONS

CFR Citation: 5 CFR 307

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/25/93 | 58 FR 44743 |
| Final Action Effective | 09/24/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas O'Connor, 202 606-0960

RIN: 3206-AE59

4216. REDUCTION IN FORCE—PERMISSIVE TEMPORARY EXCEPTION

CFR Citation: 5 CFR 351

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|------------|
| Final Action | 01/22/93 | 58 FR 5561 |
| Final Action Effective | 01/22/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leota Shelkey, 202 606-0960

RIN: 3206-AF04

4217. PAY RATES AND SYSTEMS (GENERAL); AGGREGATE LIMITATION ON PAY

Significance: Regulatory Program

CFR Citation: 5 CFR 530, subpart B

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/27/93 | 58 FR 50247 |
| Final Action Effective | 10/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernadette Christie, 202 606-2858

RIN: 3206-AE21

4218. • CHANGES IN METROPOLITAN AREA DEFINITIONS

Legal Authority: PL 101-509

CFR Citation: 5 CFR 531, subparts A and C; 5 CFR 550, subpart G

Legal Deadline: None

Abstract: Revised pay adjustment areas to reflect changes in metropolitan area boundaries issued by the Office of Management and Budget.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 06/18/93 | 58 FR 33497 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James R. Weddel, Personnel Systems and Oversight Group, Office of Compensation Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, 202 606-2858

RIN: 3206-AF49

4219. PAY UNDER THE GENERAL SCHEDULE; LOCALITY-BASED COMPARABILITY PAYMENTS

Significance: Regulatory Program

CFR Citation: 5 CFR 531, subpart F

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/07/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Belva MacDonald, 202 606-2858

RIN: 3206-AF39

4220. METRIC CONVERSION

CFR Citation: 5 CFR 532; 5 CFR 550; 5 CFR 591

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/09/93 | 58 FR 32273 |
| Final Action Effective | 07/09/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Shields, 202 606-2848

RIN: 3206-AE88

4221. WAGE AREA REDEFINITION

CFR Citation: 5 CFR 532, subpart B

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/18/83 | 58 FR 33499 |
| Final Action Effective | 07/19/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Brenda Roberts, 202 606-2848

RIN: 3206-AF12

4222. • PREVAILING RATE SYSTEMS, HORRY COUNTY, SOUTH CAROLINA, NAF FWS WAGE AREA

Legal Authority: 5 USC 5343; 5 USC 5346

CFR Citation: 5 CFR 532

Legal Deadline: None

Abstract: The Office of Personnel Management is abolishing the Horry County, South Carolina, Nonappropriated Fund (NAF) Wage Area.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Final Rule | 12/29/92 | 57 FR 61770 |
| Final Action | 07/16/93 | 58 FR 38263 |
| Final Action Effective | 08/16/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Brenda Roberts, Personnel Systems and Oversight Group, Office of Compensation Policy, Office of Personnel Management, 1900

OPM

Completed Actions

E St. NW., Washington, DC 20415, 202 606-2848

RIN: 3206-AF27

4223. • PREVAILING RATE SYSTEMS; MACOMB, MICHIGAN, NAF WAGE AREA

Legal Authority: 5 USC 5343

CFR Citation: 5 CFR 532

Legal Deadline: None

Abstract: Due to the employment of an NAF FWS worker by the Coast Guard in Grand Haven, Ottawa County, Michigan, it is necessary to define that county to an NAF FWS wage area. These regulations will add Ottawa County to the Macomb, Michigan, NAF wage area.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Final Rule | 06/18/93 | 58 FR 33499 |
| Final Action | 10/01/93 | 58 FR 51211 |
| Final Action Effective | 11/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Shields, Personnel Systems and Oversight Group, Office of Compensation Policy, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-2848

RIN: 3206-AF48

4224. PAY ADMINISTRATION (GENERAL); ADVANCE PAYMENTS FOR NEW EMPLOYEES

Significance: Regulatory Program

CFR Citation: 5 CFR 550, subpart B

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/05/93 | 58 FR 41623 |
| Final Action Effective | 09/07/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: JoAnn Perrini, 202 606-2858

RIN: 3206-AE30

4225. PAYMENTS DURING AN EVACUATION

CFR Citation: 5 CFR 550, subpart D

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/18/93 | 58 FR 33501 |
| Final Action Effective | 07/19/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Cahill, 202 606-2858

RIN: 3206-AF25

4226. HAZARD PAY FOR GENERAL SCHEDULE EMPLOYEES; EXPOSURE TO ASBESTOS

CFR Citation: 5 CFR 550, subpart I

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/08/93 | 58 FR 32048 |
| Final Action Effective | 06/08/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jane Kuhl, 202 606-2858

RIN: 3206-AE18

4227. PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND/OR ALIMONY

CFR Citation: 5 CFR 581

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/02/93 | 58 FR 35845 |
| Final Action Effective | 08/02/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Murray Meeker, 202 606-1980

RIN: 3206-AB42

4228. PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND/OR ALIMONY

CFR Citation: 5 CFR 581

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/02/93 | 58 FR 35845 |
| Final Action Effective | 08/02/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Murray Meeker, 202 606-1980

RIN: 3206-AE54

4229. ALLOWANCES AND DIFFERENTIALS; COST-OF-LIVING ALLOWANCE AND POST DIFFERENTIAL - NONFOREIGN AREAS

Significance: Regulatory Program

CFR Citation: 5 CFR 591, subpart B

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/18/93 | 58 FR 33501 |
| Final Action Effective | 07/19/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phyllis G. Foley, 202 606-3710

RIN: 3206-AF13

4230. • MISCELLANEOUS CORRECTIONS OF RETIREMENT REGULATIONS

Legal Authority: 5 USC 8347; 5 USC 8461

CFR Citation: 5 CFR 831; 5 CFR 838; 5 CFR 841; 5 CFR 842; 5 CFR 843

Legal Deadline: None

Abstract: The Office of Personnel Management is issuing final regulations correcting errors and updating tables currently contained in the regulations on retirement in title 5, Code of Federal Regulations.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/17/93 | 58 FR 43491 |
| Final Action Effective | 09/16/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Retirement and Insurance Group, Office of Retirement and Insurance, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, 202 606-0299

RIN: 3206-AF65

4231. RETIREMENT; CREDIT AND DEPOSITS FOR MILITARY SERVICE

CFR Citation: 5 CFR 831, subparts A, C and U; 5 CFR 842, subpart C

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 06/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

OPM

Completed Actions

Agency Contact: Patricia Rochester,
202 606-0299
RIN: 3206-AB73

**4232. RETIREMENT; DISABILITY
RETIREMENT**

CFR Citation: 5 CFR.831, subpart L
Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/22/93 | 58 FR 49177 |
| Final Action Effective | 10/22/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: H. T. Newland, Jr.,
202 606-0299

RIN: 3206-AB77

**4233. RETIREMENT; CHILDREN'S
SURVIVOR BENEFITS BASED ON
STUDENT STATUS**

CFR Citation: 5 CFR 831, subpart F;
5 CFR 843, subpart D

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/08/93 | 58 FR 32051 |
| Final Action Effective | 07/08/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman,
202 606-0299

RIN: 3206-AE40

**4234. RETIREMENT; REEMPLOYMENT
OF ANNUITANTS**

CFR Citation: 5 CFR 841, subpart K;
5 CFR 846

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/15/93 | 58 FR 48265 |
| Final Action Effective | 10/15/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene R. Littleford,
202 606-0299

RIN: 3206-AD60

**4235. RETIREMENT; CREDIT FOR
MILITARY SERVICE**

CFR Citation: 5 CFR 843, subpart C

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 06/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene R. Littleford,
202 606-0299

RIN: 3206-AD87

**4236. FEDERAL EMPLOYEES' GROUP
LIFE INSURANCE; CHANGE IN
EMPLOYEE CONTRIBUTION AND
OPEN ENROLLMENT PERIOD**

CFR Citation: 5 CFR 870, subpart D;
5 CFR 871, subpart D; 5 CFR 872,
subpart D; 5 CFR 873, subpart D

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/13/93 | 58 FR 47823 |
| Final Action Effective | 09/13/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abby L. Block, 202
606-0191

RIN: 3206-AE65

**4237. FEDERAL EMPLOYEES' GROUP
LIFE INSURANCE PROGRAM AND
FEDERAL EMPLOYEES HEALTH
BENEFITS PROGRAM; BENEFITS FOR
HOSTAGES IN IRAQ, KUWAIT, AND
LEBANON**

CFR Citation: 5 CFR 870, subpart J; 5
CFR 890, subpart L

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/08/93 | 58 FR 18142 |
| Final Action Effective | 05/10/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abby L. Block, 202
606-1091

RIN: 3206-AF20

**4238. FEGLI; OPTION COVERAGE
WITHIN 60 DAYS OF A DIVORCE OR
DEATH OF A SPOUSE**

CFR Citation: 5 CFR 872, subpart B;
5 CFR 873, subpart B

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/30/93 | 58 FR 45415 |
| Final Action Effective | 09/29/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abby L. Block, 202
606-0191

RIN: 3206-AE64

**4239. FEDERAL EMPLOYEES HEALTH
BENEFITS PROGRAM; LIMITATION
ON INPATIENT HOSPITAL CHARGES
AND FEHB PROGRAM PAYMENTS;
OBRA OF 1990 PROVISION**

CFR Citation: 5 CFR 890

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/20/93 | 58 FR 38661 |
| Final Action Effective | 07/20/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abby L. Block, 202
606-0191

RIN: 3206-AE90

**4240. FEDERAL EMPLOYEES HEALTH
BENEFITS PROGRAM; AN
OPPORTUNITY TO CHANGE TO A
FAMILY ENROLLMENT**

CFR Citation: 5 CFR 890, subpart C

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/15/93 | 58 FR 33009 |
| Final Action Effective | 07/15/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Abby L. Block, 202
606-1091

RIN: 3206-AF19

**4241. FEDERAL EMPLOYEES' GROUP
LIFE INSURANCE ACQUISITION
REGULATION**

CFR Citation: 48 CFR ch 21

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/28/93 | 58 FR 40369 |
| Final Action Effective | 08/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-
related action for which there is no
statutory requirement. There is no
paperwork burden associated with this
action.

OPM

Completed Actions

Agency Contact: Abby L. Block, 202
806-0191

RIN: 3206-AE04

[FR Doc. 93-21451 Filed 10-22-93; 8:45 am]

BILLING CODE 5325-01-F

Federal Register

**Monday
October 25, 1993**

Part XXXV

Panama Canal Commission

Semiannual Regulatory Agenda

PANAMA CANAL COMMISSION (PANAMA)

PANAMA CANAL COMMISSION

35 CFR Ch. I

Unified Agenda of Federal Regulations

AGENCY: Panama Canal Commission.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Panama Canal Commission. This information will allow the public to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: For information about a particular

regulatory project, contact the person listed in the subheading "Agency Contact" for that project. For general information, contact Michael Rhode, Jr., Secretary, Panama Canal Commission, International Square, 1825 I Street NW., Suite 1050, Washington, DC 20006-5402, (202) 634-6441 TDD; or John L. Haines, Jr., Esquire, General Counsel, Panama Canal Commission, Unit 2300, APO AA 34011-2300.

SUPPLEMENTARY INFORMATION: Executive Order 12291 "Federal Regulation" and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, require that executive agencies publish in the **Federal Register** a semiannual notice of regulations

which are under development or review or for which action has been completed. The Panama Canal Commission agenda contains certain regulations which are limited in public impact, but they are included to increase public awareness of Commission activities and to allow for increased public participation in the Agency's regulatory review and development process. This agenda was prepared pursuant to guidelines established by the Office of Management and Budget.

Dated: August 24, 1993.

Michael Rhode, Jr.,
Secretary, Panama Canal Commission.

PANAMA CANAL COMMISSION (PANAMA)

Prerule Stage

4242. RULES FOR MEASUREMENT OF VESSELS

Significance: Agency Priority

Legal Authority: PL 96-70, sec 1601

CFR Citation: 35 CFR 135

Legal Deadline: None

Abstract: In July 1982, 48 nations, representing more than 80 percent of world shipping, began implementing a new uniform method for tonnage determination in accordance with the International Convention on Tonnage Measurement of Ships, 1969. Final implementation is scheduled for July

1994. The present Panama Canal measurement system is based upon the old national tonnage measurement system. The Panama Canal Commission is currently studying the possibility of adapting its tonnage measurement system to one which is compatible with the 1969 Convention. This would eliminate the need for vessels to be measured twice, once under the new system and again under the old system for Panama Canal assessment purposes. While no timetable for rulemaking has been established, tentative plans are to target any possible change to the Panama Canal measurement rules to the

July 1994 final implementation of the 1969 Convention by October 1, 1994.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Michael Rhode, Jr., Assistant to the Chairman and Secretary, Panama Canal Commission, 1825 I Street NW., Suite 1050, Washington, DC 20006-5402, 202 634-6441

RIN: 3207-AA23

PANAMA CANAL COMMISSION (PANAMA)

Proposed Rule Stage

4243. PANAMA CANAL COMMISSION ACQUISITION REGULATION

Significance: Agency Priority

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 35

Legal Deadline: None

Abstract: The proposed rule will update the Panama Canal Commission Acquisition Regulation to conform to changes in the Federal Acquisition Regulation and to incorporate minor changes to internal operating procedures.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM Comment | 12/00/93 | |
| Period End | | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Additional Information: Phone number for James N. Doyle in Panama, Republic of Panama, is (507)52-7511.

Agency Contact: James N. Doyle, Assistant Procurement Executive, Panama Canal Commission, Unit 2300, APO AA 34011-2300, 202 634-6441

RIN: 3207-AA30

4244. • PRIVACY ACT SYSTEMS OF RECORDS

Legal Authority: 5 USC 522; 5 USC app 1 *et seq*

CFR Citation: 35 CFR 10

Legal Deadline: None

Abstract: The Panama Canal Commission is proposing to amend 35 CFR part 10, the agency's existing Privacy Act regulations, (1) to update

PANAMA

Proposed Rule Stage

sections 10.21, "General Exemptions," and 10.22, "Specific Exemptions," by amending alphanumerical designations and titles, deleting obsolete systems, and more precisely stating the exemptions pursuant to the Privacy Act of 1974 and OMB Circular A-130, and (2) to establish two new systems of records maintained by the Office of Inspector General (OIG) and to amend one existing system which was relocated to OIG.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carolyn H. Twohy, Chief, Administrative Services Division, Panama Canal Commission, Unit 2300, APO AA 34011-2300, 202 634-6441

RIN: 3207-AA33

4245. • RADIO COMMUNICATION

Significance: Agency Priority

Legal Authority: 22 USC 3811; EO 12215; 45 FR 36043

CFR Citation: 35 CFR 123.4(a) (Revision)

Legal Deadline: None

Abstract: The Panama Canal Commission is proposing to make the following changes and clarification to 35 CFR 123.4(a): CHARLIE--Estimated draft upon arrival, and estimated transit draft if scheduled to work cargo or take bunker prior to transiting, in meters, fore and aft, in Tropical Fresh Water.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Capt. George T. Hull, Marine Director, Panama Canal Commission, Marine Bureau, Unit 2300, APO AA 34011-2300, 202 634-6441

RIN: 3207-AA34

PANAMA CANAL COMMISSION (PANAMA)

Final Rule Stage

4246. DANGEROUS CARGOES; RADIO COMMUNICATION

Significance: Agency Priority

Legal Authority: 22 USC 3811; EO 12215

CFR Citation: 35 CFR 101; 35 CFR 103; 35 CFR 105; 35 CFR 107; 35 CFR 109; 35 CFR 111; 35 CFR 113; 35 CFR 115; 35 CFR 117; 35 CFR 119; 35 CFR 121; 35 CFR 123; 35 CFR 113.49(b) (Revision)

Legal Deadline: None

Abstract: The Panama Canal Commission is proposing to make the following change and clarification:

35 CFR 113.49(b): Explosive cargo to be used for other than official U.S. Government purposes may not be loaded or offloaded at facilities of the Panama Canal Commission. Explosive anchorages prescribed in sections 101.8(a)(2)(3) and 101.8(c)(2), respectively, may be used upon approval of the Marine Safety Advisor, or his designee.

The Commission also proposes to make minor technical changes and clarifications to: 35 CFR 111.3(m); 35 CFR 113.4; 35 CFR 113.28(c); 35 CFR 113.30; 35 CFR 123.4(a); and others

listed in the abstract of 3207-AA26 in the April 1993 Unified Agenda.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Capt. George T. Hull, Marine Director, Panama Canal Commission, Marine Bureau, Unit 2300, APO AA 34011-2300, 202 634-6441

RIN: 3207-AA26

[FR Doc. 93-23540 Filed 10-22-93; 8:45 am]

BILLING CODE 3640-04-F

Federal Register

Monday
October 25, 1993

Part XXXVI

Peace Corps

Semiannual Regulatory Agenda

PEACE CORPS (PEACE)

PEACE CORPS

22 CFR Ch. III

Executive Order 12291 "Federal Regulation"; Semiannual Agenda of Regulations

AGENCY: Peace Corps of the United States.

ACTION: Publication of semiannual agenda.

the Agency in order to allow the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: The public is encouraged to contact the agency official listed for the particular agenda item. For other information concerning Peace Corps' regulations or this semiannual agenda, contact Brian J. Sexton, General Counsel, Peace Corps, 1990 K Street NW., Washington, DC 20526, (202) 606-3114.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291 entitled "Federal Regulation" and the Regulatory Flexibility Act (5 U.S.C. 601-612), executive agencies are required to publish in the *Federal Register* semiannual regulatory agendas in April

and October of each year. The regulations being considered by the Peace Corps are not "major" rules within the meaning of Executive Order 12291, and no Regulatory Impact Analysis is required. In addition, the Peace Corps has determined, under the Regulatory Flexibility Act, that the regulations under consideration will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Flexibility Analysis is required. The Agency has also determined that the regulations will not impose compliance costs or reporting burdens on the public.

Dated: July 7, 1993.

Brian J. Sexton,
General Counsel.

SUMMARY: This agenda announces the regulations the Peace Corps will have under development during the 12-month period from October 1, 1993, through September 30, 1994. The purpose for publishing this agenda is to give notice of any regulatory activity by

PEACE CORPS (PEACE)

Proposed Rule Stage

4247. IMPLEMENTATION OF REHABILITATION ACT OF 1973, PART 504—HANDICAPPED DISCRIMINATION PROHIBITION

Legal Authority: 29 USC 794

CFR Citation: 22 CFR 312

Legal Deadline: None

Abstract: The regulation implements section 504 of the Rehabilitation Act of 1973 (29 USC 794) which prohibits discrimination on the basis of handicap in programs or activities conducted by executive agencies or the Postal Service.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 10/08/91 | 56 FR 50684 |
| NPRM Comment Period End | 12/09/91 | 56 FR 50684 |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Brian J. Sexton, General Counsel, Peace Corps, 1990 K Street NW., Room 8302, Washington, DC 20526, 202 606-3114

RIN: 0420-AA03

4248. • CLAIMS COLLECTION

Legal Authority: 31 USC 3701 to 3719; 5 USC 5514; 22 USC 2503(b); 31 USC 3720A

CFR Citation: 22 CFR 309

Legal Deadline: None

Abstract: The section of the claims collection regulation regarding salary offset is under revision to remove unnecessary references to the Department of Defense and the United States Postal Service.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Federal

Public Compliance Cost: Initial Cost: \$0; Yearly Recurring Cost: \$0

Agency Contact: Reggie Tynes, Claims Officer, Peace Corps, Fiscal Services Division, Room 6328, 1990 K Street NW., Washington, DC 20526, 202 606-3520

RIN: 0420-AA08

4249. • PEACE CORPS SUPPLEMENTAL STANDARDS OF CONDUCT

Significance: Agency Priority

Legal Authority: EO 12674; 5 CFR 2635.105

CFR Citation: 22 CFR 307

Legal Deadline: None

Abstract: The Office of Government Ethics has issued Governmentwide standards of conduct which pertain to all executive branch employees, including Peace Corps employees. The Peace Corps incorporates these standards and pursuant to section 2635.105 of the executive standards is issuing its own Supplemental Agency Regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: \$0; Yearly Recurring Cost: \$0

Agency Contact: Kirby Mullen, Associate General Counsel, Peace Corps, Office of General Counsel, 1990 K Street NW., Washington, DC 20526, 202 606-3114

RIN: 0420-AA09

PEACE CORPS (PEACE)

Final Rule Stage

4250. NEW RESTRICTIONS ON LOBBYING**Significance:** Regulatory Program**Legal Authority:** PL 101-121, sec 319**CFR Citation:** 22 CFR 311**Legal Deadline:** None**Abstract:** The Agency will join 28 other executive agencies in issuing a final common rule for the purpose of implementing new statutory prohibitions and disclosure

requirements with regard to certain influencing activities.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| OMB Interim Final Guidance | 12/20/89 | 54 FR 52306 |
| Interim Final Rule | 02/26/90 | 55 FR 6736 |
| Further OMB Guidance | 06/15/90 | 55 FR 24540 |
| Further OMB Guidance | 01/15/92 | 57 FR 1772 |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** Local, State**Agency Contact:** Kirby Mullen, Associate General Counsel, Peace Corps, 1990 K Street NW., Washington, DC 20526, 202 606-3114**RIN:** 0420-AA06

[FR Doc. 93-21452 Filed 10-22-93; 8:45 am]

BILLING CODE 6051-01-F

Federal Register

Monday
October 25, 1993

Part XXXVII

**Pennsylvania Avenue
Development
Corporation**

Semiannual Regulatory Agenda

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC)

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Ch. IX

Unified Agenda of Federal Regulations

AGENCY: Pennsylvania Avenue Development Corporation (PADC).

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: This document sets forth the Pennsylvania Avenue Development Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The agenda lists regulations currently under rulemaking review that PADC expects to have as a final rule during the next 12 months.

FOR FURTHER INFORMATION CONTACT: Talbot J. Nicholas II, Attorney, Office of

the General Counsel, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue NW., Washington, DC 20004, (202) 724-9088.

Dated: August 27, 1993.

Robert E. McCally,
Acting Executive Director, Pennsylvania Avenue Development Corporation.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC)

Prerule Stage

4251. DEVELOPMENT POLICIES AND PROCEDURES

Legal Authority: 40 USC 875(5)

CFR Citation: 36 CFR 911 (New)

Legal Deadline: None

Abstract: The Corporation is studying ways to apply past experience to update its development policies and procedures.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Madeleine B. Schaller, Deputy General Counsel, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue NW., Washington, DC 20004, 202 724-9088

RIN: 3208-AA06

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC)

Completed Actions

4252. PROCEDURES AND UNIFORM STANDARDS FOR PUBLIC USE OF PARKS AND PLAZAS

CFR Citation: 36 CFR 912

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Madeleine B. Schaller, 202 724-9088

RIN: 3208-AA01

[FR Doc. 93-21811 Filed 10-22-93; 8:45 am]

BILLING CODE 7530-01-F

Federal Register

Monday
October 25, 1993

Part XXXVIII

**Pension Benefit
Guaranty
Corporation**

Semiannual Regulatory Agenda

PENSION BENEFIT GUARANTY CORPORATION (PBGC)**PENSION BENEFIT GUARANTY CORPORATION**

29 CFR Ch. XXVI

Agenda of Regulations Under Development**AGENCY:** Pension Benefit Guaranty Corporation (PBGC).**ACTION:** Agenda of regulations.

SUMMARY: This document sets forth the Pension Benefit Guaranty Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The agenda lists regulations that are currently under development or that PBGC expects to have under development during the next 12 months. The effect of this agenda is to advise the public of PBGC's current and future regulatory activities.

ADDRESSES: Office of the General Counsel (Code 22000), Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, (202) 778-8850. For information about a specific regulation project listed on the agenda, contact the person designated in the agenda for that regulation.

SUPPLEMENTARY INFORMATION: Under the President's Order on Federal Regulation, Executive Order 12291, 46 FR 13193, each agency is required to publish, in April and October, an agenda of regulations currently or soon to be under development. The Executive order requires that the agenda also include those currently effective

regulations that are being reviewed by the Agency pursuant to the Executive order. The Regulatory Flexibility Act, Public Law 98-354, 5 U.S.C. 601, has a similar agenda requirement. Under that law, the agenda must list any regulation that is likely to have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has issued guidelines prescribing the form and content of the regulatory agenda. Under those guidelines, the agenda must list all regulatory activities being conducted or reviewed in the next 12 months and provide certain specified information on each regulation. All of the items on this agenda are current or projected rulemakings.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4253 | Annuity Contracts Distributed by Terminating Plans | 1212-AA57 |

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4254 | Mergers and Transfers Between Multiemployer Plans | 1212-AA69 |
| 4255 | Financial Assistance to Multiemployer Plans | 1212-AA74 |
| 4256 | Disclosure and Amendment of Records Under the Privacy Act | 1212-AA63 |
| 4257 | Funds for Administrative Expenses of Section 4049 Trusts | 1212-AA65 |
| 4258 | Submission of Premium-Related Information | 1212-AA66 |
| 4259 | Certain Reporting and Notification Requirements | 1212-AA68 |
| 4260 | Reporting Plan Funding Information | 1212-AA70 |
| 4261 | Payment of Benefits in PBGC-Trusteed Plans | 1212-AA35 |
| 4262 | Calculation and Payment of Unfunded Nonguaranteed Benefits | 1212-AA54 |
| 4263 | Amendments to Valuation of Plan Benefits (REA, SEPPAA, and PPA) | 1212-AA55 |
| 4264 | Notice of State Guaranty Coverage of Annuities | 1212-AA73 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4265 | Plan Rules for Reduction or Waiver of Complete Withdrawal Liability | 1212-AA38 |
| 4266 | Payment of Premiums | 1212-AA58 |
| 4267 | Administrative Offset of Debts | 1212-AA64 |
| 4268 | Tax Refund Offset | 1212-AA72 |
| 4269 | Disaster Relief—Rules for Administrative Review of Agency Decisions; Standard Terminations of Single-Employer Plans | 1212-AA71 |

PBGC

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4270 | Election of Single-Employer Plan Status—Repeal | 1212-AA67 |
| 4271 | Valuation of Benefits in Single-Employer Plans; Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal | 1212-AA61 |
| 4272 | Miscellaneous SEPPAA/PPA Amendments | 1212-AA50 |

PENSION BENEFIT GUARANTY CORPORATION (PBGC)

Prerule Stage

4253. ANNUITY CONTRACTS DISTRIBUTED BY TERMINATING PLANS

Significance: Regulatory Program
Legal Authority: 29 USC 1302(b); 29 USC 1341(b)
CFR Citation: 29 CFR 2617
Legal Deadline: None

Abstract: ERISA section 4041(b) requires terminating plans to provide benefits that are payable in annuity form by purchasing and distributing to plan participants (or beneficiaries) irrevocable commitments from an insurer to pay the annuity benefits. Once the final distribution of assets in accordance with section 4041(b) is completed, PBGC's guarantee under ERISA section 4022 is extinguished. Under ERISA section 4041(b), the only specific requirement dealing with irrevocable commitments distributed upon plan termination is that they be purchased from a licensed insurance company. (Such purchases are, of

course, subject generally to the fiduciary provisions of Title I of ERISA.) Recent publicity about financial problems within the insurance industry and, specifically, about the serious problems of a few insurers, has sparked concerns about the security of pension annuities that are being, or will be, paid by an insurer pursuant to an irrevocable commitment. PBGC (with the Department of Labor) has been studying this issue. (cont)

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 06/21/91 | 56 FR 28642 |
| Next Action Undetermined | | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: As part of this ongoing study, PBGC issued an ANPRM, in order to solicit comments and suggestions from the public on the following two broad issues: (1) Are current or future retirees,

who are (or will be) receiving their benefits from an insurance company pursuant to the insurer's irrevocable commitments, at risk of losing some (or all) of their promised benefits because of the insurer's financial inability to pay the full benefits? (2) If such risk does exist, or can reasonably be expected to exist in the future, what actions, either Federal or nonfederal, can be taken to reduce this risk with respect to plans terminating under Title IV? After reviewing the public comments in response to this ANPRM, as well as the other information available to it, PBGC will decide whether to proceed with this rulemaking by issuing an NPRM.

Agency Contact: Charles W. Vernon, Assistant General Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel (22000), 2020 K Street NW., Washington, DC 20006, 202 778-1918

RIN: 1212-AA57

PENSION BENEFIT GUARANTY CORPORATION (PBGC)

Proposed Rule Stage

4254. MERGERS AND TRANSFERS BETWEEN MULTIEMPLOYER PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1411
CFR Citation: 29 CFR 2672
Legal Deadline: None

Abstract: ERISA section 4231 sets basic guidelines for mergers and transfers between multiemployer plans, including a provision for a 120-day notice to the PBGC. The PBGC's regulation on Mergers and Transfers Between Multiemployer Plans contains implementing rules. Neither the statute nor the regulation makes clear whether

or how the merger and transfer rules apply where one or more of the plans involved is terminated. This regulation would amend 29 CFR Part 2672 to clarify its application to mergers and transfers involving one or more terminated multiemployer plans and to specify the criteria that a merger or transfer involving terminated plans must satisfy in order to protect participants and beneficiaries in the affected plans, as well as the PBGC, from risk of loss as a result of the merger or transfer. The regulation would also liberalize the 120-day notice requirement for all multiemployer mergers and transfers so that such

transactions can proceed more expeditiously.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Deborah C. Murphy, Attorney, Pension Benefit Guaranty Corporation, Office of the General

PBGC

Proposed Rule Stage

Counsel (22000), 202 K St. NW.,
Washington, DC 20006, 202 778-8850

RIN: 1212-AA69

4255. • FINANCIAL ASSISTANCE TO MULTIEMPLOYER PLANS

Significance: Agency Priority

Legal Authority: 29 USC 1302(b)(3); 29 USC 1431

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: ERISA section 4261(a) provides that the PBGC shall pay financial assistance to insolvent multiemployer plans described in sections 4245(f) and 4281(d) who submit an application for the payment of assistance. The PBGC's regulation on Powers and Duties of Plan Sponsor of Plan Terminated by Mass Withdrawal (29 CFR Part 2675) specifies the information that plans described in section 4281(d) (i.e., a plan terminated by the withdrawal of all employers) are required to submit in their application for financial assistance; however, the PBGC has not prescribed regulations specifying the information that a plan subject to section 4245(f) (i.e., a plan that has not terminated by the withdrawal of all employers) is required to file. This regulation would, among other things, (1) specify the information for applications for financial assistance from plans described in section 4245(f); (2) incorporate and revise, as appropriate, the requirements in 29 CFR Part 2675 that relate to applications for financial assistance for plans described in section 4281(d); and (3) specify (cont)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 06/00/94 | |
| NPRM Comment Period End | 08/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: the obligation of the sponsor of a plan that has applied for financial assistance to maintain and make available to the PBGC plan records and other information necessary for the PBGC to determine the plan's eligibility for financial assistance and where assistance has been provided, that such funds have been used solely for the purposes of paying guaranteed benefits

and reasonable administrative expenses.

Agency Contact: Deborah C. Murphy, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel (22000), 202 K St. NW., Washington, DC 20006, 202 778-8850

RIN: 1212-AA74

4256. DISCLOSURE AND AMENDMENT OF RECORDS UNDER THE PRIVACY ACT

Legal Authority: 5 USC 552a

CFR Citation: 29 CFR 2607

Legal Deadline: None

Abstract: The PBGC is dividing one of its systems of records that are subject to the Privacy Act into two systems, and therefore proposing to amend its regulations to describe accurately the pertinent exemption from statutory provisions under the systems of records as so modified. In addition, the PBGC is proposing amendments to reflect its current organization and to increase its standard copying fee (which has not been modified since 1975). The proposed rule also will include several editorial changes.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Judith A. Neibrief, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel (22000), 202 K St. NW., Washington, DC 20006, 202 778-8850

RIN: 1212-AA63

4257. FUNDS FOR ADMINISTRATIVE EXPENSES OF SECTION 4049 TRUSTS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1341(c)(3)(B) (Supp. IV 1986); 29 USC 1342(i) (Supp. IV 1986); 29 USC 1349(a) (Supp. IV 1986) as amd. by sec. 9312, PL 100-203; 29 USC 1349(d) (Supp. IV 1986)

CFR Citation: 29 CFR 2626

Legal Deadline: None

Abstract: The Single-Employer Pension Plan Amendments Act of 1986 ("SEPPAA") added to ERISA (in

section 4049) a requirement that a "4049 trust" be set up to provide unfunded benefits not guaranteed by the PBGC to participants and beneficiaries of terminated insufficient single-employer plans; SEPPAA also added section 4062(c) to provide for employer liability to a 4049 trust. These provisions were repealed by the Pension Protection Act ("PPA"), but still apply to plans that terminated while they were in effect (roughly 1986-87). PPA also added to section 4049 a requirement that employers liable to a 4049 trust provide funding for administrative expenses of the trust before the section 4062(c) liability is collected, in accordance with regulations to be issued by the PBGC. This regulation would provide a summary procedure for collection of such administrative funding by a 4049 trustee.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 02/00/94 | |
| NPRM Comment Period End | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas H. Gabriel, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel (22000), 202 K St. NW., Washington, DC 20006, 202 778-8821

RIN: 1212-AA65

4258. SUBMISSION OF PREMIUM- RELATED INFORMATION

Significance: Agency Priority

Legal Authority: 29 USC 1302(b)(3); 29 USC 1306; 29 USC 1307

CFR Citation: 29 CFR 2610

Legal Deadline: None

Abstract: The PBGC's regulation on Payment of Premiums (29 CFR part 2610) currently requires plan administrators to retain, for six years, all records necessary to support or validate premium payments and to make those records available to the PBGC, upon request, for inspection and photocopying. The PBGC intends to propose amendments to provide for the submission to the PBGC of information in those records and for the supplementation of information submitted in premium filings. By improving the PBGC's ability to tailor

PBGC

Proposed Rule Stage

its decisionmaking to the variety of situations presented by the administration of premium requirements, the PBGC expects these changes to increase the agency's efficiency and effectiveness.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/94 | |
| NPRM Comment Period End | 12/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Judith A. Neibrief, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel (22000), 2020 K St. NW., Washington, DC 20006, 202 778-8850

RIN: 1212-AA66

4259. CERTAIN REPORTING AND NOTIFICATION REQUIREMENTS

Legal Authority: 29 USC 1082(f); 29 USC 1302(b)(3); 29 USC 1343; 29 USC 1365

CFR Citation: 29 CFR 2615

Legal Deadline: None

Abstract: The PBGC's regulation on Certain Reporting and Notification Requirements (29 CFR Part 2615) includes rules for notification of "reportable events" under ERISA section 4043. The PBGC is considering several possible changes to these requirements. These changes would help to give the PBGC early warning of situations that may indicate the need to terminate a plan and thus provide possible opportunities for PBGC action to avert or limit increases in PBGC's liability.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 08/00/94 | |
| NPRM Comment Period End | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Judith A. Neibrief, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel (22000), 2020 K St. NW., Washington, DC 20006, 202 778-8850

RIN: 1212-AA68

4260. REPORTING PLAN FUNDING INFORMATION

Significance: Agency Priority

Legal Authority: 29 USC 1302(b)(3)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The most significant threat of future claims against the PBGC is from very large plans (both single-employer and multiemployer). This regulation would improve the PBGC's ability to estimate its potential exposure by requiring the plan administrator of each such plan to submit information annually about the plan's funding status (regardless of current funding level). In general, the required information would be readily available to the plan administrator. The information would be submitted (in most cases) by the time the annual premium payment with PBGC Form 1 is due.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 08/00/94 | |
| NPRM Comment Period End | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Judith A. Neibrief, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel (22000), 2020 K St. NW., Washington, DC 20006, 202 778-8850

RIN: 1212-AA70

4261. PAYMENT OF BENEFITS IN PBGC-TRUSTEED PLANS

Significance: Agency Priority

Legal Authority: 29 USC 1302(b)(3); 29 USC 1322; 29 USC 1342

CFR Citation: 29 CFR 2624

Legal Deadline: None

Abstract: When the PBGC assumes trusteeship of a terminated pension plan pursuant to sections 4041 and 4042 of ERISA, it pays benefits to participants pursuant to plan provisions and section 4022 of ERISA. Many of the rules and procedures for benefit payments, while of interest to participants, are inappropriate for inclusion in a regulation. The PBGC already provides much of this information to participants in other appropriate forms, such as letters and

pamphlets, and will continue to do so. However, rules governing certain aspects of benefit payments are more appropriately established by regulation (or otherwise addressed through a Federal Register issuance). This regulation will enable the PBGC to process and administer PBGC-trusted plans more efficiently with resultant cost savings by filling gaps in the rules and otherwise clarifying matters that had been handled on a case-by-case basis in the past.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 10/00/94 | |
| NPRM Comment Period End | 12/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel (22000), 2020 K St. NW., Washington, DC 20006, 202 778-8850

RIN: 1212-AA35

4262. CALCULATION AND PAYMENT OF UNFUNDED NONGUARANTEED BENEFITS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1322(c)

CFR Citation: 29 CFR 2623; 29 CFR 2627

Legal Deadline: None

Abstract: The Pension Protection Act repealed ERISA sections 4049 and 4062(c). Those provisions established new employer liability to plan participants and beneficiaries in the event of a distress termination or involuntary termination by the PBGC of a plan without sufficient assets to pay all benefit commitments; the section 4049 trust was the vehicle for collecting and distributing these liability amounts. This system proved flawed in several respects, however, and Congress therefore created a new scheme by which to channel employer liability recoveries to plan participants and beneficiaries (amended ERISA section 4022(c)).

Under section 4022(c), participants no longer have a direct claim for employer liability. Instead, the PBGC's claim covers both its shortfall (unfunded

PBGC

Proposed Rule Stage

guaranteed benefits) and participants' losses (unfunded benefit liabilities in excess of guaranteed benefits). In turn, the PBGC is to pay a portion of its employer liability recovery to participants and beneficiaries. The amount to be paid is based on the PBGC "recovery ratio" (as defined in amended sec. 4022(c)(3)).(cont)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 05/00/94 | |
| NPRM Comment | 07/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: This new statutory rule contains several ambiguities and also leaves to the PBGC the development of specific rules and procedures necessary to make this system work. The regulation will, for example, contain rules on how the PBGC will value its employer liability recoveries for purposes of computing the recovery ratio, whether the allocation of amounts payable under this provision will be done as part of the regular section 4044 asset allocation, and whether the PBGC will pay these benefits by increasing the amount of annuity payments it is making to participants or making lump sum payments.

Agency Contact: Peter H. Gould, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel (22000), 2020 K St. NW., Washington, DC 20006, 202 778-8885

RIN: 1212-AA54

4263. AMENDMENTS TO VALUATION OF PLAN BENEFITS (REA, SEPPAA, AND PPA)

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1341

CFR Citation: 29 CFR 2619

Legal Deadline: None

Abstract: The Retirement Equity Act of 1984 ("REA") requires plans to provide certain benefits, prohibits the elimination of benefit options and certain early retirement benefits and retirement type subsidies, and mandates the range of interest rates that may be used in calculating the amount of a non-consensual lump sum benefit. The Tax Reform Act of 1986 ("TRA '86") slightly modified the interest rate restrictions and extended them to the calculation of all lump sum benefits.

These rules necessitate several amendments to the PBGC's valuation of benefits regulation (29 CFR part 2619). The PBGC also plans to amend the regulation to reflect changes in the termination rules made by the Single-Employer Pension Plan Amendments Act of 1986 (SEPPAA) and the Pension Protection Act of 1987 (PPA).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 02/00/94 | |
| NPRM Comment | 04/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter H. Gould, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel (22000), 2020 K St. NW., Washington, DC 20006, 202 778-8885

RIN: 1212-AA55

4264. • NOTICE OF STATE GUARANTY COVERAGE OF ANNUITIES

Significance: Agency Priority

Legal Authority: 29 USC 1302(b)(3); 29 USC 1341; 29 USC 1344

CFR Citation: 29 CFR 2617

Legal Deadline: None

Abstract: Under title IV of ERISA, a single-employer plan covered by the

termination insurance program may terminate in a "standard termination" if the plan has assets sufficient to provide for all benefit liabilities under the plan. The termination process is complete, and the PBGC's guarantee is extinguished, once the plan administrator distributes benefit liabilities by purchasing "irrevocable commitments" (annuity contracts) from an insurer or by distributing benefits in any other permitted form (generally a lump sum cash payment). The recent and highly publicized financial difficulties of certain insurers have focused public attention on the risks faced by participants whose benefits under terminating plans are to be provided through irrevocable commitments issued by such insurers. Under certain circumstances, state guaranty associations may provide some or all of the benefits otherwise lost. Nevertheless, some participants may not know (1) which state guaranty association(s) (if any) cover(s) their annuities, (2) the amount of coverage by the guaranty association(s), and (3) that a change (cont)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 03/00/94 | |
| NPRM Comment | 05/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: in state of residence can alter their coverage. This regulation would require plan administrators to provide certain information to participants, at the time of annuity purchase, about state guaranty coverage.

Agency Contact: Charles W. Vernon, Assistant General Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel (22000), 2020 K St. NW., Washington, DC 20006, 202 778-1918

RIN: 1212-AA73

PENSION BENEFIT GUARANTY CORPORATION (PBGC)

Final Rule Stage

4265. PLAN RULES FOR REDUCTION OR WAIVER OF COMPLETE WITHDRAWAL LIABILITY

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1387(b)

CFR Citation: 29 CFR 2647 (Amendment)

Legal Deadline: None

Abstract: Under section 4207(a) of ERISA, the PBGC has issued a regulation (29 CFR part 2647) providing

PBGC

Final Rule Stage

for the reduction or waiver of an employer's liability for complete withdrawal upon the employer's resumption of participation under the plan from which it withdrew. The statute also requires the PBGC to prescribe procedures and standards under which multiemployer plans may adopt their own rules abating complete withdrawal liability upon an employer's return to the plan (section 4207(b)).

The purpose of letting plans adopt their own abatement rules is obvious: a specific rule adopted by a plan may well work better under the facts and circumstances of that particular plan than the broad rules adopted by the PBGC. This regulation would permit a plan to fashion the rules it needs to encourage the return of withdrawn employers, while at the same time protecting the plan from the loss of withdrawal liability payments without a compensating resumption of contributions to the plan by a formerly withdrawn employer. The PBGC is unable to (cont)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/23/92 | 57 FR 48348 |
| NPRM Comment Period End | 12/22/92 | |
| Final Action | 12/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: quantify the benefits and costs of this regulation because it cannot predict how many plans will exercise the authority conferred by this regulation.

Agency Contact: Ralph Landy, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel (22000), 2020 K St. NW., Washington, DC 20006, 202 778-8881

RIN: 1212-AA38

4266. PAYMENT OF PREMIUMS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1306; 29 USC 1307

CFR Citation: 29 CFR 2610

Legal Deadline: None

Abstract: Under sections 4006 and 4007 of ERISA, the PBGC has issued its regulation governing the payment of

premiums for pension plans subject to Title IV of ERISA (29 CFR part 2610). PBGC studies of ways to simplify premium calculation and filing and to improve premium processing and accounting by PBGC have yielded suggestions for changes in that regulation. As a result, the PBGC has issued a proposed regulation to implement certain changes, relating mainly to filing due dates, treatment of short plan years, simplification of the alternative calculation method, and premium payment requirements for large plans (including what plans are considered large plans for this purpose). The purpose of the changes would be primarily to simplify the premium payment system for plans and the PBGC.

Timetable:

| Action | Date | FR Cite |
|------------------------------------|----------|-------------|
| NPRM | 04/10/92 | 57 FR 12666 |
| NPRM Comment Period End | 05/26/92 | |
| NPRM Comment Period Extended to | 09/17/92 | 57 FR 42910 |
| | 11/16/92 | |
| Final Action | 10/00/94 | |
| Final Action Effective | 01/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel (22000), 2020 K St. NW., Washington, DC 20006, 202 778-8850

RIN: 1212-AA58

4267. ADMINISTRATIVE OFFSET OF DEBTS

Significance: Agency Priority

Legal Authority: 29 USC 1302(b)(3); 31 USC 3701; 31 USC 3718

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The PBGC does not have a program for the administrative offset of debts (i.e., for satisfying debts owed to the PBGC by withholding money that is payable to or held for the debtor by other agencies of the federal government). Administrative offset may be an effective tool for collecting debts such as premium payment deficiencies, benefit overpayments, and employer liability. In addition to the procedures in this rule, in instituting administrative offset, the PBGC would develop an internal system for selecting

and preparing the debts to be collected by offset.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Interim Final Rule | 02/00/94 | |
| Interim Final Rule Effective | 03/00/94 | |
| Interim Final Rule Comment Period End | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Catherine B. Klion, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel (22000), 2020 K St. NW., Washington, DC 20006, 202 778-1955

RIN: 1212-AA64

4268. TAX REFUND OFFSET

Significance: Agency Priority

Legal Authority: 29 USC 1302(b)(3); 31 USC 3701; 31 USC 3720A

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The PBGC does not have a program for offsetting debts owed to the PBGC against federal tax refunds. Tax refund offset may be an effective tool for collecting debts such as premium payment deficiencies, benefit overpayments, and employer liability. In addition to the procedures in this rule, in instituting tax refund offset, the PBGC would enter into an agreement with the Internal Revenue Service and develop an internal system for selecting and preparing the debts to be collected by offset.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Interim Final Rule | 11/00/94 | |
| Interim Final Rule Effective | 12/00/94 | |
| Interim Final Rule Comment Period End | 01/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Catherine B. Klion, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel (22000), 2020 K St. NW., Washington, DC 20006, 202 778-1955

RIN: 1212-AA72

PBGC

Final Rule Stage

4269. • DISASTER RELIEF—RULES FOR ADMINISTRATIVE REVIEW OF AGENCY DECISIONS; STANDARD TERMINATIONS OF SINGLE-EMPLOYER PLANS**Significance:** Agency Priority**Legal Authority:** 29 USC 1302(b)(3); 29 USC 1341**CFR Citation:** 29 CFR 2606; 29 CFR 2617**Legal Deadline:** None**Abstract:** The PBGC is amending its administrative review regulation to include exceptions to the deadlines for filing requests for reconsideration and appeals of agency determinations when the President of the United States

declares that a major disaster exists. The PBGC is similarly amending its standard termination regulation to include both an exception to the deadline for filing the standard termination notice (and, hence, the deadline for issuing notices of plan benefits) and an exception to the deadline for completing the distribution of plan assets. Such exceptions will be provided by notice issued by the PBGC's Executive Director. Because of the need for immediate action, an interim rule was published on August 24, 1993.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 08/24/93 | 58 FR 44738 |

| Action | Date | FR Cite |
|---------------------------------------|----------|---------|
| Interim Final Rule Effective | 08/24/93 | |
| Interim Final Rule Comment Period End | 09/23/93 | |
| Final Action | 12/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel (22000), 2020 K St. NW., Washington, DC 20006, 202 778-8850**RIN:** 1212-AA71**PENSION BENEFIT GUARANTY CORPORATION (PBGC)****Completed Actions****4270. ELECTION OF SINGLE-EMPLOYER PLAN STATUS—REPEAL****Legal Authority:** 29 USC 1302(b)(3); 29 USC 1453**CFR Citation:** 29 CFR 2671 (Repeal)**Legal Deadline:** None**Abstract:** Under ERISA section 4303 and 29 CFR part 2671, a plan that became a multiemployer plan solely as a result of the change in definition of such plans under the Multiemployer Pension Plan Amendments Act of 1981 could elect to remain a single-employer plan. To do so, it had to be amended no later than September 26, 1981, to provide that it be treated as a single-employer plan, and had to file a written notice of its election with the PBGC no later than 60 days after the adoption of the amendment. This provision is now obsolete, and was repealed to simplify the PBGC's regulations.**Timetable:**

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/20/93 | 58 FR 29349 |
| Final Action Effective | 05/20/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel (22000), 2020 K St. NW., Washington, DC 20006, 202 778-8850**RIN:** 1212-AA67**4271. VALUATION OF BENEFITS IN SINGLE-EMPLOYER PLANS; VALUATION OF PLAN BENEFITS AND PLAN ASSETS FOLLOWING MASS WITHDRAWAL****Significance:** Agency Priority**Legal Authority:** 29 USC 1301(a); 29 USC 1301(b)(3); 29 USC 1341; 29 USC 1344; 29 USC 1362; 29 USC 1399(c)(1)(D); 29 USC 1441(b)(1)**CFR Citation:** 29 CFR 2619; 29 CFR 2676**Legal Deadline:** None**Abstract:** Section 4062 of ERISA provides that when a single-employer pension plan terminates with unfunded benefit liabilities, any contributing sponsor of the plan and any member of the contributing sponsor's controlled group shall be liable to the PBGC for the amount of unfunded benefit liabilities as of the plan termination date (and interest thereon). 29 CFR 2619 prescribes the rules, including the mortality and interest rate assumptions, to be used to value benefits. The interest and mortality assumptions are selected so that the calculated benefit values will be in line with the market costs for providing the benefits. Similarly, 29 CFR 2676 prescribes the rules for valuing benefits under multiemployer plans following a mass withdrawal of employers. The PBGC amended 29 CFR 2619: (1) to update its mortality assumptions to reflect recent actuarial practice, (2) to

uncouple the regulation's administrative expense ("loading") assumptions from its interest assumptions, and (3) to replace the interest rate structure with one based on the length of time between the valuation date and the date of each monthly payment. The PBGC at the (cont)

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 01/19/93 | 58 FR 5128 |
| NPRM Comment Period End | 03/22/93 | |
| Final Action | 09/28/93 | 58 FR 50812 |
| Final Action Effective | 11/01/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** ABSTRACT CONT: same time amended 29 CFR 2676, governing valuation of benefits in multiemployer plans following mass withdrawal, so as to adopt the same mortality, interest, and loading assumptions as would the modified single-employer regulation. This change will result in simplification of calculations under the multiemployer regulation as well as greater consistency of annuity valuations between the two programs. The PBGC anticipates that, for most plans, the amendments will not significantly affect the valuations produced.**Agency Contact:** Peter H. Gould, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the

PBGC

Completed Actions

General Counsel (22000), 2020 K St. NW., Washington, DC 20006, 202 778-8885

RIN: 1212-AA61

4272. MISCELLANEOUS SEPPAA/PPA AMENDMENTS

Significance: Agency Priority

Legal Authority: 29 USC 1082(f); 29 USC 1301(a)(14); 29 USC 1301(b)(1); 29 USC 1302(b)(3); 29 USC 1322; 29 USC 1322b; 29 USC 1341; 29 USC 1343; 29 USC 1344; 29 USC 1362 to 1364; 29 USC 1365; 29 USC 1367 to 1368

CFR Citation: 29 CFR 2606; 29 CFR 2612; 29 CFR 2615; 29 CFR 2616; 29 CFR 2622; 29 CFR 2623

Legal Deadline: None

Abstract: The Single-Employer Pension Plan Amendments Act of 1986 ("SEPPAA") and the Pension Protection Act ("PPA") made several changes in Title IV rules and procedures that affect and, in some cases, override portions of several PBGC regulations. The PBGC amended these regulations--administrative review of agency decisions, trades or businesses under common control, certain reporting and notification requirements, employer liability, and benefit reductions in terminated plans--to conform them to current law.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/14/92 | 57 FR 59003 |
| NPRM Comment Period End | 01/13/93 | |
| Final Action | 07/01/93 | 58 FR 35377 |
| Final Action Effective | 08/02/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Judith Neibrief, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel (22000), 2020 K St. NW., Washington, DC 20006, 202 778-8850

RIN: 1212-AA50

[FR Doc. 93-23541 Filed 10-22-93; 8:45 am]

BILLING CODE 7708-01-F

federal register

**Monday
October 25, 1993**

Part XXXIX

**Railroad Retirement
Board**

Semiannual Regulatory Agenda

RAILROAD RETIREMENT BOARD (RRB)**RAILROAD RETIREMENT BOARD****20 CFR Ch. II****Semiannual Agenda of Regulations Under Development or Review**

AGENCY: Railroad Retirement Board.

ACTION: Agenda of regulations under development or review.

SUMMARY: This agenda contains lists of regulations that the Board is developing or proposes to develop in the next 12 months and regulations that are scheduled to be reviewed in that period.

ADDRESSES: 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Thomas W. Sadler, Assistant General Counsel, Railroad Retirement Board, (312) 751-4513.

SUPPLEMENTARY INFORMATION:

Regulations that are routine in nature or pertain solely to internal agency management have not been included in the agenda. Current regulations that are proposed to be modified based on a completed review of the regulations are listed in the agenda.

Dated: August 27, 1993.

By Authority of the Board.

Beatrice Ezerski,
Secretary to the Board.

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4273 | Employers Under the Railroad Retirement Act; Employers Under the Railroad Unemployment Insurance Act | 3220-AA51 |
| 4274 | Computing Employee, Spouse, and Divorced Spouse Annuities | 3220-AA58 |
| 4275 | Survivor Annuity Computations | 3220-AA59 |
| 4276 | Reduction and Nonpayment of Annuities by Reason of Work | 3220-AA61 |
| 4277 | Voluntary Quit | 3220-AA75 |
| 4278 | Employers' Contributions and Contribution Reports | 3220-AA79 |
| 4279 | Determining Disability | 3220-AA99 |
| 4280 | Assessment or Waiver of Interest, Penalties, and Administrative Costs With Respect to Collection of Certain Debts | 3220-AB02 |
| 4281 | Requests for Reconsideration and Appeals Within the Board From Decisions Issued by the Bureau of Disability and Medicare Operations, Bureau of Retirement Benefits, etc | 3220-AB03 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4282 | Recovery of Overpayments | 3220-AA44 |
| 4283 | Employees Under the Railroad Retirement Act | 3220-AA52 |
| 4284 | Social Security Overall Minimum | 3220-AA60 |
| 4285 | Duration of Normal and Extended Benefits | 3220-AA67 |
| 4286 | Representative Payment | 3220-AA83 |

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4287 | Railroad Employers' Reports and Responsibilities; Creditable Railroad Compensation; Employers' Contributions and Contribution Reports | 3220-AA87 |
| 4288 | Registration for Railroad Unemployment Benefits | 3220-AA96 |
| 4289 | Employee Responsibilities and Conduct | 3220-AB00 |
| 4290 | Collection of Debts by Federal Tax Refund Offset | 3220-AB01 |

RAILROAD RETIREMENT BOARD (RRB)

Proposed Rule Stage

4273. EMPLOYERS UNDER THE RAILROAD RETIREMENT ACT; EMPLOYERS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Legal Authority: 45 USC 231f; 45 USC 362(l)

CFR Citation: 20 CFR 202; 20 CFR 301

Legal Deadline: None

Abstract: The Board's regulations with respect to employer status have not been updated in recent years and may, in some respects, be obsolete. Parts 202 and 301 are being amended to conform them to current law, delete obsolete provisions, and to simplify and clarify the language of these parts.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 40 Railroad Transportation

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220-AA51

4274. COMPUTING EMPLOYEE, SPOUSE, AND DIVORCED SPOUSE ANNUITIES

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 226

Legal Deadline: None

Abstract: The Railroad Retirement Board's regulations on the computation of employee, spouse, and divorced spouse annuities must be updated to conform to the Railroad Retirement Act of 1974 and to amendments to the Act made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844

Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220-AA58

4275. SURVIVOR ANNUITY COMPUTATIONS

Legal Authority: 45 USC 231f(f)(5)

CFR Citation: 20 CFR 228

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) proposes to add 20 CFR part 228 to describe how survivor annuities are computed in accordance with the Railroad Retirement Act of 1974, and amendments to that Act made in 1981 and 1983.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/30/93 | 58 FR 51024 |
| NPRM Comment | 11/01/93 | 58 FR 51024 |
| Period End | | |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220-AA59

4276. REDUCTION AND NONPAYMENT OF ANNUITIES BY REASON OF WORK

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 230

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) proposes to amend 20 CFR Part 230 to explain how annuity deductions on account of work are assessed in accordance with current law.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220-AA61

4277. VOLUNTARY QUIT

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 328

Legal Deadline: None

Abstract: A new part 328 is being added to explain when unemployment insurance benefits are not payable because the employee voluntarily left employment.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220-AA75

4278. EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 345

Legal Deadline: None

Abstract: Part 345 is being revised to reflect experience rating as provided for in the Railroad Unemployment Insurance and Retirement Improvement Act of 1988, P.L. 100-647.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220-AA79

4279. DETERMINING DISABILITY

Legal Authority: 45 USC 231a; 45 USC 231f

CFR Citation: 20 CFR 220.114; 20 CFR 220.170

Legal Deadline: None

Abstract: Section 114 of part 220 will be amended to expand the Board's description of the manner in which symptoms, including pain, are

RRB

Proposed Rule Stage

evaluated for purposes of determining disability. Section 170 of part 220 will be amended to redefine "trial work period."

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220-AA99

4280. • ASSESSMENT OR WAIVER OF INTEREST, PENALTIES, AND ADMINISTRATIVE COSTS WITH RESPECT TO COLLECTION OF CERTAIN DEBTS

Legal Authority: 45 USC 231f(b)(5); 45 USC 362; 31 USC 3717

CFR Citation: 20 CFR 200; 20 CFR 200.7

Legal Deadline: None

Abstract: The RRB proposes to amend section 200.7 of its regulations to clarify when interest and penalties begin to accrue on an account owed to the RRB under section 12(o) of the RUIA.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220-AB02

4281. • REQUESTS FOR RECONSIDERATION AND APPEALS WITHIN THE BOARD FROM DECISIONS ISSUED BY THE BUREAU OF DISABILITY AND MEDICARE OPERATIONS, BUREAU OF RETIREMENT BENEFITS, ETC

Legal Authority: 45 USC 231f(b)(5); 45 USC 231g; 45 USC 355

CFR Citation: 20 CFR 260

Legal Deadline: None

Abstract: The RRB proposes to change its regulations to provide for its field offices to make timeliness determinations on requests for reconsideration of decisions of the RRB's various adjudicating units.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220-AB03

RAILROAD RETIREMENT BOARD (RRB)

Final Rule Stage

4282. RECOVERY OF OVERPAYMENTS

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 255

Legal Deadline: None

Abstract: Part 255 is being revised to clarify when and how erroneous payments must be recovered under the Railroad Retirement Act.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/19/91 | 58 FR 47426 |
| NPRM Comment Period End | 10/21/91 | 58 FR 47426 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220-AA44

4283. EMPLOYEES UNDER THE RAILROAD RETIREMENT ACT

Legal Authority: 45 USC 231f; 45 USC 362(l)

CFR Citation: 20 CFR 203

Legal Deadline: None

Abstract: The Board's regulations with respect to employee status have not been updated in recent years and may, in some respects, be obsolete. Part 203 is being amended to conform it to current law, delete obsolete provisions, and to simplify and clarify the language of this part.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-----------|
| NPRM | 01/05/89 | 54 FR 318 |
| NPRM Comment Period End | 02/06/89 | 54 FR 318 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Sectors Affected: 40 Railroad Transportation

Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220-AA52

4284. SOCIAL SECURITY OVERALL MINIMUM

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 229

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) adds 20 CFR part 229 to describe when the Social Security overall minimum annuity computation applies and how it is computed for retirement annuities under the Railroad Retirement Act of 1974.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 03/25/93 | 58 FR 16155 |
| NPRM Comment Period End | 04/26/93 | 58 FR 16155 |
| Final Action | 10/00/93 | |

RRB

Final Rule Stage

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513
RIN: 3220-AA60

4285. DURATION OF NORMAL AND EXTENDED BENEFITS

Legal Authority: 45 USC 362(l)
CFR Citation: 20 CFR 336
Legal Deadline: None
Abstract: This proposed amendment will remove obsolete provisions and clarify the meaning of the term extended benefit period as provided for in section 2(c) of the Railroad Unemployment Insurance Act, and explains how an employee may qualify for extended benefits under the

Railroad Unemployment Insurance Act after exhausting normal benefits as provided for in this part.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/17/93 | 58 FR 43577 |
| NPRM Comment | 09/16/93 | 58 FR 43577 |
| Period End | | |
| Final Action | 04/00/94 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513
RIN: 3220-AA67

4286. REPRESENTATIVE PAYMENT

Legal Authority: 45 USC 231f
CFR Citation: 20 CFR 266

Legal Deadline: None
Abstract: Part 266 is being revised to more clearly delineate the accounting requirements imposed upon representative payees. This part was previously titled "Incompetence."

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/10/93 | 58 FR 13225 |
| NPRM Comment | 04/09/93 | 58 FR 13225 |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: None
Government Levels Affected: State, Federal
Agency Contact: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513
RIN: 3220-AA83

RAILROAD RETIREMENT BOARD (RRB)

Completed Actions

4287. RAILROAD EMPLOYERS' REPORTS AND RESPONSIBILITIES; CREDITABLE RAILROAD COMPENSATION; EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS
CFR Citation: 20 CFR 209; 20 CFR 211; 20 CFR 345
Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/27/93 | 58 FR 45249 |
| Final Action Effective | 08/27/93 | 58 FR 45249 |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined
Agency Contact: Thomas W. Sadler, 312 751-4513
RIN: 3220-AA87

4288. REGISTRATION FOR RAILROAD UNEMPLOYMENT BENEFITS
CFR Citation: 20 CFR 325

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/31/93 | 58 FR 45840 |
| Final Action Effective | 08/31/93 | 58 FR 45840 |

Small Entities Affected: Businesses
Government Levels Affected: None
Agency Contact: Thomas W. Sadler, 312 751-4513
RIN: 3220-AA96

4289. EMPLOYEE RESPONSIBILITIES AND CONDUCT
CFR Citation: 20 CFR 360; 5 CFR 7351; 5 CFR 7353; 5 CFR 2635

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/17/93 | 58 FR 48597 |
| Final Action Effective | 09/17/93 | 58 FR 48597 |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Thomas W. Sadler, 312 751-4513
RIN: 3220-AB00

4290. COLLECTION OF DEBTS BY FEDERAL TAX REFUND OFFSET
CFR Citation: 20 CFR 366

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/02/93 | 58 FR 31343 |
| Final Action Effective | 06/02/93 | 58 FR 31343 |

Small Entities Affected: None
Government Levels Affected: Federal
Agency Contact: Thomas W. Sadler, 312 751-4513

RIN: 3220-AB01
 [FR Doc. 93-21812 Filed 10-22-93; 8:45 am]
BILLING CODE 7905-01-F

Federal Register

Monday
October 25, 1993

Part XL

Selective Service System

Semiannual Regulatory Agenda

SELECTIVE SERVICE SYSTEM (SSS)

SELECTIVE SERVICE SYSTEM

32 CFR Ch. XVI

Regulatory Agenda

AGENCY: Selective Service System.

ACTION: Regulatory agenda.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking

activities of the Selective Service System that might affect the processing of registrants under the Military Selective Service Act (50 U.S.C. app. 451 *et seq.*). This information will allow the public to participate in the System's decisionmaking at an early stage.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel,

Selective Service System, Washington, DC 20435; telephone (202) 724-1167.

SUPPLEMENTARY INFORMATION: The agenda is published in accord with the requirements of E.O. 12291. Selective Service regulations appear in 32 CFR chapter XVI.

Dated: August 16, 1993.

Robert W. Gambino,
Director of Selective Service.

SELECTIVE SERVICE SYSTEM (SSS)

Prerule Stage

4291. SELECTIVE SERVICE REGULATIONS

Legal Authority: 50 USC app 451 *et seq.*, Military Selective Service Act

CFR Citation: 32 CFR ch XVI

Legal Deadline: None

Abstract: Various sections of 32 CFR chapter XVI will be revised to increase clarity of expression or change procedures for registrant processing.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Henry N. Williams, General Counsel, Selective Service System, 1023 31st Street NW., Washington, DC 20435, 202 724-1167

RIN: 3240-AA01

[FR Doc. 93-21453 Filed 10-22-93; 8:45 am]

BILLING CODE 8015-01-F

Federal Register

**Monday
October 25, 1993**

Part XLI

**Small Business
Administration**

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION (SBA)

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Improving Government Regulations; Semiannual Agenda

AGENCY: Small Business Administration.

ACTION: Publication of the semiannual agenda of regulations under review or development by the Small Business Administration (SBA).

SUMMARY: This is SBA's 29th semiannual agenda of regulations. Although not a regulatory agency, SBA has attempted to draft agendas that meet both the criteria and the spirit of the regulatory review process. This agenda is published pursuant to Executive Order 12291, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and Public Law 96-354, effective January 1, 1981.

FOR FURTHER INFORMATION CONTACT: For further information on agenda items, the public is encouraged to contact the

individual agency official listed for the particular item.

For information concerning SBA's overall Regulatory Review and Development Program or general semiannual agenda questions, contact Martin D. Teckler, Deputy General Counsel, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416, (202) 205-6642.

SUPPLEMENTARY INFORMATION: The SBA agenda contains many regulations which are limited in public impact, but they are included to increase public knowledge of all SBA regulatory activities and allow for increased public participation in the review and development process.

Public comments on SBA's previous agendas have been general, and all were positive. None were directed at specific content nor were any changes suggested or recommended.

The agenda format has four parts. Part I, Pre-Rulemaking, includes investigations and reviews to be

conducted prior to deciding whether or not to propose a rule or rule change. Part II, Proposed Rules, includes rulemaking which will be proposed during the 12-month period covered by the agenda. Part III, Final Rules, includes proposed rules which will be finalized during the period covered by the agenda. Part IV, Completed Actions, includes regulations completed or withdrawn and reviews completed since the preceding agenda.

Publication of the agenda does not impose any binding obligation on SBA with regard to any specific item in the agenda. Additional regulatory action not listed on the agenda is not precluded.

The above described regulations will be developed in a manner which promotes growth in the economy while imposing no unnecessary regulatory burdens on the public.

Dated: September 7, 1993.
Erskine B. Bowles,
Administrator.

Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4292 | Surety Bond Guarantee; Multiyear Guaranty Authority | 3245-AD15 |

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4293 | Small Business Development Centers | 3245-AB17 |
| 4294 | Loans to State and Local Development Companies; Section 502 Loan Program | 3245-AB35 |
| 4295 | Nondiscrimination in Federally Assisted Programs | 3245-AB36 |
| 4296 | Nondiscrimination in Financial Assistance Programs | 3245-AB37 |
| 4297 | User Fees for SBA Programs | 3245-AB44 |
| 4298 | Uniform Administrative Requirements for Grants and Cooperative Agreements; Proposed Revision of Circular A-110 | 3245-AB67 |
| 4299 | Disadvantaged Business Status Protest and Appeals Procedures Amendments | 3245-AC19 |
| 4300 | Amendments to Administration Regulations | 3245-AC20 |
| 4301 | Minority Small Business and Capital Ownership Development Program; Competitive Business Mix Requirements ... | 3245-AC27 |
| 4302 | Minority Small Business and Capital Ownership Development Program; Eligibility Requirements and Contractual Assistance | 3245-AC28 |
| 4303 | Minority Small Business and Capital Ownership Development Program; Appeal Procedures | 3245-AC30 |
| 4304 | Small Business Size Regulations | 3245-AC31 |
| 4305 | Minority Small Business and Capital Ownership Development Program; Development of Business Plan | 3245-AC33 |
| 4306 | Minority Small Business and Capital Ownership Development Program; Benefits During Program Participation | 3245-AC35 |
| 4307 | Minority Small Business and Capital Ownership Development Program; Competition | 3245-AC41 |
| 4308 | Small Business Size Standards; Gas Production and Distribution | 3245-AC56 |
| 4309 | Small Business Size Standards; Combination Electric and Gas and Other Utility Services | 3245-AC57 |
| 4310 | Small Business Size Standards; Environmental Services | 3245-AC58 |
| 4311 | Surety Bond Guarantee; Regulations | 3245-AC60 |
| 4312 | Small Business Size Standards; Adjustment and Collection Agencies | 3245-AC64 |
| 4313 | Small Business Size Standards; Health Care Services Industries | 3245-AC68 |

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Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4314 | Business Loan Policy; Media Policy | 3245-AC71 |
| 4315 | Small Business Size Standards; Surety Bond Guarantee | 3245-AC84 |
| 4316 | Small Business Size Regulation | 3245-AC87 |
| 4317 | Small Business Investment Companies; Partial Implementation of PL 102-366 | 3245-AC93 |
| 4318 | Veterans' Program | 3245-AC95 |
| 4319 | Supplemental Standards of Ethical Conduct for Employees of the Small Business Administration | 3245-AC96 |
| 4320 | Women-Owned Business Definition and Protest and Appeal Process | 3245-AC98 |
| 4321 | Breakout Procurement Center Representation Program | 3245-AC99 |
| 4322 | Small Business Investment Companies; Participating Securities | 3245-AD00 |
| 4323 | Small Business Investment Companies; Leverage | 3245-AD01 |
| 4324 | Small Business Size Standards; Establishment of Size Standards | 3245-AD07 |
| 4325 | Small Business Size Standards; Fixed Size Standard Levels | 3245-AD08 |
| 4326 | Small Business Size Standards; Business Loan Program; Alternative Size Standard | 3245-AD09 |
| 4327 | Small Business Investment Companies; Exemptions From SBA Regulations for Non-Borrowing SBICs | 3245-AD14 |
| 4328 | Loans to State and Local Development Companies; Accredited Lenders Program for Certified Development Companies | 3245-AD16 |
| 4329 | Loans to State and Local Development Companies; Seller Financing by Regulated Lenders | 3245-AD17 |
| 4330 | Business Loan Policy; Care and Preservation of Collateral (CPCs) | 3245-AD21 |
| 4331 | Business Loans Policy; SBA Guaranty | 3245-AD22 |
| 4332 | Small Business Size Standards; Equipment Rental and Leasing | 3245-AD26 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4333 | Certificate of Competency | 3245-AA74 |
| 4334 | Small Business Size Standards for Natural Gas Distribution | 3245-AB94 |
| 4335 | Business Loans | 3245-AB99 |
| 4336 | Governmentwide Restrictions on Lobbying | 3245-AC07 |
| 4337 | Regulations for the Implementation of New 301(d) SBIC Funding Authority and Terms Contained in Public Law 101-162 | 3245-AC09 |
| 4338 | Small Business Size Standards; Computer Services Industries | 3245-AC11 |
| 4339 | Disclosure of Information and Privacy Act of 1974 | 3245-AC45 |
| 4340 | Small Business Size Standards; Increase Size Standard of Small Business Concerns Eligible for Assistance by Small Business Investment Companies | 3245-AC51 |
| 4341 | Small Business Size Standards; Advertising Services Industries | 3245-AC78 |
| 4342 | Physical Disaster and Economic Injury Disaster Loans; Major Source of Employment | 3245-AC82 |
| 4343 | Minority Small Business and Capital Ownership Development; Miscellaneous Amendments | 3245-AC86 |
| 4344 | Business Loans; Defense Economic Assistance | 3245-AD11 |
| 4345 | Small Business Size Standards; Size Policy Board | 3245-AD25 |

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4346 | Small Business Size Regulation | 3245-AB88 |
| 4347 | Disclosure of Information and Privacy Act of 1974 Amendments | 3245-AC18 |
| 4348 | Small Business Investment Companies; Auditing Procedures | 3245-AC24 |
| 4349 | Small Business Size Standards; Base Maintenance | 3245-AC34 |
| 4350 | Small Business Investment Companies | 3245-AC50 |
| 4351 | Administration | 3245-AC52 |
| 4352 | Loans to State and Local Development Companies; Associate Development Company Program | 3245-AC63 |
| 4353 | Small Business Size Standards; Financial, Insurance, and Real Estate Industry Division | 3245-AC65 |
| 4354 | Small Business Size Standards; Retail Trade Industry | 3245-AC66 |
| 4355 | Small Business Size Standards; Services Industry Division | 3245-AC67 |
| 4356 | Business Loans; Microloan Demonstration Program | 3245-AC73 |

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Completed Actions (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4357 | Loans to State and Local Development Companies; CDC Designations and Valuation of Land | 3245-AC79 |
| 4358 | Business Loan Policy—Limitations on Loan Purposes | 3245-AC81 |
| 4359 | Physical Disaster and Economic Injury Loans; Voluntary Relocation Outside the Disaster Area | 3245-AC89 |
| 4360 | Small Business Size Regulations; Procurement Automated Source System | 3245-AC90 |
| 4361 | Small Business Investment Companies; Miscellaneous Amendments | 3245-AC91 |
| 4362 | Physical Disaster and Economic Injury Loans; Major Source of Employment | 3245-AC92 |
| 4363 | Small Business Size Standards: Increase Size Standard of Small Business Concerns Eligible for Assistance by Small Business Investment Companies | 3245-AC94 |
| 4364 | Surety Bond Guarantee Regulations | 3245-AC97 |
| 4365 | Loans to State and Local Development Companies; Delegation of Loan Authority | 3245-AD13 |
| 4366 | Business Loans; Preferred Lenders—Reduction of Loan Guaranty Percentage | 3245-AD18 |
| 4367 | Business Loans; Amendments to the Microloan Demonstration Program | 3245-AD20 |
| 4368 | Business Loans; Reduction of Loan Guaranty Percentage and Authority to Collect a Late Payment Fee | 3245-AD23 |

SMALL BUSINESS ADMINISTRATION (SBA)

Prerule Stage

4292. • SURETY BOND GUARANTEE; MULTIYEAR GUARANTY AUTHORITY

Significance: Agency Priority

Legal Authority: See Additional Information.

CFR Citation: 13 CFR 115

Legal Deadline: None

Abstract: Legislation has been proposed to allow small business

access to Office of Surety Guarantee funds on a revolving basis instead of availability per annual budget. Once legislation is approved, regulatory changes will result.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: This rule will be published upon enactment of

legislation which has been proposed to Congress.

Agency Contact: Dorothy D. Kleeschulte, Assistant Administrator, Office of Surety Guarantees, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6540

RIN: 3245-AD15

SMALL BUSINESS ADMINISTRATION (SBA)

Proposed Rule Stage

4293. SMALL BUSINESS DEVELOPMENT CENTERS

Significance: Agency Priority

Legal Authority: PL 96-302; PL 98-395; PL 103-81

CFR Citation: 13 CFR 129

Legal Deadline: None

Abstract: Comprehensive regulations governing the Small Business Development Center Program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: Public Law 102-366, the Small Business Credit and Business Opportunity Enhancement Act

of 1992, prohibited the Small Business Administration from publishing any rules or regulations for the Small Business Development Center Program prior to submission and approval of Congress. Public Law 103-81, enacted on August 13, 1993 removed this prohibition.

Agency Contact: Johnnie L. Albertson, Associate Administrator for Small Business Development Centers, Small Business Administration, 409 Third Street SW., Washington, DC 20416, 202 205-6766

RIN: 3245-AB17

4294. LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES; SECTION 502 LOAN PROGRAM

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 108

Legal Deadline: None

Abstract: The regulations governing the section 502 loan program will be revised to include the same project eligibility provisions which currently appear in the 503/504 regulations. Additionally, the revised regulations will reflect that the focus of the 502 loan program is to facilitate and encourage lending in rural areas, which is one of SBA's current priorities.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

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Proposed Rule Stage

Additional information: The language in the abstract has been revised to more accurately represent the proposed changes.

Agency Contact: Allan S. Mandel, Director, Office of Rural Affairs and Economic Development, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6485

RIN: 3245-AB35

4295. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 15 USC 634(b)(6); 42 USC 2000d-1

CFR Citation: 13 CFR 112

Legal Deadline: None

Abstract: Technical amendment to SBA's current regulation to clarify that if recipients of assistance under any of SBA's programs are found to have discriminated, SBA is authorized to take certain actions such as withholding further assistance.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/94 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: George Robinson, Director, Equal Employment Opportunity & Compliance, Small Business Administration, 409 Third Street SW., 4th Floor, Washington, DC 20416, 202 205-6750

RIN: 3245-AB36

4296. NONDISCRIMINATION IN FINANCIAL ASSISTANCE PROGRAMS

Legal Authority: 15 USC 634(b)(6); PL 85-536; 15 USC 633; 15 USC 634; 15 USC 687; 15 USC 1691; 20 USC 1681 et seq; 29 USC 794

CFR Citation: 13 CFR 113

Legal Deadline: None

Abstract: Technical amendment to SBA's current regulation to clarify that if a beneficiary of one of SBA's financial assistance programs is found to have discriminated, SBA is authorized to take certain actions such as withholding further assistance or accelerating a loan.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: George Robinson, Director, Equal Employment Opportunity & Compliance, Small Business Administration, 409 Third Street SW., 4th Floor, Washington, DC 20416, 202 205-6750

RIN: 3245-AB37

4297. USER FEES FOR SBA PROGRAMS

Legal Authority: 15 USC 687(c); 15 USC 687d; 15 USC 687g; 15 USC 604a; 15 USC 694b; 5 USC app 1; 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 631; 15 USC 637(b); 15 USC 636(i); 15 USC 636(j); PL 93-113

CFR Citation: 13 CFR 101; 13 CFR 107; 13 CFR 115; 13 CFR 121; 13 CFR 124; 13 CFR 125; 13 CFR 129

Legal Deadline: None

Abstract: Establishment or modification of user fees for the following: use of SBA's Office of Advocacy database; guaranty of debentures issued by Small Business Investment Companies; guaranty of surety bonds, appeals of size determinations and standard industrial classification code designations; application to the Minority Small Business (Section 8(a)) Program; training sponsored by the Service Corps of Retired Executives (SCORE), SBA's Office of Women's Business Ownership, and SBA's Office of Veterans Affairs; counseling by Small Business Institutes; and application for a Certificate of Competency.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: The promulgation of regulations pertaining to user fees will be determined in fiscal year 1994.

Agency Contact: Ramona Powell, Chief Counsel for Debt Collection and Development Companies, Small Business Administration, 409 Third Street SW., Washington, DC 20416, 202 205-6644

RIN: 3245-AB44

4298. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS; PROPOSED REVISION OF CIRCULAR A-110

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 143

Legal Deadline: None

Abstract: This regulation establishes a uniform administrative rule for the SBA's grants and cooperative agreements.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/04/88 | 63 FR 44710 |
| NPRM Comment Period End | 01/03/89 | |
| NPRM | 00/00/00 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Amy Mertz-Brown, Attorney Advisor, Small Business Administration, 409 Third Street SW., Washington, DC 20416, 7th Floor, 202 205-6645

RIN: 3245-AB67

4299. DISADVANTAGED BUSINESS STATUS PROTEST AND APPEALS PROCEDURES AMENDMENTS

Legal Authority: 15 USC 634(b)(6); 15 USC 636(j); 15 USC 637(d); PL 99-661, sec 1207; PL 100-656; PL 101-37

CFR Citation: 13 CFR 124, subpart B

Legal Deadline: None

Abstract: This rule is an amendment to the program regulations governing the processing of protests and appeals of self-certifications of disadvantaged status made in connection with the 8(d) program, the Small Disadvantaged Business (SDB) program of the Department of Defense and other programs that require SBA to determine disadvantaged status as a condition of eligibility.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no

SBA

Proposed Rule Stage

statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Judith Watts, Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6410

RIN: 3245-AC19

4300. AMENDMENTS TO ADMINISTRATION REGULATIONS

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 101

Legal Deadline: None

Abstract: General revision of 13 CFR part 101, Administration.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 07/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mary Ann Gladden, Special Assistant to the Director of Personnel, Small Business Administration, 409 Third Street SW., 4th Floor, Washington, DC 20416, 202 205-6782

RIN: 3245-AC20

4301. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM; COMPETITIVE BUSINESS MIX REQUIREMENTS

Legal Authority: 15 USC 634(b)(6); 15 USC 636(j); 15 USC 637(a); 15 USC 637(d); PL 99-661, sec 1207; PL 100-656; PL 101-37; PL 101-574

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: This rule is an amendment to the program regulations governing the "mix" of 8(a) and non-8(a) contracts required for an 8(a) program participant.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 03/00/94 | |
| NPRM Comment | 04/00/94 | |
| Period End | | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Judith Watts, Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6410

RIN: 3245-AC27

4302. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM; ELIGIBILITY REQUIREMENTS AND CONTRACTUAL ASSISTANCE

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 636(j); 15 USC 637(a); 15 USC 637(d); PL 99-661, sec 1207; PL 100-656; PL 101-37; PL 101-574

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: This proposed rule would amend both eligibility requirements for and contractual assistance provisions within the 8(a) program.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 03/00/94 | |
| NPRM Comment | 04/00/94 | |
| Period End | | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Additional Information: RIN 3245-AC28 now merges RINs 3245-AC36, 3245-AC37, 3245-AC38, 3245-AC39, and 3245-AC40 into one regulation.

Agency Contact: Judith Watts, Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6410

RIN: 3245-AC28

4303. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM; APPEAL PROCEDURES

Legal Authority: 15 USC 634(b)(6); 15 USC 636(j); 15 USC 637(a); 15 USC 637(d); PL 99-661, sec 1207; PL 100-656; PL 101-37; PL 101-574

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: This rule is an amendment to the program regulations governing appeals of denials of program admission, graduation, and termination actions, and denials of requests for waiver of the requirement that, subject to certain conditions, an 8(a) contract must be performed by the contractor to which it was awarded.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 03/00/94 | |
| NPRM Comment | 04/00/94 | |
| Period End | | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Judith Watts, Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6410

RIN: 3245-AC30

4304. SMALL BUSINESS SIZE REGULATIONS

Legal Authority: 15 USC 634(b)(6); PL 100-590

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: This rule contains revisions to the size regulations to address employee leasing arrangements, altering the jurisdiction of OHA, and other miscellaneous changes.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |
| Final Action | 04/00/94 | |

SBA

Proposed Rule Stage

Small Entities Affected: Businesses
Government Levels Affected: Federal
Agency Contact: Catherine Thomas, Program Manager, Size Determination Program, Office of Procurement Policy and Liaison, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6465
RIN: 3245-AC31

4305. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM; DEVELOPMENT OF BUSINESS PLAN
Legal Authority: 15 USC 634(d)(6); 15 USC 636(j); 15 USC 637(a); 15 USC 637(d); PL 99-661, sec 1207; PL 100-656; PL 101-37; PL 101-574
CFR Citation: 13 CFR 124
Legal Deadline: None

Abstract: This rule is an amendment to the program regulations governing the development of an 8(a) participant's business plan and support levels.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 03/00/94 | |
| NPRM Comment Period End | 04/00/94 | |

Small Entities Affected: Organizations
Government Levels Affected: Federal
Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Judith Watts, Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6410
RIN: 3245-AC33

4306. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM; BENEFITS DURING PROGRAM PARTICIPATION

Legal Authority: 15 USC 634(b)(6); 15 USC 636(j); 15 USC 637(a); 15 USC 637(d); PL 99-661, sec 1207; PL 100-656; PL 101-37; PL 101-574
CFR Citation: 13 CFR 124
Legal Deadline: None

Abstract: This rule is an amendment to the program regulations governing the requirement on benefits for an 8(a) participant during each of the stages of program participation.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 03/00/94 | |
| NPRM Comment Period End | 04/00/94 | |

Small Entities Affected: Businesses
Government Levels Affected: Federal
Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Judith Watts, Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6410

RIN: 3245-AC35

4307. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT PROGRAM; COMPETITION

Legal Authority: 15 USC 634(b)(6); 15 USC 636(j); 15 USC 637(a); 15 USC 637(d); PL 99-661; PL 100-656; PL 101-37; PL 101-574

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: This rule is an amendment to the program regulations governing 8(a) competition.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 03/00/94 | |
| NPRM Comment Period End | 04/00/94 | |

Small Entities Affected: Businesses
Government Levels Affected: Federal
Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Judith Watts, Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 409 Third Street SW.,

8th Floor, Washington, DC 20416, 202 205-6410
RIN: 3245-AC41

4308. SMALL BUSINESS SIZE STANDARDS; GAS PRODUCTION AND DISTRIBUTION

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(a); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Proposal to revise the size standard for the industries under the SIC Industry Group 492, except SIC Code 4924 (Natural Gas Distribution). The current size standard is \$3.5 million in average annual receipts.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| Final Action | 06/00/94 | |

Small Entities Affected: Businesses
Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6618

RIN: 3245-AC56

4309. SMALL BUSINESS SIZE STANDARDS; COMBINATION ELECTRIC AND GAS AND OTHER UTILITY SERVICES

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(a); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Proposal to revise the size standard for the three industries in SIC Industry Group 493. The current size standard is \$3.5 million in average annual receipts.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| Final Action | 06/00/94 | |

Small Entities Affected: Businesses

SBA

Proposed Rule Stage

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6618

RIN: 3245-AC57

4310. SMALL BUSINESS SIZE STANDARDS; ENVIRONMENTAL SERVICES

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(a); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Proposal to revise the size standards that apply to the removal and disposal of hazardous waste and other environmental cleanup activities. Currently, several industry size standards may be used depending on the type of activity. The proposal may consider if a new industry classification should be developed for these activities and what size standard is appropriate.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Interim Final Rule | 01/13/93 | 58 FR 4074 |
| Notice of Court Order Vacating Interim Final Rule | 08/09/93 | 58 FR 42355 |
| Interim Final Rule Withdrawn | 10/08/93 | 58 FR 52415 |
| Second NPRM | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6618

RIN: 3245-AC58

4311. SURETY BOND GUARANTEE; REGULATIONS

Significance: Regulatory Program

Legal Authority: 15 USC 687b; 15 USC 694a; 15 USC 694b; 5 USC app 1; PL 100-590

CFR Citation: 13 CFR 115

Legal Deadline: None

Abstract: The entire program regulations will be revised and reorganized to include substantive policy and procedural modifications which will be implemented. This revision is intended to eliminate inconsistencies, clarify procedures, reflect program experience and industry changes, and result in more efficient program operation. Planned regulatory changes include regulations pertaining to both the prior approval and preferred programs, fees, and premiums and claims for losses.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: RIN 3245-AC97 has been merged into this entry.

Agency Contact: Dorothy D.

Kleeschulte, Assistant Administrator for Surety Guarantees, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6540

RIN: 3245-AC60

4312. SMALL BUSINESS SIZE STANDARDS; ADJUSTMENT AND COLLECTION AGENCIES

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(a); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Proposal to revise the size standard for the Adjustment and Collection Agencies. The current size standard is \$3.5 million in gross receipts. The proposal will also address the issue of receipts calculated on a net income or gross income basis.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no

statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6618

RIN: 3245-AC64

4313. SMALL BUSINESS SIZE STANDARDS; HEALTH CARE SERVICES INDUSTRIES

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(a); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Proposal to revise some or all of the 11 size standards within the health care services industries. The current size standard of \$3.5 million in average annual receipts applies to each health care industry.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6618

RIN: 3245-AC68

4314. BUSINESS LOAN POLICY; MEDIA POLICY

Significance: Agency Priority

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(h)

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: This rule proposes to amend SBA's regulations with respect to loan eligibility under the media policy rule.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 04/00/94 | |
| Final Action | 10/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Charles R. Hertzberg, Assistant Administrator for Financial

Assistance, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6490
RIN: 3245-AC71

4315. SMALL BUSINESS SIZE STANDARDS; SURETY BOND GUARANTEE

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 644(c)
CFR Citation: 13 CFR 121
Legal Deadline: None

Abstract: Proposal to revise the size standard applicable to surety bond guarantee applicants in construction and services industries. The current size standard is \$3.5 million in average annual receipts.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/27/93 | 58 FR 45300 |
| NPRM Comment Period End | 10/26/93 | 58 FR 45300 |

Small Entities Affected: Businesses
Government Levels Affected: Federal
Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6618
RIN: 3245-AC84

4316. SMALL BUSINESS SIZE REGULATION

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 644(c); PL 101-574
CFR Citation: 13 CFR 121
Legal Deadline: None

Abstract: Rule to establish procedures for requesting/granting waivers of the nonmanufacturer rule on specific solicitations, based on contracting officer determinations.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/21/93 | 58 FR 48981 |
| NPRM Comment Period End | 10/21/93 | 58 FR 48981 |
| Final Action | 01/00/94 | |

Small Entities Affected: Businesses
Government Levels Affected: Federal
Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert J. Moffitt, Associate Administrator for Procurement Assistance, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6460
RIN: 3245-AC87

4317. SMALL BUSINESS INVESTMENT COMPANIES; PARTIAL IMPLEMENTATION OF PL 102-366

Significance: Agency Priority
Legal Authority: 15 USC 681 et seq; 15 USC 687(c); 15 USC 683; 15 USC 687d; 15 USC 687g; 15 USC 687b; 15 USC 687m; PL 102-366
CFR Citation: 13 CFR 107

Legal Deadline: NPRM, Statutory, December 4, 1992.

Abstract: This rule implements the first group of changes mandated by title IV of PL 102-366 which are operational in nature and include several policy changes that are not mandated by title IV but are related to its provisions. The major provisions of this rule include expanded sources of private capital, suitability of capital, suitability of management and portfolio valuations, cost of money, regulatory relief for nonleveraged SBICs, and change of ownership transactions. Four miscellaneous changes which were under consideration before PL 102-366 was introduced are also included as well as an amendment to require a limited partnership that applies for a license to have a term that is the longer of 10 years or 2 years following the maturity date of any outstanding leverage.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| NPRM | 08/05/93 | 58 FR 41862 |
| NPRM Comment Period End | 10/04/93 | 58 FR 41862 |
| NPRM Comment Period Reopened | 10/00/93 | |
| NPRM Second Comment Period End | 11/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal
Additional Information: RIN 3245-AC91 has been merged into this entry.
Agency Contact: Wayne S. Foren, Associate Administrator for Investment, Small Business Administration, 409 Third Street SW., 6th Floor, Washington, DC 20416, 202 205-6510
RIN: 3245-AC93

4318. VETERANS' PROGRAM

Legal Authority: PL 93-237; 15 USC 634(b)(6)
CFR Citation: 13 CFR 116.2; 13 CFR 116.3
Legal Deadline: None

Abstract: PL 93-237 requires that SBA provide special consideration to veterans, their survivors or dependents in the administration of Agency programs. This rule will amend the current definition of veteran and special consideration.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses
Government Levels Affected: Federal
Agency Contact: Leon Bechet, Director, Office of Veterans Affairs, Small Business Administration, 409 Third Street SW., 6th Floor, Washington, DC 20416, 202 205-6773
RIN: 3245-AC95

4319. SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE SMALL BUSINESS ADMINISTRATION

Legal Authority: 15 USC 664; 15 USC 637(a)(18); 15 USC 637(a)(19); EO 12674
CFR Citation: 5 CFR ch XLIV
Legal Deadline: None

Abstract: The Small Business Administration and the Office of Government Ethics are jointly issuing this proposed rule which is designed to establish uniform standards of ethical conduct for the officers and employees of the SBA. This proposed rule will be published at 5 CFR ch. XLIV and will supplement the Standards of Ethical Conduct for Employees of the Executive Branch issued by the Office of Government Ethics (57 FR 35006; Aug. 7, 1992). This proposed rule is necessary to supplement the standards issued by

SBA

Proposed Rule Stage

OGE because it addresses ethical issues which are unique to SBA.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robinson S. Nunn, Chief Counsel for Ethics, Small Business Administration, 409 Third Street SW., 7th Floor, Washington, DC 20416, 202 205-6644

RIN: 3245-AC96

4320. WOMEN-OWNED BUSINESS DEFINITION AND PROTEST AND APPEAL PROCESS

Legal Authority: 15 USC 631; 15 USC 632(a); 15 USC 634(b)(6); 15 USC 656; EO 12138

CFR Citation: 13 CFR 126

Legal Deadline: None

Abstract: Executive Order 12138 created a national women's business enterprise policy and prescribed arrangements for developing, coordinating, and implementing a national program for women's business enterprise. This EO states that each department and agency of the executive branch "shall take appropriate action to facilitate, preserve, and strengthen" women-owned businesses. SBA is proposing these regulations to establish a definition of "women-owned business" and to provide a process to expeditiously resolve challenges to a self-certification of a women-owned business.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 12/00/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Carol White, Deputy Director for Women's Business Ownership, Small Business Administration, 409 Third Street SW.,

Room 6250, Washington, DC 20416, 202 205-6673

RIN: 3245-AC98

4321. BREAKOUT PROCUREMENT CENTER REPRESENTATION PROGRAM

Legal Authority: 15 USC 634(b)(6); 15 USC 644(a)(4); PL 98-577; PL 100-590

CFR Citation: 13 CFR 125; 48 CFR 19

Legal Deadline: None

Abstract: Proposal to clarify the appellate process pertaining to breakout program appeal procedures at the secretarial level.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: James A. Gambardella, Breakout Program Manager, Office of Prime Contracts, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6471

RIN: 3245-AC99

4322. SMALL BUSINESS INVESTMENT COMPANIES; PARTICIPATING SECURITIES

Significance: Agency Priority

Legal Authority: 15 USC 681 et seq; 15 USC 687(c); 15 USC 683; 15 USC 687d; 15 USC 687g; 15 USC 687b; PL 100-590; PL 102-366, title IV

CFR Citation: 13 CFR 107

Legal Deadline: NPRM, Statutory, December 4, 1992.

Abstract: This rule implements the second group of changes mandated by title IV of PL 102-366, specifically sections 402, 403, 404, and 412 which relate to leverage, i.e., participating securities, increased levels of leverage, and reduced leverage ratios. This rule also includes several policy changes that are not mandated by title IV but are related to its provisions.

Timetable:

| Action | Date | FR Cite |
|--------------------------------------|----------|-------------|
| NPRM | 08/05/93 | 58 FR 41852 |
| NPRM Comment Period End | 10/04/93 | 58 FR 41852 |
| NPRM Comment Period Reopened | 10/00/93 | |
| NPRM Second Comment Period End | 11/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Wayne S. Foren, Associate Administrator for Investment, Small Business Administration, 409 Third Street SW., 6th Floor, Washington, DC 20416, 202 205-6510

RIN: 3245-AD00

4323. SMALL BUSINESS INVESTMENT COMPANIES; LEVERAGE

Significance: Agency Priority

Legal Authority: 15 USC 681 et seq; 15 USC 687(c); 15 USC 683; 15 USC 687d; 15 USC 687g; 15 USC 687b; PL 102-366, title IV

CFR Citation: 13 CFR 107

Legal Deadline: NPRM, Statutory, December 4, 1992.

Abstract: This rule implements changes mandated by title IV of PL 102-366, specifically section 414, which permits approvals for leverage to be obligated in one fiscal year and guaranteed or disbursed in the following fiscal year.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment Period End | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Wayne S. Foren, Associate Administrator for Investment, Small Business Administration, 409 Third Street SW., 6th Floor, Washington, DC 20416, 202 205-6510

RIN: 3245-AD01

4324. • SMALL BUSINESS SIZE STANDARDS; ESTABLISHMENT OF SIZE STANDARDS

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(c); PL 102-366

CFR Citation: 13 CFR 121

SBA **Proposed Rule Stage**

Legal Deadline: NPRM, Statutory, March 4, 1993. Final, Statutory, March 4, 1993.

Abstract: Rule to establish procedures for the development of small business size standards by other Federal agencies and for SBA's review of those standards.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| NPRM | 08/24/93 | 58 FR 44620 |
| NPRM Comment Period End | 09/24/93 | 58 FR 44620 |
| NPRM Comment Period Reopened | 10/00/93 | |
| NPRM Second Comment Period End | 11/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6618

RIN: 3245-AD07

4325. • SMALL BUSINESS SIZE STANDARDS; FIXED SIZE STANDARD LEVELS

Significance: Agency Priority

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(c)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Proposal to streamline the size standards by revising the number of fixed size standard levels to nine. This would be achieved by retaining the existing five employee-based standards and establishing four new receipts-based standards. Further, this rule would adjust for inflation receipts-based standards.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/02/93 | 58 FR 46573 |
| NPRM Comment Period End | 11/01/93 | 58 FR 46573 |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6618

RIN: 3245-AD08

4326. • SMALL BUSINESS SIZE STANDARDS; BUSINESS LOAN PROGRAM; ALTERNATIVE SIZE STANDARD

Significance: Agency Priority

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(c)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Proposal to streamline the size standard for the Business Loan Program by establishing an alternate size standard based on a firm's net income and net worth. Currently, a firm is an eligible small business if it meets the size standard for its primary industry.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/25/93 | 58 FR 44793 |
| NPRM Comment Period End | 10/25/93 | 58 FR 44793 |
| Final Action | 03/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6618

RIN: 3245-AD09

4327. • SMALL BUSINESS INVESTMENT COMPANIES; EXEMPTIONS FROM SBA REGULATIONS FOR NON-BORROWING SBICS

Significance: Agency Priority

Legal Authority: 15 USC 681 et seq; 15 USC 687(c); 15 USC 687d; 15 USC 687b; 15 USC 687m

CFR Citation: 13 CFR 107

Legal Deadline: NPRM, Statutory, December 4, 1992.

Abstract: This rule will further implement changes mandated by title IV of PL 102-366 by proposing to exempt non-borrowing SBICs from all SBA regulations that are designed solely to project SBA's position as a

creditor with SBICs that use government backed funding.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 01/00/94 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Wayne S. Foren, Associate Administrator for Investment, Small Business Administration, 409 Third Street SW., 6th Floor, 202 205-6510

RIN: 3245-AD14

4328. • LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES; ACCREDITED LENDERS PROGRAM FOR CERTIFIED DEVELOPMENT COMPANIES

Legal Authority: 15 USC 687(c); 15 USC 695; 15 USC 696; 15 USC 697a; 15 USC 697b; 15 USC 697c

CFR Citation: 13 CFR 108

Legal Deadline: None

Abstract: This proposed rule will revise the regulations governing the 503 Development Company Loan Program. The proposed regulations will allow for designation of experienced development companies as Accredited Lenders to undertake loan processing, servicing and collection functions, and responsibilities with respect to SBA development company loans with quick response time assured by SBA in approving applications. This designation is comparable to the Certified Lenders Program for the general business loan program of SBA.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Allan S. Mandel, Director, Office of Rural Affairs and Economic Development, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6485

RIN: 3245-AD16

4329. • LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES; SELLER FINANCING BY REGULATED LENDERS

Legal Authority: 15 USC 687(c); 15 USC 695; 15 USC 696; 15 USC 697a; 15 USC 697b; 15 USC 697c

CFR Citation: 13 CFR 108

Legal Deadline: None

Abstract: This proposed rule will revise the regulations governing the 503 development company program. Under the existing rule, if the seller of property for a 503 project also provides the participating third party loan, the seller financing must be subordinate to the 503 loan. The proposed rule will allow an exemption to the requirement for subordination if the seller is a federally regulated lender.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Allan S. Mandel, Director, Office of Rural Affairs, and Economic Development, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6485

RIN: 3245-AD17

4330. • BUSINESS LOAN POLICY; CARE AND PRESERVATION OF COLLATERAL (CPCS)

Legal Authority: 15 USC 631; 41 USC 403(11)

CFR Citation: 13 CFR 120.200

Legal Deadline: None

Abstract: Section 5(b)(4) of the Small Business Act sets a limit of \$1,000 on the amount of CPC which can be obtained without competitive bid. This section was based on procurement legislation which was in effect at the time the Act was drafted (40 years ago). Since then, the amount contained in procurement regulations has steadily

increased. It is currently \$25,000. Unfortunately, the Small Business Act was never amended and remains at \$1,000. This unrealistic limit greatly impedes the field offices' ability to perform their required tasks efficiently. To correct this oversight and to prevent a recurrence, the end of the second sentence of the Small Business Act will be amended to read "... or the amount thereof does not exceed the small purchase threshold as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 USC 403(11))." The Agency will use SOP 50 50 1 to set limits on amounts within the small purchase threshold.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 04/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Earl Chambers, Director, Office of Portfolio Management, Small Business Administration, 409 Third Street, S.W., 8th Floor, Washington, DC 20416, 202 205-6481

RIN: 3245-AD21

4331. • BUSINESS LOANS POLICY; SBA GUARANTY

Legal Authority: 15 USC 631

CFR Citation: 13 CFR 120.200

Legal Deadline: None

Abstract: In a previous ruling, the Office of General Counsel stated that the Small Business Act limited the Agency's guaranty to loans only. For this reason, when a participating lender servicing a liquidation account finds a term buyer for assets acquired through foreclosure, the Agency is forced to expend funds to purchase the guaranty and establish the account as an immediate participation even if such

action is not in the government's best interest. The first sentence of section 5(b)(7) of the Small Business Act will be amended to read "...dealing with or realizing on loans made under the provisions of this Act and receivables relating thereto or emanating therefrom...." The Agency will use SOP 50 51 1 to establish operating parameters for the loan servicing offices.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |
| Final Action | 04/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Earl Chambers, Director, Office of Portfolio Management, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6481

RIN: 3245-AD22

4332. • SMALL BUSINESS SIZE STANDARDS; EQUIPMENT RENTAL AND LEASING

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(c)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Proposal to revise the size standards for equipment rental and leasing under SIC codes 7352, 7353, and 7359. The present size standard for these industries is \$3.5 million.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| Final Action | 05/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6618

RIN: 3245-AD26

SMALL BUSINESS ADMINISTRATION (SBA)

Final Rule Stage

4333. CERTIFICATE OF COMPETENCY**Legal Authority:** 15 USC 634(b)(6); PL 99-591; PL 99-661**CFR Citation:** 13 CFR 125.5**Legal Deadline:** None**Abstract:** Overall revision to Certificate of Competency regulations. Additionally, this rule will include guidelines for application of subcontracting limitations imposed by PL 99-591 and PL 99-661.**Timetable:**

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/21/92 | 57 FR 37909 |
| NPRM Comment Period End | 10/20/92 | |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses**Government Levels Affected:** None**Additional Information:** RIN 3245-AB62 has been merged with this rulemaking action.**Agency Contact:** Robert J. Moffitt, Associate Administrator for Procurement Assistance, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6460

RIN: 3245-AA74

4334. SMALL BUSINESS SIZE STANDARDS FOR NATURAL GAS DISTRIBUTION**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6); PL 99-591; PL 99-661**CFR Citation:** 13 CFR 121**Legal Deadline:** None**Abstract:** SBA is imposing a size standard of 500 employees for the recently deregulated natural gas distribution industry firms which now compete for Federal natural gas contracts.**Timetable:**

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 11/25/88 | 53 FR 47663 |
| Final Action | 01/00/94 | |

Small Entities Affected: Businesses**Government Levels Affected:** Federal**Agency Contact:** Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 Third Street SW., Washington, DC 20416, 202 205-6618

RIN: 3245-AB94

4335. BUSINESS LOANS**Legal Authority:** 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(h); 31 USC 3717(e)**CFR Citation:** 13 CFR 120**Legal Deadline:** None**Abstract:** This rule would allow SBA to recover its collection costs from borrowers who have failed to satisfy their loan agreements and to assess additional penalties permitted by law.**Timetable:**

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| NPRM | 08/28/89 | 54 FR 35499 |
| NPRM Comment Period End | 09/27/89 | |
| Second NPRM | 05/19/93 | |
| Second NPRM Comment Period End | 06/18/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses**Government Levels Affected:** Federal**Additional Information:** A second notice of proposed rulemaking was published May 19, 1993 (58 FR 29152). However, the second NPRM only addressed Business Loans (13 CFR 120).**Agency Contact:** Charles R. Hertzberg, Assistant Administrator for Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, 202 205-6490

RIN: 3245-AB99

4336. GOVERNMENTWIDE RESTRICTIONS ON LOBBYING**Significance:** Regulatory Program**Legal Authority:** PL 101-121, sec 319; 15 USC 634(b)(6)**CFR Citation:** 13 CFR 146**Legal Deadline:** NPRM, Statutory, December 23, 1989.

OMB published governmentwide interim final guidance on this subject December 20, 1989, 54 FR 52305, thereby meeting the statutory deadline.

Abstract: Section 319 of Pub. L. 101-121 generally prohibits recipients of Federal contracts, grants or loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, cooperative

agreement, loan, or a Federal commitment to insure or guarantee a loan, must disclose lobbying activities. This Office of Management and Budget crafted common rule will implement this law.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 6736 |
| Interim Final Rule Effective | 02/26/90 | 55 FR 6736 |
| Interim Final Rule Comment Period End | 04/27/90 | 55 FR 6736 |

Next Action Undetermined

Small Entities Affected: None**Government Levels Affected:** Local, State**Agency Contact:** Martin D. Teckler, Deputy General Counsel, Small Business Administration, 409 Third Street SW., Washington, DC 20416, 202 205-6642

RIN: 3245-AC07

4337. REGULATIONS FOR THE IMPLEMENTATION OF NEW 301(D) SBIC FUNDING AUTHORITY AND TERMS CONTAINED IN PUBLIC LAW 101-162**Legal Authority:** 15 USC 681 et seq, as amended; PL 100-590; PL 101-162**CFR Citation:** 13 CFR 107**Legal Deadline:** None**Abstract:** This rule changes the present regulations governing the Small Business Investment Company (SBIC) program in order to implement amendments made to the Small Business Investment Act (15 USC 681 et seq) by Public Laws 100-590 and 101-162 with regard to funds invested in private capital, provisions followed by SBA to buy down leverage in 301(d) SBICs and to set the interest rate on preferred securities purchased by SBA after November 20, 1988.**Timetable:**

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 07/10/90 | 55 FR 28168 |
| Final Action | 03/00/94 | |

Small Entities Affected: Businesses**Government Levels Affected:** Federal**Agency Contact:** Joseph L. Newell, Director, Office of Investment, Small Business Administration, 409 Third

SBA

Final Rule Stage

Street SW., Washington, DC 20416, 202
205-6510

RIN: 3245-AC09

4338. SMALL BUSINESS SIZE STANDARDS; COMPUTER SERVICES INDUSTRIES

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: This rule revises the size standard for computer-integrated systems design, computer programming services, and other computer-related services to \$14.5 million in average annual receipts.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/13/91 | 56 FR 38364 |
| NPRM Comment Period End | 10/15/91 | 56 FR 38364 |
| Interim Final Rule | 06/23/92 | 57 FR 27906 |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 Third Street SW., Washington, DC 20416, 202 205-6618

RIN: 3245-AC11

4339. DISCLOSURE OF INFORMATION AND PRIVACY ACT OF 1974

Legal Authority: PL 93-579; 5 USC 552(a)

CFR Citation: 13 CFR 102, subpart B

Legal Deadline: None

Abstract: Regulations for the Computer Matching and Privacy Protection Act of 1974 will be added to the Agency's regulations on the Privacy Act of 1974.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/16/93 | 58 FR 14146 |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: John H. Barnett, Assistant Administrator for Hearings and Appeals, Small Business Administration, 1250 23rd St. NW.,

Suite 402, Washington, DC 20416, 202
653-7735

RIN: 3245-AC45

4340. SMALL BUSINESS SIZE STANDARDS; INCREASE SIZE STANDARD OF SMALL BUSINESS CONCERNS ELIGIBLE FOR ASSISTANCE BY SMALL BUSINESS INVESTMENT COMPANIES

Significance: Regulatory Program

Legal Authority: 15 USC 681 et seq; 15 USC 687(c); 15 USC 683; 15 USC 687d; 15 USC 687g; 15 USC 687b; 15 USC 687m; 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(c); PL 100-656; PL 100-590; PL 101-162; 15 USC 634(b)(11)

CFR Citation: 13 CFR 107; 13 CFR 121

Legal Deadline: None

Abstract: This rule will update and expand the primary size standard (SBIC standard) used to determine the eligibility of applicants under the SBIC program. It would also increase the financial tests in the SBIC standard by increasing the net worth test from \$6 million to \$18 million, and the net income test from \$2 million to \$6 million.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/29/93 | 58 FR 40603 |
| NPRM Comment Period End | 08/30/93 | 58 FR 40603 |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: RIN 3245-AC94 has been merged with this entry.

Agency Contact: Wayne Foren, Associate Administrator for Investment, Small Business Administration, 409 Third Street SW., 6th Floor, Washington, DC 20416, 202 205-6510

RIN: 3245-AC51

4341. SMALL BUSINESS SIZE STANDARDS; ADVERTISING SERVICES INDUSTRIES

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 644(c)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: This rule proposes to increase the size standard for four advertising services industries from \$3.5 million in annual receipts (defined to include all revenue in whatever form received or accrued from whatever source) to \$6 million in annual receipts (excluding amounts remitted to other firms).

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/25/92 | 57 FR 38452 |
| NPRM Comment Period End | 09/24/92 | |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6618

RIN: 3245-AC78

4342. PHYSICAL DISASTER AND ECONOMIC INJURY DISASTER LOANS; MAJOR SOURCE OF EMPLOYMENT

Legal Authority: 15 USC 634(b)(6); 15 USC 636(b); 15 USC 636(c); 15 USC 636(f); PL 100-590; PL 102-190; PL 102-395; PL 103-75

CFR Citation: 13 CFR 123

Legal Deadline: None

Abstract: Under the Small Business Act, the total amount of disaster assistance a borrower may receive from SBA in connection with any one disaster is limited to \$1,500,000 unless the borrower is a major source of employment in the disaster area and SBA, in its discretion, waives the \$1,500,000 limit. The proposed rule will clarify the definition of a "major source of employment." Additionally, the rule will provide that SBA will not waive the statutory limit unless the major source of employment's damaged location(s) in the disaster area is (are) in imminent danger of going out of business as a result of the disaster and the SBA loan is necessary to avoid substantial unemployment in the disaster area. Finally, the rule will

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amend the current regulation to increase the statutory limit on disaster assistance to a single borrower from \$500,000 to \$1,500,000 in accordance with PL 103-75.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/31/93 | 58 FR 45855 |
| NPRM Comment Period End | 09/30/93 | 58 FR 45855 |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses
Government Levels Affected: Federal
Additional Information: RIN 3245-AC92 has been merged into this entry.

Agency Contact: Bernard Kulik, Assistant Administrator for Disaster Assistance, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6734

RIN: 3245-AC82

4343. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT; MISCELLANEOUS AMENDMENTS

Legal Authority: 15 USC 634(b)(6); 15 USC 636(j); 15 USC 637(a); 15 USC 637(d); PL 99-661; PL 100-656; PL 101-37

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: This interim final rule addresses two recent decisions of SBA's Office of Hearings and Appeals. In addition, the rule removes general inconsistencies which currently exist between SBA's regulations and the Small Business Act as amended by PL 101-574.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 03/00/94 | |

Small Entities Affected: Businesses
Government Levels Affected: Federal
Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Judith A. Watts, Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6410

RIN: 3245-AC86

4344. BUSINESS LOANS; DEFENSE ECONOMIC ASSISTANCE

Significance: Agency Priority

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(m)

CFR Citation: 13 CFR 122

Legal Deadline: None

Abstract: This proposed rule would implement section 7(a)(2) of the Small Business Act (15 USC 636(a)(2)), enacted by PL 102-366, which authorizes SBA to make or guarantee loans to businesses which have been detrimentally affected by the closure or substantial reduction of a Department of Defense installation.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 08/24/93 | 58 FR 45078 |

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM Comment Period End | 09/27/93 | 58 FR 45078 |
| Final Action | 12/00/93 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal
Agency Contact: Charles R. Hertzberg, Assistant Administrator for Financial Assistance, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6490

RIN: 3245-AD11

4345. SMALL BUSINESS SIZE STANDARDS; SIZE POLICY BOARD

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(c)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Final rule recomposing SBA's Size Policy Board. This Board is responsible for making recommendations to the Administrator on size standards, other size eligibility requirements, and size protest procedures.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 08/00/94 | |

Small Entities Affected: None

Government Levels Affected: Federal
Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6618

RIN: 3245-AD25

SMALL BUSINESS ADMINISTRATION (SBA)

Completed Actions

4346. SMALL BUSINESS SIZE REGULATION

Legal Authority: 15 USC 634(b)(6); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: Final, Statutory, August 15, 1989.

Abstract: Rule to establish procedures for requesting/granting waivers to the nonmanufacturer rule for classes of products when there are no small

business manufacturers in the Federal market.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| NPRM | 05/17/90 | 55 FR 20467 |
| NPRM Comment Period End | 06/18/90 | |
| Second NPRM | 12/18/90 | 55 FR 51913 |
| Second NPRM Comment Period End | 01/18/91 | |

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/21/93 | 58 FR 48954 |
| Final Action Effective | 09/21/93 | 58 FR 48954 |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

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Completed Actions

Additional Information: RIN 3245-AC29 has been merged with this rulemaking action.

Agency Contact: Robert J. Moffitt, Associate Administrator for Procurement Assistance, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6460

RIN: 3245-AB88

4347. DISCLOSURE OF INFORMATION AND PRIVACY ACT OF 1974 AMENDMENTS

Legal Authority: 5 USC 552; 44 USC 35; 5 USC 552a; 31 USC 1 et seq; 31 USC 67 et seq

CFR Citation: 13 CFR 102

Legal Deadline: None

Abstract: This regulation would make revisions to 13 CFR part 102 dealing with Freedom of Information Act rules. Specifically, this regulation would create predisclosure notification procedures to providers of commercial information under exemption four of the Freedom of Information Act.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 10/21/91 | 56 FR 52482 |
| Final Action | 10/23/92 | 57 FR 48306 |
| Final Action Effective | 10/23/92 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: John H. Barnett, Assistant Administrator for Hearings and Appeals, Small Business Administration, 1250 23rd St. NW., Suite 402, Washington, DC 20416, 202 653-7735

RIN: 3245-AC18

4348. SMALL BUSINESS INVESTMENT COMPANIES; AUDITING PROCEDURES

Legal Authority: 15 USC 681 et seq; PL 100-590; PL 101-162

CFR Citation: 13 CFR 107

Legal Deadline: None

Abstract: This final rule withdraws the proposal to adopt Government auditing standards but clarifies the independent public accountant's reporting responsibility regarding internal control

deficiencies, noncompliance with laws and government regulations, and irregularities. Also, this rule finalizes other provisions of the proposed rule that were unrelated to the proposal to adopt the Government auditing standards.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| NPRM | 08/23/90 | 55 FR 34650 |
| NPRM Comment Period End | 09/24/90 | |
| NPRM Comment Period Extended | 01/11/91 | 56 FR 1334 |
| Final Action | 09/07/93 | 58 FR 47031 |
| Final Action Effective | 09/07/93 | 58 FR 47031 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas C. Bresnan, Staff Accountant, Small Business Administration, 409 Third Street SW., Washington, DC 20416, 202 205-6510

RIN: 3245-AC24

4349. SMALL BUSINESS SIZE STANDARDS; BASE MAINTENANCE

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Proposal to revise the size standard for base maintenance. A firm in this industry is presently defined as small if it has \$13.5 million or less in receipts.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/18/93 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 Third Street SW., Washington, DC 20416, 202 205-6618

RIN: 3245-AC34

4350. SMALL BUSINESS INVESTMENT COMPANIES

Significance: Agency Priority

Legal Authority: 15 USC 681 et seq; 15 USC 687(c); 15 USC 683; 15 USC 687(d); 15 USC 687(g); 15 USC 687(b); 15 USC 687(m); PL 100-590; PL 101-162; PL 101-574

CFR Citation: 13 CFR 107

Legal Deadline: None

Abstract: Implementation of the statutory limit of \$35 million for aggregate leverage for SBICs under common control.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/10/91 | 56 FR 21639 |
| NPRM Comment Period End | 07/09/91 | |
| Withdrawn | 08/05/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This action has been withdrawn because a new statutory limit of \$90 million was included in the SBIC regulations published on August 5, 1993 (58 FR 41852).

Agency Contact: Wayne Foren, Associate Administrator for Investment, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6510

RIN: 3245-AC50

4351. ADMINISTRATION

Legal Authority: 15 USC 633; 15 USC 634; 15 USC 687; 5 USC 552; PL 85-536; PL 85-699; PL 93-386

CFR Citation: 13 CFR 101.2-3

Legal Deadline: None

Abstract: As the result of an Agency reorganization, the Office of Field Management has been retitled the Office of Program Analysis and Quality Assurance. This regulation will implement such reorganization by amending the regulations to include the mission statement of the newly created office.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/19/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This action is being withdrawn pending further review of the organization of this office.

SBA

Completed Actions

Agency Contact: Rodney Lewis, Director, Office of Program Analysis, Small Business Administration, 409 Third Street SW., 5th Floor, Washington, DC 20416, 202 205-6650
RIN: 3245-AC52

4352. LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES; ASSOCIATE DEVELOPMENT COMPANY PROGRAM

Legal Authority: 15 USC 687(c); 15 USC 695; 15 USC 696; 15 USC 697a; 15 USC 697b; 15 USC 697c

CFR Citation: 13 CFR 108

Legal Deadline: None

Abstract: This rule revises the regulations governing the 503 Development Company Program by requiring a probationary period for newly certified 503 companies and providing for a new class of entities, not having full 503 company status, designated as Associate Development Companies.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/18/92 | 57 FR 43155 |
| NPRM Comment Period End | 10/19/92 | |
| Final Action | 08/27/93 | 58 FR 45245 |
| Final Action Effective | 08/27/93 | 58 FR 45245 |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: This rule was erroneously listed as a "Completed Action" in the April 1993 Unified Agenda of Federal Regulations.

Agency Contact: LeAnn Oliver, Deputy Director, Office of Rural Affairs and Economic Development, Small Business Administration, 409 Third Street SW., Washington, DC 20416, 202 205-6485
RIN: 3245-AC63

4353. SMALL BUSINESS SIZE STANDARDS; FINANCIAL, INSURANCE, AND REAL ESTATE INDUSTRY DIVISION

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(a); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: A review of size standards for industries within this industry

division may lead to a revision of size standards in one or more industries in order to achieve a more equitable relationship among industry size standards within the industry division. Consideration of the impact of inflation on the industry size standards will also be part of this review.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/18/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6618

RIN: 3245-AC65

4354. SMALL BUSINESS SIZE STANDARDS; RETAIL TRADE INDUSTRY

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(a); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: A review of size standards for industries within this industry division may lead to a revision of the size standards in one or more industries in order to achieve a more equitable relationship among industry size standards within the industry division. Consideration of the impact of inflation on the industry size standards will also be part of this review.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/18/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6618

RIN: 3245-AC66

4355. SMALL BUSINESS SIZE STANDARDS; SERVICES INDUSTRY DIVISION

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(a); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: A review of size standards for industries within this industry division may lead to a revision of size standards in one or more industries in order to achieve a more equitable relationship among industry size standards within the industry division. Consideration of the impact of inflation on the industry size standards will also be part of this review.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/18/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6618

RIN: 3245-AC67

4356. BUSINESS LOANS; MICROLOAN DEMONSTRATION PROGRAM

Significance: Agency Priority

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a)

CFR Citation: 13 CFR 122

Legal Deadline: Other, Statutory, January 28, 1992.

Deadline is for an interim final rule.

Abstract: This rule serves to implement the Microloan Demonstration Program whose purpose is to assist women, low-income and minority entrepreneurs, business owners, and other individuals possessing the capability to operate successful business concerns. In addition, the program is extended to assist small business concerns suffering from a lack of credit due to economic downturn. Under the program, SBA is authorized to make direct loans to intermediary lenders who in turn use the proceeds to make fixed-interest-rate microloans available to businesses.

Timetable:

| Action | Date | FR Cite |
|---------------------------|----------|-------------|
| Interim Final Rule | 01/31/92 | 57 FR 3848 |
| Second Interim Final Rule | 10/23/92 | 57 FR 48309 |
| Final Action | 10/23/92 | 57 FR 48309 |
| Final Action Effective | 10/23/92 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

SBA Completed Actions

Agency Contact: John Cox, Director, Office of Finance, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6490

RIN: 3245-AC73

4357. LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES; CDC DESIGNATIONS AND VALUATION OF LAND

Legal Authority: 15 USC 687(c); 15 USC 695; 15 USC 696; 15 USC 697a; 15 USC 697b; 15 USC 697c

CFR Citation: 13 CFR 108

Legal Deadline: None

Abstract: This proposed rule revises the regulations governing the 503 development company program by requiring that SBA approve the designations of new certified 503 companies and proposed changes of designations for existing 503 companies. This rule also would allow the use of land as a 503 company's injection even if the land has a building or other structure.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 09/18/92 | 57 FR 43157 |
| NPRM Comment | 10/18/92 | |
| Period End | | |
| Final Action | 03/24/93 | 58 FR 15756 |
| Final Action Effective | 03/24/93 | 58 FR 15756 |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: LeAnn M. Oliver, Deputy Director, Office of Rural Affairs and Economic Development, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6485

RIN: 3245-AC79

4358. BUSINESS LOAN POLICY—LIMITATIONS ON LOAN PURPOSES

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(h)

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: This proposed regulation would formalize a longstanding SBA practice against making or guaranteeing a loan to an applicant under section 7(a) of the Small Business Act (15 USC 636(a)) if the Agency had previously incurred a loss (which remains

outstanding) in connection with an earlier section 7(a) loan or guaranty with respect to the applicant (or its predecessor) or to any business controlled by the same person(s) who control(s) the applicant.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 09/25/92 | 57 FR 44346 |
| NPRM Comment | 10/26/92 | |
| Period End | | |
| Final Action | 08/27/93 | 58 FR 45247 |
| Final Action Effective | 08/27/93 | 58 FR 45247 |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Charles R. Hertzberg, Assistant Administrator for Financial Assistance, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6490

RIN: 3245-AC81

4359. PHYSICAL DISASTER AND ECONOMIC INJURY LOANS; VOLUNTARY RELOCATION OUTSIDE THE DISASTER AREA

Legal Authority: 15 USC 634(b)(6); 15 USC 636(b); 15 USC 636(c); 15 USC 636(f); PL 102-395

CFR Citation: 13 CFR 123

Legal Deadline: None

The Conference Report accompanying PL 102-395 expressed Congress' expectations that SBA promulgate regulations implementing this provision "under any expedited procedures available by law."

Abstract: This rule implements PL 102-395, which prohibits the use of SBA disaster loan funds for direct loans to homeowners or businesses that wish to voluntarily relocate outside the business area in which a disaster has occurred.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Final Rule | 11/19/92 | 57 FR 54504 |
| Final Action | 06/08/93 | 58 FR 32053 |
| Final Action Effective | 06/08/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Bernard Kulik, Assistant Administrator for Disaster Assistance, Small Business Administration, 409 Third Street SW.,

8th Floor, Washington, DC 20416, 202 205-6734

RIN: 3245-AC89

4360. SMALL BUSINESS SIZE REGULATIONS; PROCUREMENT AUTOMATED SOURCE SYSTEM

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 644(c)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: This regulation provides that prime contractors may rely on the information contained in SBA's Procurement Automated Source System (PASS) as an accurate representation of a concern's size and ownership characteristics for purposes of maintaining a small business source list.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/09/93 | 58 FR 47371 |
| Final Action Effective | 09/09/93 | 58 FR 47371 |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Catherine B. Thomas, Program Manager, Size Determination Program, Office of Procurement Policy and Liaison, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6480

RIN: 3245-AC90

4361. SMALL BUSINESS INVESTMENT COMPANIES; MISCELLANEOUS AMENDMENTS

Significance: Agency Priority

Legal Authority: 15 USC 637(c); 15 USC 683; 15 USC 687d; 15 USC 687g; 15 USC 687b; 15 USC 687m; 15 USC 681 et seq; PL 100-590; PL 101-162

CFR Citation: 13 CFR 107

Legal Deadline: None

Abstract: This proposed rule would make several changes to SBA's regulation governing the Small Business Investment Company (SBIC) program. Included among the proposals would be to permit licensees to provide financing to small concerns involved in

SBA

Completed Actions

leasing real estate; formally defining the term "commitment"; and authorizing licensees to purchase securities of eligible small concerns from SBA.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|---------|
| Merged With RIN 3245-AC93 | 08/19/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Wayne S. Foren, Associate Administrator for Investment, Small Business Administration, 409 Third Street SW., 6th Floor, Washington, DC 20416, 202 205-6510

RIN: 3245-AC91

4362. PHYSICAL DISASTER AND ECONOMIC INJURY LOANS; MAJOR SOURCE OF EMPLOYMENT

Legal Authority: 15 USC 634(b)(6); 15 USC 636(b); 15 USC 636(c); 15 USC 636(f); PL 102-395

CFR Citation: 13 CFR 123

Legal Deadline: None

Abstract: Under the Small Business Act, the total amount of disaster assistance a borrower may receive from SBA in connection with any one disaster is limited to \$500,000 unless the borrower is a major source of employment in the Disaster Area and SBA, in its discretion, waives the \$500,000 limit. This proposed rule provides that SBA will not waive the statutory limit unless the major source of employment's damaged location(s) in the disaster area are out of business or in imminent danger of going out of business as a result of the disaster and the SBA loan is necessary to avoid substantial unemployment in the disaster area.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|---------|
| Merged With RIN 3245-AC82 | 08/18/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernard Kulik, Assistant Administrator for Disaster Assistance, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6734

RIN: 3245-AC92

4363. SMALL BUSINESS SIZE STANDARDS: INCREASE SIZE STANDARD OF SMALL BUSINESS CONCERNS ELIGIBLE FOR ASSISTANCE BY SMALL BUSINESS INVESTMENT COMPANIES

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 681 et seq; 15 USC 644(c); 15 USC 687(c); 15 USC 683; 15 USC 687d; 15 USC 687g; 15 USC 687b; 15 USC 687m; PL 100-565; PL 100-590; PL 101-162

CFR Citation: 13 CFR 121; 13 CFR 107

Legal Deadline: None

Abstract: This rule will update and expand the primary size standard (SBIC Standard) used to determine the eligibility of applicants under the SBIC program. It would also increase the financial tests in the SBIC standard by increasing the net worth test from \$6 million to \$18 million, and the net income test from \$2 million to \$6 million.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|---------|
| Merged With RIN 3245-AC51 | 08/19/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Wayne S. Foren, Associate Administrator for Investment, Small Business Administration, 409 Third Street SW., 6th Floor, Washington, DC 20416, 202 205-6510

RIN: 3245-AC94

4364. SURETY BOND GUARANTEE REGULATIONS

Legal Authority: 15 USC 687b; 15 USC 687c; 15 USC 694a; 15 USC 694b; 5 USC app 1 ; PL 100-590; PL 101-574

CFR Citation: 13 CFR 115

Legal Deadline: None

Abstract: The entire program regulations will be revised and reorganized to include substantive policy and procedural modifications which have been implemented. This revision is intended to eliminate inconsistencies, clarify procedures, reflect program experience and industry changes, and result in more efficient operation. Planned regulatory changes include regulations pertaining to both the prior-approval and preferred programs, fees and premiums, and claims for losses.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|---------|
| Merged With RIN 3245-AC60 | 08/18/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dorothy D. Kleeschulte, Assistant Administrator for Surety Guarantees, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6540

RIN: 3245-AC97

4365. • LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES; DELEGATION OF LOAN AUTHORITY

Legal Authority: 15 USC 687(c); 15 USC 695; 15 USC 696; 15 USC 697a; 15 USC 697b; 15 USC 697c

CFR Citation: 13 CFR 101

Legal Deadline: None

Abstract: This final rule will revise the regulations governing the delegation of loan authority for loans under the development company program. Under the existing rule, the delegation authority for certain offices is determined by the overall total project cost. The rule will eliminate the restriction based upon total project cost; the dollar amounts which these offices are authorized to commit will remain unchanged.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/23/93 | 58 FR 44436 |
| Final Action Effective | 08/23/93 | 58 FR 44436 |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Allan S. Mandel, Director, Office of Rural Affairs and Economic Development, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6485

RIN: 3245-AD13

4366. • BUSINESS LOANS; PREFERRED LENDERS—REDUCTION OF LOAN GUARANTY PERCENTAGE

Significance: Agency Priority

Legal Authority: 15 USC 631; 15 USC 634(b)(7)

CFR Citation: 13 CFR 120.400

SBA

Completed Actions

Legal Deadline: Other, Statutory, September 1, 1993.

PL 103-81 states that the changes imposed by this law will be effective September 1, 1993. SBA will publish final regulations to amend its regulations accordingly as soon as possible.

Abstract: This rule will implement provisions of the Small Business Guaranteed Credit Enhancement Act of 1993 (PL 103-81). Pursuant to the Act, loans approved under the Preferred Lenders Program will be subject to a maximum guarantee of 70 percent. In addition, SBA is authorized to permit participating lenders to impose and collect reasonable penalty fees on late payments.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/23/93 | 58 FR 49422 |
| Final Action Effective | 09/23/93 | 58 FR 49422 |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: James W. Hammersley, Deputy Director, Office of Financing, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-7505

RIN: 3245-AD18

4367. • BUSINESS LOANS; AMENDMENTS TO THE MICROLOAN DEMONSTRATION PROGRAM

Significance: Agency Priority

Legal Authority: 15 USC 631; 15 USC 636(m)

CFR Citation: 13 CFR 122.61

Legal Deadline: Other, Statutory, September 1, 1993.

PL 103-81 states that the changes imposed by this law shall be effective September 1, 1993. SBA will publish final regulations to amend its regulations accordingly as soon as possible.

Abstract: The rule will implement provisions of the Small Business Guaranteed Credit Enhancement Act of 1993 (PL 103-81). Pursuant to the Act, certain technical amendments must be made to the Microloan Program pertaining to the amount of grant award; the number of grant awards; and an increased amount for technical assistance.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action Effective | 09/01/93 | 58 FR 49422 |
| Final Action | 09/23/93 | 58 FR 49422 |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: John Cox, Director, Office of Financing, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-6498

RIN: 3245-AD20

4368. • BUSINESS LOANS; REDUCTION OF LOAN GUARANTY PERCENTAGE AND AUTHORITY TO COLLECT A LATE PAYMENT FEE

Significance: Agency Priority

Legal Authority: 15 USC 631; 15 USC 636; 15 USC 636(a)

CFR Citation: 13 CFR 120.100

Legal Deadline: Other, Statutory, September 1, 1993.

PL 103-81 states that the changes imposed by this Act shall be effective September 1, 1993. SBA will publish final regulations to amend its regulations accordingly as soon as possible.

Abstract: This rule will implement the changes imposed on the Business Loan Program by the Small Business Guaranteed Credit Enhancement Act of 1993 (PL 103-81). Pursuant to the Act, loans approved under section 7(a) of the Small Business Act will be subject to reduced guarantee percentages. In addition, SBA is authorized to permit participating lenders to impose and collect reasonable penalty fees on late payments.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action Effective | 09/01/93 | 58 FR 49422 |
| Final Action | 09/23/93 | 58 FR 49422 |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: James W. Hammersley, Director, Office of Financing, Small Business Administration, 409 Third Street SW., 8th Floor, Washington, DC 20416, 202 205-7505

RIN: 3245-AD23

[FR Doc. 93-22932 Filed 10-22-93; 8:45 am]

BILLING CODE 8025-01-F

Federal Register

**Monday
October 25, 1993**

Part XLII

**Tennessee Valley
Authority**

Semiannual Regulatory Agenda

TENNESSEE VALLEY AUTHORITY (TVA)

TENNESSEE VALLEY AUTHORITY

18 CFR Ch. XIII

Regulatory Agenda

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Regulatory agenda.

SUMMARY: As a nonregulatory agency, TVA originates few regulations. However, TVA has three regulations under development and has published a notice of proposed rulemaking with regard to a fourth regulation. In addition, TVA has published an interim final common rule with regard to a fifth regulation and will publish a sixth

regulation as a final rule. TVA is therefore publishing a regulatory agenda in voluntary compliance with Executive Order No. 12291.

FOR FURTHER INFORMATION CONTACT: For further information, please contact the persons listed.
Edward S. Christenbury,
General Counsel.

TENNESSEE VALLEY AUTHORITY (TVA)

Proposed Rule Stage

4369. PROTECTION OF ARCHAEOLOGICAL RESOURCES

Legal Authority: 16 USC 470aa to 470mm

CFR Citation: 18 CFR 1312

Legal Deadline: None

Abstract: The planned regulations will implement provisions of the Archaeological Resources Protection Act of 1979 by providing protection of archaeological resources on public lands in TVA custody and control. TVA will seek to protect such resources through permits authorizing excavation or removal of resources, through civil penalties for unauthorized excavation or removal, through preservation of archaeological resource collections and data, and through assuring confidentiality of information about resources when disclosure would threaten the resources. The planned

regulations will supplement existing uniform regulations by assigning specific responsibilities within TVA.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. Bennett Graham, Senior Archaeologist, Tennessee Valley Authority, 2C Natural Resources Building, Norris, TN 37828, 615 632-1583

RIN: 3316-AA02

4370. NONDISCRIMINATION ON THE BASIS OF SEX IN FEDERALLY ASSISTED EDUCATIONAL PROGRAMS

Legal Authority: 20 USC 1682; 16 USC 831 to 831dd

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This regulation implements 20 USC 1681 which assures nondiscrimination on the basis of sex in educational programs or activities receiving financial assistance from Federal agencies.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Freddie L. Hogan, Manager, Contracts and Community Assistance, Tennessee Valley Authority, CEB 5A-M, Muscle Shoals, AL 35660, 205 386-2049

RIN: 3316-AA13

TENNESSEE VALLEY AUTHORITY (TVA)

Final Rule Stage

4371. PROTECTION OF ARCHAEOLOGICAL RESOURCES; UNIFORM REGULATIONS

Legal Authority: 16 USC 470ii(a)

CFR Citation: 18 CFR 1312

Legal Deadline: None

Abstract: The proposed rule would revise the prohibited acts section of the uniform regulations to conform to recent amendments to the Archaeological Resources Protection Act, thus enabling Federal land managers to assess civil penalties for the attempt to excavate, remove, damage, alter, or otherwise deface archaeological resources. The proposed rule would thus affect persons who

make unauthorized use of archaeological resources or attempt to do so.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 01/29/90 | 55 FR 2848 |
| NPRM Comment Period End | 02/28/90 | 55 FR 2848 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. Bennett Graham, Senior Archaeologist, Tennessee Valley Authority, 2C Natural Resources

Building, Norris, TN 37828, 615 632-1583

RIN: 3316-AA14

4372. PROTECTION OF ARCHAEOLOGICAL RESOURCES; UNIFORM REGULATIONS

Legal Authority: 16 USC 470aa to 470mm

CFR Citation: 18 CFR 1312

Legal Deadline: None

Abstract: The proposed rule would amend the sections in the final uniform regulations to implement recent amendments to the Archaeological Resources Protection Act of 1979. Principally, these changes address

TVA

Final Rule Stage

public awareness programs, archaeological surveys and schedules, and guidance to Federal agencies on the disposition of human remains and directly associated objects found at archaeological sites. No direct costs to the public are anticipated, as the proposed rule would deal primarily with management and protection of archaeological resources by Federal agencies.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/11/91 | 56 FR 46259 |
| NPRM Comment Period End | 12/10/91 | 56 FR 46259 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. Bennett Graham, Senior Archaeologist, Tennessee Valley Authority, 2C Natural Resources Building, Norris, TN 37828, 615 632-1583

RIN: 3316-AA16

4373. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 16 USC 831 to 831dd; 31 USC 1352

CFR Citation: 18 CFR 1315 (New)

Legal Deadline: None

Abstract: By this regulation the Tennessee Valley Authority adopts a common interim final rule issued in response to Section 319 of Public Law 101-121. Section 319 generally prohibits recipients of Federal contracts, cooperative agreements, grants, and loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, cooperative agreement, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, cooperative agreement, grant, loan, or a Federal commitment to insure or guarantee a loan must disclose lobbying.

Timetable:

| Action | Date | FR Cite |
|--------------------|--------------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 6736 |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Charles L. Young, Senior Attorney, Office of the General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, TN 37902-1499, 615 632-7305

RIN: 3316-AA17

4374. ADOPTION OF PROCEDURES—PROGRAM FRAUD CIVIL REMEDIES ACT

Legal Authority: 16 USC 831 to 831dd; 31 USC 1352

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: In accordance with the requirements of section 319 of Public Law 101-121, the Tennessee Valley Authority is required to apply certain requirements of the Program Fraud Civil Remedies Act to the imposition and collection of civil penalties under Section 319 for violations of its restrictions on lobbying and its disclosure requirements. These regulations establish administrative procedures for imposition and collection of civil penalties in accordance with the Program Fraud Civil Remedies Act.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles L. Young, Senior Attorney, Office of the General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, TN 37902-1499, 615 632-7305

RIN: 3316-AA18

[FR Doc. 93-21454 Filed 10-22-93; 8:45 am]

BILLING CODE 0120-00-F

Federal Register

Monday
October 25, 1993

Part XLIII

**United States
Information Agency**

Semiannual Regulatory Agenda

UNITED STATES INFORMATION AGENCY (USIA)

UNITED STATES INFORMATION AGENCY

22 CFR Ch. V

Unified Agenda of Federal Regulations

AGENCY: United States Information Agency.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that the United States Information Agency (USIA) plans for the next 12 months. USIA's purpose in publishing this agenda is to allow interested persons an opportunity to have more comprehensive documentation of USIA's regulatory plans and to provide a systematic means of monitoring

regulatory activity in USIA. None of the regulations listed in the agenda are considered major under Executive Order 12291 "Federal Regulation."

FOR FURTHER INFORMATION CONTACT: Stanley S. Colvin, Assistant General Counsel, Office of General Counsel, (202) 619-8829.

Stanley S. Colvin,
Assistant General Counsel.

UNITED STATES INFORMATION AGENCY (USIA)

Proposed Rule Stage

4375. • AVAILABILITY OF RECORDS

Legal Authority: 22 USC 2658; 31 USC 483a; 5 USC 301; 5 USC 552

CFR Citation: 22 CFR 503.1 to 503.9

Legal Deadline: None

Abstract: The regulation will set forth a partial revision of 22 CFR 503. Such revision is required as current

regulations are out of date, contradictory, and lacking in both clarity and comprehensiveness. The revision of these regulations will enhance agency oversight and administration of FOIA activities.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Stanley S. Colvin, Assistant General Counsel, United States Information Agency, 301 4th Street SW., Washington, DC 20547, 202 619-8829

RIN: 3116-AA03

UNITED STATES INFORMATION AGENCY (USIA)

Final Rule Stage

4376. NEW RESTRICTIONS ON LOBBYING

Legal Authority: PL 101-121, sec 319; 31 USC 1352; 41 USC 701 et seq

CFR Citation: 22 CFR 519

Legal Deadline: None

Abstract: The U.S. Information Agency will join 28 other executive agencies in issuing a final common rule for the purpose of implementing new statutory prohibitions and disclosure requirements with regard to the use of appropriated funds to influence certain Federal contracting and financial transactions.

Timetable:

| Action | Date | FR Cite |
|--------------------|--------------|------------|
| Interim Final Rule | 02/26/90 | 55 FR 8736 |
| Next Action | Undetermined | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Georgia K. Hubert, Chief, Policy and Procedures Staff, United States Information Agency, Office of Contracts, 330 C Street, SW., Room 1611, Washington, DC 20547, 202 205-5404

RIN: 3116-AA00

4377. • WORLDWIDE FREE FLOW OF AUDIO-VISUAL MATERIAL

Significance: Agency Priority

Legal Authority: 5 USC 301; 19 USC 2051; 22 USC 1431; PL 101-138

CFR Citation: 22 CFR 502.1 to 502.9

Legal Deadline: None

Abstract: The Agency proposes new regulations governing its implementation of the Agreement for Facilitating the International

Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character (Beirut Agreement of 1948). A recent decision by the United States Court of Appeals (9th Circuit) and congressional enactment of legislation effecting the Agency's implementation of the Beirut Agreement indicate that new regulations be advanced.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/12/93 | 58 FR 42896 |
| NPRM Comment Period End | 09/13/93 | |
| Final Action | 02/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Stanley S. Colvin, Assistant General Counsel, United States Information Agency, 301 4th Street SW., Washington, DC 20547, 202 619-8829

RIN: 3116-AA02

UNITED STATES INFORMATION AGENCY (USIA)

Completed Actions

4378. EXCHANGE VISITOR PROGRAM

Significance: Agency Priority

Legal Authority: 22 USC 1431 to 1442; 22 USC 2451 to 2460; EO 12048

CFR Citation: 22 CFR 514.1; 22 CFR 514.2; 22 CFR 514.11 to 514.17; 22 CFR 514.21 to 514.24; 22 CFR 514.31; 22 CFR 514.32

Legal Deadline: None

Abstract: The regulation will set forth a complete revision of 22 CFR 514. Such revision is required as current regulations are dated, contradictory, and confusing, and lack both clarity and comprehensiveness. The revision will enhance Agency oversight of the

Exchange Visitor Program as well as clarify the duties and obligations of sponsors conducting exchange programs. This action is undertaken pursuant to a thorough review of the Exchange Visitor Program, its enabling legislation, and past history. The revision will ensure that Exchange activities conducted under the aegis of the J-visa conform to United States immigration and labor laws and are consistent with both the Fulbright-Hays Act of 1961 and the Smith-Mundt Act of 1948.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 10/09/92 | 57 FR 46676 |

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM Comment Period End | 12/08/92 | 57 FR 46676 |
| Final Action | 03/19/93 | 58 FR 15180 |
| Final Action Effective | 03/19/93 | 58 FR 15180 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stanley S. Colvin, Assistant General Counsel, United States Information Agency, 301 4th Street SW., Washington, DC 20547, 202 619-6829

RIN: 3116-AA01

[FR Doc. 93-22933 Filed 10-22-93; 8:45 am]

BILLING CODE 8320-01-F

Federal Register

Monday
October 25, 1993

Part XLIV

**Department of
Defense
General Services
Administration
National Aeronautics
and Space
Administration**

**Federal Acquisition Regulation;
Semiannual Regulatory Agenda**

**DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)**

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Ch. 1

Semiannual Agenda

AGENCIES: Department of Defense (DoD),
General Services Administration (GSA),
and National Aeronautics and Space
Administration (NASA).

ACTION: Semiannual agenda.

SUMMARY: This agenda provides
summary descriptions of regulations

being developed by the Civilian Agency
Acquisition Council and the Defense
Acquisition Regulatory Council in
compliance with Executive Order 12291
"Federal Regulation." This agenda is
being published to allow interested
persons an opportunity to participate in
the rulemaking process.

The Federal Acquisition Regulation
(FAR) Secretariat has attempted to list
all regulations pending at the time of
publication, except for minor and
routine or repetitive actions; however,
unanticipated requirements may result
in the issuance of regulations that are
not included in this agenda. There is no
legal significance to the omission of an
item from this listing. Also, the dates
shown for the steps of each action are

estimated and are not commitments to
act on or by the dates shown.

FOR FURTHER INFORMATION CONTACT: Ms.
Beverly Payson, FAR Secretariat, Room
4035, GS Building, Washington, DC
20405, (202) 501-4755.

SUPPLEMENTARY INFORMATION: DoD, GSA,
and NASA, under their several statutory
authorities, jointly issue and maintain
the FAR and prescribe the FAR system.
Revisions to the FAR are made through
periodic issuance of Federal Acquisition
Circulars (FACs). None of the
regulations listed in this agenda are
considered major under Executive Order
12291.

Dated: September 13, 1993.

Albert A. Vicchiolla,
Director, Office of Federal Acquisition Policy.

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4379 | FAR Case 88-56, CBLs Under Cost Reimbursement-Type Contracts. Audit by GSA | 9000-AC67 |
| 4380 | FAR Case 88-70, U.S.-Canada Free-Trade Agreement Implementation Act of 1988 | 9000-AC80 |
| 4381 | FAR Case 89-12, Pay-As-You-Go Pension Costs | 9000-AC90 |
| 4382 | FAR Case 89-23, Procurement Integrity | 9000-AD01 |
| 4383 | FAR Case 89-31, Title to Property Under Progress Payment Clause | 9000-AD09 |
| 4384 | FAR Case 89-42, Liquidated Damages | 9000-AD20 |
| 4385 | FAR Case 89-88, Allowability of Value Engineering Costs | 9000-AD71 |
| 4386 | FAR Case 89-89, Debarment, Suspension, and Ineligibility | 9000-AD72 |
| 4387 | FAR Case 89-93, Implementation of the Anti-Lobbying Statute | 9000-AD76 |
| 4388 | FAR Case 90-17, Exemptions From Cost or Pricing Data | 9000-AD89 |
| 4389 | FAR Case 90-31, Certification Challenge to BAA, TAA Balance of Payments Program Certificate | 9000-AE03 |
| 4390 | FAR Case 90-32, Government Credit Cards | 9000-AE04 |
| 4391 | FAR Case 90-34, Transfer of Government Property | 9000-AE06 |
| 4392 | FAR Case 90-52, Evaluation Factors | 9000-AE21 |
| 4393 | FAR Case 90-53, Contractors' Purchasing System Reviews | 9000-AE22 |
| 4394 | FAR Case 90-54, Defective Pricing | 9000-AE23 |
| 4395 | FAR Case 90-62, Construction Contracting | 9000-AE30 |
| 4396 | FAR Case 91-34, Make-or-Buy Provision | 9000-AE40 |
| 4397 | FAR Case 91-31, Contract Award-Sealed Bidding | 9000-AE41 |
| 4398 | FAR Case 91-32, Specifications, Standards, and Other Purchase Descriptions | 9000-AE43 |
| 4399 | FAR Case 91-27, Performance and Payment Bonds | 9000-AE47 |
| 4400 | FAR Case 91-13, Acquisition of Utility Services | 9000-AE48 |
| 4401 | FAR Case 91-28, Indian-Owned Enterprises | 9000-AE52 |
| 4402 | FAR Case 91-11, Shipments to Ports and Air Terminals | 9000-AE57 |
| 4403 | FAR Case 91-9, Acquisition of Helium | 9000-AE58 |
| 4404 | FAR Case 91-18, Multiyear Contracting | 9000-AE65 |
| 4405 | FAR Case 91-10, Returnable Cylinders and Other Containers | 9000-AE66 |
| 4406 | FAR Case 91-39, Voluntary Refunds | 9000-AE68 |
| 4407 | FAR Case 91-42, Post-Retirement Benefits Transition Costs | 9000-AE69 |
| 4408 | FAR Case 91-20, Notification of Ownership Changes | 9000-AE72 |
| 4409 | FAR Case 90-67, Preproduction Startup Costs | 9000-AE75 |
| 4410 | FAR Case 90-59, Subcontract Pricing | 9000-AE78 |
| 4411 | FAR Case 91-53, Increase in Cost or Pricing Data Threshold | 9000-AE79 |
| 4412 | FAR Case 91-67, Employee Stock Ownership Plans | 9000-AE80 |
| 4413 | FAR Case 91-45, Advance Agreements, Composition of Total Cost, and Accounting for Unallowable Costs | 9000-AE81 |
| 4414 | FAR Case 91-61, Small Business Concern Representation | 9000-AE84 |

FAR

Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4415 | FAR Case 91-6, Lease With Option To Purchase | 9000-AE86 |
| 4416 | FAR Case 91-58, Reports of Government Property | 9000-AE88 |
| 4417 | FAR Case 91-48, Preference for Commercial Products | 9000-AE95 |
| 4418 | FAR Case 91-62, Alternative Dispute Resolution | 9000-AE96 |
| 4419 | FAR Case 91-75, Buy American Act—Construction | 9000-AF00 |
| 4420 | FAR Case 91-73, Records of Plant Equipment | 9000-AF02 |
| 4421 | FAR Case 92-16, Cost Accounting Standards | 9000-AF04 |
| 4422 | FAR Case 91-85, Service Contracting | 9000-AF05 |
| 4423 | FAR Case 91-50, Nonmanufacturer Rule | 9000-AF08 |
| 4424 | FAR Case 91-52, Final Regulations Implementing Section 605M of the Tax Reform Act of 1986 | 9000-AF09 |
| 4425 | FAR Case 91-96, Clarify Increased Cost or Pricing Data Threshold | 9000-AF24 |
| 4426 | FAR Case 89-21, Inspection for Commercial, Off-the-Shelf Supplies | 9000-AF26 |
| 4427 | FAR Case 91-51, Hazardous Warning Labels | 9000-AF27 |
| 4428 | FAR Case 91-84, Revision to Standard Form 18, Request for Quotations | 9000-AF29 |
| 4429 | FAR Case 91-97, Small Business Competitiveness Demonstration Program | 9000-AF30 |
| 4430 | FAR Case 91-106, Child Care Services | 9000-AF31 |
| 4431 | FAR Case 92-53, Defense Traffic Management Regulation | 9000-AF32 |
| 4432 | FAR Case 91-56, Research and Development Contracting | 9000-AF33 |
| 4433 | FAR Case 92-36, Walsh-Healey Definitions | 9000-AF34 |
| 4434 | FAR Case 92-301, Federal Courts Administration Act | 9000-AF35 |
| 4435 | FAR Case 92-616, Service of Protest | 9000-AF36 |
| 4436 | FAR Case 92-618, Application of Trade Agreements to National Archives and Records Administration Procurements | 9000-AF37 |
| 4437 | FAR Case 92-619, Removal of Steel Conduit From the FAR Buy American Act Exemption List | 9000-AF38 |
| 4438 | FAR Case 93-606, Implementation of MOU Between the USA and the EEC on Government Procurement and Sanctions Imposed on the European Economic Community | 9000-AF39 |
| 4439 | FAR Case 93-301, Made in America Labels; FAR Case 93-306, Unfair Trade Practices | 9000-AF40 |
| 4440 | FAR Case 92-46, Prompt Payment Overseas | 9000-AF41 |
| 4441 | FAR Case 93-302, Independent Research & Development and Bid Proposal Costs | 9000-AF42 |
| 4442 | FAR Case 91-17, Contractor Acquisition of ADPE | 9000-AF43 |
| 4443 | FAR Case 92-45, Interest Clause Revisions | 9000-AF44 |

**DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)**

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4379. FAR CASE 86-56, CBLS UNDER COST REIMBURSEMENT-TYPE CONTRACTS. AUDIT BY GSA

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR by requiring agencies to ensure that contractors, doing business with the U.S. Government under a cost-reimbursement contract (CRC), submit paid freight bills/ invoices, CBL's and supporting documentation to GSA for audit. The rule clarifies GSA's audit function and establishes procedures for the submission of the above referenced documentation.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/10/88 | 53 FR 46742 |
| NPRM Comment Period End | 01/09/89 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Payson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 19th & F Streets NW., Washington, DC 20405, 202 501-4255

RIN: 9000-AC67

4380. FAR CASE 88-70, U.S.-CANADA FREE-TRADE AGREEMENT IMPLEMENTATION ACT OF 1988

Legal Authority: PL 100-449

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: Other, Statutory, January 1, 1989. Other deadline is for an interim final rule.

Abstract: To amend the FAR to implement the United States-Canada Free-Trade Agreement and the United States-Canada Free-Trade Implementation Act of 1988, which added requirements with respect to acquisitions from Canada.

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Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 12/30/88 | 53 FR 53340 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AC80

4381. FAR CASE 89-12, PAY-AS-YOU-GO PENSION COSTS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 30; 48 CFR 31

Legal Deadline: None

Abstract: To amend the FAR to revise the cost allowability criteria for pension costs.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 03/29/89 | 54 FR 13022 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AC90

4382. FAR CASE 89-23, PROCUREMENT INTEGRITY

Legal Authority: 41 USC 423

CFR Citation: 48 CFR 1; 48 CFR 3; 48 CFR 4; 48 CFR 9; 48 CFR 15; 48 CFR 37; 48 CFR 43; 48 CFR 52

Legal Deadline: Other, Statutory, July 16, 1989.

Other deadline is for an interim final rule.

Abstract: To amend the FAR to implement the procurement integrity requirements of section 27 of the Office of Federal Procurement Policy Act.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 03/27/89 | 54 FR 12556 |
| Interim Final Rule | 05/11/89 | 54 FR 20488 |
| Suspension of Interim Final Rule | 12/08/89 | 54 FR 50718 |
| Interim Final Rule - 2nd Publication | 09/06/90 | 55 FR 36782 |
| Interim Final Rule Effective | 09/06/90 | |
| Amendment to Interim Final Rule | 11/30/90 | 55 FR 49852 |
| Amendment to Interim Final Rule Effective | 12/30/90 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AD01

4383. FAR CASE 89-31, TITLE TO PROPERTY UNDER PROGRESS PAYMENT CLAUSE

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify that the Government takes title in the form of "ownership" rather than a lien when progress payments are made under the progress payments clause at FAR 52.232-16.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/01/89 | 54 FR 18631 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AD09

4384. FAR CASE 89-42, LIQUIDATED DAMAGES

Legal Authority: PL 100-656, Sec 304

CFR Citation: 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to require a prime contractor to pay liquidated damages upon a lack of good faith effort to meet its small business subcontracting goals.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 07/21/89 | 54 FR 30703 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AD20

4385. FAR CASE 89-88, ALLOWABILITY OF VALUE ENGINEERING COSTS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 48.101(b)

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed to republish the proposal to revise paragraph (b)(1) of FAR 48.101, General, to provide that under the incentive approach, the contractor develops and submits value engineering change proposals (VECP's) and shares in the savings of any that are accepted. The contract provides for payment of implementation costs if a VECP is accepted. The development costs for accepted and unaccepted VECP's shall be accumulated by VE project and

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charged indirectly if otherwise allowable in accordance with part 31.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/14/92 | 57 FR 59274 |
| NPRM Comment Period End | 02/12/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AD71

4386. FAR CASE 89-89, DEBARMENT, SUSPENSION, AND INELIGIBILITY

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 9

Legal Deadline: None

Abstract: To amend the FAR to address the treatment of orders placed under indefinite delivery type contractual arrangements, basic agreements, and basic ordering agreements for purposes of debarment/suspension.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-----------|
| NPRM | 01/04/90 | 55 FR 416 |
| NPRM Comment Period End | 03/05/90 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AD72

4387. FAR CASE 89-93, IMPLEMENTATION OF THE ANTI-LOBBYING STATUTE

Legal Authority: PL 101-121, Sec 319

CFR Citation: 48 CFR 3; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to implement section 319 of PL 101-121, which added a new section 1352 to title 31 USC entitled "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions." Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, or cooperative agreement, in excess of \$100,000, or a loan or Federal commitment to insure or guarantee a loan, in excess of \$150,000, must disclose lobbying with other than appropriated funds.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|------------|
| Interim Final Rule | 01/30/90 | 55 FR 3190 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AD76

4388. FAR CASE 90-17, EXEMPTIONS FROM COST OR PRICING DATA

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 8; 48 CFR 15; 48 CFR 31; 48 CFR 52; 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to address the requirement for claiming and granting catalog price exemptions from the requirements for submission of

certified cost or pricing data, and the policies regarding price negotiation.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/06/90 | 55 FR 36774 |
| NPRM Comment Period End | 11/06/90 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AD89

4389. FAR CASE 90-31, CERTIFICATION CHALLENGE TO BAA, TAA BALANCE OF PAYMENTS PROGRAM CERTIFICATE

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 25

Legal Deadline: None

Abstract: To amend the FAR to require that challenges to an offeror's certification under the Trade Agreements Act be referred to the Treasury Department.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/27/90 | 55 FR 26342 |
| NPRM Comment Period End | 08/27/90 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE03

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4390. FAR CASE 90-32, GOVERNMENT CREDIT CARDS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 13

Legal Deadline: None

Abstract: To amend the FAR to provide general policy guidelines, and prescribe agency responsibilities and conditions for use of Government credit cards in the place of certain purchase orders and imprest funds draw-downs.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/27/90 | 55 FR 26342 |
| NPRM Comment Period End | 08/27/90 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE04

4391. FAR CASE 90-34, TRANSFER OF GOVERNMENT PROPERTY

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 45

Legal Deadline: None

Abstract: To amend the FAR to ensure that Government property is transferred and documented properly upon termination or completion of a contract.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/27/90 | 55 FR 26344 |
| NPRM Comment Period End | 08/27/90 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE06

4392. FAR CASE 90-52, EVALUATION FACTORS

Legal Authority: PL 99-661, Sec 924(a)

CFR Citation: 48 CFR 15.605

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed to amend FAR 15.605 to state that quality shall be considered in planning every source selection and, if appropriate, included as an evaluation factor. This change will better implement the requirements of Pub. L. 99-661, sec. 924(a).

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/07/90 | 55 FR 46930 |
| NPRM Comment Period End | 01/07/91 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE21

4393. FAR CASE 90-53, CONTRACTORS' PURCHASING SYSTEM REVIEWS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 44.302; 48 CFR 44.304

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed to revise FAR 44.302(b) and 44.304(a) and (b) concerning contractors' purchasing systems reviews (CPSR's). These revisions continue

current trend to streamline the acquisition process, reduce contractor oversight, and to eliminate or reduce regulatory burdens on both the contracting officers and contractors.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/23/90 | 55 FR 42810 |
| NPRM Comment Period End | 12/24/90 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE22

4394. FAR CASE 90-54, DEFECTIVE PRICING

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 15.804-7

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed to revise the policies affecting defective pricing reductions. Review of the Defense Federal Acquisition Regulation Supplement indicated that there were policies which had value beyond use solely within the Department of Defense and which should be made applicable Governmentwide.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/06/90 | 55 FR 50534 |
| NPRM Comment Period End | 02/03/91 | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR),

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GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755
RIN: 9000-AE23

4395. FAR CASE 90-62, CONSTRUCTION CONTRACTING

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)
CFR Citation: 48 CFR 36.521 to 36.523; 48 CFR 52.236-21; 48 CFR 52.236-26; 48 CFR 52.236-27

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are considering changes to FAR 36.5 by revising 36.521 and adding provisions at 36.522 and 36.523. These proposed changes are intended to include in the FAR two clauses and one provision appropriate for use in fixed-price construction contracts, and in contracts for dismantling, demolition, or removal of improvement, which were found to be beneficial to both contractors and the Department of Defense, and which will similarly benefit civilian agencies and their contractors.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/31/91 | 56 FR 3954 |
| NPRM Comment | 04/01/91 | |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE30

4396. FAR CASE 91-34, MAKE-OR-BUY PROVISION

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)
CFR Citation: 48 CFR 15; 48 CFR 52

Legal Deadline: None

Abstract: To amend FAR subpart 15.7 and part 52 regarding make or buy

plans. The revisions will permit the contracting officer to request additional data, list the factors for evaluation on the make or buy program and provide the dollar threshold for items to be included in the program.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/23/91 | 56 FR 33826 |
| NPRM Comment | 09/23/91 | |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE40

4397. FAR CASE 91-31, CONTRACT AWARD-SEALED BIDDING

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to revise the provision 52.214-19 to include the language regarding unbalanced bidding now contained in the provisions at 52.214-10 and 52.215-16. This will make the language in all three provisions consistent.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/27/91 | 56 FR 29539 |
| NPRM Comment | 08/26/91 | |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F

Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE41

4398. FAR CASE 91-32, SPECIFICATIONS, STANDARDS, AND OTHER PURCHASE DESCRIPTIONS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 10; 48 CFR 52

Legal Deadline: None

Abstract: To revise FAR part 10 to clearly reflect the preference for use of voluntary standards commercial item descriptions and functional performance specifications over design-type specifications.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/11/91 | 56 FR 31844 |
| NPRM Comment | 09/09/91 | |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE43

4399. FAR CASE 91-27, PERFORMANCE AND PAYMENT BONDS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 28; 48 CFR 52

Legal Deadline: None

Abstract: To amend parts 28 and 52 to standardize policies governing bonding. The principal revisions include: adding standard clauses when performance or payment bonds are required and a standard form, Performance and Payment Bonds - Other Than Construction.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 07/09/91 | 56 FR 31278 |

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| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM Comment Period End | 09/09/91 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE47

4400. FAR CASE 91-13, ACQUISITION OF UTILITY SERVICES

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 6; 48 CFR 8; 48 CFR 15; 48 CFR 41; 48 CFR 52

Legal Deadline: None

Abstract: To revise FAR coverage currently in subpart 8.3 dealing with acquisition of utility services.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/22/91 | 56 FR 23982 |
| NPRM Comment Period End | 07/23/91 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE48

4401. FAR CASE 91-28, INDIAN-OWNED ENTERPRISES

Legal Authority: PL 100-442, Sec 7

CFR Citation: 48 CFR 26; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to allow contractors to recover certain costs of

subcontracting with Indian organizations and Indian-owned economic enterprises.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 08/22/91 | 56 FR 41728 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE52

4402. FAR CASE 91-11, SHIPMENTS TO PORTS AND AIR TERMINALS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: The Defense Acquisition Regulations and Civilian Agency Acquisition Councils are proposing revisions to coverage at 47.305-6, 52.247-51, and Alternate I of 52.247-51 of the FAR to require contracting officers to publish with the solicitation any available information on port handling and ocean charges.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/06/91 | 56 FR 20573 |
| NPRM Comment Period End | 07/05/91 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE57

4403. FAR CASE 91-9, ACQUISITION OF HELIUM

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 8; 48 CFR 52

Legal Deadline: None

Abstract: The Defense Acquisition Regulations and Civilian Agency Acquisition Councils are considering amending FAR Parts 8 and 52 to provide guidance in the procurement of helium. Public Law 86-777, the Helium Act, requires that all major helium requirements be purchased from the Secretary of the Interior. This includes the procurement of helium by Federal agencies as well as by contractors for use in Government contracts. The proposed coverage will assist Government agencies and contractors in complying with the Helium Act (PL 86-777) by ensuring that contracting officers and contractors are aware of the requirement for using Bureau of Mines Helium in Government contracts.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/09/91 | 56 FR 21532 |
| NPRM Comment Period End | 07/08/91 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE58

4404. FAR CASE 91-18, MULTIYEAR CONTRACTING

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 17; 48 CFR 52

Legal Deadline: None

Abstract: To revise FAR part 17 and corresponding coverage in part 52 to provide special provisions for use in multiyear contracts whereas the FAR now requires contracting officers to develop provisions for use in multiyear solicitations and contracts on an as

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needed basis. The intent of these changes is to reduce the administrative burden on contracting officers by supplying needed provisions and clauses that were required but not provided.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/03/91 | 56 FR 20507 |
| NPRM Comment | 07/02/91 | |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE65

4405. FAR CASE 91-10, RETURNABLE CYLINDERS AND OTHER CONTAINERS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: To amend FAR parts 47 and 52 to establish policy for the Government use and accountability of contractor-owned cylinders.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 04/08/91 | 56 FR 14298 |
| NPRM Comment | 06/07/91 | |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE66

4406. FAR CASE 91-39, VOLUNTARY REFUNDS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 32.6; 48 CFR 42.13

Legal Deadline: None

Abstract: To amend the FAR to add a new subpart 42.13 to provide guidance on solicitation and acceptance of voluntary refunds.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/15/91 | 56 FR 40716 |
| NPRM Comment | 10/15/91 | |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE88

4407. FAR CASE 91-42, POST-RETIREMENT BENEFITS TRANSITION COSTS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 31.205-6

Legal Deadline: None

Abstract: To amend in the FAR the cost principle on compensation cost to cover transition costs regarding allowability of Post-Retirement Benefits, other than pensions.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 08/22/91 | 56 FR 41728 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR),

GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE69

4408. FAR CASE 91-20, NOTIFICATION OF OWNERSHIP CHANGES

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to establish requirement for certain contractors to notify the Government when ownership of the contractor changes.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/23/91 | 56 FR 23762 |
| NPRM Comment | 07/22/91 | |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE72

4409. FAR CASE 90-67, PREPRODUCTION STARTUP COSTS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 15.804-6; 48 CFR 15.804-8; 48 CFR 52.215

Legal Deadline: None

Abstract: To amend the FAR to provide additional guidance on review and negotiation of costs for preproduction, startup, and other nonrecurring activities.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/03/91 | 56 FR 20506 |
| NPRM Comment | 07/02/91 | |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

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Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE75

4410. FAR CASE 90-59, SUBCONTRACT PRICING

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 15.806-1(e); 48 CFR 15.806-1(f)

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are proposing to revise policies affecting cost analysis as they relate to subcontract cost. Review of the Defense Federal Acquisition Regulation Supplement indicated that there were policies which had value beyond use solely within the Department of Defense and should be made applicable Governmentwide.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/07/91 | 56 FR 57182 |
| NPRM Comment Period End | 01/06/92 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE78

4411. FAR CASE 91-53, INCREASE IN COST OR PRICING DATA THRESHOLD

Legal Authority: 10 USC 2306a

CFR Citation: 48 CFR 15.8

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed to revise FAR parts 14, 15, and 52 to increase the threshold for submission of cost or pricing data for the Department of Defense, the National Aeronautics and Space Administration, and the Coast Guard.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 12/30/91 | 56 FR 67412 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE79

4412. FAR CASE 91-67, EMPLOYEE STOCK OWNERSHIP PLANS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 31.205-6(j)(8)

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are considering changes to the Federal Acquisition Regulation (FAR) to amend FAR 31.205-6(j)(8), Employee stock ownership plans, to make it clear that the cost principle applies to all Employee Stock Ownership Plans (ESOP's) regardless of whether or not an ESOP meets the definition of "pension plan" in FAR 31.205-6(j)(1) (i.e., provides a benefit payable for life).

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 02/04/92 | 57 FR 4181 |
| NPRM Comment Period End | 04/06/92 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no

paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE80

4413. FAR CASE 91-45, ADVANCE AGREEMENTS, COMPOSITION OF TOTAL COST, AND ACCOUNTING FOR UNALLOWABLE COSTS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 31.109; 48 CFR 31.201-1; 48 CFR 31.201-6

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are considering changes to the Federal Acquisition Regulation (FAR) to amend sections 31.109, Advance agreements; 31.201-1, Composition of total cost; and 31.201-6, Accounting for allowable costs. These proposed rule changes represent the first in a series, resulting from the Councils' ongoing review of industry recommendations concerning FAR Part 31, Contract Cost Principles and Procedures.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/04/91 | 56 FR 43739 |
| NPRM Comment Period End | 11/04/91 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE81

4414. FAR CASE 91-61, SMALL BUSINESS CONCERN REPRESENTATION

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

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CFR Citation: 48 CFR 19.502-4; 48 CFR 52.219-1

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are amending the FAR to clarify language regarding an offeror's size status and to remove the requirement for offerors to certify that all supplies to be furnished will be manufactured by a small business in the United States.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/23/92 | 57 FR 2820 |
| NPRM Comment | 03/23/92 | |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE84

4415. FAR CASE 91-6, LEASE WITH OPTION TO PURCHASE

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 7.402; 48 CFR 7.404; 48 CFR 52.207-X

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are proposing to amend the FAR to include information required to support a decision to use a lease with an option to purchase and outline the Government's right to purchase at any time during the performance of the contract.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/06/91 | 56 FR 37404 |
| NPRM Comment | 10/07/91 | |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE86

4416. FAR CASE 91-58, REPORTS OF GOVERNMENT PROPERTY

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 45.505-14

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are proposing to revise FAR 45.505-14 which requires contractors to report annually all classifications of Government property in their possession. The revision expands the list of property classifications to include special tooling, special test equipment, material, and agency peculiar property.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/23/92 | 57 FR 2818 |
| NPRM Comment | 03/23/92 | |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE88

4417. FAR CASE 91-48, PREFERENCE FOR COMMERCIAL PRODUCTS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 10.002

Legal Deadline: Other, Statutory, August 29, 1990.

Other deadline is for an interim final rule. This rule is currently at the interim rulemaking stage.

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are considering changes to the Federal Acquisition Regulation to amend FAR 10.001, 10.002, and 10.006(a)(2) to provide an order of preference for the various types of item descriptions used in procurement. It also deletes the requirement for mandatory use of military specifications by the Department of Defense.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 12/27/91 | 56 FR 67126 |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE95

4418. FAR CASE 91-62, ALTERNATIVE DISPUTE RESOLUTION

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 33.2

Legal Deadline: Other, Statutory, November 15, 1991.

Other deadline is for an interim final rule. This rule is currently at the interim rulemaking stage.

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed to revise FAR Subpart 33.2 and 52.233-1 to implement recommendations from the Defense Advisory Panel on Government Industry Relations and the Administrative Disputes Resolution Act (Public Law 101-552). The revisions encourage the use of alternative dispute resolution techniques to resolve issues in controversy.

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Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Final Rule | 12/30/91 | 56 FR 67412 |
| Final Action Effective | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Additional Information: This RIN has been merged with 9000-AF35 which will be published as an interim rule in Federal Acquisition Circular 90-19.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AE96

4419. FAR CASE 91-75, BUY AMERICAN ACT—CONSTRUCTION

Legal Authority: PL 102-141

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: None

Abstract: To modify the definition of "construction material" to require evaluation of an emergency life safety system as a single construction material under the Buy American Act, regardless of when and how the individual parts or components are delivered to the construction site. This rule implements section 631 of Public Law 102-141, Treasury, Postal Service and General Government Appropriations Act.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 05/12/92 | 57 FR 20372 |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AF00

4420. FAR CASE 91-73, RECORDS OF PLANT EQUIPMENT

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 45.501; 48 CFR 45.505-5

Legal Deadline: None

Abstract: This proposed rule revises 45.501, Definitions, and 45.505-5(a), Records of plant equipment, to clarify the procedures for use of summary records for plant equipment costing less than \$5,000.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/08/92 | 57 FR 40891 |
| NPRM Comment | 11/09/92 | |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AF02

4421. FAR CASE 92-18, COST ACCOUNTING STANDARDS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 25; 48 CFR 30; 48 CFR 52

Legal Deadline: None

Abstract: This interim rule amends the policies on cost accounting standards to be consistent with the requirements of the Cost Accounting Standards Board.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 08/31/92 | 57 FR 39586 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AF04

4422. FAR CASE 91-85, SERVICE CONTRACTING

Legal Authority: PL 101-510, Sec 834

CFR Citation: 48 CFR 5; 48 CFR 7; 48 CFR 10; 48 CFR 15; 48 CFR 16; 48 CFR 17; 48 CFR 37; 48 CFR 44; 48 CFR 46; 48 CFR 52

Legal Deadline: None

Abstract: This rule proposes changes to FAR part 37, Service Contracting, to: (1) Implement Office of Federal Procurement Policy Letter 91-2, Service Contracting, published at 56 FR 15112, April 15, 1991; and (2) to clarify and restructure part 37 as a result of recommendations made by members of the public and various Federal agencies. FAR parts 5, 7, 10, 15, 16, 17, 44, 46, and 52 were also affected as a result of these changes to part 37 and are accordingly amended.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/30/92 | 57 FR 33702 |
| NPRM Comment | 09/28/92 | |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AF05

4423. FAR CASE 91-50, NONMANUFACTURER RULE

Legal Authority: PL 101-574

CFR Citation: 48 CFR 19.001; 48 CFR 19.102

Legal Deadline: Final, Statutory, November 15, 1990.

Abstract: This interim rule revises FAR 19.001 and 19.102 to add a definition for the term "nonmanufacturer rule", addresses the Small Business Administration waiver of the nonmanufacturer rule, adds a reference to 13 CFR 121.2105 for a listing of classes for which SBA has granted a waiver, and to update the partial listing of classes listed in the FAR for which a waiver has been granted.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 12/21/92 | 57 FR 60570 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Sts. NW., Washington, DC 20405, 202 501-4225

RIN: 9000-AF08

4424. FAR CASE 91-52, FINAL REGULATIONS IMPLEMENTING SECTION 605M OF THE TAX REFORM ACT OF 1986

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 4.9; 48 CFR 52.204-3

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council (CAAC) and the Defense Acquisition Regulations Council (DARC) have agreed on a final rule revising subpart 4.9, Information Reporting to the Internal Revenue Service, to ensure the collection and reporting of the Taxpayer Identification Number (TIN) of certain contract modifications occurring on or after April 1, 1990, when the initial contract was entered into before January 1, 1989. In addition, the subpart has been rearranged for clarification and the provision at 52.204-3, Taxpayer Identification, has been revised to update a reference. When the IRS issued its final regulations implementing section 6050M of the Tax Reform Act of 1986 (Pub. L. 99-514), the reporting requirements included the

requirement to report certain modifications to contracts that were awarded before January 1, 1989. The Office of Federal Procurement Policy requested that the CAAC and the DARC consider revising the FAR accordingly.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 09/24/92 | 57 FR 44259 |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AF09

4425. FAR CASE 91-96, CLARIFY INCREASED COST OR PRICING DATA THRESHOLD

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 15.804-2(a)

Legal Deadline: None

Abstract: This rule amends the FAR to clarify the application of the \$500,000 threshold for certified cost or pricing data regarding contract modifications.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 12/21/92 | 57 FR 60570 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AF24

4426. FAR CASE 89-21, INSPECTION FOR COMMERCIAL, OFF-THE-SHELF SUPPLIES

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 46.202-1; 48 CFR 46.301; 48 CFR 46.302

Legal Deadline: None

Abstract: To amend the FAR to more clearly define under what circumstances the Government should rely on inspection and testing by contractors when acquiring commercial or off-the-shelf supplies.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 04/20/89 | 54 FR 16094 |
| NPRM Comment | 06/19/89 | |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Additional Information: FAR 46.203 provides general criteria for selecting which quality requirements shall be applicable to a particular contract. The criteria to be considered include the technical description of the item, its complexity, and its intended application. Based on these criteria, Government reliance on contractor performed inspection and testing would be sufficient for many procurements of commercial or off-the-shelf supplies. However, FAR 46.301 and 46.302 indicate that Government inspection of such supplies is required when a procurement is expected to exceed the small purchase limit, without regard to the complexity or intended application of the supplies. The proposed changes would make reliance on contractor testing and inspection for commercial off-the-shelf supplies the general rule, with standard inspection or higher-level quality requirements being the exception.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AF26

FAR

Final Rule Stage

4427. FAR CASE 91-51, HAZARDOUS WARNING LABELS**Legal Authority:** 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)**CFR Citation:** 48 CFR 23.302; 48 CFR 23.303; 48 CFR 52.223**Legal Deadline:** None**Abstract:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are considering a change to the FAR to revise coverage at Subpart 23.3, Hazardous Material Identification and Material Safety Data, and add a provision and a clause to Part 52, Solicitation Provisions and Contract Clauses, pertaining to hazardous warning labels.**Timetable:**

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/18/91 | 56 FR 58296 |
| NPRM Comment Period End | 01/17/92 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Additional Information:** The rule requires (1) offerors to submit information on hazardous materials they propose to supply to the Government; (2) the apparently successful offeror to submit a copy of the hazard warning label for any hazardous material that is proposed to be delivered or otherwise furnished under any resultant contract; and (3) the contractor to label individual item packages of hazardous material to be delivered under the contract. These requirements are considered necessary to further ensure that Government employees are advised of on-the-job hazards to which they may be exposed.**Agency Contact:** Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AF27

4428. • FAR CASE 91-84, REVISION TO STANDARD FORM 18, REQUEST FOR QUOTATIONS**Legal Authority:** 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)**CFR Citation:** 48 CFR 53.301-18**Legal Deadline:** None**Abstract:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are revising the Standard Form 18, Request for Quotations, at 53.301-18 by deleting the Small Business Concern Representation and the Notice of Small Business Small-Purchase Set-Aside from the reverse of the form and adding the Standard Industrial Classification Code and small business size standard to the face of the form.**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC, 20405, 202 501-4755

RIN: 9000-AF29

4429. • FAR CASE 91-97, SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM**Legal Authority:** PL 102-366, sec 201**CFR Citation:** 48 CFR 19.1001; 48 CFR 19.1006**Legal Deadline:** None**Abstract:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are amending the FAR to extend the Small Business Competitiveness Demonstration Program through September 30, 1996, and to clarify how to proceed when there is not a reasonable expectation of offers from two or more responsible emerging small businesses (ESB's) or when it is necessary to cancel an ESB set-aside and the emerging small business reserve amount established by OFPP is greater than \$25,000.**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AF30

4430. • FAR CASE 91-106, CHILD CARE SERVICES**Legal Authority:** PL 101-647, sec 231; PL 102-190, sec 1094**CFR Citation:** 48 CFR 37.101; 48 CFR 37.103**Legal Deadline:** None**Abstract:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are considering amending the Federal Acquisition Regulation to add a definition of child care services and to require contracting officers to ensure that contracts for child care services include requirements for criminal history background checks of employees in accordance with 42 U.S.C. 13041.**Timetable:**

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AF31

4431. • FAR CASE 92-53, DEFENSE TRAFFIC MANAGEMENT REGULATION

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)
CFR Citation: 48 CFR 42.1401; 48 CFR 42.1402; 48 CFR 42.1403; 48 CFR 42.1405; 48 CFR 47.103; 48 CFR 47.200; 48 CFR 47.305-6

Legal Deadline: None
Abstract: This rule updates the title of the Defense Traffic Management Regulation, and adds references to the Military Departments' regulations and the Defense Logistics Agency's regulation concerning traffic and transportation management.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: Federal
Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755
RIN: 9000-AF32

4432. • FAR CASE 91-56, RESEARCH AND DEVELOPMENT CONTRACTING.

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)
CFR Citation: 48 CFR 35.003; 48 CFR 35.007; 48 CFR 35.009; 48 CFR 35.010; 48 CFR 35.018; 48 CFR 52.235-00

Legal Deadline: None
Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are proposing revising FAR Part 35 as a result of recommendations made by the Defense Management Review. The revisions move to the FAR language from the Defense Federal Acquisition Regulation that applies to all Federal buying activities.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 12/12/91 | 56 FR 64922 |

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM Comment Period End | 02/10/92 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses
Government Levels Affected: Federal
Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755
RIN: 9000-AF33

4433. • FAR CASE 92-36, WALSH-HEALEY DEFINITIONS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)
CFR Citation: 48 CFR 22.606-2
Legal Deadline: None

Abstract: This revision adds a reference to the alternate "regular dealer" qualification requirements by information system integrators found in Department of Labor regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: Federal
Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755
RIN: 9000-AF34

4434. • FAR CASE 92-301, FEDERAL COURTS ADMINISTRATION ACT

Legal Authority: PL 102-572
CFR Citation: 48 CFR 33.201; 48 CFR 33.202; 48 CFR 33.204; 48 CFR 33.207; 48 CFR 33.208; 48 CFR 33.210; 48 CFR 33.211; 48 CFR 33.214; 48 CFR 42.302; 48 CFR 52.233-1

Legal Deadline: Other, Statutory, October 29, 1992.

This RIN implements PL 102-572, sec 907(a) which was enacted on October 29, 1992.

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed to revise Federal Acquisition Regulation Part 33 and the clause at 52.233-1 to implement the Administrative Disputes Resolution Act (PL 101-552) and the Federal Courts Administration Act of 1992 (PL 102-572). This revision will encourage the use of Alternative Dispute Resolution techniques and will resolve problems that have arisen under currently existing Contract Disputes Act resolution procedures.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: Undetermined
Government Levels Affected: Federal
Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Additional Information: RIN 9000-AE96 has been merged with this RIN, which will be published as an interim rule in Federal Acquisition Circular 90-19.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755
RIN: 9000-AF35

4435. • FAR CASE 92-616, SERVICE OF PROTEST

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)
CFR Citation: 48 CFR 33.102; 48 CFR 52.233-2

Legal Deadline: None
Abstract: This revision amends the solicitation provision at 52.233-2, Service of Protest, to make it clear that the jurisdiction of the General Services Board of Contract Appeals is limited to protest regarding automatic data processing acquisitions conducted under 40 U.S.C. 759.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

FAR

Final Rule Stage

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AF36

4436. • FAR CASE 92-618, APPLICATION OF TRADE AGREEMENTS TO NATIONAL ARCHIVES AND RECORDS ADMINISTRATION PROCUREMENTS**Legal Authority:** 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)**CFR Citation:** 48 CFR 25.406**Legal Deadline:** None**Abstract:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed on a final rule amending Federal Acquisition Regulation 25.406, the list of agencies subject to the Agreement on Government Procurement, to include the National Archives and Records Administration.**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AF37

4437. • FAR CASE 92-619, REMOVAL OF STEEL CONDUIT FROM THE FAR BUY AMERICAN ACT EXEMPTION LIST**Legal Authority:** 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)**CFR Citation:** 48 CFR 25.108(d)(1)**Legal Deadline:** None**Abstract:** This revision removes steel conduit (5" and 6") from the FAR Buy American Act exemption list at 25.108(d)(1), Excepted Articles, Materials, and Supplies. Market research has uncovered two domestic sources for these products.**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AF38

4438. • FAR CASE 93-606, IMPLEMENTATION OF MOU BETWEEN THE USA AND THE EEC ON GOVERNMENT PROCUREMENT AND SANCTIONS IMPOSED ON THE EUROPEAN ECONOMIC COMMUNITY**Legal Authority:** EO 12849**CFR Citation:** 48 CFR 14.201-6; 48 CFR 15.407; 48 CFR 17.203(h); 48 CFR 25.109; 48 CFR 25.202; 48 CFR 25.205; 48 CFR 25.4; 48 CFR 25.10; 48 CFR 52.214-34; 48 CFR 52.214-35; 48 CFR 52.225-8; 48 CFR 52.225-9; 48 CFR 52.225-15 to 52.225-19**Legal Deadline:** Other, Statutory, May 25, 1993.

RIN is based on publication of interim rule.

Abstract: The Department of Defense, General Services Administration, and National Aeronautics and Space Administration have agreed to an interim rule implementing the Memorandum of Understanding between the United States of America and the European Economic Community on Government Procurement (MOU) and implementing the sanctions imposed by the President on the European Community (EC) prohibiting the award of certain contracts for EC products, services, and construction.**Timetable:**

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 05/28/93 | 58 FR 31140 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AF39

4439. • FAR CASE 93-301, MADE IN AMERICA LABELS; FAR CASE 93-306, UNFAIR TRADE PRACTICES**Legal Authority:** PL 102-558, sec 201; PL 102-558, sec 202**CFR Citation:** 48 CFR 9.403; 48 CFR 9.406-2; 48 CFR 9.407-2**Legal Deadline:** Other, Statutory, October 28, 1992.

Based on interim rule with implementation date 270 days after enactment.

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed to interim rules amending Federal Acquisition Regulation (FAR) 9.403, 9.406, and 9.407 to implement sections 201 and 202 of the Defense Production Act (Pub. L. 102-558). Section 201 directs that the FAR be amended to address the responsibility of contractors who engage in unfair trade practices as defined in section 201. Section 202 directs that the FAR be amended to address the responsibility of persons that intentionally affix a label bearing a fraudulent "Made in America" inscription to a product sold in or shipped to the United States.**Timetable:**

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no

FAR

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paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AF40

4440. • FAR CASE 92-46, PROMPT PAYMENT OVERSEAS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 32.901; 48 CFR 52.232-25; 48 CFR 52.232-26

Legal Deadline: None

Abstract: This interim rule revises FAR 32.901 and amends the clauses at FAR 52.232-25, 52.232-26, and 52.232-27 to remove the statements that no interest penalty will be paid on contracts awarded to foreign vendors outside the United States for work performed outside the United States and to remove the definition of "foreign vendor" from the clauses.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AF41

4441. • FAR CASE 93-302, INDEPENDENT RESEARCH & DEVELOPMENT AND BID PROPOSAL COSTS

Legal Authority: PL 102-190

CFR Citation: 48 CFR 31.205-18

Legal Deadline: None

Abstract: FAR 31.205-18(c)(2)(iii)(A) is amended to insert a date certain with regard to waiving the limitation on the maximum allowable amount of independent research and development and bid and proposal costs for a major contractor in order to ensure that the amount determined to be allowable for such contractor is at least equal to what would have been allowed prior to the enactment of the National Defense Authorization Act for fiscal years 1992 and 1993 (Pub. L. 102-190).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AF42

4442. • FAR CASE 91-17, CONTRACTOR ACQUISITION OF ADPE

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 31.205-2

Legal Deadline: None

Abstract: FAR 31.205-2 requires contractors to annually support decisions to retain or change ADPE capability. The proposed rule will raise the dollar thresholds from \$500,000 to \$1,000,000 and reduce Government in-plant reviews of ADPE and contractor data requirements to justify leasing ADPE, resulting in reduced resource requirements for both the Government and the contractor.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/03/91 | 56 FR 20507 |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AF43

4443. • FAR CASE 92-45, INTEREST CLAUSE REVISIONS

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 32.610; 48 CFR 32.613; 48 CFR 32.614-1; 48 CFR 52.232-17

Legal Deadline: None

Abstract: FAR 32.610(b)(2), 32.613(h)(3), 32.614-1(c), and the clause at 52.232-17 are amended to make it clear that the Cost Accounting Standards clauses at 52.230-2 and 52.230-3 provide for the use of different interest rates under different circumstances.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Beverly Fayson, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets NW., Washington, DC 20405, 202 501-4755

RIN: 9000-AF44

[FR Doc. 93-22934 Filed 10-22-93; 8:45 am]

BILLING CODE 6820-34-F



Federal Register

Monday
October 25, 1993

Part XLV

Commodity Futures Trading Commission

Semiannual Regulatory Agenda

COMMODITY FUTURES TRADING COMMISSION (CFTC)

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of regulatory flexibility agenda.

SUMMARY: The Commodity Futures Trading Commission, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of significant rules which the Commission expects to propose or promulgate over the next year. The Commission welcomes comments from small entities and others on the agenda.

ADDRESSES: Comments should be sent to: Gerry Smith, Special Assistant to the Executive Director, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, (202) 254-6090.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601 et seq. (RFA), sets forth a number of requirements for agency rulemaking.

Among other things, the RFA requires that:

(a) During the months of April and October of each year, each agency shall publish in the *Federal Register* a regulatory flexibility agenda which shall contain:

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

5 U.S.C. 602(a). Accordingly, the Commission has prepared an agenda of significant rules which it presently expects may be considered during the course of the next year, irrespective of their potential impact on small entities.¹

The Commission's agenda represents its best estimate of significant rules which will be considered over the next 12 months.² In this regard, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda."

The Commission is publishing its October 1993 regulatory flexibility agenda as part of the Unified Agenda of Federal Regulations. The Unified Agenda of Federal Regulations is coordinated by the Office of Management and Budget pursuant to Executive Order 12291. While participation by executive agencies in the Agenda is mandatory, independent agencies, such as the Commission, participate in the Unified Agenda on a voluntary basis.

The Commission's October 1993 regulatory flexibility agenda is set forth below.

Issued in Washington, DC, on August 20, 1993, by the Commission.

Lynn K. Gilbert,
Deputy Secretary of the Commission.

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4444 | Review of Commission Disclosure Requirements Concerning Commodity Pool Operators | 3038-AA74 |
| 4445 | Procedures for Involuntary Bulk Transfers or Liquidations of Customer Accounts | 3038-AA77 |
| 4446 | Regulation Concerning Conduct of Members and Employees and Former Members and Employees of the Commission | 3038-AA87 |
| 4447 | Risk Assessment for Holding Company Systems | 3038-AB01 |
| 4448 | Prohibition on Voting by Interested Members | 3038-AB03 |
| 4449 | Regulations Concerning Exemptions Under Section 4(c) of the Commodity Exchange Act | 3038-AB06 |
| 4450 | Rules Relating to Reparatation Proceedings | 3038-AB07 |

¹ The Commission has published its definition of small entity to be used by the Commission in connection with rulemaking proceedings. 47 FR 18618 (April 30, 1982). Pursuant to those definitions, the Commission is not required to list many of the agenda items contained in this regulatory flexibility agenda. See 5 U.S.C. 602(a)(1). Moreover, the Commission has previously certified, pursuant to section 605 of the RFA, 5 U.S.C. 605, that certain items contained in this agenda will not

have a significant economic impact on a substantial number of small entities. Accordingly, listing of a rule in this regulatory flexibility agenda should not in any event be taken as a determination that a rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. However, the Commission hopes that the publication of an agenda, which includes significant rules, regardless of their potential impact on small entities, may serve the public generally by providing an early and

meaningful opportunity to participate in and comment on the formulation of new or revised regulations.

² In addition to publishing the regulatory flexibility agenda, the Commission also makes available to the public, on a monthly basis, a calendar and, on a weekly basis, an advisory, which lists rules that the Commission is considering or will consider in the near future.

CFTC

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4451 | Prohibition Against Insider Trading | 3038-AA96 |
| 4452 | Rules Relating to Reparation Proceedings | 3038-AB05 |

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4453 | Distribution of "Risk Disclosure Statement" by Futures Commission Merchants and Introducing Brokers | 3038-AA64 |
| 4454 | Contemporaneous Written Records of Orders Placed With Contract Market Members by Other Members Present on the Floor | 3038-AA69 |
| 4455 | Broker Associations | 3038-AA71 |
| 4458 | Prohibition of Dual Trading by Floor Brokers | 3038-AA73 |
| 4457 | Revision of Federal Speculative Position Limits | 3038-AAB1 |
| 4458 | Prohibition of Certain Transactions Between Commodity Pool Operators and Affiliated Persons | 3038-AA83 |
| 4459 | Reports by Futures Commission Merchants, Clearing Members, Foreign Brokers and Traders | 3038-AA88 |
| 4460 | Temporary Emergency Rule | 3038-AA97 |
| 4461 | Suspension of Registration for Registrants Charged With Felonies | 3038-AA98 |
| 4462 | Registration of Floor Traders | 3038-AA99 |
| 4463 | Ethics Training for Registrants | 3038-AB00 |
| 4464 | Self-Regulatory Organization Disciplinary Committees and Governing Boards | 3038-AB02 |

COMMODITY FUTURES TRADING COMMISSION (CFTC)

Proposed Rule Stage

4444. REVIEW OF COMMISSION DISCLOSURE REQUIREMENTS CONCERNING COMMODITY POOL OPERATORS

Legal Authority: 7 USC 2; 7 USC 6b; 7 USC 6c; 7 USC 6l; 7 USC 6m; 7 USC 6n; 7 USC 6o; 7 USC 12a

CFR Citation: 17 CFR 4.12; 17 CFR 4.21; 17 CFR 4.31; 17 CFR 4.10

Legal Deadline: None

Abstract: The Commission will review its requirements concerning disclosure materials to be provided customers of commodity pool operators with a view toward simplifying the disclosure process, reducing any unnecessary disclosure burdens, and harmonizing the Commission's disclosure requirements with those of other domestic and international regulators. In particular, the Commission is considering whether a bifurcated disclosure format should be permissible. This would consist of a brief, basic disclosure document provided by the pool operator, with more extensive disclosure materials available upon request.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 01/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara S. Gold, Assistant Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, 202 254-8955

RIN: 3038-AA74

4445. PROCEDURES FOR INVOLUNTARY BULK TRANSFERS OR LIQUIDATIONS OF CUSTOMER ACCOUNTS

Legal Authority: 7 USC 6d; 7 USC 6f; 7 USC 6g; 7 USC 6k; 7 USC 12a

CFR Citation: 17 CFR 1.68

Legal Deadline: None

Abstract: The CFTC will undertake a rulemaking proceeding to establish requirements concerning procedures to be followed by futures commission

merchants and introducing brokers when bulk transfers or liquidations of customer accounts are made due to cessation or suspension of business or other special circumstances affecting the registrant.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment | 01/00/94 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Lawrence B. Patent, Associate Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, 202 254-8955

RIN: 3038-AA77

4446. REGULATION CONCERNING CONDUCT OF MEMBERS AND EMPLOYEES AND FORMER MEMBERS AND EMPLOYEES OF THE COMMISSION

Legal Authority: 7 USC 4a(j); 7 USC 12a(5)

CFTC

Proposed Rule Stage

CFR Citation: 17 CFR 140.735-1 to 16**Legal Deadline:** None

Abstract: Review, modify or revoke as necessary, the Commission's existing regulations concerning standards of ethical conduct of members and employees in order to conform these regulations with those adopted by the Office of Government Ethics prescribing new standards of ethical conduct for officers and employees of the executive branch and new requirements for public and confidential financial disclosures.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Larry Gasteiger, Attorney, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, 202 254-9880

RIN: 3038-AA87**4447. RISK ASSESSMENT FOR HOLDING COMPANY SYSTEMS****Legal Authority:** 7 USC 6f**CFR Citation:** 17 CFR 1.13**Legal Deadline:** None

Abstract: The Commission is drafting risk assessment regulations which would require futures commission merchants (1) to provide reports to the Commission regarding the activities of affiliated persons that are reasonably likely to affect materially the financial or operational condition of such entities; and (2) to obtain certain information and make and keep certain records concerning their policies, procedures or systems for monitoring and controlling financial and operational risks to it resulting from the activities of affiliated persons. The Commission has held discussions with the Securities and Exchange Commission regarding the operation of their temporary risk assessment regulations in an effort to avoid unnecessary duplication and expects to seek input from other financial regulators.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Lawrence T. Eckert, Attorney Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, 202 254-8955

RIN: 3038-AB01**4448. PROHIBITION ON VOTING BY INTERESTED MEMBERS****Legal Authority:** 7 USC 7a(17)**CFR Citation:** 17 CFR 1.67**Legal Deadline:** None

Abstract: The regulation will implement the provisions of section 217 of the Futures Trading Practices Act of 1992 which require contract markets to adopt rules to avoid conflicts of interest in deliberations and voting by members of the governing board and disciplinary and other oversight committees. The rulemaking will define the relationships between a named party in interest and a member of the governing board or committee which would require abstention from deliberations and voting. The rulemaking also will provide guidelines on situations which would require a member to abstain from voting on a significant action because of a substantial financial interest in the outcome of the vote based on positions held personally or at an affiliated firm, as well as other matters addressed by the statute. The action will potentially impact the selection and composition of contract market governing boards and committees.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 12/00/93 | |
| NPRM Comment Period End | 01/00/94 | |
| Final Action | 04/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Duane C. Andresen, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, 202 254-8955

RIN: 3038-AB03**4449. REGULATIONS CONCERNING EXEMPTIONS UNDER SECTION 4(C) OF THE COMMODITY EXCHANGE ACT****Legal Authority:** 7 USC 6(c); 7 USC 4a(j); 7 USC 12a(5)**CFR Citation:** 17 CFR 1.71; 17 CFR 1.72; 17 CFR 140.97**Legal Deadline:** None

Abstract: The regulations will implement section 4(c) of the Commodity Exchange Act which was recently adopted with the passage of the Futures Trading Practices Act of 1992. Section 4(c) authorizes the Commission, under certain circumstances, to exempt any agreement, contract, or transaction from certain provisions of the Act. The regulations will set forth procedures for requesting limited public availability of information contained in applications. Finally, authority will be delegated to the General Counsel to determine whether to grant or deny requests for limited public availability.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Eilyn S. Roth, Attorney, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, 202 254-9880

RIN: 3038-AB06**4450. RULES RELATING TO REPARATION PROCEEDINGS****Legal Authority:** 7 USC 4a(j); 7 USC 12(a)(5); 7 USC 18**CFR Citation:** 17 CFR 12**Legal Deadline:** None

Abstract: The Commodity Futures Trading Commission seeks comments on its proposal to amend and correct rules relating to proceedings last revised substantively on February 22, 1984. The proposed modifications update and streamline Commission procedures in light of the Commission's experience in the past nine years. In addition, the Commission seeks comment on whether the voluntary decisional procedure should be retained in the reparation program.

CFTC

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/24/93 | 58 FR 44623 |
| NPRM Comment Period End | 10/25/93 | 58 FR 44623 |
| Final Action | 01/00/94 | |

Government Levels Affected: None

Agency Contact: Merry Lynn,
Assistant General Counsel, Commodity
Futures Trading Commission, 2033 K
Street NW., Washington, DC 20581, 202
254-9880

Small Entities Affected: None

RIN: 3038-AB07

COMMODITY FUTURES TRADING COMMISSION (CFTC)

Final Rule Stage

4451. PROHIBITION AGAINST INSIDER TRADING

Significance: Agency Priority

Legal Authority: 7 USC 12a(5); 7 USC 13(f)

CFR Citation: 17 CFR 1.59

Legal Deadline: Final, Statutory,
October 26, 1993.

360 days after enactment of the Futures
Trading Act of 1992.

Abstract: The proposed regulation is intended to fulfill the mandate of Section 214 of the Futures Trading Practices Act of 1992 which makes it a felony for any employee or governing board member of a self-regulatory organization, willfully and knowingly (a) to trade for his own account, in violation of a Commission regulation, or on behalf of another account, in contracts for future delivery or options thereon on the basis of any material non-public information obtained through special access related to the performance of such person's official duties as a member or employee, or (b) to disclose for any purpose inconsistent with the performance of his official duties, any material non-public information obtained through special access related to the performance of such duties. Section 214 also would prohibit any person from willfully and knowingly trading for his own account, or on behalf of any account, in

contracts for future delivery or options thereon, on the basis of material non-public information obtained from a self-regulatory organization employee or governing member. The proposed regulation is a necessary component of the statutory scheme to prosecute insider trading.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/23/93 | 58 FR 44470 |
| NPRM Comment Period End | 09/22/93 | |
| Final Action | 10/00/93 | |
| Final Action Effective | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Elizabeth A.
Patterson, Special Counsel, Division of
Trading and Markets, Commodity
Futures Trading Commission, 2033 K
Street NW., Washington, DC 20581, 202
254-8955

RIN: 3038-AA96

4452. RULES RELATING TO REPARATION PROCEEDINGS

Significance: Agency Priority

Legal Authority: 7 USC 4a(j); 7 USC 12(a)(5); 7 USC 18

CFR Citation: 17 CFR 12.500

Legal Deadline: NPRM, Statutory, July 25, 1993.

270 days from enactment (October 28, 1992).

Abstract: The Futures Trading Practices Act of 1992 directs the Commission to propose rules implementing class actions in reparation proceedings. The Commission is to determine whether such rules are necessary, taking into account the resources available to the Commission.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 04/02/93 | 58 FR 17329 |
| NPRM Comment Period End | 06/01/93 | 58 FR 17329 |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Merry Lynn,
Assistant General Counsel, Office of the
General Counsel, Commodity Futures
Trading Commission, 2033 K Street
NW., Washington, DC 20581, 202 254-
9880

RIN: 3038-AB05

COMMODITY FUTURES TRADING COMMISSION (CFTC)

Completed Actions

4453. DISTRIBUTION OF "RISK DISCLOSURE STATEMENT" BY FUTURES COMMISSION MERCHANTS AND INTRODUCING BROKERS

CFR Citation: 17 CFR 1.55; 17 CFR 1.65; 17 CFR 30.6; 17 CFR 33.7; 17 CFR 180.3; 17 CFR 190.06; 17 CFR 190.10

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/05/93 | 58 FR 17495 |
| Final Action Effective | 07/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence B. Patent,
202 254-8953

RIN: 3038-AA64

CFTC

Completed Actions

4454. CONTEMPORANEOUS WRITTEN RECORDS OF ORDERS PLACED WITH CONTRACT MARKET MEMBERS BY OTHER MEMBERS PRESENT ON THE FLOOR

CFR Citation: 17 CFR 1.35

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/01/93 | 58 FR 31162 |
| Final Action Effective | 08/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lloyd F. Bernard, 202 254-8955

RIN: 3038-AA69

4455. BROKER ASSOCIATIONS

CFR Citation: 17 CFR 156

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/01/93 | 58 FR 31167 |
| Final Action Effective | 08/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lloyd F. Bernard, 202 254-8955

RIN: 3038-AA71

4456. PROHIBITION OF DUAL TRADING BY FLOOR BROKERS

CFR Citation: 17 CFR 155.5

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/28/93 | 58 FR 40335 |
| Final Action Effective | 10/26/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: De'Ana H. Dow, 202 254-8955

RIN: 3038-AA73

4457. REVISION OF FEDERAL SPECULATIVE POSITION LIMITS

CFR Citation: 17 CFR 150

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/07/93 | 58 FR 17973 |
| Final Action Effective | 06/07/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul M. Architzel, 202 254-6990

RIN: 3038-AA81

4458. PROHIBITION OF CERTAIN TRANSACTIONS BETWEEN COMMODITY POOL OPERATORS AND AFFILIATED PERSONS

CFR Citation: 17 CFR 4.20(d)

Completed:

| Reason | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 12/16/92 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: France M.T. Maca, 202 254-8955

RIN: 3038-AA83

4459. REPORTS BY FUTURES COMMISSION MERCHANTS, CLEARING MEMBERS, FOREIGN BROKERS AND TRADERS

CFR Citation: 17 CFR 17; 17 CFR 18

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/17/93 | 58 FR 33327 |
| Final Action Effective | 08/16/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lamont L. Reese, 202 254-3310

RIN: 3038-AA88

4460. TEMPORARY EMERGENCY RULE

Significance: Agency Priority

CFR Citation: 17 CFR 1.41; 17 CFR 1.41a; 17 CFR 1.41b

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/03/93 | 58 FR 26229 |
| Final Action Effective | 07/02/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Shauna L. Turnbull, 202 254-8955

RIN: 3038-AA97

4461. SUSPENSION OF REGISTRATION FOR REGISTRANTS CHARGED WITH FELONIES

Significance: Agency Priority

CFR Citation: 17 CFR 3.56

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/15/93 | 58 FR 19575 |
| Final Action Effective | 04/26/93 | 58 FR 19575 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence B. Patent, 202 254-8955

RIN: 3038-AA98

4462. REGISTRATION OF FLOOR TRADERS

CFR Citation: 17 CFR 1.62; 17 CFR 1.66; 17 CFR 3.4; 17 CFR 3.11; 17 CFR 3.21; 17 CFR 3.31; 17 CFR 3.33; 17 CFR 3.40; 17 CFR 3.41; 17 CFR 3.42; 17 CFR 3.43; 17 CFR 3.46; 17 CFR 3.60; 17 CFR 3.64; 17 CFR 3, app a; ...

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/15/93 | 58 FR 19575 |
| Final Action Effective | 04/26/93 | 58 FR 19575 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence B. Patent, 202 254-8955

RIN: 3038-AA99

4463. ETHICS TRAINING FOR REGISTRANTS

Significance: Agency Priority

CFR Citation: 17 CFR 3.34

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/15/93 | 58 FR 19575 |
| Final Action Effective | 04/26/93 | 58 FR 19575 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence B. Patent, 202 254-8955

RIN: 3038-AB00

4464. SELF-REGULATORY ORGANIZATION DISCIPLINARY COMMITTEES AND GOVERNING BOARDS

CFR Citation: 17 CFR 1.64

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/13/93 | 58 FR 37644 |
| Final Action Effective | 07/13/93 | 58 FR 37644 |

CFTC

Completed Actions

Small Entities Affected: None

202 254-8955

Government Levels Affected: None

RIN: 3038-AB02

[FR Doc. 93-21455 Filed 10-22-93; 8:45 am]

BILLING CODE 6351-01-F

Federal Register

Monday
October 25, 1993

Part XLVI

**Consumer Product
Safety Commission**

Semiannual Regulatory Agenda

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)**CONSUMER PRODUCT SAFETY COMMISSION****16 CFR Ch. II****Regulatory Flexibility Act; Semiannual Regulatory Flexibility and Unified Agendas**

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of regulatory flexibility and unified agendas.

SUMMARY: The Regulatory Flexibility Act (RFA) requires each Federal agency to publish, twice each year, a regulatory flexibility agenda listing the rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities, including small businesses, small organizations, and small governmental units. In this document, the Commission publishes its semiannual regulatory flexibility agenda.

Additionally, although not required to do so, the Commission has elected to comply voluntarily with those provisions of Executive Order 12291 which require executive agencies to publish an agenda of regulatory actions expected to be under development or review by the agency during the succeeding 12 months and which further provide that such an agenda may be combined with an agency's regulatory flexibility agenda published in accordance with the RFA.

DATES: The Commission welcomes comments on each subject area of the agenda, particularly from small entities. Written comments concerning the agenda should be received in the Office of the Secretary by December 31, 1993.

ADDRESSES: Comments on the regulatory flexibility agenda should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 504-0800, and should be titled "Regulatory Flexibility Agenda."

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact: Allen F. Brauning, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0980. For further information regarding a particular item on the agenda, consult the individual listed in the column headed "Contact" for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) (5 U.S.C. 601-612) contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the RFA (5 U.S.C. 602) requires each agency to publish, twice each year, a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated which is likely to have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the nature of the rule and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking. The regulatory flexibility agenda shall also contain the name and address of the agency official knowledgeable about the items listed. Further, agencies are required to provide notice of their agendas to small entities and to solicit

their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

Additionally, Executive Order 12291 requires executive agencies to publish, twice each year, a regulatory agenda of proposed regulations under development or current regulations under review and further states that such an agenda may be combined with the agenda published in accordance with the RFA. While the Commission, as an independent regulatory agency, is not required to follow Executive Order 12291, the Commission is complying voluntarily with those provisions concerning publication of a regulatory agenda.

The regulatory flexibility agenda published below lists, for a 12-month period, the regulatory activities expected to be under development or review. These include all such activities, not only those which may have a significant economic impact on a substantial number of small entities.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda. All agency contacts have the same address: Consumer Product Safety Commission, Washington, DC 20207.

Dated: August 26, 1993.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4465 | Amendment of Flammability Standards for Children's Sleepwear | 3041-AB27 |
| 4466 | Petition CP 92-1 Requesting Amendment of the Architectural Glazing Standard | 3041-AB28 |
| 4467 | Petition CP 93-1 Requesting Issuance of Safety Standard for Gas-Fired Floor Furnaces | 3041-AB29 |
| 4468 | Petition PP 93-1 Requesting Issuance of Rule To Require Child-Resistant Packaging of Mouthwashes Containing Ethanol | 3041-AB32 |
| 4469 | Petition FP 93-1 Requesting Issuance of Flammability Standard for Upholstered Furniture | 3041-AB33 |

CPSC

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4470 | Proposed Rules To Require Child-Resistant Packaging for Certain Topical Prescription and Non-Prescription Preparations Containing Lidocaine or Dibucaine | 3041-AB03 |
| 4471 | Rule To Ban Certain Crib Toys | 3041-AB06 |
| 4472 | Proposed Amendment of Labeling Requirements for Charcoal | 3041-AB16 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4473 | Requirements for the Special Packaging of Household Substances; Revision of Test Protocol for Child-Resistant Packaging | 3041-AA22 |
| 4474 | Household Substances Containing Methylene Chloride; Status as Hazardous Substances; Proposed Rule | 3041-AA59 |
| 4475 | Amendment of Regulations Applicable to Clacker Balls | 3041-AB02 |

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4476 | Rule To Exempt Electronic Video Games From Electrical Toy Regulations | 3041-AA41 |
| 4477 | Safety Standard for Cigarette Lighters | 3041-AA73 |
| 4478 | Petition HP 91-2 Requesting Amendment of Requirements for Fuse-Burn Time of Fireworks | 3041-AB19 |
| 4479 | Petition HP 92-1 Requesting Amendment of Requirements for Model Rocket Motors | 3041-AB21 |
| 4480 | Lead in Paint; Regulatory Investigation | 3041-AB24 |
| 4481 | Rule to Require Child-Resistant Packaging of Non-Prescription Drugs Containing Loperamide | 3041-AB26 |
| 4482 | Petition HP 92-2 Requesting Issuance of a Rule To Ban Baby-Walkers | 3041-AB30 |
| 4483 | Petition CP 93-2 Requesting Issuance of a Rule To Require Warning Labels on Portable Aluminum Ladders | 3041-AB31 |

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Prerule Stage

4465. AMENDMENT OF FLAMMABILITY STANDARDS FOR CHILDREN'S SLEEPWEAR

Legal Authority: 15 USC 1193 Flammable Fabrics Act; 15 USC 2079(b) Consumer Product Safety Act

CFR Citation: 16 CFR 1615; 16 CFR 1616

Legal Deadline: None

Abstract: On January 13, 1993, the Commission published an advance notice of proposed rulemaking to begin a proceeding which could result in amendments of the flammability standards for children's sleepwear garments in sizes 0 through 14, and to fabrics intended for use in such garments. The standards were issued to eliminate or reduce unreasonable risks of deaths and burn injuries to children associated with ignition of sleepwear garments. The regulatory alternatives

under consideration include amendment of the standards to exclude tight-fitting sleepwear garments and sleepwear garments in infant sizes from the requirements of the standards.

Timetable:

| Action | Date | FR Cite |
|--|----------|------------|
| ANPRM | 01/13/93 | 58 FR 4111 |
| ANPRM Comment Period End | 03/13/93 | 58 FR 4111 |
| Staff Sends Briefing Package to Commission | 03/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Terrance R. Karels, Project Manager, Consumer Product Safety Commission, Directorate for

Economic Analysts, Washington, DC 20207, 301 504-0962

RIN: 3041-AB27

4466. PETITION CP 92-1 REQUESTING AMENDMENT OF THE ARCHITECTURAL GLAZING STANDARD

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 2051 Consumer Product Safety Act

CFR Citation: 16 CFR 1201

Legal Deadline: None

Abstract: A petition from O'Keeffe's, Inc. requests the Commission to amend the Safety Standard for Architectural Glazing Materials to remove an exemption from the requirements of that standard for wired glass used in fire doors to comply with Federal, State, or local fire codes. The petition

CPSC

Prerule Stage

also requests amendment of the definitions of the terms "glass" and "glazing materials" as they are used in the standard to include certain transparent ceramic materials within the scope of the standard. The staff is preparing a briefing package for consideration by the Commissioners of the agency when deciding whether to grant or deny the petition. If the Commission grants the petition, it will publish an advance notice of proposed rulemaking to begin the proceeding requested by the petition.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

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|--|----------|--|
| Staff Sends Briefing Package to Commission | 09/09/93 | |
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|---------------------|----------|--|
| Commission Decision | 10/00/93 | |
|---------------------|----------|--|

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph Z. Fandey, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207, 301 504-0508

RIN: 3041-AB28

4467. PETITION CP 93-1 REQUESTING ISSUANCE OF SAFETY STANDARD FOR GAS-FIRED FLOOR FURNACES

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 2051 Consumer Product Safety Act

CFR Citation: 16 CFR 00

Legal Deadline: None

Abstract: By letter dated September 30, 1992, Richard F. Edlich, M.D., Ph.D., petitioned the Commission to issue a safety standard to address risks of contact-burn injuries associated with gas-fired floor furnaces. In October 1993, the staff is scheduled to transmit a briefing package to the Commission for consideration by the Commissioners of the agency when deciding whether to grant or deny the petition. A decision by the Commission is expected in November 1993.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|--|----------|--|
| Staff Sends Briefing Package to Commission | 10/00/93 | |
|--|----------|--|

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|---------------------|----------|--|
| Commission Decision | 11/00/93 | |
|---------------------|----------|--|

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Linda E. Smith, Project Manager, Consumer Product Safety Commission, Directorate for Epidemiology, Washington, DC 20207, 301 504-0470

RIN: 3041-AB29

4468. PETITION PP 93-1 REQUESTING ISSUANCE OF RULE TO REQUIRE CHILD-RESISTANT PACKAGING OF MOUTHWASHES CONTAINING ETHANOL

Legal Authority: 15 USC 1472 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: A petition filed on behalf of 30 States and territories and three non-governmental organizations requests the Commission to begin a proceeding for development of a regulation to require child-resistant packaging of mouthwashes containing more than five percent of ethanol. The staff is preparing a briefing package for consideration by the Commissioners of the agency when deciding whether to grant or deny the petition. If the Commission grants the petition, it will publish a notice of proposed rulemaking to begin the proceeding requested by the petition.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|--|----------|--|
| Staff Sends Briefing Package to Commission | 10/00/93 | |
|--|----------|--|

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jacqueline Ferrante, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 504-0477

RIN: 3041-AB32

4469. • PETITION FP 93-1 REQUESTING ISSUANCE OF FLAMMABILITY STANDARD FOR UPHOLSTERED FURNITURE

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 1193 Flammable Fabrics Act

CFR Citation: 16 CFR 00

Legal Deadline: None

Abstract: A petition from the National Association of State Fire Marshals requests the Commission to issue a flammability standard for upholstered furniture under provisions of the Flammable Fabrics Act. The petition asserts that such a standard is needed to address risks of death and injury from fires associated with cigarette ignition of upholstered furniture. The petition describes the substance of the requested standard as the requirements of Technical Bulletins 117 and 133 issued by the Bureau of Home Furnishings and Thermal Insulation of the State of California. In August 1993, the Commission published a notice in the Federal Register inviting comments on the petition from interested parties.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

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|--|----------|-------------|
| Notice to Solicit Comments on Petition | 08/09/93 | 58 FR 42301 |
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|--------------------|----------|-------------|
| Comment Period End | 10/08/93 | 58 FR 42301 |
|--------------------|----------|-------------|

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dale R. Ray, Project Manager, Consumer Product Safety Commission, Directorate for Economic Analysis, Washington, DC 20207, 301 504-0962

RIN: 3041-AB33

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Proposed Rule Stage

4470. PROPOSED RULES TO REQUIRE CHILD-RESISTANT PACKAGING FOR CERTAIN TOPICAL PRESCRIPTION AND NON-PRESCRIPTION PREPARATIONS CONTAINING LIDOCAINE OR DIBUCAINE

Legal Authority: 5 USC 553 Administrative Procedure Act; 15 USC 1471 Poison Prevention Packaging Act; 15 USC 2079(a) Consumer Product Safety Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: On August 4, 1992, the Commission proposed rules to require child-resistant packaging for certain prescription and non-prescription topical preparations containing lidocaine or dibucaine. Lidocaine and dibucaine are used in drug products that are applied to the skin or mucous membranes to provide an anesthetic effect. On December 4, 1992, the Commission extended the comment period on the proposed rules until February 16, 1993. In December, 1993, the staff expects to transmit a briefing package to the Commission for consideration by the Commissioners of the agency when deciding whether to issue final rules.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 08/04/92 | 57 FR 34274 |
| NPRM Comment Period End | 02/16/93 | 57 FR 57397 |
| Staff Sends Briefing Package to Commission | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Suzanne Barone, Project Manager, Consumer Product Safety Commission, Directorate for

Health Sciences, Washington, DC 20207, 301 504-0477

RIN: 3041-AB03

4471. RULE TO BAN CERTAIN CRIB TOYS

Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act; 15 USC 2079(a) Consumer Product Safety Act

CFR Citation: 16 CFR 1500.18

Legal Deadline: None

Abstract: In the Federal Register of October 19, 1990, the Commission published an advance notice of proposed rulemaking to begin a proceeding which may result in the issuance of rules banning certain crib toys associated with risks of strangulation deaths and injuries. Crib toys are toys which are intended to be attached to or near a crib or playpen for use by children younger than two years of age. The Commission is aware of about two deaths a year associated with crib toys. On September 21, 1993, the staff transmitted a briefing package to the Commission concerning the issue of whether to publish a notice of proposed rulemaking. A decision by the Commission is expected in October 1993.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| ANPRM | 10/19/90 | 55 FR 42402 |
| ANPRM Comment Period End | 12/18/90 | 55 FR 42402 |
| Staff Sends Briefing Package on Proposed Rule to Commission | 09/21/93 | |
| Commission Decision | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Celestine Trainor, Project Manager, Consumer Product Safety Commission, Directorate for Epidemiology, Washington, DC 20207, 301 504-0468

RIN: 3041-AB06

4472. PROPOSED AMENDMENT OF LABELING REQUIREMENTS FOR CHARCOAL

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 1262(b) Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500

Legal Deadline: None

Abstract: On December 22, 1992, the Commission granted a part of a petition from Barbara Mauk requesting amendment of the regulations which require labeling of containers of charcoal intended for household use. The portion of the petition granted by the Commission requests amendment of the rule codified at 16 CFR 1500.14(b)(6) to include warnings that burning charcoal produces carbon monoxide and that carbon monoxide has no odor. The Commission directed the staff to draft a notice of proposed rulemaking for publication in the Federal Register.

Timetable:

| Action | Date | FR Cite |
|---------------------|----------|---------|
| Commission Decision | 12/22/92 | |
| NPRM | 03/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sharon White, Project Manager, Consumer Product Safety Commission, Directorate for Epidemiology, Washington, DC 20207, 301 504-0468

RIN: 3041-AB16

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Final Rule Stage

4473. REQUIREMENTS FOR THE SPECIAL PACKAGING OF HOUSEHOLD SUBSTANCES; REVISION OF TEST PROTOCOL FOR CHILD-RESISTANT PACKAGING

Legal Authority: 15 USC 1472 Poison Prevention Packaging Act; 15 USC 1473 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.20

Legal Deadline: None

Abstract: On January 19, 1983, the Commission published an advance notice of proposed rulemaking (ANPRM) soliciting comments on ways to amend the existing requirements for child-resistant packaging to improve

the effectiveness and efficiency of these requirements. On October 5, 1990, the Commission proposed specific revisions of the child test protocol and the adult test protocol. On March 5, 1991, the Commission published a notice in the Federal Register to extend the period for receipt of written

CPSC

Final Rule Stage

comments on the proposed amendments of the test protocols until July 1, 1991. This notice also solicited comments on additional changes to the adult test protocol. Additional testing is being conducted to address issues raised by comments on the proposed amendments. In October 1993, the staff expects to transmit a briefing package to the Commission concerning publication in the Federal Register of the test results and the revised test protocols.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| ANPRM | 01/19/83 | 48 FR 2389 |
| ANPRM Comment Period End | 03/21/83 | 48 FR 2389 |
| NPRM | 10/05/90 | 55 FR 40856 |
| NPRM Comment Period End | 07/01/91 | 56 FR 9181 |
| Staff Briefing Package on Test Data and Revised Protocols | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected:
Undetermined

Agency Contact: Suzanne Barone,
Project Manager, Consumer Product
Safety Commission, Directorate for
Health Sciences, Washington, DC
20207, 301 504-0477

RIN: 3041-AA22

4474. HOUSEHOLD SUBSTANCES CONTAINING METHYLENE CHLORIDE; STATUS AS HAZARDOUS SUBSTANCES; PROPOSED RULE

Legal Authority: 15 USC 1261 Federal
Hazardous Substances Act; 15 USC
1262 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500.12(a)(2)

Legal Deadline: None

Abstract: On August 20, 1986, the Commission proposed a rule to declare that household products containing methylene chloride are hazardous substances under the Federal Hazardous Substances Act (FHSA). These products include some paint strippers and spray paints. The Commission's concern arises from animal tests showing that methylene chloride is a carcinogen by inhalation

and studies indicating a significant human exposure as a result of reasonably foreseeable use of products containing methylene chloride. The initiation of this rulemaking proceeding granted one part of a petition (HP 85-1) from the Consumer Federation of America. The staff provided an analysis of the comments on the proposed rule to the Commission in June 1987. In August 1987, the Commission determined that there was no uncertainty as to the application of the FHSA to this substance that needed to be resolved by rulemaking. Therefore, the Commission suspended the rulemaking and issued a statement of enforcement policy stating the Commission's view that household products that contain methylene chloride and that expose consumers to significant levels (cont)

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 08/20/86 | 51 FR 29778 |
| NPRM Comment Period End | 10/20/86 | 51 FR 29778 |
| Policy Published | 09/14/87 | 52 FR 34698 |
| Commission Decision to Continue Project | 04/26/93 | |
| Staff Report to Commission | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: of methylene chloride are subject to the FHSA's labeling requirements. On April 7, 1993, the staff briefed the Commission on options for further Commission action with regard to household products containing methylene chloride. On April 26, 1993, the Commission directed the staff to continue work to evaluate the safety of substitute chemicals used in paint strippers and efforts to improve current warning labels. When the evaluation is completed, the staff will report to the Commission.

Agency Contact: Laureen Burton,
Project Manager, Consumer Product
Safety Commission, Directorate for
Health Sciences, Washington, DC
20207, 301 504-0994

RIN: 3041-AA59

4475. AMENDMENT OF REGULATIONS APPLICABLE TO CLACKER BALLS

Legal Authority: 5 USC 553(e)
Administrative Procedure Act; 15 USC
1261 Federal Hazardous Substances
Act; 15 USC 1262 Federal Hazardous
Substances Act; 15 USC 2079(d)
Consumer Product Safety Act

CFR Citation: 16 CFR 1500.18(a)(7); 16
CFR 1500.86(a)(5)

Legal Deadline: None

Abstract: On June 26, 1993, the Commission proposed amendments of regulations codified at 16 CFR 1500.18(a)(7) and 1500.86(a)(5) which ban certain toys called "clacker balls." The purpose of the proposed amendments is to allow the marketing of products which are now banned by the regulations but which do not present an unreasonable risk of injury. The proposed amendment of section 1500.18(a)(7) excludes from the coverage of the banning rule products with suspending members which consist of plastic rods integrally molded to the balls and mounted on a pivot. The proposed amendment of section 1500.86(a)(5) exempts clacker balls with specified ball weight cord length and safety factors. In December 1993, the staff is scheduled to transmit a briefing package to the Commission concerning issuance of final amendments.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 06/25/93 | 58 FR 34385 |
| NPRM Comment Period End | 09/08/93 | 58 FR 34385 |
| Staff Sends Briefing Package to Commission | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Scott Heh, Project
Manager, Consumer Product Safety
Commission, Directorate for
Engineering Sciences, Washington, DC
20207, 301 504-0494

RIN: 3041-AB02

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Completed Actions

4476. RULE TO EXEMPT ELECTRONIC VIDEO GAMES FROM ELECTRICAL TOY REGULATIONS

CFR Citation: 16 CFR 1505

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/28/93 | 58 FR 40330 |
| Final Action Effective | 08/27/93 | 58 FR 40330 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Krivda, 301 504-0400

RIN: 3041-AA41

4477. SAFETY STANDARD FOR CIGARETTE LIGHTERS

CFR Citation: 16 CFR 1210

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/12/93 | 58 FR 37557 |
| Final Action Effective | 07/12/94 | 58 FR 37557 |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michael T. Bogumill, 301 504-0400

RIN: 3041-AA73

4478. PETITION HP 91-2 REQUESTING AMENDMENT OF REQUIREMENTS FOR FUSE-BURN TIME OF FIREWORKS

CFR Citation: 16 CFR 1507

Completed:

| Reason | Date | FR Cite |
|------------------------------|----------|---------|
| Final Action Petition Denied | 06/10/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Neal Gasser, 301 443-9420

RIN: 3041-AB19

4479. PETITION HP 92-1 REQUESTING AMENDMENT OF REQUIREMENTS FOR MODEL ROCKET MOTORS

CFR Citation: 16 CFR 1500.85

Completed:

| Reason | Date | FR Cite |
|-----------------|----------|---------|
| Petition Denied | 08/26/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Terrance Karels, 301 504-0962

RIN: 3041-AB21

4480. LEAD IN PAINT; REGULATORY INVESTIGATION

CFR Citation: 16 CFR 1303

Completed:

| Reason | Date | FR Cite |
|---------------------------------------|----------|---------|
| Final Action Investigation Terminated | 06/28/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Brian C. Lee, Ph.D., D.A.B.T., 301 504-0994

RIN: 3041-AB24

4481. RULE TO REQUIRE CHILD-RESISTANT PACKAGING OF NON-PRESCRIPTION DRUGS CONTAINING LOPERAMIDE

CFR Citation: 16 CFR 1700.14

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/21/93 | 58 FR 38961 |
| Final Action Effective | 08/20/93 | 58 FR 38961 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael T. Bogumill, 301 504-0400

RIN: 3041-AB26

4482. PETITION HP 92-2 REQUESTING ISSUANCE OF A RULE TO BAN BABY-WALKERS

CFR Citation: 16 CFR 1500

Completed:

| Reason | Date | FR Cite |
|------------------------------|----------|---------|
| Final Action Petition Denied | 04/15/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Jacobson, 301 504-0477

RIN: 3041-AB30

4483. PETITION CP 93-2 REQUESTING ISSUANCE OF A RULE TO REQUIRE WARNING LABELS ON PORTABLE ALUMINUM LADDERS

CFR Citation: 16 CFR 00

Completed:

| Reason | Date | FR Cite |
|------------------------------|----------|---------|
| Final Action Petition Denied | 08/03/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carolyn Meiers, 301 504-0468

RIN: 3041-AB31

[FR Doc. 93-21456 Filed 10-22-93; 8:45 am]

BILLING CODE 6355-01-F

Federal Register

Monday
October 25, 1993

Part XLVII

Farm Credit Administration

Semiannual Regulatory Agenda

FARM CREDIT ADMINISTRATION (FCA)

FARM CREDIT ADMINISTRATION

12 CFR Ch. VI

Unified Agenda of Regulations

AGENCY: Farm Credit Administration.

ACTION: Departmental unified agenda of regulations and review list.

SUMMARY: The Farm Credit Administration (FCA), as an independent regulatory agency in voluntary compliance with Executive Order 12291, sets forth the following agenda of regulations which it will have under development and review during the period of October 1993 through April 1994.

FOR FURTHER INFORMATION CONTACT: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, (703) 883-4498, TDD (703) 883-4444.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small entities. The FCA is an independent regulatory agency that is exempt from the provisions of Executive Order 12291. Additionally, FCA regulations which apply to Farm Credit banks and associations and

certain other federally chartered entities generally do not and will not have a substantial impact on "small entities" as that term is defined in the Regulatory Flexibility Act.

While FCA is an independent agency exempt from Executive Order 12291, we believe that participating in this joint publication will further the public interest by including FCA in a single source of information concerning current and projected rulemaking and reviews of existing regulations.

Dated: August 19, 1993.

Curtis M. Anderson,
Secretary, Farm Credit Administration Board.

Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4484 | Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Capital (Phase II) | 3052-AB48 |
| 4485 | Statement of Regulatory Burden | 3052-AB53 |

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4486 | Collection of Claims Owed the United States; Debt Collection Act | 3052-AB02 |
| 4487 | Loan Policies and Operations; General Financing Agreement | 3052-AB09 |
| 4488 | Eligibility and Scope of Financing | 3052-AB10 |
| 4489 | Disclosure to Investors | 3052-AB23 |
| 4490 | Indemnification | 3052-AB24 |
| 4491 | Rules of Practice and Procedure; Procedures for Issuance and Enforcement of Directives | 3052-AB27 |
| 4492 | General Provisions; Disposition of Obsolete Records; Federal Records | 3052-AB36 |
| 4493 | Disclosure to Shareholders; Association Annual Meeting Information Statement | 3052-AB37 |
| 4494 | Organization; Director Compensation | 3052-AB42 |
| 4495 | General Provisions; Financially Related Services | 3052-AB43 |
| 4496 | Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Attorney Lien Certification | 3052-AB45 |
| 4497 | Federal Agricultural Mortgage Corporation | 3052-AB49 |
| 4498 | Loan Policies and Operations; Collateral Evaluation | 3052-AB51 |
| 4499 | Loan Policies and Operations; Borrower Rights | 3052-AB52 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4500 | Organization; Reorganization Authorities for System Institutions | 3052-AB22 |
| 4501 | Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Investments and Other Funding | 3052-AB25 |
| 4502 | Investigations; Referral of Crimes and Suspected Crimes | 3052-AB33 |
| 4503 | Miscellaneous Technical Changes | 3052-AB41 |
| 4504 | Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Capital | 3052-AB44 |
| 4505 | Loan Policies and Operations; Distressed Borrower Notification | 3052-AB48 |
| 4506 | Standards of Conduct | 3052-AB47 |
| 4507 | Employee Responsibilities and Conduct; Ethics | 3052-AB50 |

FCA

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4508 | Accounting and Reporting Requirements | 3052-AB32 |
| 4509 | Loan Policies and Operations; Lending Limits | 3052-AB35 |
| 4510 | General Provisions; Releasing Information | 3052-AB39 |
| 4511 | Disclosure to Shareholders; Director Certification of Quarterly Reports | 3052-AB40 |

FARM CREDIT ADMINISTRATION (FCA)

Prerule Stage

4484. • FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS; CAPITAL (PHASE II)

Legal Authority: 12 USC 2013; 12 USC 2019; 12 USC 2020; 12 USC 2073; 12 USC 2074; 12 USC 2075; 12 USC 2076; 12 USC 2093; 12 USC 2122; 12 USC 2128; 12 USC 2132; 12 USC 2146; 12 USC 2154; 12 USC 2160; 12 USC 2202b; ...

CFR Citation: 12 CFR 615

Legal Deadline: None

Abstract: Would revise the current capital regulations taking into consideration safety and soundness concerns and similar regulations of other commercial bank regulators.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R.

Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498

Agency Contact: Robert S. Child, Policy Analyst, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052-AB48

4485. • STATEMENT OF REGULATORY BURDEN

Legal Authority: 12 USC 2243; 12 USC 2252

CFR Citation: 12 CFR 600; 12 CFR 601; 12 CFR 602; 12 CFR 603; 12 CFR 604; 12 CFR 605; 12 CFR 606; 12 CFR 607; 12 CFR 611; 12 CFR 612; 12 CFR 613; 12 CFR 614; 12 CFR 615; 12 CFR 617; 12 CFR 618; ...

Legal Deadline: None

Abstract: Would improve the regulatory environment within which the Farm Credit System must operate by targeting areas for more focused study and by revising rules where

comments present strong evidence that an FCA requirement is unjustified.

Timetable:

| Action | Date | FR Cite |
|--|--------------|-------------|
| Notice of Intent Regarding Regulatory Burden | 06/23/93 | 58 FR 34003 |
| Comment Period End Regarding Regulatory Burden | 09/21/93 | 58 FR 34003 |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498

Agency Contact: Eric Howard, Policy Analyst, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052-AB53

FARM CREDIT ADMINISTRATION (FCA)

Proposed Rule Stage

4486. COLLECTION OF CLAIMS OWED THE UNITED STATES; DEBT COLLECTION ACT

Legal Authority: 12 USC 3701 to 3719

CFR Citation: 12 CFR 608

Legal Deadline: None

Abstract: Would establish regulations to implement authorities of the Debt Collection Act of 1982.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498.

Agency Contact: John J. Hays, Policy Analyst, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052-AB02

4487. LOAN POLICIES AND OPERATIONS; GENERAL FINANCING AGREEMENT

Legal Authority: 12 USC 2011; 12 USC 2013; 12 USC 2014; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2071; 12 USC 2073; 12 USC 2074; 12 USC 2075; 12 USC 2091; 12 USC 2093; 12 USC 2094; 12 USC 2096; 12 USC 2121

CFR Citation: 12 CFR 614

Legal Deadline: None

Abstract: Would clarify existing policies and procedures for the

FCA

Proposed Rule Stage

establishment of a funding relationship between the Farm Credit banks and their affiliated direct lending institutions. Would provide uniform guidelines upon which the general financing agreements shall be developed and executed, and eliminate FCA prior approval.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/03/88 | 53 FR 44438 |
| NPRM Comment Period End | 12/05/88 | 53 FR 44438 |
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498.

Agency Contact: Dennis K. Carpenter, Senior Policy Analyst, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052-AB09

4488. ELIGIBILITY AND SCOPE OF FINANCING

Legal Authority: 12 USC 2013; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2019; 12 USC 2073; 12 USC 2075; 12 USC 2093; 12 USC 2122; 12 USC 2128; 12 USC 2129; 12 USC 2143; 12 USC 2243; 12 USC 2252; 42 USC 3601 et seq

CFR Citation: 12 CFR 613

Legal Deadline: None

Abstract: Would clarify existing policies and procedures with respect to borrower eligibility and scope of financing as provided for in the Farm Credit Act 1971, as amended.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498.

Agency Contact: John J. Hays, Policy Analyst, Office of Examination, Farm

Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052-AB10

4489. DISCLOSURE TO INVESTORS

Legal Authority: 12 USC 2252; 12 USC 2254; 12 USC 2279aa-11; PL 100-233, Sec 424

CFR Citation: 12 CFR 630

Legal Deadline: None

Abstract: Would establish disclosure requirements for the Farm Credit System's Reports to Investors.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498.

Agency Contact: Tong-Ching Chang, Staff Accountant, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4483

RIN: 3052-AB23

4490. INDEMNIFICATION

Legal Authority: 12 USC 2252

CFR Citation: 12 CFR Not yet determined

Legal Deadline: None

Abstract: Would authorize indemnification of directors and employees of Farm Credit institutions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498.

Agency Contact: John J. Hays, Policy Analyst, Office of Examination, Farm Credit Administration, 1501 Farm

Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052-AB24

4491. RULES OF PRACTICE AND PROCEDURE; PROCEDURES FOR ISSUANCE AND ENFORCEMENT OF DIRECTIVES

Legal Authority: 12 USC 2154; 12 USC 2154a; 12 USC 2202a; 12 USC 2243; 12 USC 2244; 12 USC 2252; 12 USC 2261 to 2273

CFR Citation: 12 CFR 622

Legal Deadline: None

Abstract: Would establish procedures for FCA to issue directives to: (a) a System institution in order to require the institution to achieve and maintain the minimum level of capital as established under section 4.3(a); (b) the board of directors of a System institution in order to require compliance with section 4.3A(d); and (c) a qualified lender in order to require compliance with section 4.14A.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498.

Agency Contact: Rebecca S. Orlich, Senior Attorney, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4020

RIN: 3052-AB27

4492. GENERAL PROVISIONS; DISPOSITION OF OBSOLETE RECORDS; FEDERAL RECORDS

Legal Authority: 12 USC 2013; 12 USC 2019; 12 USC 2020; 12 USC 2073; 12 USC 2075; 12 USC 2076; 12 USC 2093; 12 USC 2122; 12 USC 2128; 12 USC 2183; 12 USC 2200; 12 USC 2211; 12 USC 2218; 12 USC 2243; 12 USC 2244;

...

CFR Citation: 12 CFR 618

Legal Deadline: None

Abstract: Would revise various regulations addressing the retention of records and the definition of Federal records.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498.

Agency Contact: John J. Hays, Policy Analyst, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052-AB36

4493. DISCLOSURE TO SHAREHOLDERS; ASSOCIATION ANNUAL MEETING INFORMATION STATEMENT

Legal Authority: 12 USC 2252; 12 USC 2254; 12 USC 2279aa-11; PL 100-233, Sec 424

CFR Citation: 12 CFR 620

Legal Deadline: None

Abstract: Would revise regulations addressing nominations for director positions when mail balloting is used.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/13/93 | 58 FR 47836 |
| NPRM Comment | 10/13/93 | 58 FR 47836 |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498.

Agency Contact: Eric Howard, Policy Analyst, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052-AB37

4494. ORGANIZATION; DIRECTOR COMPENSATION

Legal Authority: 12 USC 2011; 12 USC 2021; 12 USC 2071; 12 USC 2091; 12 USC 2121; 12 USC 2142; 12 USC 2183; 12 USC 2203; 12 USC 2243; 12 USC 2244; 12 USC 2252; 12 USC 2279a to 2279f-1; 12 USC 2279aa-5(e); PL 100-233, sec 411; PL 100-233, sec 412; ...

CFR Citation: 12 CFR 611

Legal Deadline: None

Abstract: Would revise FCA regulations to implement changes made by the Farm Credit Banks and Associations Safety and Soundness Act of 1992.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498.

Agency Contact: Linda C. Sherman, Policy Analyst, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052-AB42

4495. GENERAL PROVISIONS; FINANCIALLY RELATED SERVICES

Legal Authority: 12 USC 2013; 12 USC 2019; 12 USC 2020; 12 USC 2073; 12 USC 2075; 12 USC 2076; 12 USC 2093; 12 USC 2122; 12 USC 2128; 12 USC 2183; 12 USC 2200; 12 USC 2211; 12 USC 2218; 12 USC 2243; 12 USC 2244; ...

CFR Citation: 12 CFR 618

Legal Deadline: None

Abstract: Would modify 12 CFR 618.8000 to revise and/or remove prior approval requirements and clarify definition of technical assistance and financially related services.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498.

Agency Contact: Linda C. Sherman, Policy Analyst, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052-AB43

4496. FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS; ATTORNEY LIEN CERTIFICATION

Legal Authority: 12 USC 2013; 12 USC 2019; 12 USC 2020; 12 USC 2073; 12 USC 2074; 12 USC 2075; 12 USC 2076; 12 USC 2093; 12 USC 2122; 12 USC 2128; 12 USC 2132; 12 USC 2146; 12 USC 2154; 12 USC 2160; 12 USC 2202b; ...

CFR Citation: 12 CFR 615

Legal Deadline: None

Abstract: Would revise regulations which deal with the requirement of an attorney lien certification on long-term mortgage loans.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498

Agency Contact: Laurie Rea, Policy Analyst, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052-AB45

4497. FEDERAL AGRICULTURAL MORTGAGE CORPORATION

Legal Authority: 12 USC 2243; 12 USC 2252; 12 USC 2279aa-11; PL 102-552, sec 514

CFR Citation: 12 CFR 650

Legal Deadline: None

Abstract: Would respond to the findings by Congress (in section 514 of the Farm Credit Banks and Associations Safety and Soundness Act of 1992) that financial disclosure and reporting of potential conflicts of interest would enhance the safety and soundness of Farm Credit System institutions. Corporation officers and directors must already comply with certain filing and reporting requirements of the Securities Exchange Commission (SEC). The Farm Credit Administration Board determined in a review of its conflict of interest regulations that corporation filings under SEC rules are sufficient

FCA

Proposed Rule Stage

for financial disclosure but no existing regulations cover the section 514 requirements for conflict of interest reporting.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL

REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498

Agency Contact: Suzanne J. McCrory, Director, Office of Secondary Market, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4280

RIN: 3052-AB49

4498. • LOAN POLICIES AND OPERATIONS; COLLATERAL EVALUATION

Legal Authority: 12 USC 2011; 12 USC 2013; 12 USC 2014; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2071; 12 USC 2073; 12 USC 2074; 12 USC 2075; 12 USC 2091; 12 USC 2093; 12 USC 2094; 12 USC 2096; 12 USC 2121; ...

CFR Citation: 12 CFR 614

Legal Deadline: None

Abstract: Would revise regulations taking into consideration regulatory burden concerns and similar regulations of other commercial bank regulators.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL

REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498

Agency Contact: Dennis K. Carpenter, Senior Policy Analyst, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052-AB51

4499. • LOAN POLICIES AND OPERATIONS; BORROWER RIGHTS

Legal Authority: 12 USC 2011; 12 USC 2013; 12 USC 2014; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2071;

12 USC 2073; 12 USC 2074; 12 USC 2075; 12 USC 2091; 12 USC 2093; 12 USC 2094; 12 USC 2096; 12 USC 2121; ...

CFR Citation: 12 CFR 614

Legal Deadline: None

Abstract: Would add clarity and provide additional direction to Farm Credit System institutions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL

REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498

Agency Contact: Eric Howard, Policy Analyst, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052-AB52

FARM CREDIT ADMINISTRATION (FCA)

Final Rule Stage

4500. ORGANIZATION; REORGANIZATION AUTHORITIES FOR SYSTEM INSTITUTIONS

Legal Authority: 12 USC 2011; 12 USC 2021; 12 USC 2071; 12 USC 2091; 12 USC 2121; 12 USC 2142; 12 USC 2183; 12 USC 2203; 12 USC 2243; 12 USC 2244; 12 USC 2252; 12 USC 2279a to 2279f-1; 12 USC 2279aa-5(e); PL 100-233, sec 411; PL 100-233, sec 412

CFR Citation: 12 CFR 611

Legal Deadline: None

Abstract: Would establish regulations under which a bank or large association within the Farm Credit System can terminate its charter as provided for in the Farm Credit Act of 1971, as amended.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| ANPRM | 12/18/89 | 54 FR 51763 |

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM Comment Period End | 01/31/90 | 54 FR 51763 |

| | | |
|------|----------|-------------|
| NPRM | 03/19/93 | 58 FR 15099 |
|------|----------|-------------|

| | | |
|-------------------------|----------|-------------|
| NPRM Comment Period End | 04/19/93 | 58 FR 15099 |
|-------------------------|----------|-------------|

| | | |
|---|----------|-------------|
| Resolicitation of Comments Reorganization Authorities | 07/26/93 | 58 FR 39684 |
|---|----------|-------------|

| | | |
|-----------------------------------|----------|-------------|
| Comment Period End Resolicitation | 08/25/93 | 58 FR 39684 |
|-----------------------------------|----------|-------------|

| | | |
|--------------|----------|--|
| Final Action | 00/00/00 | |
|--------------|----------|--|

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL

REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498.

Agency Contact: Robert S. Child, Policy Analyst, Office of Examination, Farm Credit Administration, 1501 Farm

Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052-AB22

4501. FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS; INVESTMENTS AND OTHER FUNDING

Legal Authority: 12 USC 2013; 12 USC 2019; 12 USC 2020; 12 USC 2073; 12 USC 2074; 12 USC 2075; 12 USC 2076; 12 USC 2093; 12 USC 2122; 12 USC 2128; 12 USC 2132; 12 USC 2146; 12 USC 2154; 12 USC 2160; 12 USC 2202b; ...

CFR Citation: 12 CFR 615

Legal Deadline: None

Abstract: Would revise regulations defining eligible investment types and purposes for a Farm Credit institution.

FCA Final Rule Stage**Timetable:**

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 12/18/91 | 56 FR 65691 |
| NPRM Correction | 02/13/92 | 57 FR 5234 |
| NPRM Comment Period End | 02/18/92 | 56 FR 65681 |
| NPRM Comment Period Extension | 03/04/92 | 57 FR 7672 |
| NPRM Comment Period Extension End | 05/01/92 | 57 FR 7672 |
| Final Action | 11/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498.**Agency Contact:** Michael LaVerghetta, Financial Analyst, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4231

RIN: 3052-AB35

4502. INVESTIGATIONS; REFERRAL OF CRIMES AND SUSPECTED CRIMES**Legal Authority:** 12 USC 2243; 12 USC 2252; 12 USC 2254**CFR Citation:** 12 CFR 617**Legal Deadline:** None**Abstract:** Would revise regulations covering the referral of crimes and suspected crimes by implementing the uniform process and referral form developed by the Bank Fraud Working Group.**Timetable:**

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/13/92 | 57 FR 46819 |
| NPRM Comment Period End | 11/12/92 | 57 FR 46819 |
| Final Action | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498.**Agency Contact:** Eric Howard, Policy Analyst, Office of Examination, Farm Credit Administration, 1501 Farm

Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052-AB33

4503. MISCELLANEOUS TECHNICAL CHANGES**Legal Authority:** 12 USC 2243; 12 USC 2252; 12 USC 2279aa-11; 5 USC 552; 5 USC 552a(j)(2); 5 USC 552a(k)(2); 12 USC 2246; 12 USC 2011; 12 USC 2021; 12 USC 2071; 12 USC 2091; 12 USC 2121; 12 USC 2142; 12 USC 2183; 12 USC 2203; ...**CFR Citation:** 12 CFR 600; 12 CFR 602; 12 CFR 603; 12 CFR 604; 12 CFR 605; 12 CFR 611; 12 CFR 615**Legal Deadline:** None**Abstract:** Would revise regulations to reflect changes in the Farm Credit Administration internal organization and make other technical changes.**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498**Agency Contact:** John J. Hays, Policy Analyst, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052-AB41

4504. FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS; CAPITAL**Legal Authority:** 12 USC 2013; 12 USC 2019; 12 USC 2020; 12 USC 2073; 12 USC 2074; 12 USC 2075; 12 USC 2076; 12 USC 2093; 12 USC 2122; 12 USC 2128; 12 USC 2132; 12 USC 2146; 12 USC 2154; 12 USC 2160; 12 USC 2202b; ...**CFR Citation:** 12 CFR 615**Legal Deadline:** None**Abstract:** Would clarify permanent capital requirements for each System institution and incorporate any legislative changes pertaining to System capital.**Timetable:**

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/23/93 | 58 FR 34004 |
| NPRM Comment Period End | 07/22/93 | 58 FR 34004 |
| Final Action | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498**Agency Contact:** Robert S. Child, Policy Analyst, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052-AB44

4505. • LOAN POLICIES AND OPERATIONS; DISTRESSED BORROWER NOTIFICATION**Legal Authority:** 12 USC 2011; 12 USC 2013; 12 USC 2014; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2071; 12 USC 2073; 12 USC 2074; 12 USC 2075; 12 USC 2091; 12 USC 2093; 12 USC 2094; 12 USC 2096; 12 USC 2121; ...**CFR Citation:** 12 CFR 614**Legal Deadline:** None**Abstract:** Would revise regulations to no longer require a foreclosure notification when a loan is identified as distressed.**Timetable:**

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/15/93 | 58 FR 38091 |
| NPRM Comment Period End | 08/16/93 | 58 FR 38091 |
| Final Action | 11/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information:** FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498**Agency Contact:** Eric Howard, Policy Analyst, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052-AB46

FCA

Final Rule Stage

4506. • STANDARDS OF CONDUCT

Legal Authority: 12 USC 2243; 12 USC 2252; 12 USC 2254

CFR Citation: 12 CFR 612

Legal Deadline: None

Abstract: Would enhance existing provisions by clarifying activities that are prohibited and those activities needing to be reported, would add to the activities for which directors are prohibited from engaging and make other revisions to clarify existing provisions. This rulemaking is the result of findings in conjunction with a review required by the Farm Credit Banks Safety and Soundness Act of 1992.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 08/19/93 | 58 FR 44139 |

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM Comment | 09/20/93 | 58 FR 44139 |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: None
Government Levels Affected: None
Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498
Agency Contact: John J. Hays, Policy Analyst, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498
RIN: 3052-AB47

CFR Citation: 12 CFR 601

Legal Deadline: Final, Statutory, February 3, 1994.

Abstract: Would revise regulations pertaining to employee responsibilities and conduct.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498

Agency Contact: Eric Howard, Policy Analyst, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052-AB50

4507. • EMPLOYEE RESPONSIBILITIES AND CONDUCT; ETHICS

Legal Authority: 12 USC 2243; 12 USC 2252

FARM CREDIT ADMINISTRATION (FCA)

Completed Actions

4508. ACCOUNTING AND REPORTING REQUIREMENTS

Legal Authority: 12 USC 2252; 12 USC 2279aa-11

CFR Citation: 12 CFR 621; 12 CFR 611; 12 CFR 613; 12 CFR 614; 12 CFR 620; 12 CFR 627

Legal Deadline: None

Abstract: Would revise regulations covering general practices in the areas of nonperforming loans and loan performance classification, including high-risk asset accounting practices.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 12/14/92 | 57 FR 58997 |
| ANPRM Comment | 02/12/93 | 57 FR 58997 |
| Period End | | |
| NPRM | 06/08/93 | 58 FR 32071 |
| NPRM Comment | 07/08/93 | 58 FR 32071 |
| Period End | | |
| Final Action | 09/20/93 | 58 FR 48780 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498.

Agency Contact: Linda C. Sherman, Policy Analyst, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052-AB32

4509. LOAN POLICIES AND OPERATIONS; LENDING LIMITS

Legal Authority: 12 USC 2011; 12 USC 2013; 12 USC 2014; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2071; 12 USC 2073; 12 USC 2074; 12 USC 2075; 12 USC 2091; 12 USC 2093; 12 USC 2094; 12 USC 2096; 12 USC 2121

CFR Citation: 12 CFR 614

Legal Deadline: None

Abstract: Would revise lending limit provisions for existing and newly created Farm Credit institutions.

Timetable:

| Action | Date | FR Cite |
|-----------------|----------|-------------|
| NPRM | 11/03/88 | 53 FR 44438 |
| NPRM Comment | 12/05/88 | 53 FR 44438 |
| Period End | | |
| NPRM | 01/23/91 | 56 FR 2452 |
| NPRM Correction | 02/15/91 | 56 FR 6422 |
| NPRM Comment | 03/25/91 | 56 FR 2452 |
| Period End | | |

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM Public Hearings | 05/10/91 | 56 FR 21637 |
| Final Action | 07/28/93 | 58 FR 40311 |
| Final Action Effective | 01/01/94 | 58 FR 40311 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498.

Agency Contact: Dennis K. Carpenter, Senior Policy Analyst, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052-AB35

4510. GENERAL PROVISIONS; RELEASING INFORMATION

Legal Authority: 12 USC 2013; 12 USC 2019; 12 USC 2020; 12 USC 2073; 12 USC 2075; 12 USC 2076; 12 USC 2093; 12 USC 2122; 12 USC 2128; 12 USC 2183; 12 USC 2200; 12 USC 2211; 12 USC 2218; 12 USC 2243; 12 USC 2244

CFR Citation: 12 CFR 618

FCA

Completed Actions

Legal Deadline: None

Abstract: Would allow information concerning borrowers and loan applicants to be given for the confidential use of authorized representatives of any State certifying and licensing agency, in contemplation of State certification and licensure.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/10/92 | 57 FR 53453 |
| NPRM Comment Period End | 12/10/92 | 57 FR 53453 |
| Final Action | 10/06/93 | 58 FR 51993 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498.

Agency Contact: Dennis K. Carpenter, Senior Policy Analyst, Office of

Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052-AB39

4511. DISCLOSURE TO SHAREHOLDERS; DIRECTOR CERTIFICATION OF QUARTERLY REPORTS

Legal Authority: 12 USC 2252; 12 USC 2254; 12 USC 2279aa-11; PL 100-233, Sec 424

CFR Citation: 12 CFR 620

Legal Deadline: None

Abstract: Would expand the requirement of section 620.2(b)(3) to allow the board of Farm Credit System institutions to designate only one director to certify quarterly reports filed with the Farm Credit Administration on behalf of the entire board.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 01/12/93 | 58 FR 3872 |
| NPRM Comment Period End | 02/12/93 | 58 FR 3872 |
| Final Action | 05/12/93 | 58 FR 27922 |
| Final Action Effective | 06/17/93 | 58 FR 33189 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FEDERAL REGISTER LIAISON: Cindy R. Nicholson, Paralegal Specialist, Regulation Development Division, Office of Examination, 703-883-4498.

Agency Contact: Tong-Ching Chang, Staff Accountant, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4483

RIN: 3052-AB40

[FR Doc. 93-21457 Filed 10-22-93; 8:45 am]

BILLING CODE 6705-01-F

Federal Register

Monday
October 25, 1993

Part XLVIII

**Federal
Communications
Commission**

Semiannual Regulatory Agenda

FEDERAL COMMUNICATIONS COMMISSION (FCC)

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulations; October 1993

AGENCY: Federal Communications Commission.

ACTION: Publication of the Unified Agenda of Federal Regulations.

SUMMARY: Twice a year, the Commission publishes a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act. The Agenda also provides the CFR citations and legal authorities which govern these proceedings. The Regulatory Flexibility Act (94 Stat. 1167; 5 U.S.C. 605) includes notations on the applicability of the Regulatory Flexibility Act to each item. The Unified Agenda will be published in the Federal Register in April and October of each year.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Ron Seliga, Office of Managing Director, (202) 632-0923.

SUPPLEMENTARY INFORMATION:

Unified Agenda of Major and Other Significant Proceedings

The Commission encourages public participation in the FCC rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared an agenda of important proceedings now in progress. OMB will publish the Unified Agenda in the Federal Register in April and October of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

Docket Number - assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry in regard to the matter under consideration. Since January 1, 1978, the Commission has used docket numbers, which consist of the last two digits of the calendar year in which the docket was established, plus a sequential number, which begins at 1 with the first docket initiated during a calendar year (e.g., Docket 80-1 or Docket 83-1). The abbreviation for the responsible Bureau usually precedes the docket number, as in "MM Docket 79-164," which indicates that the responsible Bureau is the Mass Media Bureau. When a docket number consists of only five digits (e.g., Docket 29622), this indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI) - issued by the Commission when it is seeking

information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Further Notice of Inquiry (FNOI)

Notice of Proposed Rulemaking (NPRM) - issued by the Commission when it is proposing a specific change to the FCC Rules and Regulations. Before any changes are actually made, interested parties may submit written comments on the proposals.

Further Notice of Proposed Rulemaking (FNPRM)

Memorandum Opinion and Order (MO&O) - issued by the Commission to deny a petition for rulemaking, conclude an inquiry, modify a decision, or deny a petition for reconsideration of a decision.

Rulemaking (RM) Number - assigned to a proceeding after the appropriate Bureau/Office has reviewed a petition for rulemaking but before the Commission has taken action on the petition.

Report and Order (R&O) - issued by the Commission to state a new or amended rule or state that the FCC Rules will not be changed.

William F. Caton,
Acting Secretary,
Federal Communications Commission.

COMMON CARRIER BUREAU—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4512 | Satellite Communications | 3060-AD70 |
| 4513 | Telephone Company/Cable Television Cross-Ownership Rules Sections 63.54-63.56 | 3060-AE40 |
| 4514 | Expanded Interconnection With Local Company Facilities | 3060-AF04 |
| 4515 | Transport Rate Structure and Pricing | 3060-AF06 |
| 4516 | In the Matter of Intelligent Networks | 3060-AF08 |
| 4517 | Domestic Public Fixed Radio Services | 3060-AF27 |
| 4518 | Satellite Communications | 3060-AF42 |
| 4519 | Cordless Telephone Frequencies | 3060-AF43 |
| 4520 | Revision of Part 22 of the Commission's Rules Pertaining to Power Limits for Paging Stations in the 931 MHz Band in the Public Land Mobile Service | 3060-AF46 |

COMMON CARRIER BUREAU—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4521 | Rules and Policies Regarding Calling Number Identification Services (CC Docket 91-281) | 3060-AF07 |
| 4522 | Reform of the Interstate Rate of Return Represcription and Enforcement Processes | 3060-AF12 |
| 4523 | Satellite Communications | 3060-AF25 |

FCC

COMMON CARRIER BUREAU—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4524 | In the Matter of Suite 12 Group, Petition for Rulemaking for Amendment of Part 21 of Commission's Rules To Re-allocate the 27.5-29.5 GHz Band | 3060-AF26 |
| 4525 | Revision of Part 22 of the Commission's Rules | 3060-AF28 |
| 4526 | Deregulation of International Receive-Only Earth Stations | 3060-AF33 |

COMMON CARRIER BUREAU—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4527 | Telecommunications Relay Services, and the Americans with Disabilities Act of 1990 (CC Docket 90-571) | 3060-AF13 |
| 4528 | Policy and Rules Governing Interstate Pay-Per-Call Services | 3060-AF34 |

OFFICE OF ENGINEERING AND TECHNOLOGY—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4529 | Standards for ISM Equipment | 3060-AE97 |
| 4530 | Laboratory Accreditation Program | 3060-AF00 |

OFFICE OF ENGINEERING AND TECHNOLOGY—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4531 | Streamline of Equipment Authorization Process | 3060-AF29 |
| 4532 | Cable System Compatibility With TV Receivers and VCRs | 3060-AF38 |

OFFICE OF ENGINEERING AND TECHNOLOGY—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4533 | Part 15 Measurement Procedures | 3060-AE54 |
| 4534 | Personal Communications Services | 3060-AE65 |
| 4535 | Digital LMSS in L-Band Spectrum | 3060-AE68 |
| 4536 | Authorization of Plug-in CPU Cards | 3060-AE80 |
| 4537 | Digital Audio Broadcasting | 3060-AE81 |
| 4538 | Low Earth Orbiting Satellites | 3060-AE82 |
| 4539 | General Satellite Service | 3060-AE96 |
| 4540 | Low-Earth Orbiting Satellites (Above 1 GHz) | 3060-AF16 |
| 4541 | Emerging Technology Bands | 3060-AF18 |
| 4542 | MRI Exemption | 3060-AF30 |
| 4543 | Amateur Allocation at 219 MHz | 3060-AF31 |
| 4544 | RF Exposure Standard | 3060-AF32 |
| 4545 | Scanners Capable of Receiving Cellular Frequencies | 3060-AF36 |
| 4546 | AM Radio Stereophonic Transmitting Equipment Standard | 3060-AF37 |
| 4547 | Part 15 CISPR Standards | 3060-AF44 |
| 4548 | Wind Profiler Radar Systems | 3060-AF45 |

FCC

OFFICE OF ENGINEERING AND TECHNOLOGY—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4549 | Cordless Phone Channel Split | 3060-AE61 |
| 4550 | Preference Rules To Foster New Technology | 3060-AE67 |
| 4551 | Part 15 Restricted Bands | 3060-AF15 |

FIELD OPERATIONS BUREAU—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4552 | In the Matter of Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System | 3060-AF21 |

FIELD OPERATIONS BUREAU—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4553 | In the Matter of an Automatic Transmitter Identification System (ATIS) for Radio Transmitting Equipment (Gen. Doc. #86-337) | 3060-AE25 |

MASS MEDIA BUREAU—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|------------------------------------|------------------------------|
| 4554 | Advanced Television Systems | 3060-AE24 |
| 4555 | Comparative Renewal Criteria | 3060-AE27 |

MASS MEDIA BUREAU—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4556 | Broadcast EEO: Reconsideration | 3060-AD73 |
| 4557 | Transfer of Control of Non-Stock Entities | 3060-AE31 |
| 4558 | Cable Act: Must Carry/Retransmission Consent | 3060-AF39 |
| 4559 | Cable Act: Rate Regulation | 3060-AF41 |
| 4560 | Cable Act: Cost of Service | 3060-AF48 |

MASS MEDIA BUREAU—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4561 | AM Expanded Band: Reconsideration | 3060-AD92 |
| 4562 | Cable Act: EEO | 3060-AF40 |

PRIVATE RADIO BUREAU—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4563 | Frequency Coordination-Alternatives and Options to the Present Frequency Coordination System | 3060-AE60 |
| 4564 | Amendment of Part 80 of the Commission's Rules Concerning VHF Maritime Operations | 3060-AF14 |

FCC

PRIVATE RADIO BUREAU—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|-------------------------------|------------------------------|
| 4565 | Refarming | 3060-AF35 |
| 4566 | Wide Area SMR Licensing | 3060-AF47 |

PRIVATE RADIO BUREAU—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4567 | Amendment of Part 87 To Establish Technical Standards and Licensing for Aircraft Earth Stations | 3060-AE91 |
| 4568 | Privatization of Commercial Radio Operator Examinations | 3060-AF20 |

FEDERAL COMMUNICATIONS COMMISSION (FCC)
COMMON CARRIER BUREAU

Proposed Rule Stage

4512. SATELLITE COMMUNICATIONS

Significance: Agency Priority

Legal Authority: 47 USC 303; 47 USC 553

CFR Citation: 47 CFR 25

Legal Deadline: None

Abstract: The Commission seeks to develop a record and to solicit comments on the proposed rules. These proposed rules are designed to implement recommendations made by the joint industry/government Advisory Committee on 2 degree satellite spacing; and they will codify basic applications requirements for satellite services. The proposed rules would apply to all entities including small entities who seek authorization under Part 25 of the Commission's rules to construct and operate Fixed-Satellite communications facilities. The proposed rules would establish operational and technical procedures designed to alleviate adjacent satellite interference and may increase the reporting and cost burdens on all satellite licensees. The rules codifying basic applications requirements are codifications of existing policies, will impose no additional burdens, and may, in fact, reduce the burden by eliminating several current requirements. In order to be effective, these rules must apply to all licensees and thus there is no significant alternative.

Timetable:

| Action | Date | FR Cite |
|--------|----------|------------|
| ANPRM | 09/01/87 | 52 FR 6175 |

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM Comment Period End | 11/01/87 | 52 FR 6175 |
| R&O | 05/26/91 | 56 FR 24014 |
| Second R&O & FNPRM | 01/14/93 | 58 FR 13417 |
| Third R&O | 01/00/94 | |

Small Entities Affected: Businesses
Government Levels Affected: Local, State, Federal
Agency Contact: Wilbert Nixon, Staff Attorney, Federal Communications Commission, 2025 M Street, NW., Room 6324, Washington, DC 20554, 202 634-1624
RIN: 3060-AD70

4513. TELEPHONE COMPANY/CABLE TELEVISION CROSS-OWNERSHIP RULES SECTIONS 63.54-63.56

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 218; 47 USC 220; 47 USC 214; 47 USC 521; 47 USC 533; 47 USC 522

CFR Citation: 47 CFR 63.54; 47 CFR 63.55; 47 CFR 63.56; 47 CFR 63.57; 47 CFR 63.58

Legal Deadline: None

Abstract: In this stage of the proceeding, the Commission issued a Second Report and Order that modifies FCC rules and regulatory policy to enable local telephone companies to participate in the video marketplace through video dial tone. The FCC decided that local telephone companies

may make available to multiple service providers, on a non-discriminatory common carrier basis, a basic platform that will deliver video programming and other services to end users. Such a policy will advance the FCC's goals of creating an advanced infrastructure, increasing competition in the video marketplace and enhancing the diversity of video services to the American public. The FCC also issued a Recommendation to Congress recommending that the statutory telephone company-cable television cross-ownership restriction be repealed. Further, the Commission solicited comments in a Second Further Notice of Proposed Rulemaking on the issue of whether the rural exemption to the telephone company-cable television cross-ownership restrictions should be raised to 10,000 persons. As of 7/25/93, seven Section 214 applications have been filed proposing to offer video dial tone service.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NOI | 09/15/87 | 52 FR 34818 |
| FNOI/NPRM | 09/29/88 | 53 FR 38042 |
| First R&O | 12/17/91 | 56 FR 65445 |
| FNPRM/SFNOI | 12/17/91 | 56 FR 65464 |
| Reconsideration of 1st R&O | 09/09/92 | 57 FR 41109 |
| Second R&O | 09/09/92 | 57 FR 41106 |
| SFNPRM | 09/09/92 | 57 FR 41118 |
| Next Action Undetermined | | |

Small Entities Affected: Businesses

Government Levels Affected: None

FCC—CCB

Proposed Rule Stage

Agency Contact: Donna Lampert, Attorney, Federal Communications Commission, 202 632-6365
RIN: 3060-AE40

4514. EXPANDED INTERCONNECTION WITH LOCAL COMPANY FACILITIES

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 218; 47 USC 220; 47 USC 404

CFR Citation: 47 CFR 69; 47 CFR 61; 47 CFR 64

Legal Deadline: None

Abstract: Adopted rules for expanded interconnection with local telephone company facilities for interstate local access and switched transport. Authorized new pricing flexibility for LECs. Has sought comment on hand-off of switching information necessary to permit competition for the provision of tandem switching associated with switched transport.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NOI/NPRM | 06/06/91 | 56 FR 34159 |
| ANPRM | 09/20/91 | 56 FR 44053 |
| Supplemental NPRM | 09/27/91 | 56 FR 52496 |
| ANPRM Comment | 11/06/91 | 56 FR 34159 |
| Period End | | |
| R&O/FNPRM | 09/17/92 | 57 FR 54323 |
| NPRM Comment | 03/09/93 | 57 FR 58767 |
| Period End | | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Schlicting, Division Chief, Federal Communications Commission, 202 632-9342

RIN: 3060-AF04

4515. TRANSPORT RATE STRUCTURE AND PRICING

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154 (i); 47 USC 154 (j); 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 218; 47 USC 220; 47 USC 403

CFR Citation: 47 CFR 61; 47 CFR 69

Legal Deadline: None

Abstract: The Commission adopted interim transport rate structure and pricing rules for two years beginning

on or about December 1, 1993. The Commission initiated a Second Notice of Proposed Rulemaking seeking comment on long-term rate structure and pricing rules in the context of increasing competition for access services.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 11/22/91 | 56 FR 57301 |
| NPRM Comment | 01/22/92 | |
| Period End | | |
| FNPRM | 11/20/92 | |
| Report & Order | 11/20/92 | 57 FR 54717 |
| First MO&O on | 08/03/93 | 58 FR 41184 |
| Recon. of R&O | | |
| Second MO&O on | 08/18/93 | |
| Reconsideration | | |
| Next Action Undetermined | | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: David Sieradzki, Attorney, Federal Communications Commission, Room 544, 202 632-1304

RIN: 3060-AF06

4516. IN THE MATTER OF INTELLIGENT NETWORKS

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 218; 47 USC 403

CFR Citation: 47 CFR 64

Legal Deadline: None

Abstract: Commission opens public debate on the Interrelationship of Open Network Architecture (ONA) with Emerging Network Design. Commission seeks comment on ways to encourage development of future Local Exchange Networks that are as open, responsive, and procompetitive as possible consistent with other public interest goals such as ensuring network reliability.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| NOI | 11/21/91 | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian Gordon, Attorney-Advisor, Federal Communications Commission, 202 632-1294

RIN: 3060-AF08

4517. DOMESTIC PUBLIC FIXED RADIO SERVICES

Significance: Agency Priority

Legal Authority: 47 USC 301

CFR Citation: 47 CFR 21

Legal Deadline: None

Abstract: The Commission seeks to give applicants greater flexibility in scheduling construction and enable licensees to begin providing service to the public more quickly. The proposed rule may also result in reduced costs for both the licensees and the public. The rule would also help further the Commission's goal of eliminating unnecessary regulation.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John Hays, Attorney, Federal Communications Commission, 2025 M Street NW., Room 6310, Washington, DC 20554, 202 634-1798

RIN: 3060-AF27

4518. • SATELLITE COMMUNICATIONS

Significance: Agency Priority

Legal Authority: 47 USC 301; 47 USC 303

CFR Citation: 47 CFR 25

Legal Deadline: None

Abstract: The Commission seeks to adopt rules governing the establishment of a voice and data mobile satellite service (MSS) in the 1610 - 1626.5 / 2483.5 - 2500 MHz frequency bands. Six system applications are pending. In a negotiated rulemaking conducted in early 1993, the parties could not reach a consensus regarding technical rules that would permit all six applicants to be accommodated. In this proceeding, the Commission will adopt licensing policies and procedures, and other qualification requirements. The action will permit a variety of voice and data mobile satellite services to be made available to the public.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |
| R&O | 12/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Fern Jarmulnek, Staff Attorney, Federal Communications

FCC—CCB

Proposed Rule Stage

Commission, 2025 M Street, NW Room 6324, Washington, DC 20554, 202 634-1624

RIN: 3060-AF42

4519. • CORDLESS TELEPHONE FREQUENCIES

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 302; 47 USC 303; 47 USC 304; 47 USC 307

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: Petition from TIA to add new frequencies for cordless telephone use at 44 and 49 MHz.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: RM 8094

Agency Contact: Rick Engleman, Federal Communications Commission, 202 653-6288

RIN: 3060-AF43

4520. • REVISION OF PART 22 OF THE COMMISSION'S RULES PERTAINING TO POWER LIMITS FOR PAGING STATIONS IN THE 931 MHZ BAND IN THE PUBLIC LAND MOBILE SERVICE

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 22

Legal Deadline: None

Abstract: The Commission proposes to allow stations in the 931 MHz frequency band to operate with any effective radiated power (ERP) up to a maximum of 3500 watts, without requiring existing surrounding transmitters.

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-------------|
| NPRM | 04/23/93 | 58 FR 25962 |
| NPRM Comment | 06/17/93 | |
| Period End: | | |
| Next Action: | Undetermined | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Peter Batacan, Federal Communications Commission, 1919 M Street, NW Room 644, Washington, DC 2054, 202 632-6450

RIN: 3060-AF46

FEDERAL COMMUNICATIONS COMMISSION (FCC) COMMON CARRIER BUREAU

Final Rule Stage

4521. RULES AND POLICIES REGARDING CALLING NUMBER IDENTIFICATION SERVICES (CC DOCKET 91-281)

Significance: Agency Priority

Legal Authority: 47 USC 154(f); 47 USC 201

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Commission will consider the establishment of uniform national standards for the delivery of interstate caller ID and automatic number identification service. The Commission has tentatively concluded that interstate caller ID is in the public interest and that a national policy should be adopted on interstate caller ID in order to remove undesirable barriers to the efficient entry of the service into the marketplace. The NPRM afforded interested parties the opportunity to comment.

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-------------|
| NPRM | 09/26/91 | 56 FR 57300 |
| Next Action: | Undetermined | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: The title of this item was revised when the status was changed from RM 7397 to CC Docket 91-281. The RM was a public notice calling for comments and, upon receipt of comments and replies, was terminated in favor of the NPRM under CC Docket 91-281.

Agency Contact: Suzanne Hutchings, Attorney, Federal Communications Commission, 2025 M Street NW., Washington, DC 20554, 202 634-1802

RIN: 3060-AF07

4522. REFORM OF THE INTERSTATE RATE OF RETURN REPRESRIPTION AND ENFORCEMENT PROCESSES

Legal Authority: 47 USC 201; 47 USC 202; 47 USC 204; 47 USC 205; 47 USC 218; 47 USC 403; 47 USC 154; 47 USC 219; 47 USC 220

CFR Citation: 47 CFR 65; 47 CFR 69

Legal Deadline: None

Abstract: The Commission will consider revising the rate of return represcription and enforcement procedures and methodologies set forth in Part 65 of its Rules, 47 CFR 65. During the rulemaking, the Commission will address alternatives for streamlining the represcription and enforcement processes. The Commission will also address the

potential costs and benefits of reducing the information that reregulatees must submit as well as the extent to which less burdensome procedures can be reconciled with statutory requirements. Quantitative estimates are not possible at this time. The Commission will also consider amending Part 69 of the Rules to permit the National Exchange Carrier Association, Inc. to collect and file with the Commission information needed for the represcription process.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/14/92 | 57 FR 31994 |
| NPRM Comment | 10/13/92 | |
| Period End: | | |
| Final Action: | 10/00/94 | |
| Final Action Effective: | 01/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William A. Kehoe III, Senior Attorney, Federal Communications Commission, 2000 L Street NW., Room 257, 202 632-7500

RIN: 3060-AF12

4523. SATELLITE COMMUNICATIONS

Significance: Agency Priority

Legal Authority: 47 USC 303; 47 USC 308

FCC—CCB

Final Rule Stage

CFR Citation: 47 CFR 25; 47 CFR 2**Legal Deadline:** None

Abstract: The Commission seeks to establish rules to govern the provision of low-Earth orbit mobile satellite services in frequency bands below 1 GHz. Several applications to implement such systems have been filed. Technical criteria, selection criteria, and qualification requirements are needed in order to license systems in this service. These systems will provide needed mobile data services to customers throughout the United States.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 01/14/93 | 58 FR 14532 |
| R&O | 10/00/93 | |

Small Entities Affected: Businesses**Government Levels Affected:** None

Agency Contact: Kristi Kendall, Attorney, Federal Communications Commission, 2025 M Street NW., Room 6324, Washington, DC 20554, 202 634-7058

RIN: 3060-AF25

4524. IN THE MATTER OF SUITE 12 GROUP, PETITION FOR RULEMAKING FOR AMENDMENT OF PART 21 OF COMMISSION'S RULES TO REALLOCATE THE 27.5-29.5 GHZ BAND

Significance: Agency Priority**Legal Authority:** 47 USC 154; 47 USC 307; 47 USC 553**CFR Citation:** 47 CFR 21**Legal Deadline:** None

Abstract: The Commission is considering a Notice of Proposed Rulemaking regarding reallocation of the 28 GHz Point-to-Point Microwave Radio Band. Petitioners have requested

that the Commission establish rules to make the 28 GHz band available for a wide variety of services.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 12/10/92 | 58 FR 6400 |
| NPRM Comment | 04/15/93 | |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined**Additional Information:** RM 7872 & RM 7722.

Agency Contact: Susan Magnotti, Senior Attorney, Federal Communications Commission, 2025 M Street NW., Room 6310, Washington, DC 20554, 202 634-1773

RIN: 3060-AF26

4525. REVISION OF PART 22 OF THE COMMISSION'S RULES

Significance: Agency Priority**Legal Authority:** 47 USC 154 (i); 47 USC 303 (r)**CFR Citation:** 47 CFR 22**Legal Deadline:** None

Abstract: Revise part 22 which governs the Public Mobile Services.

Timetable:

| Action | Date | FR Cite |
|----------------|----------|-------------|
| NPRM | 06/12/92 | 57 FR 29260 |
| NPRM Comment | 10/05/92 | |
| Period End | | |
| Report & Order | 11/00/93 | |

Small Entities Affected: Businesses**Government Levels Affected:** Undetermined

Agency Contact: Dan Abeyta/Jay Jackson, Federal Communications Commission, 202 632-6450

RIN: 3060-AF28

4526. DEREGULATION OF INTERNATIONAL RECEIVE-ONLY EARTH STATIONS

Significance: Agency Priority**Legal Authority:** 47 USC 154; 47 USC 721; 47 USC 303(r)**CFR Citation:** 47 CFR 25**Legal Deadline:** None

Abstract: The Commission has proposed eliminating the licensing requirement for most international receive-only earth stations in the Fixed Satellite Service. Earth Stations excluded from this proposal are those operating as satellite terminal stations (i.e., those operationally connected to a domestic common carrier and used to exchange the carrier's common carrier traffic with the Intelsat Satellite System). The Commission proposed instituting a voluntary registration program for international receive-only earth stations seeking interference protection.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| NPRM | 03/08/93 | 58 FR 13433 |
| NPRM Comment | 05/27/93 | 58 FR 13433 |
| Period End | | |
| Interim Final Rule | 03/00/94 | |

Small Entities Affected: Undetermined**Government Levels Affected:** Undetermined

Agency Contact: Troy F. Tanner, Attorney, Federal Communications Commission, 1919 M Street, NW Room 534, Washington, DC 20554, 202 632-7265

RIN: 3060-AF33

FEDERAL COMMUNICATIONS COMMISSION (FCC) COMMON CARRIER BUREAU

Completed Actions

4527. TELECOMMUNICATIONS RELAY SERVICES, AND THE AMERICANS WITH DISABILITIES ACT OF 1990 (CC DOCKET 90-571)

Significance: Agency Priority**CFR Citation:** 47 CFR 64**Completed:**

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action Third R&O | 07/26/93 | 58 FR 39671 |

Small Entities Affected: Governmental Jurisdictions**Government Levels Affected:** State

Agency Contact: Linda Dubroof, 202 634-1808

RIN: 3060-AF13

4528. POLICY AND RULES GOVERNING INTERSTATE PAY-PER-CALL SERVICES

Significance: Agency Priority

FCC—CCB

Completed Actions

CFR Citation: 47 CFR 64

Completed:

| Reason | Date | FR Cite |
|--------|----------|-------------|
| R&O | 08/25/93 | 58 FR 44769 |

Small Entities Affected: Businesses
Government Levels Affected: Federal
Agency Contact: Mary Romano, 202 632-4887
RIN: 3060-AF34

**FEDERAL COMMUNICATIONS COMMISSION (FCC)
 OFFICE OF ENGINEERING AND TECHNOLOGY**

Prerule Stage

4529. STANDARDS FOR ISM EQUIPMENT

Significance: Agency Priority

Legal Authority: 47 USC 302; 47 USC 303

CFR Citation: 47 CFR 18

Legal Deadline: None

Abstract: Solicitation of public comments in determining appropriate revisions of the current FCC rules for Part 18 devices in order to conform with recently adopted international standards.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NOI | 11/06/91 | 56 FR 58863 |
| Item Postponed | 07/15/92 | |
| Next Action Undetermined | | |

Small Entities Affected: Businesses
Government Levels Affected: Undetermined
Additional Information: Item postponed due to delay in international standards activities; NOI record inconclusive. 91-313
Agency Contact: Rick Engelman, Federal Communications Commission, 202 653-6288
RIN: 3060-AE97

Legal Deadline: None

Abstract: Petition from American Council of Independent Laboratories (ACIL) requesting FCC to establish a laboratory accreditation program for testing digital devices. Proceeding on hold pending additional input from petitioner.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: RM 7730

Agency Contact: Art Wall, Federal Communications Commission, 301 725-1585

RIN: 3060-AF00

4530. LABORATORY ACCREDITATION PROGRAM

Significance: Agency Priority

Legal Authority: 47 USC 302; 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 15

**FEDERAL COMMUNICATIONS COMMISSION (FCC)
 OFFICE OF ENGINEERING AND TECHNOLOGY**

Proposed Rule Stage

4531. STREAMLINE OF EQUIPMENT AUTHORIZATION PROCESS

Significance: Agency Priority

Legal Authority: 47 USC 302; 47 USC 303; 47 USC 154 (i)

CFR Citation: 47 CFR 2

Legal Deadline: None

Abstract: Review of equipment authorization process: Proposals for revision of Part 2 based on a review of various administrative issues involving equipment authorization, including permissive change requirements.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Rick Engelman, Federal Communications Commission, 202 653-6288
RIN: 3060-AF29

4532. CABLE SYSTEM COMPATIBILITY WITH TV RECEIVERS AND VCERS

Significance: Agency Priority

Legal Authority: 47 USC 624

CFR Citation: 47 CFR 76

Legal Deadline: Other, Statutory, October 4, 1993.

In accordance with the Cable Television Consumer Protection and Competition Act of 1992, Section 17, a report to Congress is mandated by October 1993.

Abstract: Response to section 17 of the Cable Act, requiring a report to Congress within one year addressing

compatibility between cable systems and convenience features of TV receivers and VCRs; and within 160 days after report, issue regulations to ensure compatibility.

Timetable:

| Action | Date | FR Cite |
|------------------|----------|------------|
| NOI | 01/29/93 | 58 FR 7205 |
| Technical Report | 10/00/93 | |
| NPRM | 05/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: 93-7

Agency Contact: Alan Stillwell, Federal Communications Commission, 202 632-7060

RIN: 3060-AF38

FEDERAL COMMUNICATIONS COMMISSION (FCC)
OFFICE OF ENGINEERING AND TECHNOLOGY

Final Rule Stage

4533. PART 15 MEASUREMENT PROCEDURES

Significance: Agency Priority

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: In support of the revision of part 15, MP-12 (intentional radiators above 30 MHz); MP-14 (unintentional radiators above 30 MHz); and MPs 1 and 11 (remote control and security devices) will be revised to conform with the new format and prepared as separate NPRMs.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 06/29/89 | 54 FR 28690 |
| FNPRM | 08/17/92 | 57 FR 38459 |
| R&O | 06/24/93 | 58 FR 37429 |

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: 89-116, 89-117, 89-118

Agency Contact: Art Wall, Federal Communications Commission, 301 725-1585

RIN: 3060-AE54

4534. PERSONAL COMMUNICATIONS SERVICES

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 22; 47 CFR 90

Legal Deadline: None

Abstract: Initial findings, tentative decisions, proposals for initial service at 2 GHz, and additional inquiry in this proceeding to establish new personal communications and technologies.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| NOI | 06/28/90 | |
| Policy Statement | 10/25/91 | 56 FR 56937 |
| NPRM | 08/14/92 | 57 FR 40672 |
| Tentative Decision | 10/08/92 | |
| R&O | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: 90-314 RM 7140, RM 7175, RM 7618

Agency Contact: Fred Thomas, Federal Communications Commission, 202 653-6204

RIN: 3060-AE65

4535. DIGITAL LMSS IN L-BAND SPECTRUM

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2

Legal Deadline: None

Abstract: Geostar Messaging Corp. petition to establish a Digital Land Mobile Satellite Service in the L-Band maritime-mobile-satellite spectrum. Geostar proposes an exclusively digital LMSS in the 1530-1544/1626.5-1645.5 MHz bands.

Timetable:

| Action | Date | FR Cite |
|-----------------|----------|-------------|
| NPRM | 03/05/90 | 55 FR 08964 |
| First R&O/FNPRM | 06/11/93 | 58 FR 34920 |
| R&O | 06/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: RM 6459, 90-56

Agency Contact: Carl Huie, Federal Communications Commission, 202 653-8112

RIN: 3060-AE68

4536. AUTHORIZATION OF PLUG-IN CPU CARDS

Significance: Agency Priority

Legal Authority: 47 USC 302; 47 USC 303

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: IBM/CBEMA petition for reconsideration of the new part 15 regulations requesting the single authorization of plug-in cards for use in several different computers. Current rules require authorizations for each particular CPU and power supply/enclosure combination.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 10/01/90 | 55 FR 39663 |
| FNPRM | 07/30/92 | 57 FR 37755 |
| R&O | 01/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: 90-413

Agency Contact: John Reed, Federal Communications Commission, 202 653-6288

RIN: 3060-AE80

4537. DIGITAL AUDIO BROADCASTING

Significance: Agency Priority

Legal Authority: 47 USC 301; 47 USC 302; 47 USC 303; 47 USC 304; 47 USC 307

CFR Citation: 47 CFR 2

Legal Deadline: None

Abstract: Inquiry into the development and implementation of new digital audio broadcasting in the U.S. The Commission is seeking information that will assist it to develop technical standards and regulatory policies for the possible introduction of such new digital radio services.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|-------------|
| NOI | 08/21/90 | 55 FR 34940 |
| FNOI/NPRM | 11/06/92 | 57 FR 57049 |
| FNPRM/R&O | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: 90-357, RM 7400

Agency Contact: Damon Ladson, Federal Communications Commission, 202 653-8106

RIN: 3060-AE81

4538. LOW EARTH ORBITING SATELLITES

Significance: Agency Priority

Legal Authority: 47 USC 301; 47 USC 302; 47 USC 303; 47 USC 304; 47 USC 307

CFR Citation: 47 CFR 2; 47 CFR 25

Legal Deadline: None

Abstract: Amendment of rules to allocate spectrum to the fixed satellite service and the mobile satellite service for LEOS. Involves consideration of requests for pioneer's preference.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 10/18/91 | 56 FR 55484 |
| R&O | 01/14/93 | 58 FR 13630 |
| MO&O | 04/00/94 | |

Small Entities Affected: Businesses
Government Levels Affected: Undetermined
Additional Information: RM 7344, RM 7399, RM 7612 91-280
Agency Contact: Ray LaForge, Federal Communications Commission, 202 653-8117
RIN: 3060-AE82

4539. GENERAL SATELLITE SERVICE

Significance: Agency Priority
Legal Authority: 47 USC 303
CFR Citation: 47 CFR 2; 47 CFR 25
Legal Deadline: None
Abstract: Respond to Petition from Norris Satellite Communications, Inc. to reallocate 20-30 GHz for a General Satellite Service. Petitioner also requests pioneer's preference.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 09/04/92 | 57 FR 42916 |
| R&O | 12/00/93 | |

Small Entities Affected: Businesses
Government Levels Affected: Undetermined
Additional Information: RM 7511, ET 92-191
Agency Contact: Carl Huie, Federal Communications Commission, 202 653-8112
RIN: 3060-AE96

4540. LOW-EARTH ORBITING SATELLITES (ABOVE 1 GHZ)

Significance: Agency Priority
Legal Authority: 47 USC 303
CFR Citation: 47 CFR 2
Legal Deadline: None
Abstract: Petitions from Constellation, TRW, Ellipsat, AMSC, Motorola and Loral to implement LEOS in bands above 1 GHz; also addresses petitions from CELSAT for a hybrid geostationary satellite and ground cellular network for mobile communications.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 09/04/92 | 57 FR 43434 |
| R&O | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Federal
Additional Information: RM 7773, RM 7771, RM 7805, RM 7806, RM 7927, 92-28
Agency Contact: Ray LaForge, Federal Communications Commission, 202 653-8117
RIN: 3060-AF16

4541. EMERGING TECHNOLOGY BANDS

Significance: Agency Priority
Legal Authority: 47 USC 303
CFR Citation: 47 CFR 2
Legal Deadline: None
Abstract: Proposal to reallocate spectrum in the 1-3 GHz range in order to create a reserve band to meet the future requirements of new services and emerging technologies.

Timetable:

| Action | Date | FR Cite |
|------------------|----------|-------------|
| NPRM | 02/07/92 | 57 FR 05993 |
| FNPRM | 09/04/92 | 57 FR 42916 |
| R&O/Second FNPRM | 10/16/92 | 57 FR 49020 |
| Second R&O | 10/00/93 | |
| Third R&O/MO&O | 10/00/93 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined
Additional Information: RM 7981, RM 8004, 92-9
Agency Contact: Fred Thomas, Federal Communications Commission, 202 653-6204
RIN: 3060-AF18

4542. MRI EXEMPTION

Significance: Agency Priority
Legal Authority: 47 USC 302; 47 USC 303; 47 USC 154 (i)
CFR Citation: 47 CFR 18
Legal Deadline: None
Abstract: Exemption of MRI systems from part 18 regulations: Handling of petition from Magnetic Resonance Section of the National Electrical Manufacturers Association (NEMA) to exempt non-consumer magnetic resonance diagnostic systems from Part 18 requirements.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 12/07/92 | 57 FR 59040 |
| R&O | 01/00/94 | |

Small Entities Affected: Businesses
Government Levels Affected: Undetermined
Additional Information: RM 7903, 92-255
Agency Contact: Rick Engelman, Federal Communications Commission, 202 653-6288
RIN: 3060-AF30

4543. AMATEUR ALLOCATION AT 219 MHZ

Significance: Agency Priority
Legal Authority: 47 USC 303; 47 USC 154 (i)
CFR Citation: 47 CFR 2
Legal Deadline: None

Abstract: Amateur Wideband point-to-point packet data communications: Handling of petition from ARRL for an allocation to the amateur service at 216-220 MHz on a secondary basis for operating wideband point-to-point fixed communications.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 03/22/93 | 58 FR 17180 |
| R&O | 03/00/94 | |

Small Entities Affected: Businesses
Government Levels Affected: Undetermined
Additional Information: ET 93-40, RM7747
Agency Contact: David Siddall, Federal Communications Commission, 202 653-8108
RIN: 3060-AF31

4544. RF EXPOSURE STANDARD

Significance: Agency Priority
Legal Authority: 47 USC 303
CFR Citation: 47 CFR 1
Legal Deadline: None

Abstract: RF radiation exposure standard: Inquiry to address the issue as to what RF exposure standard should be used by the FCC in its environmental evaluation process.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 04/08/93 | 58 FR 19393 |
| R&O | 01/00/94 | |

Small Entities Affected: Businesses

FCC—OET

Final Rule Stage

Government Levels Affected: Local**Additional Information:** ET 93-62**Agency Contact:** Robert Cleveland, Federal Communications Commission, 202 653-8169**RIN:** 3060-AF32**4545. SCANNERS CAPABLE OF RECEIVING CELLULAR FREQUENCIES****Significance:** Agency Priority**Legal Authority:** 47 USC 302; 47 USC 303**CFR Citation:** 47 CFR 2; 47 CFR 15**Legal Deadline:** Other, Statutory, April 26, 1993.

Other deadline is for Report and Order. Action in accordance with the Telephone Disclosure and Dispute Resolution Act.

Abstract: Implementation of a law passed by Congress mandating the FCC deny certification to scanners capable of receiving cellular telephone communications, capable of being modified to receive cellular communications, or capable of converting digital cellular signals to analog voice signals.**Timetable:**

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 01/13/93 | 58 FR 6769 |
| R&O | 04/22/93 | 58 FR 25574 |
| MO&O | 02/00/94 | |

Small Entities Affected: Businesses**Government Levels Affected:** Undetermined**Additional Information:** ET 93-1**Agency Contact:** David Wilson, Federal Communications Commission, 202 653-8138**RIN:** 3060-AF36**4546. AM RADIO STEREOGRAPHIC TRANSMITTING EQUIPMENT STANDARD****Significance:** Agency Priority**Legal Authority:** 47 USC 154; 47 USC 303**CFR Citation:** 47 CFR 73**Legal Deadline:** Other, Statutory, October 26, 1993.

Other deadline is for Report and Order in accordance with section 214 of the Telecommunications Authorization Act of 1992, Pub. L. 102-538.

Abstract: Respond to Congressional direction in Fiscal Year 1993 FCC Authorization Act, requiring the Commission to initiate a rulemaking within 60 days for a single AM stereo standard and to adopt such a standard within one year.**Timetable:**

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 01/06/93 | 58 FR 05320 |
| R&O | 12/00/93 | |

Small Entities Affected: Businesses**Government Levels Affected:** Undetermined**Additional Information:** ET 92-298**Agency Contact:** David Means, Federal Communications Commission, 301 725-1585**RIN:** 3060-AF37**4547. PART 15 CISPR STANDARDS****Significance:** Agency Priority**Legal Authority:** 47 USC 154; 47 USC 302; 47 USC 303; 47 USC 304; 47 USC 307**CFR Citation:** 47 CFR 15**Legal Deadline:** None**Abstract:** In response to Petitions from CBEMA and NCR for reconsideration of the rules in Docket No. 87-389 regarding radio noise generated by computers. R&O will adopt

international (CISPR) computer standards.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 07/30/92 | 57 FR 36049 |
| R&O | 10/00/93 | |

Small Entities Affected: Businesses**Government Levels Affected:** Undetermined**Additional Information:** ET 92-152**Agency Contact:** John Reed, Federal Communications Commission, 202 653-6288**RIN:** 3060-AF44**4548. WIND PROFILER RADAR SYSTEMS****Significance:** Agency Priority**Legal Authority:** 47 USC 154; 47 USC 303**CFR Citation:** 47 CFR 2**Legal Deadline:** None**Abstract:** Amendment of section 2.106 of the Commission's Rules to allocate spectrum for Wind Profiler Systems. Allocation of this spectrum for wind profilers will facilitate the automated collection of weather information, including data on severe storms that threaten life or property that is not obtainable in any other manner.**Timetable:**

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 04/01/93 | 58 FR 19644 |
| R&O | 04/00/94 | |

Small Entities Affected: Businesses**Government Levels Affected:** Federal**Additional Information:** ET 93-59**Agency Contact:** Carl Huie, Federal Communications Commission, 202 653-8112**RIN:** 3060-AF45**FEDERAL COMMUNICATIONS COMMISSION (FCC)
OFFICE OF ENGINEERING AND TECHNOLOGY****Completed Actions****4549. CORDLESS PHONE CHANNEL SPLIT****Significance:** Agency Priority**CFR Citation:** 47 CFR 15**Completed:**

| Reason | Date | FR Cite |
|--|----------|---------|
| Final Action matter dealt with in RIN 3060-AF43 proceeding | 07/01/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Ray LaForge, 202 653-8117**RIN:** 3060-AE61

FCC—OET

Completed Actions

4550. PREFERENCE RULES TO POSTER NEW TECHNOLOGY

Significance: Agency Priority

CFR Citation: 47 CFR 2

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 03/08/93 | 58 FR 14328 |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Rodney Small, 202 653-8116

RIN: 3060-AE67

4551. PART 15 RESTRICTED BANDS

Significance: Agency Priority

CFR Citation: 47 CFR 15

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 06/01/93 | 58 FR 33774 |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Rick Engelman, 202 653-6288

RIN: 3060-AF15

**FEDERAL COMMUNICATIONS COMMISSION (FCC)
FIELD OPERATIONS BUREAU**

Final Rule Stage

4552. IN THE MATTER OF AMENDMENT OF PART 73, SUBPART G, OF THE COMMISSION'S RULES REGARDING THE EMERGENCY BROADCAST SYSTEM

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73

Legal Deadline: None

Abstract: This proceeding is to update and improve the Emergency Broadcast

System (EBS) by consolidating Commission proceedings in FO Dockets 91-301 and 91-171. The Commission seeks comment on proposals to substantially modernize the current EBS structure by replacing it with a new emergency alerting system. It also seeks comments on a new generation of EBS equipment.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/09/91 | |

| Action | Date | FR Cite |
|----------------|----------|-------------|
| NPRM/FNPRM R&O | 09/17/92 | 57 FR 53874 |
| | 02/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Helena Mitchell, Chief, Emergency Broadcast System, Field Operations Bureau, Federal Communications Commission, Room 720, 202 632-3906

RIN: 3060-AF21

**FEDERAL COMMUNICATIONS COMMISSION (FCC)
FIELD OPERATIONS BUREAU**

Completed Actions

4553. IN THE MATTER OF AN AUTOMATIC TRANSMITTER IDENTIFICATION SYSTEM (ATIS) FOR RADIO TRANSMITTING EQUIPMENT (GEN. DOC. #86-337)

Significance: Agency Priority

CFR Citation: 47 CFR 83; 47 CFR 87; 47 CFR 90; 47 CFR 95

Completed:

| Reason | Date | FR Cite |
|---|----------|---------|
| Terminated due to industry developing system without Commission mandate | 02/25/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Hudak, 202 632-6977

RIN: 3060-AE25

**FEDERAL COMMUNICATIONS COMMISSION (FCC)
MASS MEDIA BUREAU**

Proposed Rule Stage

4554. ADVANCED TELEVISION SYSTEMS

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 301; 47 USC 303; 47 USC 403

CFR Citation: 47 CFR 73.610; 47 CFR 73.682; 47 CFR 73.687; 47 CFR 687

Legal Deadline: None

Abstract: Resolved, and in some cases, reconsidered a number of outstanding issues and solicited further comment on other issues fundamental to

implementation of an advanced television service in the United States.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| Tentative Decision/FNOI | 09/01/88 | 53 FR 38747 |
| R&O | 08/24/90 | 55 FR 39275 |
| FNPRM | 10/24/91 | 56 FR 58207 |
| Second R&O & FNPRM | 04/09/92 | 57 FR 21744 |
| Third R&O & FNPRM | 09/17/92 | 57 FR 53588 |
| Fourth R&O | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: RM-5811 NOI

Agency Contact: Regina Harrison, Federal Communications Commission, 202 632-7792

RIN: 3060-AE24

4555. COMPARATIVE RENEWAL CRITERIA

Significance: Agency Priority

Legal Authority: 47 USC 311(d); 47 USC 309(e)

FCC—MMB

Proposed Rule Stage

CFR Citation: 47 CFR 73.3525; 47 CFR 73.3584

Legal Deadline: None

Abstract: R&O will consider content-independent standard for renewal expectancy and other comparative criteria for use in comparative hearings for license renewal.

Timetable:

| Action | Date | FR Cite |
|------------------|----------|-------------|
| FNOI/NPRM | 06/23/88 | 53 FR 31894 |
| Policy Statement | 03/30/89 | 54 FR 22595 |
| FNOI/FNPRM | 08/16/90 | 54 FR 35357 |
| R&O | 00/00/00 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: David Horowitz, Federal Communications Commission, 202 632-7792

RIN: 3060-AE27

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Final Rule Stage

MASS MEDIA BUREAU

4556. BROADCAST EEO: RECONSIDERATION

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.2080

Legal Deadline: None

Abstract: The Commission has adopted new Equal Employment Opportunity (EEO) rules and reporting requirements for broadcasters that emphasize a licensee's overall EEO efforts rather than the numerical composition of its workforce. Reconsideration requested.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 10/31/86 | 51 FR 43854 |
| R&O | 04/16/87 | 52 FR 26683 |
| MO&O | 00/00/00 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: mmb-298
NPRM mm-85-350 FNPRM

Agency Contact: Marcia Glauber, Federal Communications Commission, 202 632-6302

RIN: 3060-AD73

Timetable:

| Action | Date | FR Cite |
|------------------|----------|-------------|
| NOI | 03/16/89 | 54 FR 15957 |
| Policy Statement | 00/00/00 | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: David Horowitz, Federal Communications Commission, 202 632-7792

RIN: 3060-AE31

4558. CABLE ACT: MUST CARRY/RETRANSMISSION CONSENT

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 533; 47 USC 531; 47 USC 325

CFR Citation: 47 CFR 76

Legal Deadline: Final, Statutory, April 3, 1993.

Abstract: The Commission has adopted must-carry and retransmission consent rules to implement the provisions of the Cable Act of 1992. Reconsideration requested.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 11/05/92 | 57 FR 56298 |
| R&O | 03/11/93 | 58 FR 17350 |
| MO&O | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Marcia Glauber, Federal Communications Commission, 202 632-5414

RIN: 3060-AF39

4559. CABLE ACT: RATE REGULATION

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303; 47 USC 532; 47 USC 543

CFR Citation: 47 CFR 76

Legal Deadline: Final, Statutory, April 3, 1993.

Abstract: The Commission has adopted rate regulations to implement Section 623 of the Cable Act of 1992 to ensure that cable subscribers nationwide enjoy the rates that would be charged by cable systems operating in a competitive environment. Reconsideration requested.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 12/10/92 | 58 FR 48 |
| R&O | 04/01/93 | 58 FR 29736 |
| MO&O | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: Local

Agency Contact: Bruce Romano, Federal Communications Commission, 202 632-5414

RIN: 3060-AF41

4560. • CABLE ACT: COST OF SERVICE

Significance: Agency Priority

Legal Authority: 47 USC 623; 47 USC 543

CFR Citation: 47 CFR 76

Legal Deadline: None

Abstract: In this NPRM we propose regulatory requirements to govern cost-of-service showings submitted by cable operators seeking to justify rates above levels determined under our primary method of regulating rates using benchmarks and price caps.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 07/15/93 | 58 FR 40762 |
| R&O | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

4557. TRANSFER OF CONTROL OF NON-STOCK ENTITIES

Significance: Agency Priority

Legal Authority: 47 USC 154

CFR Citation: 47 CFR 73

Legal Deadline: None

Abstract: The Commission will consider proposals concerning the treatment of corporations and other organizational structures that are not traditional commercial corporations.

FCC—MMB

Final Rule Stage

Agency Contact: Jennifer Manber,
Federal Communications Commission,
202 653-5940
RIN: 3060-AF48

**FEDERAL COMMUNICATIONS COMMISSION (FCC)
MASS MEDIA BUREAU**

Completed Actions

**4561. AM EXPANDED BAND:
RECONSIDERATION**

Significance: Agency Priority

CFR Citation: 47 CFR 2.106; 47 CFR 90.17

Completed:

| Reason | Date | FR Cite |
|-------------------|----------|-------------|
| Final Action MO&O | 04/13/93 | 58 FR 27658 |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Larry Olson, 202 254-3394

RIN: 3060-AD92

4562. CABLE ACT: EEO

Significance: Agency Priority

CFR Citation: 47 CFR 73.2080; 47 CFR 76.61

Completed:

| Reason | Date | FR Cite |
|--------|----------|-------------|
| R&O | 08/09/93 | 58 FR 42247 |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Lisa Higginbotham,
202 632-7069

RIN: 3060-AF40

**FEDERAL COMMUNICATIONS COMMISSION (FCC)
PRIVATE RADIO BUREAU**

Final Rule Stage

**4563. FREQUENCY COORDINATION-
ALTERNATIVES AND OPTIONS TO
THE PRESENT FREQUENCY
COORDINATION SYSTEM**

Significance: Agency Priority

Legal Authority: 47 USC 154i

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: Proposals or options to change present frequency coordination system.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 08/02/89 | 54 FR 35359 |
| R&O | 00/00/00 | |

Small Entities Affected: Businesses,
Governmental JurisdictionsGovernment Levels Affected: Local,
StateAgency Contact: Freda Thyden,
Federal Communications Commission,
202 632-7125

RIN: 3060-AE60

**4564. AMENDMENT OF PART 80 OF
THE COMMISSION'S RULES
CONCERNING VHF MARITIME
OPERATIONS**

Significance: Agency Priority

Legal Authority: 47 USC 2; 47 USC 303

CFR Citation: 47 CFR 80

Legal Deadline: None

Abstract: Amendment of the Maritime Radio Service Rules to encourage growth and improve the regulatory structure in VHF maritime communications.

Timetable:

| Action | Date | FR Cite |
|----------|----------|-------------|
| NOI/NPRM | 11/05/92 | 57 FR 57717 |
| R&O | 01/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected:
UndeterminedAgency Contact: Marc Martin, Federal
Communications Commission, 202 632-7175

RIN: 3060-AF14

4565. REFARMING

Significance: Agency Priority

Legal Authority: 47 USC 154

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: Replacement of part 90 by part 88 to revise Private Land Mobile Services and modify policies governing these services.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 01/08/92 | 57 FR 54034 |
| R&O | 01/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: Local,
StateAgency Contact: Doron Fertig, Federal
Communications Commission, 202 632-6497

RIN: 3060-AF35

4566. • WIDE AREA SMR LICENSING

Significance: Agency Priority

Legal Authority: 47 USC 154(i)

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: The Commission proposes to amend its rules to promote continued growth of the 800 MHz Specialized Mobile Radio (SMR) industry.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 05/13/93 | 58 FR 33062 |
| R&O | 10/00/93 | |

Small Entities Affected: Businesses,
Governmental JurisdictionsGovernment Levels Affected: Local,
StateAgency Contact: Julia Kogan, Federal
Communications Commission, 202 632-7125

RIN: 3060-AF47

**FEDERAL COMMUNICATIONS COMMISSION (FCC)
PRIVATE RADIO BUREAU**

Completed Actions

4567. AMENDMENT OF PART 87 TO ESTABLISH TECHNICAL STANDARDS AND LICENSING FOR AIRCRAFT EARTH STATIONS

Significance: Agency Priority

CFR Citation: 47 CFR 87

Completed:

| Reason | Date | FR Cite |
|-------------------------------------|----------|---------|
| Final Action MO&O 8 FCC Rec 3156 | 05/03/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Marcus Wolf, 202 632-7197

RIN: 3060-AE91

4568. PRIVATIZATION OF COMMERCIAL RADIO OPERATOR EXAMINATIONS

Significance: Agency Priority

CFR Citation: 47 CFR 13

Completed:

| Reason | Date | FR Cite |
|--------------|----------|------------|
| Final Action | 01/14/93 | 58 FR 9123 |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: William Cross, 202 632-4964

RIN: 3060-AF20

[FR Doc. 93-21458 Filed 10-22-93; 8:45 am]

BILLING CODE 6712-01-F

Federal Register

**Monday
October 25, 1993**

Part XLIX

**Federal Deposit
Insurance
Corporation**

Semiannual Regulatory Agenda

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Ch. III

Semiannual Agenda of Regulations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is hereby publishing items for the October 1993 regulatory agenda. The agenda contains information about FDIC's current and projected rulemakings, existing regulations under review, and completed rulemakings.

FOR FURTHER INFORMATION CONTACT: Persons identified under regulations listed in the agenda. Unless otherwise noted, the address for all FDIC staff

identified in the agenda is Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Twice each year, the FDIC publishes an agenda of regulations to inform the public of its regulatory actions and to enhance public participation in the rulemaking process. Publication of the agenda is in accordance with both the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and the FDIC statement of policy entitled "Development and Review of FDIC Rules and Regulations" (44 FR 31007, May 30, 1979; 44 FR 32353, June 6, 1979; 44 FR 76858, December 28, 1979; 49 FR 7288, February 28, 1984).

The FDIC amends its regulations under the general rulemaking authority prescribed in section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) and under specific authority granted by the Act and other statutes.

The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) and the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA) contain reforms that significantly restructure Federal deposit insurance and the regulation of financial institutions. As a consequence, many of the regulations included in this agenda are in response to FIRREA and FDICIA.

Interested persons may petition the FDIC for the issuance, amendment, or repeal of any regulation by submitting a written petition to the Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429. Petitioners should include complete and concise statements of their interest in the subject matter and reasons why the petitions should be granted.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4569 | 5 CFR 2635 Supplemental Requirements for Standards of Conduct | 3064-AA08 |
| 4570 | 12 CFR 308 Censure, Suspension, and Debarment of Independent Public Accountants | 3064-AA64 |
| 4571 | 12 CFR 303 Standards for Safety and Soundness | 3064-AB13 |
| 4572 | 12 CFR 325 Capital Maintenance—Credit Risk and Nontraditional Activities | 3064-AB15 |
| 4573 | 12 CFR 303 Applications and Publication Requirements | 3064-AB21 |
| 4574 | 12 CFR 325 Capital Maintenance—Interest Rate Risk | 3064-AB22 |
| 4575 | 12 CFR 360 Least Cost Resolution | 3064-AB24 |
| 4576 | 12 CFR 330 Disclosure of Capital Information for Deposit Insurance Purposes | 3064-AB26 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4577 | 12 CFR 332 Powers Inconsistent With Purposes of Federal Deposit Insurance Law | 3064-AA01 |
| 4578 | 12 CFR 332 Activities and Investments of Insured State Banks | 3064-AA29 |
| 4579 | 12 CFR 303 Notice of Filing an Application for a Merger Transaction | 3064-AA54 |
| 4580 | 12 CFR 333 Extension of Corporate Powers | 3064-AA55 |
| 4581 | 12 CFR 346 Foreign Banks | 3064-AA78 |
| 4582 | 12 CFR 337 Unsafe and Unsound Banking Practices | 3064-AA80 |
| 4583 | 12 CFR 354 Deposit Liabilities | 3064-AA92 |
| 4584 | 12 CFR 356 Insider Transactions—Conflicts of Interest | 3064-AA94 |
| 4585 | 12 CFR 303 Change in Senior Executive Officer or Board of Directors | 3064-AB02 |
| 4586 | 12 CFR 323 Real Estate Appraisals | 3064-AB05 |
| 4587 | 12 CFR 334 Contracts Adverse to Safety and Soundness of Insured Depository Institutions | 3064-AB06 |
| 4588 | 12 CFR 357 Determination of Economically Depressed Regions | 3064-AB08 |
| 4589 | 12 CFR 359 Golden Parachute and Indemnification Payments | 3064-AB11 |
| 4590 | 12 CFR 303 Notices Required To Be Filed by Statute or Regulation | 3064-AB19 |
| 4591 | 12 CFR 325 Capital Maintenance—Deferred Tax Assets | 3064-AB20 |
| 4592 | 12 CFR 325 Capital Standards—Multifamily Housing Loans | 3064-AB23 |
| 4593 | 12 CFR 360 National Depositor Preference | 3064-AB25 |
| 4594 | 12 CFR 345 Community Reinvestment | 3064-AB27 |

FDIC

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4595 | 12 CFR 336 Supplemental Requirements for Financial Disclosure | 3064-AA07 |
| 4596 | 12 CFR 327 Assessments | 3064-AA37 |
| 4597 | 12 CFR 303 Notices of Branch Closing | 3064-AA53 |
| 4598 | 12 CFR 353 Uniform Criminal Referral Report | 3064-AA60 |
| 4599 | 12 CFR 329 Interest On Deposits | 3064-AA67 |
| 4600 | 12 CFR 363 External Audits | 3064-AA83 |
| 4601 | 12 CFR 303 Delegations of Authority | 3064-AA84 |
| 4602 | 12 CFR 330 Deposit Insurance Coverage | 3064-AB01 |
| 4603 | 12 CFR 327 Assessments | 3064-AB14 |

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

Proposed Rule Stage

4569. SUPPLEMENTAL REQUIREMENTS FOR STANDARDS OF CONDUCT

Legal Authority: 5 USC app Ethics in Government Act of 1978; 12 USC 1819; 26 USC 1043; EO 12674; EO 12731

CFR Citation: 5 CFR 2635; 5 CFR 3201; 12 CFR 336

Legal Deadline: None

Abstract: A rule published by the Office of Government Ethics ("OGE") at 5 CFR 2635 replaced all agency ethics rules, including the FDIC's. OGE's rule permits supplemental rules on certain conflicts of interest unique to each agency. The FDIC plans to publish such supplemental regulations at 5 CFR 3201 relating to extensions of credit, restrictions on holding the securities of federally insured depository institutions, restrictions on the purchase of the property of failed federally insured depository institutions, restrictions on the purchase of property from federally insured depository institutions, interest in FDIC decisions, and related matters.

This supplemental rule incorporates provisions from the FDIC Employee Responsibilities and Conduct regulation (12 CFR 336). Subpart C of 12 CFR 336 will remain in effect until February 4, 1994, or until this rule is published in final form, whichever occurs first.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Katherine A. Corigliano, Assistant Executive Secretary (Ethics), Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-7272

RIN: 3064-AA08

4570. CENSURE, SUSPENSION, AND DEBARMENT OF INDEPENDENT PUBLIC ACCOUNTANTS

Legal Authority: PL 102-242, sec 112

CFR Citation: 12 CFR 308

Legal Deadline: None

Abstract: This regulation implements section 112 of FDICIA, which requires the FDIC, the OCC, the FRB, and the OTS to develop joint rules of practice for the suspension, removal, or debarment of independent public accountants.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy Alper, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3720

RIN: 3064-AA64

4571. STANDARDS FOR SAFETY AND SOUNDNESS

Legal Authority: PL 102-242, sec 132

CFR Citation: 12 CFR 303; 12 CFR 308; 12 CFR 364

Legal Deadline: Final, Statutory, August 1, 1993. Final regulations must be promulgated by 08/01/93, with an effective date no later than 12/01/93.

Abstract: Section 132 of FDICIA requires federal financial institutions regulators, including the FDIC, to prescribe by regulation certain safety and soundness standards for insured depository institutions and depository institution holding companies. Standards must be prescribed in three principal areas: (1) operational and managerial; (2) asset quality and earnings; and (3) employee compensation. Under this proposal, an insured depository institution or depository institution holding company that fails to meet any of the prescribed standards, will be required to submit and implement an acceptable plan to achieve compliance. Failure to submit or implement such a plan within the time allowed will result in an order to correct the deficiency.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 07/15/92 | 57 FR 31336 |
| ANPRM Comment | 09/14/92 | |
| Period End | | |
| NPRM | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert W. Walsh, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6911

RIN: 3064-AB13

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**4572. CAPITAL MAINTENANCE—
CREDIT RISK AND NONTRADITIONAL
ACTIVITIES****Legal Authority:** PL 102-242, sec 305**CFR Citation:** 12 CFR 325**Legal Deadline:** Final, Statutory, June 19, 1993.**Abstract:** This rule implements section 305 of FIRREA, which requires each Federal banking agency to revise its risk-based capital standards for insured depository institutions to account for concentration of credit risk and the risks of nontraditional activities.**Timetable:**

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 08/10/92 | 57 FR 35507 |
| ANPRM Comment Period End | 10/09/92 | |
| NPRM | 11/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Stephen G. Pfeifer, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-8904**RIN:** 3064-AB15**4573. • APPLICATIONS AND
PUBLICATION REQUIREMENTS****Legal Authority:** 12 USC 378; 12 USC 1813; 12 USC 1815 to 1819; 12 USC 1828; 12 USC 1831; 15 USC 1607**CFR Citation:** 12 CFR 303**Legal Deadline:** None**Abstract:** This rulemaking revises the application and publication requirements in Part 303 to conform them to the definition and treatment of branch relocations in the FDIC's policy statement on branch closings. The intended effect of this amendment is to provide consistent treatment of branch relocations for application and closing purposes.**Timetable:**

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/21/93 | 58 FR 48979 |
| NPRM Comment Period End | 10/21/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Curtis L. Vaughn, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20249, 202 898-8759**RIN:** 3064-AB21**4574. • CAPITAL MAINTENANCE—
INTEREST RATE RISK****Legal Authority:** 12 USC 1815; 12 USC 1816; 12 USC 1818; 12 USC 1819; 12 USC 1828; 12 USC 1831; 12 USC 3907; 12 USC 3909; PL 102-233; PL 102-242**CFR Citation:** 12 CFR 325**Legal Deadline:** Final, Statutory, June 19, 1993.**Abstract:** This rule implements that part of section 305 of FIRREA which requires each Federal banking agency to revise its risk-based capital standards for insured depository institutions to ensure that those standards take adequate account of interest rate risk.**Timetable:**

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 08/10/92 | 57 FR 35507 |
| ANPRM Comment Period End | 10/09/92 | |
| NPRM | 09/14/93 | 58 FR 48206 |
| NPRM Comment Period End | 10/29/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** William A. Stark, Assistant Director, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6972**RIN:** 3064-AB22**4575. • LEAST COST RESOLUTION****Legal Authority:** PL 102-242, sec 141**CFR Citation:** 12 CFR 360**Legal Deadline:** Final, Statutory, January 1, 1994.

The legally mandated effective date for this rule is 01/01/95.

Abstract: Section 141 of FDICIA requires, among other things, that the FDIC prescribe regulations to implement the "least cost/too big to fail" provisions of that section no later than January 1, 1994, with an effective date no later than January 1, 1995.**Timetable:**

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Gail Patelunas, Assistant Director (Regional Transactions), Division of Resolutions, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6779**RIN:** 3064-AB24**4576. • DISCLOSURE OF CAPITAL
INFORMATION FOR DEPOSIT
INSURANCE PURPOSES****Legal Authority:** 12 USC 1819 to 1821**CFR Citation:** 12 CFR 330**Legal Deadline:** None**Abstract:** The purpose of this rulemaking is to provide better information for pension plan administrators to determine the amount of deposit insurance available for their pension plan deposits.**Timetable:**

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Daniel M. Gautsch, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6912**RIN:** 3064-AB26

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

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4577. POWERS INCONSISTENT WITH PURPOSES OF FEDERAL DEPOSIT INSURANCE LAW

Legal Authority: PL 102-242, Sec 303

CFR Citation: 12 CFR 332

Legal Deadline: None

Abstract: The FDIC is eliminating part 332 of its regulations (12 CFR 332) which, subject to certain exceptions, prohibits an insured state nonmember bank from doing a surety business; insuring the fidelity of others; engaging in the insuring, guaranteeing or certifying of titles to real estate; and guaranteeing the obligations of others. This action is taken because section 303 of FDICIA effectively covers the same area. That section limits the "as principal" activities of insured state banks to the activities permissible for national banks unless a state bank obtains the FDIC's consent.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 01/29/93 | 58 FR 6448 |
| NPRM Comment Period End | 03/30/93 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Vaughn, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202.898-6759

RIN: 3064-AA01

4578. ACTIVITIES AND INVESTMENTS OF INSURED STATE BANKS

Legal Authority: 12 USC 1816; 12 USC 1818; 12 USC 1819; 12 USC 1831

CFR Citation: 12 CFR 332; 12 CFR 333.3; 12 CFR 362

Legal Deadline: Final, Statutory, December 19, 1992.

Abstract: This rulemaking sets forth restrictions and prohibitions on the activities and investments of insured state banks. It is intended to insure that activities and investments of insured state banks do not present a risk to either of the deposit insurance funds, are safe and sound, and are consistent with the purposes of deposit insurance coverage.

The restrictions and prohibitions are codified at 12 CFR 362. Related adjustments to the FDIC's rules and

regulations include eliminating section 333.3, in order to place banks that are members of the Savings Association Insurance Fund under the same restrictions as banks that are members of the Bank Insurance Fund; and eliminating part 332, which also prohibits insured state nonmember banks from certain activities. These related adjustments are shown as separate agenda items.

Timetable:

Activities

NPRM 01/29/93 (58 FR 6452)
 Comment Period End 03/30/93
 Final Rule 11/00/93

Investments

NPRM 07/09/92 (57 FR 30435)
 Comment Period End 08/10/92
 Final Rule 11/09/92 (57 FR 53213)
 Final Rule Effective 12/09/92

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Vaughn, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202.898-6759

RIN: 3064-AA29

4579. • NOTICE OF FILING AN APPLICATION FOR A MERGER TRANSACTION

Legal Authority: 12 USC 378; 12 USC 1813; 12 USC 1815 to 1819; 12 USC 1828; 12 USC 1831; 15 USC 1607

CFR Citation: 12 CFR 303

Legal Deadline: None

Abstract: This rulemaking amends the requirements for publishing notice of the filing of an application for a merger transaction under the Bank Merger Act. This rule brings the FDIC's regulations more into conformance with those of the other federal financial institutions regulators, and lessens the paperwork and cost burdens imposed by the FDIC's notice requirements.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/15/93 | 58 FR 33050 |
| NPRM Comment Period End | 08/16/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: A. David Meadows, Associate Director, Division of Supervision, Federal Deposit Insurance

Corporation, Washington, DC 20429, 202.898-3855

RIN: 3064-AA54

4580. EXTENSION OF CORPORATE POWERS

Legal Authority: 12 USC 1816; 12 USC 1818; 12 USC 1819

CFR Citation: 12 CFR 333

Legal Deadline: None

Abstract: This rulemaking eliminates section 333.3 of the FDIC's regulations, which makes certain prohibitions that are applicable to state chartered savings associations applicable to state banks that are members of the Savings Association Insurance Fund (SAIF). SAIF member banks will hereafter be subject to the restrictions in 12 CFR 362 in lieu of the restrictions that are eliminated with section 333.3. This rulemaking subjects SAIF member state banks and state banks that are members of the Bank Insurance Fund (BIF) to the same restrictions.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 01/29/93 | 58 FR 6450 |
| NPRM Comment Period End | 03/30/93 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Vaughn, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202.898-6759

RIN: 3064-AA55

4581. FOREIGN BANKS

Legal Authority: 12 USC 378; 12 USC 1813; 12 USC 1815 to 1819; 12 USC 1828; 12 USC 1829; 12 USC 3105; 15 USC 1607

CFR Citation: 12 CFR 346

Legal Deadline: None

Abstract: This regulation implements section 202(h) of FDICIA, which provides, in part, that after December 19, 1992, an insured state branch of a foreign bank may not engage in any activity not permissible for a federal branch of a foreign bank unless the FDIC has determined that the activity would pose no significant risk to the deposit insurance fund. This regulation sets forth the application procedures to

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request the FDIC's permission to engage in, or continue to engage in, an activity not permissible for a federal branch.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 03/02/93 | 58 FR 11992 |
| NPRM Comment Period End | 05/03/93 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles V. Collier, Assistant Director, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6850

RIN: 3064-AA78

4582. UNSAFE AND UNSOUND BANKING PRACTICES

Legal Authority: 12 USC 1816; 12 USC 1818; 12 USC 1819; 12 USC 1828; 12 USC 1831

CFR Citation: 12 CFR 337

Legal Deadline: None

Abstract: This rulemaking revises certain definitions used in FDIC regulations governing the acceptance of brokered deposits. The revisions conform those definitions to the definitions used in regulations implementing the prompt corrective action provisions in section 38 of the Federal Deposit Insurance Act.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/05/93 | 58 FR 26705 |
| NPRM Comment Period End | 07/06/93 | |
| Final Action | 11/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Hrandac, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6892

RIN: 3064-AA80

4583. DEPOSIT LIABILITIES

Legal Authority: 12 USC 1813; 12 USC 1819

CFR Citation: 12 CFR 354

Legal Deadline: None

Abstract: The FDIC issued for public comment a proposed regulation expanding the definition of the term "deposit." The proposed rule would find that a bank's liability on a promissory note, bond, acknowledgement of advance, or similar obligation that is issued or undertaken by the insured bank as a means of obtaining funds is a deposit liability for insurance and assessment purposes.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/25/88 | 53 FR 47723 |
| NPRM Comment Period End | 01/24/89 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan J. Kaplan, Senior Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3734

RIN: 3064-AA92

4584. INSIDER TRANSACTIONS—CONFLICTS OF INTEREST

Legal Authority: 12 USC 1818; 12 USC 1819; 12 USC 1831(g)

CFR Citation: 12 CFR 356

Legal Deadline: None

Abstract: This rule ensures that business dealings (other than extensions of credit) between insured nonmember banks and state licensed insured branches of foreign banks and their "insiders" are conducted in an arms-length fashion so that insiders do not improperly abuse their position for personal gain.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/08/91 | 56 FR 37673 |
| NPRM Comment Period End | 10/07/91 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael D. Jenkins, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington DC 20429, 202 898-6896

RIN: 3064-AA94

4585. CHANGE IN SENIOR EXECUTIVE OFFICER OR BOARD OF DIRECTORS

Legal Authority: 12 USC 378; 12 USC 1813; 12 USC 1815 to 1819; 12 USC 1828; 12 USC 1829; 15 USC 1607; 12 USC 1831(i); 15 USC 78w; 5 USC 504

CFR Citation: 12 CFR 303; 12 CFR 308

Legal Deadline: None

Abstract: This rule implements section 914 of FIRREA by requiring insured nonmember banks which fall within specified categories to file a notice with the FDIC prior to adding or replacing a member of the board of directors or employing or changing the responsibilities of an individual to a position as a senior executive officer.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Interim Final Rule and Request For Comments | 12/27/89 | 54 FR 53040 |
| Interim Final Rule Effective | 12/27/89 | |
| Interim Final Rule Comment Period End | 02/26/90 | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Karl R. Krichbaum, Chief, Special Situations and Applications Section, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6758

RIN: 3064-AB02

4586. REAL ESTATE APPRAISALS

Legal Authority: 12 USC 1818; 12 USC 1819; 12 USC 3331; 12 USC 3352

CFR Citation: 12 CFR 323

Legal Deadline: None

Abstract: This rulemaking increases to \$250,000 the threshold level at or below which appraisals are not required pursuant to Title XI of FIRREA, expands and clarifies existing exemptions to the appraisal requirement, and identifies additional circumstances when appraisals are not required. In addition, the rulemaking amends existing requirements governing appraisal content and appraiser independence.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 06/04/93 | 58 FR 31878 |

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| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM Comment | 07/19/93 | |
| Period End | | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James D. Leitner, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6790

RIN: 3064-AB05

4587. CONTRACTS ADVERSE TO SAFETY AND SOUNDNESS OF INSURED DEPOSITORY INSTITUTIONS

Legal Authority: 12 USC 1818; 12 USC 1819; 12 USC 1831g

CFR Citation: 12 CFR 334

Legal Deadline: None

Abstract: This rule implements section 225 of FIRREA, which requires the FDIC to prescribe regulations as may be necessary to prevent insured depository institutions from entering into contracts that adversely affect their safety and soundness.

The rule is proposed in two stages. The first stage is a notice of proposed rulemaking on adverse contracts in general. The second stage is an advance notice of proposed rulemaking with request for comment on how to deal with contracts with non-depository affiliates.

Timetable:

Adverse Contracts With Non-depository Affiliates

ANPRM 04/01/91 (56 FR 13291)
ANPRM Comment Period End 05/31/91

Adverse Contracts With Outside Vendors

NPRM 04/01/91 (56 FR 13291)
NPRM Comment Period End 05/31/91

Both Types of Adverse Contracts

Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael D. Jenkins, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6896

RIN: 3064-AB06

4588. DETERMINATION OF ECONOMICALLY DEPRESSED REGIONS

Legal Authority: 12 USC 1823

CFR Citation: 12 CFR 357

Legal Deadline: None

Abstract: This rulemaking designates ten states as "economically depressed regions," as defined in section 13(k)(5)(C) of the Federal Deposit Insurance Act. The ten states are California, Connecticut, the District of Columbia, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. The eight states previously designated as "economically depressed" should no longer receive that designation. The FDIC is required by 12 USC 1823 to consider proposals for direct financial assistance by SAIF member institutions having offices located in an "economically depressed region," and meeting certain other specified criteria, before grounds exist for the appointment of a conservator or a receiver for such institutions.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/18/92 | 57 FR 60140 |
| NPRM Comment | 02/16/93 | |
| Period End | | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Andrew Jaske, Financial Economist, Division of Research and Statistics, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6549

RIN: 3064-AB08

4589. GOLDEN PARACHUTE AND INDEMNIFICATION PAYMENTS

Legal Authority: 12 USC 1828

CFR Citation: 12 CFR 359

Legal Deadline: None

Abstract: This proposal would limit golden parachute and indemnification payments made to institution-affiliated parties by depository institutions and depository institution holding companies.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/07/91 | 56 FR 50529 |
| NPRM Comment | 12/06/91 | |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeffrey M. Kopchik, Counsel, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, 202 898-3872

RIN: 3064-AB11

4590. NOTICES REQUIRED TO BE FILED BY STATUTE OR REGULATION

Legal Authority: PL 101-73

CFR Citation: 12 CFR 303

Legal Deadline: None

Abstract: This rulemaking conforms the terms "serious risk" and "equity security" in 12 CFR 303 to the definitions of those terms in 12 CFR 362. The changes allow insured state savings associations to conduct activities and make investments without the FDIC's prior approval, provided that the activities and/or investments were permissible under an order or a written interpretation issued by the Office of Thrift Supervision. These changes place insured state savings associations on a par with insured state banks under FDIC's regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/03/93 | 58 FR 26259 |
| NPRM Comment | 06/02/93 | |
| Period End | | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Vaughn, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6759

RIN: 3064-AB19

4591. CAPITAL MAINTENANCE—DEFERRED TAX ASSETS

Legal Authority: 12 USC 1815; 12 USC 1816; 12 USC 1818; 12 USC 1819; 12 USC 1828; 12 USC 1831; 12 USC 3907; 12 USC 3909; PL 102-233; PL 102-242

CFR Citation: 12 CFR 325

Legal Deadline: None

Abstract: This rulemaking amends the FDIC's capital standards for insured state nonmember banks by establishing a limitation on the amount of certain deferred tax assets that may be included in (that is, not deducted from)

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the Tier 1 capital calculation for risk-based and leverage capital purposes. This amendment was developed on a consistent basis by the FDIC, the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision in response to the issuance by the Financial Accounting Standards Board ("FASB") of Statement 109, "Accounting for Income Taxes." This FASB accounting standard must be adopted by insured state nonmember banks for regulatory reporting and financial reporting purposes no later than the first quarter of 1993, or the beginning of the first fiscal year thereafter, if later.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/05/93 | 58 FR 26701 |
| NPRM Comment Period End | 06/04/93 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert F. Storch, Chief, Accounting Section, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-8906

RIN: 3064-AB20

4592. • CAPITAL STANDARDS— MULTIFAMILY HOUSING LOANS

Legal Authority: PL 102-233, Sec 618

CFR Citation: 12 CFR 325

Legal Deadline: None

Abstract: This policy statement will be codified as an appendix to the FDIC's capital regulations (12 CFR 325, Appendix A). It implements section 618(b) of the Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act of 1991 by providing for the assignment of loans secured by multifamily residential properties that meet certain prudential

risk criteria to the 50 percent risk weight category. It also implements the section 618(b) requirement that the risk-based capital guidelines take into account loss sharing arrangements in connection with sales of multifamily housing loans.

Timetable:

| Action | Date | FR Cite |
|---------------------------|----------|-------------|
| Proposed Policy Statement | 04/01/92 | 57 FR 11010 |
| Comment Period End | 05/01/92 | |
| Final Policy Statement | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert F. Storch, Chief, Accounting Section, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-8906

RIN: 3064-AB23

4593. • NATIONAL DEPOSITOR PREFERENCE

Legal Authority: PL 101-73

CFR Citation: 12 CFR 360

Legal Deadline: None

Abstract: On August 10, 1993, Congress amended section 11(d)11 of the FDI Act to establish priorities for paying claims against failed institutions. The priorities are as follows: (1) administrative expenses of the receiver, (2) deposit liabilities, (3) other general or senior liabilities, (4) subordinated debts, (5) shareholders' obligations. This regulation clarifies the requirements of the statute regarding the expenses that may be included as administrative expenses of the receiver.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Interim Final Rule and Request for Comments | 08/13/93 | 58 FR 43069 |

| Action | Date | FR Cite |
|---------------------------------------|----------|---------|
| Interim Final Rule Effective Date | 08/13/93 | |
| Interim Final Rule Comment Period End | 10/12/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen N. Graham, Associate Director, Division of Liquidation, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-7377

RIN: 3064-AB25

4594. • COMMUNITY REINVESTMENT

Legal Authority: PL 95-128

CFR Citation: 12 CFR 345

Legal Deadline: None

Abstract: The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the FDIC, and the Office of Thrift Supervision plan to work together to develop new regulations and standards for procedures assessing a financial institution's performance under the Community Reinvestment Act (CRA). The agencies' goal is to reform CRA regulations and supervision in order to improve performance, clarify standards, and make CRA performance assessments more objective.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| ANPRM | 08/19/93 | 58 FR 44138 |
| Final Action | 10/00/93 | |
| Final Action Effective | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Janice Smith, Director, Office of Consumer Affairs, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6777

RIN: 3064-AB27

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

Completed Actions

4595. SUPPLEMENTAL REQUIREMENTS FOR FINANCIAL DISCLOSURE

Legal Authority: 5 USC app Ethics In Government Act of 1978; 12 USC 1819; 26 USC 1043; EO 12674; EO 12731

CFR Citation: 12 CFR 336; 5 CFR 2633; 5 CFR 2634; 5 CFR 3202

Legal Deadline: None

Abstract: This interim final rule revokes the FDIC's current financial disclosure regulations at 12 CFR

336.24-336.28, and promulgates substantially similar regulations at 5 CFR 3202. The new regulations are designed to supplement the Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture

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requirements issued by the Office of Government Ethics. The interim final rule will be published with the concurrence of the Office of Government Ethics.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| Interim Final Rule | | 58 FR 39625 |
| Final Action (Interim Final Rule) | 07/26/93 | 58 FR 39625 |
| Final Action Effective | 09/24/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Katherine A. Corigliano, Assistant Executive Secretary (Ethics), Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-7272

RIN: 3064-AA07

4596. ASSESSMENTS

Legal Authority: PL 102-242, Sec 302(a)

CFR Citation: 12 CFR 327

Legal Deadline: NPRM, Statutory, December 31, 1992. Final, Statutory, July 1, 1993.

The mandated effective date for the final rule is 01/01/94.

Abstract: This rulemaking establishes a risk-based assessment system, as required by section 302(a) of FDICIA. The new system will be implemented with the assessment period commencing January 1, 1994.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/31/92 | 57 FR 62502 |
| NPRM Comment Period End | 04/29/93 | |
| Final Action | 06/25/93 | 58 FR 34357 |
| Final Action Effective | 10/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George French, Associate Director, Division of Research and Statistics, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3929

RIN: 3064-AA37

4597. NOTICES OF BRANCH CLOSING

Legal Authority: 12 USC 378; 12 USC 1813; 12 USC 1815 to 1819; 12 USC 1828; 12 USC 1831; 15 USC 1607

CFR Citation: 12 CFR 303

Legal Deadline: None

Abstract: Section 228 of FDICIA requires insured depository institutions to give advance notice of any proposed branch closing to their Federal regulator and the customers of that branch. It is unclear from FDICIA and its legislative history exactly what Congress meant by "branch closings" and exactly how an institution should identify the "customers of a branch." This policy interprets the language of the section to clarify when and how the branch closing notice requirements will apply, and to set forth the procedure that FDIC-insured institutions should follow to comply with the branch closing notice requirements when they do apply.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Proposed Policy Statement | 10/19/92 | 57 FR 47657 |
| Comment Period End | 12/18/92 | |
| Final Policy Statement Effective Date | 09/21/93 | |
| Final Policy Statement | 09/21/93 | 58 FR 49083 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis L. Vaughn, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-8759

RIN: 3064-AA53

4598. UNIFORM CRIMINAL REFERRAL REPORT

Legal Authority: 12 USC 248; 12 USC 625; 12 USC 1818; 12 USC 1844; 12 USC 1881 to 1884; 12 USC 3401 to 3422

CFR Citation: 12 CFR 353

Legal Deadline: None

Abstract: The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, and the National Credit Union Administration, have jointly designed a uniform criminal referral form. The form facilitates compliance with financial institutions' criminal activity reporting requirements and enhances law enforcement agencies' ability to investigate and prosecute matters reported on the form. This form

replaces referral forms previously used by Federal regulatory agencies and by financial institutions. The purpose of this rule is to create a standardized reporting requirement and a single uniform reporting mechanism.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 01/08/93 | 58 FR 3237 |
| NPRM Comment Period End | 03/09/93 | |
| Final Action | 05/17/93 | 58 FR 26259 |
| Final Action Effective | 06/16/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carol A. Mesheske, Chief, Special Activities Section, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6750

RIN: 3064-AA60

4599. • INTEREST ON DEPOSITS

Legal Authority: 12 USC 1819; 12 USC 1828; 12 USC 1832

CFR Citation: 12 CFR 329

Legal Deadline: None

Abstract: Section 329.3 of the FDIC's regulations pertained to advertisements of insured state nonmember banks that solicit deposits. This section has been superseded by 12 CFR 230 (Regulation DD), issued by the Board of Governors of the Federal Reserve System on September 21, 1992. Therefore, the FDIC removed section 329.3 upon the effective date of Regulation DD (June 21, 1993).

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/12/93 | 58 FR 27921 |
| Final Action Effective | 06/21/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mark A. Mellon, Attorney, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3854

RIN: 3064-AA67

4600. EXTERNAL AUDITS

Legal Authority: 12 USC 1811; PL 102-242

CFR Citation: 12 CFR 363

Legal Deadline: None

FDIC

Completed Actions

There is no legal deadline for publishing a final rule. However, FDICIA requires that the rule apply to the fiscal years of insured institutions beginning after December 31, 1992.

Abstract: Each insured institution with \$500 million or more in total assets must have an annual audit of its financial statements by an independent public accountant and an audit committee of outside directors. There are more stringent criteria for audit committees of institutions with \$3 billion or more in total assets.

Management of institutions must report on and assess its responsibilities for internal controls and compliance with designated laws and regulations. Independent accountants must attest to and report on the assertions in management's reports concerning internal controls, and separately on management's assertions concerning compliance with designated laws and regulations.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/15/92 | 57 FR 42516 |
| NPRM Comment Period End | 10/30/92 | |
| Final Action | 06/02/93 | 58 FR 31332 |
| Final Action Effective | 07/02/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Doris L. Marsh, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-8905

RIN: 3064-AA83

4601. DELEGATIONS OF AUTHORITY

Legal Authority: 12 USC 387; 12 USC 1813; 12 USC 1815 to 1819; 12 USC 1828; 12 USC 1831; 15 USC 1607

CFR Citation: 12 CFR 303

Legal Deadline: None

Abstract: This proposal would have expanded the authority delegated to Division of Supervision and Legal Division personnel to act on certain enforcement matters; to update terminology to conform with the language of the Federal Deposit Insurance Act; and to preclude the need for future amendments should the titles of personnel change due to internal reorganizations. This proposal was withdrawn before it rose to the level of Board consideration.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/13/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Grovetta Gardineer (Additional Agency Contact), Senior Attorney, (202) 898-3905.

Agency Contact: Christine C.A. Tullio, Senior Regional Attorney, Chicago Regional Office, Federal Deposit Insurance Corporation, 30 South Wacker Drive, Suite 3100, Chicago, IL 60606, 312 207-0495

RIN: 3064-AA84

4602. DEPOSIT INSURANCE COVERAGE

Legal Authority: 12 USC 1813; 12 USC 1817 to 1822

CFR Citation: 12 CFR 330

Legal Deadline: None

Abstract: This rule specifies the extent of deposit insurance coverage for deposit accounts in FDIC-insured institutions. Most of the amendments are required by section 311 of FDICIA. While the effective date for this rule is June 24, 1993, some of its provisions are not effective until December 19, 1993.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 10/29/92 | 57 FR 49026 |

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM Comment Period End | 12/28/92 | |
| Final Action | 05/25/93 | 58 FR 29952 |
| Final Action Effective | 06/24/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Claude A. Rollin, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3985

RIN: 3064-AB01

4603. • ASSESSMENTS

Legal Authority: 12 USC 1441; 12 USC 1817 to 1819

CFR Citation: 12 CFR 327

Legal Deadline: None

Abstract: This rule revises the schedule for increasing the reserve ratio of the Bank Insurance Fund ("BIF") to the designated ratio of 1.25 percent. In addition, the rule retains the current assessment rate applicable to members of the BIF and members of the Savings Association Insurance Fund ("SAIF") for the semiannual period beginning July 1, 1993.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 04/05/93 | 58 FR 17533 |
| NPRM Comment Period End | 05/05/93 | |
| Final Action | 06/01/93 | 58 FR 31150 |
| Final Action Effective | 07/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Arthur J. Murton, Deputy Director, Division of Research and Statistics, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3938

RIN: 3064-AB14

[FR Doc. 93-21459 Filed 10-22-93; 8:45 am]

BILLING CODE 6714-01-F

Federal Register

**Monday
October 25, 1993**

Part L

**Federal Energy
Regulatory
Commission**

Semiannual Regulatory Agenda

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****18 CFR Ch. I****Semiannual Regulatory Agenda**

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Semiannual regulatory agenda.

SUMMARY: In accordance with guidance issued by OMB, the Federal Energy Regulatory Commission voluntarily submits information about rulemakings under development. Of the 29 rulemakings listed, 25 are current or projected rulemakings, and 4 are completed actions.

DATES: The dates provided represent goals, not commitments, and may be revised due to shifts in workload,

changes in priorities, or extensive public comments. See the various dates listed for each specific rulemaking.

ADDRESSES: Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Person listed for each specific rulemaking.
Lois D. Cashell,
Secretary.

Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4604 | Administrative Dispute Resolution | 1902-AB24 |
| 4605 | Charges and Fees for Hydroelectric Projects | 1902-AB38 |

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4606 | Revisions to the Certification Statement and Regulations and to the Basic Financial Statements of FERC Annual Reports for Electric Utilities, Licensees and Natural Gas Companies | 1902-AB20 |
| 4607 | Modification of Steam-Electric Plant Schedules, Hydroelectric Plant Schedules, and Pumped Storage Plant Schedules in the FERC Form No. 1 | 1902-AB21 |
| 4608 | Elimination of Unneeded Pages in the FERC Form No. 1 | 1902-AB33 |
| 4609 | Revision of the Commission's Preservation of Records Regulations for Public Utilities, Licensees, Natural Gas Companies and Oil Pipeline Companies | 1902-AB34 |
| 4610 | Elimination of Unnecessary Filing Requirements From the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees | 1902-AB35 |
| 4611 | New Reporting Requirement Implementing Section 213(b) of the Federal Power Act and Supporting Commission's Regulatory Responsibilities Under the FPA and the Energy Policy Act of 1992 | 1902-AB37 |
| 4612 | Revisions to Oil Pipeline Regulations Pursuant to Energy Policy Act of 1992 | 1902-AB41 |
| 4613 | Revisions to Regulations Implementing Section 5 of the Outer Continental Shelf Lands Act | 1902-AB44 |
| 4614 | License Termination | 1902-AB46 |
| 4615 | Accounting and Ratemaking Treatment of Special Assessments Levied under the Atomic Energy Act of 1954, As Amended by Title XI of the Energy Policy Act of 1992 | 1902-AB47 |
| 4616 | Electronic Filing of FERC Form No. 1 and Delegation to Chief Accountant | 1902-AB48 |
| 4617 | Notice Provisions for Applications for Transmission Services Under Section 211 of the Federal Power Act | 1902-AB49 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4618 | Regulations Governing Bidding Programs | 1902-AA98 |
| 4619 | Regulations Governing Independent Power Producers | 1902-AA99 |
| 4620 | Administrative Determination of Full Avoided Costs, Sales of Power to Qualifying Facilities and Interconnection Facilities | 1902-AB00 |
| 4621 | Regulations Governing the Public Utility Regulatory Policies Act of 1978 | 1902-AB07 |
| 4622 | Revisions to Regulations Governing Authorizations for Construction of Natural Gas Pipeline Facilities | 1902-AB15 |
| 4623 | Revisions to Uniform Systems of Accounts for Allowances Under Clean Air Act Amendments of 1990 and Regulatory-Created Assets and Liabilities to Forms 1, 1-F, 2 and 2-A | 1902-AB25 |
| 4624 | Revisions to Regulations Governing NGPA Section 311 Construction and the Replacement of Facilities | 1902-AB26 |
| 4625 | Streamlining of Regulations Pertaining to Parts II and III of the Federal Power Act and the Public Utility Regulatory Policies Act of 1978 | 1902-AB32 |
| 4626 | Post-Employment Benefits Other Than Pensions | 1902-AB42 |

FERC

Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4627 | Revisions to Regulations Governing Natural Gas Pipelines | 1902-AB43 |
| 4628 | Revisions of Form of Notice Requirements for Rate Schedule and Tariff Filings | 1902-AB45 |

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4629 | Policy Statement on Incentive Regulation | 1902-AB27 |
| 4630 | Regulations Governing Blanket Marketer Sales Certificates | 1902-AB29 |
| 4631 | Filing Requirements and Ministerial Procedures for Persons Seeking Exempt Wholesale Generator Status | 1902-AB36 |
| 4632 | Revision of the Billing Procedures for Annual Charges for Administering Part I of the Federal Power Act | 1902-AB39 |

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

Prerule Stage

4604. ADMINISTRATIVE DISPUTE RESOLUTION

Significance: Agency Priority

Legal Authority: 5 USC 551 to 557; 15 USC 717 to 717w; 15 USC 3301 to 3432; 16 USC 2601 to 2645; 31 USC 9701; 42 USC 7101 to 7352; 49 USC 1 to 27

CFR Citation: 18 CFR 385

Legal Deadline: None

Abstract: The Commission is reviewing its regulations to determine: (1) how best to implement the Administrative Dispute Resolution Act, signed by the President on November 15, 1990, Pub. L. No. 101-552, codified at 5 USC section 571, et seq.; (2) whether changes in the Commission's regulations are necessary or appropriate to facilitate the use of dispute resolution techniques, and (3) whether changes to the Commission's regulations governing settlements are necessary or appropriate. (Docket No. RM91-12-000.)

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| Notice of Inquiry | 04/17/91 | 58 FR 18789 |
| Notice of Inquiry | 06/24/91 | 58 FR 18789 |
| Comment Period | | |
| End | | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jenifer Lucas, Attorney Advisor, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 208-2005

RIN: 1902-AB24

4605. CHARGES AND FEES FOR HYDROELECTRIC PROJECTS

Significance: Agency Priority

Legal Authority: 18 USC 792 to 823b

CFR Citation: 18 CFR 11; 18 CFR 381

Legal Deadline: None

Abstract: The Federal Energy Regulatory Commission will propose various amendments to its existing regulations governing annual charges and fees for hydroelectric projects. These amendments will update, simplify, and clarify the Commission's existing regulations. (Docket No. RM93-7-000.)

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 09/09/90 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Barry Smoler, Deputy Assistant General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 208-1269

RIN: 1902-AB38

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

Proposed Rule Stage

4606. REVISIONS TO THE CERTIFICATION STATEMENT AND REGULATIONS AND TO THE BASIC FINANCIAL STATEMENTS OF FERC ANNUAL REPORTS FOR ELECTRIC UTILITIES, LICENSEES AND NATURAL GAS COMPANIES**Significance:** Agency Priority**Legal Authority:** 15 USC 3301 to 3432; 16 USC 791a to 828c; 16 USC 2601 to 2645; 42 USC 7101 to 7352**CFR Citation:** 18 CFR 41; 18 CFR 158**Legal Deadline:** None**Abstract:** This rulemaking will propose revisions to FERC Annual Report Form Nos. 1, 1-F, 2 and 2-A, by modifying the statements of retained earnings and cash flows to a comparative format, by modifying the balance sheet to be consistent with current reporting conventions, by modifying the notes to the financial statements to require additional disclosures, and by revising the certification statement requirements of the forms and related regulations concerning the timing and format of the certification filings. (Docket No. RM91-6-000.)**Timetable:**

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Joseph M. Harkins, Accountant, Division of Accounting Systems, Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC 20426, 202 219-2617**RIN:** 1902-AB20**4607. MODIFICATION OF STEAM-ELECTRIC PLANT SCHEDULES, HYDROELECTRIC PLANT SCHEDULES, AND PUMPED STORAGE PLANT SCHEDULES IN THE FERC FORM NO. 1****Significance:** Agency Priority**Legal Authority:** 16 USC 791a to 828c; 16 USC 2601 to 2645; 42 USC 7101 to 7352**CFR Citation:** 18 CFR 41**Legal Deadline:** None**Abstract:** This rulemaking will propose revisions to the instruction to FERC Form No. 1 to clarify how public utilities report construction costs and production costs for jointly owned and

leased generating facilities. (Docket No. RM91-7-000.)

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Joseph M. Harkins, Accountant, Division of Accounting Systems, Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC 20426, 202 219-2617**RIN:** 1902-AB21**4608. ELIMINATION OF UNNEEDED PAGES IN THE FERC FORM NO. 1****Significance:** Agency Priority**Legal Authority:** 16 USC 791a to 825r; 16 USC 2601 to 2645; 42 USC 7101 to 7352**CFR Citation:** 18 CFR 141**Legal Deadline:** None**Abstract:** This rulemaking will propose changes to the FERC Form No. 1, Annual Report of Major Electric Utilities, Licensees and Others, to eliminate unneeded pages. (Docket No. RM92-14-000.)**Timetable:**

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Audrey C. Wong, Accountant, Division of Accounting Systems, Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC 20426, 202 219-3017**RIN:** 1902-AB33**4609. REVISION OF THE COMMISSION'S PRESERVATION OF RECORDS REGULATIONS FOR PUBLIC UTILITIES, LICENSEES, NATURAL GAS COMPANIES AND OIL PIPELINE COMPANIES****Significance:** Agency Priority**Legal Authority:** 15 USC 717 to 717w; 15 USC 3301 to 3432; 16 USC 791a to 825r; 16 USC 2601 to 2645; 42 USC 7101 to 7352; 49 USC 1 to 27**CFR Citation:** 18 CFR 125; 18 CFR 225; 18 CFR 356**Legal Deadline:** None**Abstract:** This rulemaking will propose changes to the Commission's regulations governing the preservation of records for public utilities, licensees, natural gas companies and oil pipeline companies. The proposed changes would require jurisdictional entities to develop their own preservation of records program by allowing use of any records storage medium. (Docket No. RM92-15-000.)**Timetable:**

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Robert J. Lynch, Accountant, Division of Accounting Systems, Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC 20426, 202 219-3012**RIN:** 1902-AB34**4610. ELIMINATION OF UNNECESSARY FILING REQUIREMENTS FROM THE COMMISSION'S UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES AND LICENSEES****Significance:** Agency Priority**Legal Authority:** 16 USC 791a to 825r; 16 USC 2601 to 2645; 42 USC 7101 to 7352**CFR Citation:** 18 CFR 101**Legal Deadline:** None**Abstract:** This rulemaking will propose changes to the Commission's Uniform System of Accounts prescribed for public utilities and licensees subject to the provisions of the Federal Power Act to eliminate unnecessary filing requirements for Accounts 102, 105 and 182.2 and Electric Plant Instruction No. 9D. (Docket No. RM92-16-000.)**Timetable:**

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** James G. Baird, Accountant, Division of Accounting Systems, Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC 20426, 202 219-2613**RIN:** 1902-AB35

FERC

Proposed Rule Stage

4611. NEW REPORTING REQUIREMENT IMPLEMENTING SECTION 213(B) OF THE FEDERAL POWER ACT AND SUPPORTING COMMISSION'S REGULATORY RESPONSIBILITIES UNDER THE FPA AND THE ENERGY POLICY ACT OF 1992

Significance: Agency Priority
Legal Authority: 16 USC 824m(b)
CFR Citation: 18 CFR 141
Legal Deadline: Final, Statutory, October 24, 1993.

Abstract: The Commission is proposing regulations implementing Section 213(b) of the Federal Power Act as added by Section 723 of the Energy Policy Act of 1992. The proposed regulations will provide information on available transmission capacity and known constraints. (Docket No. RM93-10-000.)

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 03/30/93 | 58 FR 17544 |
| NPRM Comment Period End | 05/20/93 | 58 FR 17544 |
| Final Rule | 10/00/93 | |

Small Entities Affected: Undetermined
Government Levels Affected: Undetermined
Agency Contact: Daniel L. Larcamp, Assistant General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 208-2088
RIN: 1902-AB37

4612. REVISIONS TO OIL PIPELINE REGULATIONS PURSUANT TO ENERGY POLICY ACT OF 1992

Significance: Agency Priority
Legal Authority: 5 USC 551 to 557; 15 USC 717 to 717w; 15 USC 3301 to 3432; 31 USC 9701; 42 USC 7101 to 7352; 49 USC 1 to 27
CFR Citation: 18 CFR 341; 18 CFR 342; 18 CFR 343; 18 CFR 344; 18 CFR 345; 18 CFR 347; 18 CFR 352; 18 CFR 360; 18 CFR 361; 18 CFR 375
Legal Deadline: Final, Statutory, October 25, 1993.

Abstract: The Commission proposes a simplified and generally applicable ratemaking methodology for oil pipelines and streamlined Commission

procedures reflecting its proposal. (Docket No. RM93-11-000.)

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| Staff Proposal | 03/18/93 | 58 FR 15816 |
| Comment Period End | 05/03/93 | 58 FR 15816 |
| NPRM | 07/02/93 | 58 FR 37671 |
| NPRM Comment Period End | 08/12/93 | 58 FR 37671 |
| Final Rule | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Harris Wood, Attorney Advisor, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 208-0696
RIN: 1902-AB41

4613. • REVISIONS TO REGULATIONS IMPLEMENTING SECTION 5 OF THE OUTER CONTINENTAL SHELF LANDS ACT

Significance: Agency Priority
Legal Authority: 15 USC 717 to 717w; 15 USC 3301 to 3432; 42 USC 7101 to 7352; 43 USC 1331 to 1356
CFR Citation: 18 CFR 284
Legal Deadline: None

Abstract: The Notice of Proposed Rulemaking would remove regulations governing the Outer Continental Shelf Lands Act capacity allocation program, and the regulations providing for abandonment authority. These regulations are replaced by a capacity release program established in Order No. 636. (Docket No. RM93-8-000.)

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 04/21/93 | 58 FR 25583 |
| NPRM Comment Period End | 06/21/93 | 58 FR 25583 |
| Final Rule | 00/00/00 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Connie Caldwell, Attorney Advisor, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 208-1022
RIN: 1902-AB44

4614. • LICENSE TERMINATION

Significance: Agency Priority

Legal Authority: 5 USC 551 to 557; 15 USC 717 to 717w; 15 USC 3301 to 3432; 16 USC 791 to 828r; 16 USC 791a note; 16 USC 2601 to 2645; 42 USC 7107 to 7532

CFR Citation: 18 CFR 375

Legal Deadline: None

Abstract: The Commission proposes to revise its regulations to authorize the Director of the Office of Hydroelectric Licensing to terminate a license for failure to commence construction after 30-days written notice. (Docket No. RM93-17-000.)

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/24/93 | 58 FR 35415 |
| NPRM Comment Period End | 08/02/93 | 58 FR 35415 |
| Final Rule | 12/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Barry Smoler, Deputy Assistant General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 208-1269
RIN: 1902-AB46

4615. • ACCOUNTING AND RATEMAKING TREATMENT OF SPECIAL ASSESSMENTS LEVIED UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED BY TITLE XI OF THE ENERGY POLICY ACT OF 1992

Significance: Agency Priority
Legal Authority: 16 USC 791a to 825r; 16 USC 2601 to 2645; 31 USC 9701; 42 USC 7101 to 7352

CFR Citation: 18 CFR 35

Legal Deadline: None

Abstract: The Commission proposes to revise its regulations to provide accounting and ratemaking guidance for treatment of special assessments levied under the Atomic Energy Act of 1954, as amended by Title XI of the Energy Policy Act of 1992. (Docket No. RM93-18-000.)

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/23/93 | 58 FR 36172 |
| NPRM Comment Period End | 08/05/93 | 58 FR 36172 |
| Final Rule | 00/00/00 | |

FERC

Proposed Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James H. Douglass, Attorney Advisor, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 208-2143

RIN: 1902-AB47

4616. • ELECTRONIC FILING OF FERC FORM NO. 1 AND DELEGATION TO CHIEF ACCOUNTANT

Significance: Agency Priority

Legal Authority: 5 USC 551 to 557; 15 USC 717 to 717w; 15 USC 3301 to 3432; 16 USC 791 to 828r; 16 USC 2601 to 2645; 31 USC 9701; 42 USC 7101 to 7532; 49 USC 1 to 27

CFR Citation: 18 CFR 141; 18 CFR 375; 18 CFR 385

Legal Deadline: None

Abstract: The Commission proposes to amend its regulations to provide for the electronic filing of FERC Form No. 1.

The Commission also proposes to amend its regulations to delegate to the Chief Accountant authority to act on requests for waiver of FERC Form Nos. 1 and 1-F filing requirements. (Docket No. RM93-20-000.)

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Mattingly, Attorney Advisor, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 208-2070

RIN: 1902-AB48

4617. • NOTICE PROVISIONS FOR APPLICATIONS FOR TRANSMISSION SERVICES UNDER SECTION 211 OF THE FEDERAL POWER ACT

Significance: Agency Priority

Legal Authority: 5 USC 551 to 557; 15 USC 717 to 717w; 15 USC 3301 to 3432; 16 USC 792 to 825r; 16 USC 2601 to 2605; 31 USC 9701; 42 USC 7101 to 7352; 49 USC 1 to 27

CFR Citation: 18 CFR 385

Legal Deadline: None

Abstract: The Commission is proposing to change the notice procedures for applications for transmission services under section 211 of the Federal Power Act. (Docket No. 93-22-000.)

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hadas Kozlowski, Attorney Advisor, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 208-0231

RIN: 1902-AB49

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

Final Rule Stage

4618. REGULATIONS GOVERNING BIDDING PROGRAMS

Significance: Agency Priority

Legal Authority: 16 USC 2601 to 2645; 16 USC 7919 to 8252; 31 USC 9701; 42 USC 7101 to 7352

CFR Citation: 18 CFR 35; 18 CFR 293

Legal Deadline: None

Abstract: The Commission proposed to adopt regulations providing guidelines for State regulatory authorities and nonregulated electric utilities to implement bidding procedures as a means of establishing rates for power purchases from qualifying facilities under section 210 of PURPA. (Docket No. RM88-5-000.)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 03/16/88 | 53 FR 9323 |
| NPRM Comment Period End | 06/14/88 | 53 FR 9323 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel L. Larcamp, Assistant General Counsel, Office of the

General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 208-2088

RIN: 1902-AA98

4619. REGULATIONS GOVERNING INDEPENDENT POWER PRODUCERS

Significance: Agency Priority

Legal Authority: 5 USC 551 to 557; 15 USC 717 to 717w; 15 USC 3301 to 3432; 16 USC 791a to 828c; 16 USC 2601 to 2645; 42 USC 7101 to 7352; 49 USC 1 to 27

CFR Citation: 18 CFR 38; 18 CFR 382

Legal Deadline: None

Abstract: The Commission proposed to streamline regulation of a class of nontraditional utility suppliers, called independent power producers (IPPs). The proposed regulations would: (1) authorize rates for IPPs to be determined through competitive bidding or rate negotiation subject to a price cap, thereby freeing IPPs from cost-based ratemaking while ensuring that rates fall within a zone of reasonableness; (2) authorize IPPs to

file rate schedules without having to provide extensive cost support; (3) exempt IPPs from cost-related accounting, reporting and recordkeeping requirements; (4) streamline the corporate and financial regulation of IPPs; (5) provide blanket prior authorizations to engage in certain corporate activities; and (6) adopt certification procedures to qualify as an IPP. (Docket No. RM88-4-000.)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 03/16/88 | 53 FR 9327 |
| NPRM Comment Period End | 06/16/88 | 53 FR 9327 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel L. Larcamp, Assistant General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 208-2088

RIN: 1902-AA99

4620. ADMINISTRATIVE DETERMINATION OF FULL AVOIDED COSTS, SALES OF POWER TO QUALIFYING FACILITIES AND INTERCONNECTION FACILITIES

Significance: Agency Priority

Legal Authority: 16 USC 791a to 825r; 16 USC 2601 to 2645; 31 USC 9701; 42 USC 7101 to 7352

CFR Citation: 18 CFR 292

Legal Deadline: None

Abstract: The Commission proposed to amend its regulations governing purchases and sales of electricity between electric utilities and qualifying cogeneration facilities and qualifying small power production facilities. (Docket No. RM88-6-000.)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 03/16/88 | 53 FR 9331 |
| NPRM Comment | 06/14/88 | 53 FR 9331 |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel L. Larcamp, Assistant General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 208-2088

RIN: 1902-AB00

4621. REGULATIONS GOVERNING THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978

Significance: Agency Priority

Legal Authority: 16 USC 791a to 825r; 16 USC 2601 to 2645; 31 USC 9701; 42 USC 7101 to 7352

CFR Citation: 18 CFR 292

Legal Deadline: None

Abstract: Under this notice of proposed rulemaking, the Commission proposed to amend its regulations governing the implementation of Title II of the Public Utility Regulatory Policies Act of 1978 (PURPA). This proposed rule addresses problems with the criteria and procedures under Section 201 of PURPA by which qualifying small power production and cogeneration facilities can obtain PURPA benefits. (Docket No. RM88-17-000.)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/29/88 | 53 FR 31021 |
| NPRM Comment | 10/27/88 | 53 FR 31021 |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel L. Larcamp, Assistant General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 208-2088

RIN: 1902-AB07

4622. REVISIONS TO REGULATIONS GOVERNING AUTHORIZATIONS FOR CONSTRUCTION OF NATURAL GAS PIPELINE FACILITIES

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717z; 15 USC 3301 to 3432

CFR Citation: 18 CFR 2; 18 CFR 154; 18 CFR 157; 18 CFR 284; 18 CFR 375; 18 CFR 380

Legal Deadline: None

Abstract: This final rule amended the Commission's regulations governing the construction and operation of natural gas pipeline facilities. The Commission subsequently postponed the effective date of the rule until 30 days after publication in the Federal Register of an order on rehearing. The Commission later withdrew the amendments adopted by the final rule. (Docket Nos. RM90-1-001 and RM90-1-002.)

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| NPRM | 08/13/90 | 55 FR 33027 |
| NPRM Comment | 10/31/90 | 55 FR 33027 |
| Period End | | |
| Reply Comment | 11/30/90 | 55 FR 33027 |
| Period Ended | | |
| NPRM | | |
| Final Action | 10/18/91 | 56 FR 52330 |
| Final Action Effective | 10/18/91 | 56 FR 52330 |
| Order Postponing | 11/22/91 | 56 FR 58844 |
| Effective Date of Final Rule | | |
| Order Withdrawing | 03/16/93 | 58 FR 15418 |
| Amendments | | |
| Order on Rehearing | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul W. Schach, Supervisory Attorney, Office of the

General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 208-2246

RIN: 1902-AB15

4623. REVISIONS TO UNIFORM SYSTEMS OF ACCOUNTS FOR ALLOWANCES UNDER CLEAN AIR ACT AMENDMENTS OF 1990 AND REGULATORY-CREATED ASSETS AND LIABILITIES TO FORMS 1, 1-F, 2 AND 2-A

Significance: Agency Priority

Legal Authority: 16 USC 791a to 825r; 16 USC 2601 to 2645; 31 USC 9701; 42 USC 7101 to 7352

CFR Citation: 18 CFR 101; 18 CFR 201

Legal Deadline: None

Abstract: This rulemaking revises the Uniform System of Accounts for public utilities, licensees and natural gas companies to establish: (1) uniform accounting requirements for allowances, arising from Title IV of the Clean Air Act Amendments of 1990 (Pub. L. No. 101-549, Title IV, 104 Stat. 2399, 2584 (1990)), for emission of sulfur dioxide; and (2) generic accounts to record assets and liabilities created through the ratemaking actions of regulatory agencies. (Docket No. RM92-1-000.)

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| NPRM | 12/11/91 | 56 FR 64567 |
| NPRM Comment | 04/10/92 | 56 FR 64567 |
| Period End | | |
| Final Rule | 04/07/93 | 58 FR 17982 |
| Order on Rehearing | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Janice Macpherson, Supervisory Attorney, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 208-0921

RIN: 1902-AB25

4624. REVISIONS TO REGULATIONS GOVERNING NGPA SECTION 311 CONSTRUCTION AND THE REPLACEMENT OF FACILITIES

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717z; 15 USC 3301 to 3432; 16 USC 792 to 825r; 16 USC 2601 to 2645; 42 USC

FERC

Final Rule Stage

4321 to 4361; 42 USC 7101 to 7352;
43 USC 1331 to 1356

CFR Citation: 18 CFR 2; 18 CFR 284

Legal Deadline: None

Abstract: This final rule revised regulations at 18 CFR 2.55(b) and 284.11 to require companies (1) constructing natural gas facilities to transport gas pursuant to NGPA section 311, or (2) replacing facilities pursuant to section 2.55(b) of the Commission's regulations, to notify the Commission at least 30 days prior to commencing construction if the cost of the project exceeds the cost limit applicable to the automatic blanket construction authorization in Column 1 of Table I of section 157.208(d) of the regulations. The advance notification will enable the Commission to review the environmental impact of these activities before construction commences and, where warranted, to intervene. (Docket No. RM92-13-000.)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/10/92 | 57 FR 35525 |
| NPRM Comment Period End | 08/25/92 | 57 FR 35525 |
| Final Action | 10/09/92 | 57 FR 46487 |
| Final Action Effective | 11/09/92 | 57 FR 46487 |
| Order on Rehearing | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul W. Schach, Supervisory Attorney, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 208-2246

RIN: 1902-AB26

4625. STREAMLINING OF REGULATIONS PERTAINING TO PARTS II AND III OF THE FEDERAL POWER ACT AND THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978

Significance: Agency Priority

Legal Authority: 5 USC 551 to 557; 15 USC 717 to 717w; 15 USC 3301 to 3432; 16 USC 791a to 828c; 16 USC 830 to 837h; 16 USC 2601 to 2645; 31 USC 9701; 42 USC 4321 to 4361; 42 USC 7101 to 7352; 49 USC 1 to 27

CFR Citation: 18 CFR 2; 18 CFR 34; 18 CFR 35; 18 CFR 41; 18 CFR 131; 18 CFR 292; 18 CFR 294; 18 CFR 382; 18 CFR 385

Legal Deadline: None

Abstract: The Federal Energy Regulatory Commission issued a Notice of Proposed Rulemaking seeking comments on revisions of the Commission's regulations governing public utilities and qualifying facilities. The proposed rule would clarify Commission policies regarding: rate filings by public utilities under the Federal Power Act; assumption of liabilities and issuances of securities by public utilities; purchases from and sales to qualifying facilities by public utilities; and procedural and technical rules governing qualifying facilities.

The Commission is seeking to streamline the processing of its workload and to rationalize or reduce regulatory burdens on the public utilities and qualifying facilities industries. For those reasons, it is proposing to delete or revise certain of its regulations. (Docket No. RM92-12-000.)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/16/92 | 57 FR 55176 |
| NPRM Comment Period End | 01/15/93 | 57 FR 55176 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Andre Goodson, Attorney Advisor, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 208-2167

RIN: 1902-AB32

4626. POST-EMPLOYMENT BENEFITS OTHER THAN PENSIONS

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717w; 16 USC 792 to 825r; 49 USC 1 et seq

CFR Citation: 18 CFR ch I

Legal Deadline: None

Abstract: The Commission's Statement of Policy addresses the recovery through rates of the cost of post-employment benefits (other than pensions) of employees of natural gas pipeline companies and public utilities, and related accounting issues. The policy statement is premised on the Statement of Financial Accounting Standards no. 106, Employers' Accounting for Post-Retirement Benefits

other than Pensions. (Docket No. PL93-1-000.)

Timetable:

| Action | Date | FR Cite |
|-------------------------------|----------|-------------|
| Request for Public Comment | 10/21/92 | 57 FR 48606 |
| Public Comment Period End | 11/12/92 | 57 FR 48606 |
| Statement on Policy | 12/17/92 | 57 FR 61065 |
| Order on Rehearing | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harris Wood, Attorney Advisor, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 208-0696

RIN: 1902-AB42

4627. • REVISIONS TO REGULATIONS GOVERNING NATURAL GAS PIPELINES

Significance: Agency Priority

Legal Authority: 5 USC 551 to 557; 15 USC 717 to 717w; 15 USC 3301 to 3432; 16 USC 792 to 825r; 16 USC 2601 to 2645; 31 USC 9701; 42 USC 4321 to 4361; 42 USC 7101 to 7352; 43 USC 1331 to 1356; 49 USC 1 to 27

CFR Citation: 18 CFR 2; 18 CFR 157; 18 CFR 260; 18 CFR 284; 18 CFR 385

Legal Deadline: None

Abstract: The final rule eliminated the requirement that natural gas pipeline companies file FERC Form No. 15 (FERC-15), "Interstate Pipeline's Annual Report of Gas Supply," and FERC Form No. 16 (FERC-16), "Report of Gas Supply and Requirement." (Docket No. RM93-16-001.)

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|-------------|
| Final Rule | 07/13/93 | 58 FR 38524 |
| Final Rule Effective | 07/13/93 | 58 FR 38524 |
| Order on Rehearing | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gordon Wagner, Attorney Advisor, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 218-0122

RIN: 1902-AB43

FERC

Final Rule Stage

4628. • REVISIONS OF FORM OF NOTICE REQUIREMENTS FOR RATE SCHEDULE AND TARIFF FILINGS

Legal Authority: 15 USC 717 to 717w; 31 USC 9701; 42 USC 7102 to 7352

CFR Citation: 18 CFR 154

Legal Deadline: None

Abstract: The Commission revised notice requirements for natural gas rate and tariff filings under its regulations. (Docket No. RM93-13-000.)

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|-------------|
| Final Rule | 04/21/93 | 58 FR 25555 |
| Final Rule Effective | 05/27/93 | 58 FR 25555 |
| Order on Rehearing | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Tishman, Attorney Advisor, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 208-0515

RIN: 1902-AB45

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

Completed Actions

4629. POLICY STATEMENT ON INCENTIVE REGULATION

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717w; 16 USC 792 to 825r

CFR Citation: 18 CFR ch I

Legal Deadline: None

Abstract: The Policy Statement defines the essential elements of an incentive ratemaking policy and sets guidelines for utilities to use in fashioning incentive rate proposals for natural gas pipeline and oil pipeline transportation service and wholesale electric service. (Docket No. PL92-1-000.)

Timetable:

| Action | Date | FR Cite |
|-------------------------------------|----------|-------------|
| Notice of Proposed Policy Statement | 03/13/92 | 57 FR 9703 |
| Policy Statement | 10/30/92 | 57 FR 55231 |
| Order on Rehearing | 04/22/93 | 58 FR 25825 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Benge, Attorney Advisor, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 208-1214

RIN: 1902-AB27

persons who are not interstate pipelines. These certificates authorize interstate sales for resale of all categories of gas subject to the Commission's jurisdiction. Affiliated marketers are not issued the certificates to engage in transactions involving a particular affiliated pipeline until that pipeline has complied with Order No. 636. The marketing certificates are issued by operation of the rule and do not require an application to be filed. Certificate holders are authorized to make sales of gas at negotiated rates. (Docket No. RM92-9-000.)

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/03/92 | 57 FR 35766 |
| NPRM Comment Period End | 09/24/92 | 57 FR 35766 |
| Final Action | 11/30/92 | 57 FR 57952 |
| Order on Rehearing | 03/12/93 | 58 FR 15087 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeffrey A. Gollomp, Attorney Advisor, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 208-2292

RIN: 1902-AB29

Legal Deadline: Final, Statutory, October 24, 1993.

Abstract: The Commission issued a final rule implementing section 32 of the Public Utility Holding Company Act of 1935 as added by Section 711 of the Energy Policy Act of 1992. The final rule establishes the filing requirements and ministerial procedures for persons seeking exempt wholesale generator status. (Docket No. RM93-1-000.)

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/10/92 | 57 FR 55195 |
| NPRM Comment Period End | 12/24/92 | 57 FR 55195 |
| Final Action | 02/10/93 | 58 FR 8897 |
| Order on Rehearing | 04/14/93 | 58 FR 21250 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James H. Douglass, Attorney Advisor, Office of the General Counsel, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, DC 20426, 202 208-2143

RIN: 1902-AB36

4632. REVISION OF THE BILLING PROCEDURES FOR ANNUAL CHARGES FOR ADMINISTERING PART I OF THE FEDERAL POWER ACT

Significance: Agency Priority

Legal Authority: 16 USC 792 to 823b

CFR Citation: 18 CFR 11

Legal Deadline: None

Abstract: The Federal Energy Regulatory Commission revised its billing procedures for assessing annual charges for administering Part I of the Federal Power Act to enable the Commission to fully recover its costs

4630. REGULATIONS GOVERNING BLANKET MARKETER SALES CERTIFICATES

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717z; 15 USC 3301 to 3432; 42 USC 7101 to 7352; 43 USC 1331 to 1356

CFR Citation: 18 CFR 284

Legal Deadline: None

Abstract: The final rule issued blanket certificates of public convenience and necessity (Marketing Certificates) to all

4631. FILING REQUIREMENTS AND MINISTERIAL PROCEDURES FOR PERSONS SEEKING EXEMPT WHOLESALE GENERATOR STATUS

Significance: Agency Priority

Legal Authority: PL 102-486; 15 USC 79; 15 USC 717 to 717w; 16 USC 791 to 828c; 16 USC 2601 to 2645; 31 USC 9701; 42 USC 7101 to 7352; 49 USC 1 to 27

CFR Citation: 18 CFR 365; 18 CFR 381

FERC

Completed Actions

of administering that Part during the fiscal year in which they were incurred. The final rule provided that, in order to avoid undue burden in the transition period, the costs incurred by the Commission during fiscal year 1992 will be billed in fiscal year 1994, and the licensee may elect to be billed under a three-year installment plan. The Commission also adopted a procedure of current-year billing of annual charges for the use of tribal land

on Indian reservations. (Docket No. RM93-5-000.)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/17/92 | 57 FR 61850 |
| NPRM Comment Period End | 01/28/93 | 57 FR 61850 |
| Final Action | 03/18/93 | 58 FR 15765 |
| Final Action Effective | 04/23/93 | 58 FR 15765 |

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Barry Smoler, Deputy Assistant General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, 202 208-1269

RIN: 1902-AB39

[FR Doc. 93-21460 Filed 10-22-93; 8:45 am]

BILLING CODE 6717-01-F

Federal Register

**Monday
October 25, 1993**

Part I

**Federal Housing
Finance Board**

Semiannual Regulatory Agenda

FEDERAL HOUSING FINANCE BOARD (FHFB)**FEDERAL HOUSING FINANCE BOARD****12 CFR Ch. IX****Agenda of Federal Regulations**

AGENCY: Federal Housing Finance Board.

ACTION: Publication of agenda items.

SUMMARY: The Federal Housing Finance Board (Finance Board) hereby publishes items for the Unified Agenda of Federal

Regulations. These items reflect the status of the regulatory agenda of the Finance Board as of October 1, 1993. The Finance Board is an independent agency in the executive branch of Government and is the regulator of the Federal Home Loan Bank System and the Financing Corporation. The Finance Board has an ongoing need to adopt various regulations dealing with its internal administration and the Federal Home Loan Bank System.

ADDRESSES: Executive Secretariat, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, (202) 408-2837.

FOR FURTHER INFORMATION CONTACT: Brandon B. Straus, Attorney-Advisor, Office of Legal and External Affairs, Room 326, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, (202) 408-2589.

By the Federal Housing Finance Board.
Elaine L. Baker,
Executive Secretary.

FEDERAL HOUSING FINANCE BOARD (FHFB)

Prerule Stage

4633. COMMUNITY INVESTMENT PROGRAM

Significance: Agency Priority

Legal Authority: 12 USC 1422a; 12 USC 1422b; 12 USC 1430(i)

CFR Citation: 12 CFR 961

Legal Deadline: None

Abstract: Pursuant to section 721 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. 101-73, 103 Stat. 423, the Federal Home Loan Banks must establish a Community Investment Program ("Program") which will provide funds, through Bank advances (loans) to a Bank's member institutions at interest rates equal to interest rates on Federal Home Loan Bank consolidated bonds or notes having comparable maturity dates with the advances. These advances will be used by the member institutions to provide funding for community-oriented development projects or housing. These regulations will continue the commitment of the Federal Home Loan Banks to community development lending.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sylvia Martinez, Director, Housing Finance Directorate, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, 202 408-2825

RIN: 3069-AA05

4634. BANK REQUEST FOR INFORMATION

Significance: Agency Priority

Legal Authority: 12 USC 1422a; 12 USC 1422b; 12 USC 1442

CFR Citation: 12 CFR 934.15

Legal Deadline: None

Abstract: Section 719 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. 101-73, 103 Stat. 422, amended section 22 of the Federal Home Loan Bank Act (12 USC 1442) and mandates that the Federal Deposit Insurance Corporation, Board of Governors of the Federal Reserve System, Office of Thrift Supervision, Comptroller of the Currency, National Credit Union Administration, and the Treasury Department share examination reports or other records or data, in confidence, with the Federal Home Loan Banks at their request. The agency is proposing to promulgate regulations which will establish a procedure regarding the confidentiality of these examination reports and other records or data while in the possession of a Federal Home Loan Bank.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| Interim Final Rule | 12/07/90 | 55 FR 50545 |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Szlenker, Attorney, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, 202 408-2554

RIN: 3069-AA06

4635. PAPERWORK REDUCTION ACT—COLLECTION OF INFORMATION CONTROL NUMBERS

Significance: Agency Priority

Legal Authority: 5 CFR 1320.7(e)(2)

CFR Citation: 12 CFR 908

Legal Deadline: None

Abstract: The Finance Board will adopt a new part 908 to its general regulations that will display its current information control numbers issued by the Office of Management and Budget for the Finance Board's forms that require the collection of data.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles Szlenker, Attorney, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, 202 408-2554

RIN: 3069-AA25

4636. • MODIFICATION OF COMMUNITY SUPPORT REGULATION

Legal Authority: 12 USC 1430(g)

CFR Citation: 12 CFR 936

Legal Deadline: None

Abstract: The Finance Board is proposing to amend its Community Support regulations to provide standards for the evaluation of community support activities of insurance company and credit union members of the Federal Home Loan Bank System.

FHFB

Prerule Stage

Timetable:

| Action | Date | FR Cite |
|---------------|----------|---------|
| ANPRM | 10/00/93 | |
| ANPRM Comment | 12/00/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bruce W. McDougal, Attorney-Advisor, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, 202 408-2505

RIN: 3069-AA35

FEDERAL HOUSING FINANCE BOARD (FHFB)

Proposed Rule Stage

4637. AFFORDABLE HOUSING PROGRAM

Significance: Agency Priority

Legal Authority: 12 USC 1422b(a)(1); 12 USC 1430(j)

CFR Citation: 12 CFR 960

Legal Deadline: None

Abstract: The Federal Housing Finance Board is proposing to make revisions to its regulation governing the Affordable Housing Program (AHP) in order to simplify and clarify the AHP's requirements for the Federal Loan Banks and their members.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 02/00/94 | |
| NPRM Comment | 04/00/94 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diane E. Dorius, Deputy Director, Housing Finance Directorate, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, 202 408-2576

RIN: 3069-AA28

4638. • PRACTICE BEFORE THE BOARD OF DIRECTORS

Legal Authority: 12 USC 1422b; 5 USC 504; 5 USC 554 to 557

CFR Citation: 12 CFR 914

Legal Deadline: None

Abstract: The Finance Board is proposing to adopt a regulation setting forth the rules for adjudicatory proceedings before the Finance Board.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David A. Guy, Associate General Counsel, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, 202 408-2536

RIN: 3069-AA31

4639. • PRICING OF COMMUNITY INVESTMENT PROGRAM ADVANCES

Legal Authority: 12 USC 1422b; 12 USC 1430

CFR Citation: 12 CFR 935

Legal Deadline: None

Abstract: The Finance Board is proposing to amend its regulations to establish guidelines for pricing Community Investment Program advances.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James H. Gray, Jr., Associate General Counsel, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, 202 408-2552

RIN: 3069-AA32

4640. • MODIFICATION OF DEFINITION OF DEPOSITS IN BANKS OR TRUST COMPANIES

Legal Authority: 12 USC 1422b; 12 USC 1431(g)

CFR Citation: 12 CFR 931.5

Legal Deadline: None

Abstract: The Finance Board is proposing to amend the definition of "deposits in banks or trust companies" in section 931.5 of its regulations in order to include sales of Federal funds to banks in the category of investments

that are eligible to fulfill the Federal Home Loan Banks' reserve requirement contained in section 11(g) of the Federal Home Loan Bank Act.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Brandon B. Straus, Attorney-Advisor, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, 202 408-2589

RIN: 3069-AA33

4641. • ADVANCES TO CAPITAL DEFICIENT MEMBERS AND OTHER MATTERS

Legal Authority: 12 USC 1422b; 12 USC 1429; 12 USC 1430

CFR Citation: 12 CFR 935

Legal Deadline: None

Abstract: The Finance Board is proposing to amend its regulations to incorporate requirements governing secured loans (called advances) made by the Federal Home Loan Banks (Banks) to certain capital deficient members. In addition, it would modify the provisions governing the transfer of Bank advances to permit the transfer of advances from a nonmember to a member.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James H. Gray, Jr., Associate General Counsel, Federal Housing Finance Board, 1777 F Street

FHFB **Proposed Rule Stage**

NW., Washington, DC 20006, 202 408-2552
 RIN: 3069-AA36

FEDERAL HOUSING FINANCE BOARD (FHFB) **Final Rule Stage**

4642. ADVANCES TO NONMEMBER MORTGAGEES
Significance: Agency Priority
Legal Authority: 12 USC 1422a(a)(3); 12 USC 1422b(a)(1); 12 USC 1430b
CFR Citation: 12 CFR 935
Legal Deadline: None
Abstract: The Federal Housing Finance Board adopted an interim regulation amending its regulation on Federal Home Loan Bank advances to establish revised and new requirements governing advances to nonmember mortgagees and to implement provisions of the Housing and Community Development Act of 1992 regarding special advances to qualified nonmember mortgagees that are State housing finance agencies.
Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 05/20/93 | 58 FR 29474 |
| Final Action | 10/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: James H. Gray, Jr., Associate General Counsel, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, 202 408-2552
 RIN: 3069-AA27

4643. CLAIMS REGULATION
Significance: Agency Priority
Legal Authority: 12 USC 1422b; 12 USC 1438(b); 12 USC 1833e; 31 USC 3711(e); 31 USC 3721
CFR Citation: 12 CFR 902
Legal Deadline: None
Abstract: The Finance Board is proposing to issue a regulation governing the procedures and standards for the administrative collection, compromise, and termination of agency collection, and the referral of claims to the General Accounting Office of the Department of Justice for litigation of civil claims. The regulation also establishes the Finance Board's procedures and standards governing claims filed against the Finance Board by employees for loss or damage to personal property.
Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 12/00/93 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: David A. Guy, Associate General Counsel, Federal Housing Finance Board, 1777 F Street

NW., Washington, DC 20006, 202 408-2536
 RIN: 3069-AA30

4644. AFFORDABLE HOUSING MAXIMUM SUBSIDY LIMITATIONS
Legal Authority: 12 USC 1422b; 12 USC 1430(j)
CFR Citation: 12 CFR 960.9
Legal Deadline: None
Abstract: The Finance Board has adopted an interim rule which amends its Affordable Housing Program (AHP) regulation by revising the maximum subsidy requirements applicable to projects receiving subsidized advances or other assistance from the Federal Home Loan Banks under the AHP.
Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 04/07/93 | 58 FR 17968 |
| Final Action | 04/00/94 | |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Sharon B. Like, Attorney-Advisor, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, 202 408-2930
 RIN: 3069-AA34

FEDERAL HOUSING FINANCE BOARD (FHFB) **Completed Actions**

4645. ADVANCES
Significance: Agency Priority
Legal Authority: 12 USC 1422a(a)(3); 12 USC 1422b(a)(1); 12 USC 1426; 12 USC 1429; 12 USC 1430
CFR Citation: 12 CFR 935
Legal Deadline: None
Abstract: The Federal Housing Finance Board adopted regulations to establish the rules under which the Federal Home Loan Banks shall make loans, called advances, to members. The regulations carry forward certain prior

regulations, modify certain existing regulations, and implement provisions of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. 101-73, 103 Stat. 183, which amended the Federal Home Loan Bank Act of 1932.
Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 10/01/92 | 57 FR 45338 |
| NPRM Comment Period End | 11/30/92 | 57 FR 45338 |

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/20/93 | 58 FR 29456 |
| Final Action Effective | 06/21/93 | 58 FR 29456 |

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Thomas D. Sheehan, Assistant Director, District Banks Directorate, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, 202 408-2870
 RIN: 3069-AA08

FHFB

Completed Actions

4646. FREEDOM OF INFORMATION ACT REGULATIONS**Significance:** Agency Priority**Legal Authority:** 5 USC 552; 12 USC 1422b**CFR Citation:** 12 CFR 904**Legal Deadline:** None**Abstract:** The Finance Board issued a regulation containing the procedures for requesting and receiving information from Finance Board records pursuant to the Freedom of Information Act.**Timetable:**

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/30/91 | 56 FR 67242 |
| NPRM Comment Period End | 01/29/92 | |
| Final Action | 04/13/93 | 58 FR 19197 |
| Final Action Effective | 04/13/93 | 58 FR 19197 |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Charles Szlenker, Attorney, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, 202 408-2554**RIN:** 3069-AA10**4647. INFORMATION REGARDING MEETINGS OF THE BOARD OF DIRECTORS OF THE FEDERAL HOUSING FINANCE BOARD****Significance:** Agency Priority**Legal Authority:** 12 USC 1422b; 5 USC 552b**CFR Citation:** 12 CFR 906**Legal Deadline:** None**Abstract:** The Finance Board adopted regulations governing public meetings and notice of meetings for its governing Board of Directors. These regulations are issued pursuant to the requirements of the Government in the Sunshine Act.**Timetable:**

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/30/91 | 56 FR 67248 |
| NPRM Comment Period End | 01/29/92 | 56 FR 67248 |
| Final Action | 04/13/93 | 58 FR 19202 |
| Final Action Effective | 04/13/93 | 58 FR 19202 |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Charles Szlenker, Attorney, Federal Housing Finance

Board, 1777 F Street NW., Washington, DC 20006, 202 408-2554

RIN: 3069-AA12**4648. PRIVACY ACT PROCEDURES****Legal Authority:** 5 USC 552a; 12 USC 1422b(a)(1)**CFR Citation:** 12 CFR 909**Legal Deadline:** None**Abstract:** The Finance Board adopted a regulation implementing the Privacy Act for records held by the Finance Board.**Timetable:**

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/30/91 | 56 FR 67250 |
| NPRM Comment Period End | 01/29/92 | 56 FR 67250 |
| Final Action | 04/13/93 | 58 FR 19204 |
| Final Action Effective | 04/13/93 | 58 FR 19204 |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Charles Szlenker, Attorney, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, 202 408-2554**RIN:** 3069-AA15**4649. OPERATIONS****Legal Authority:** 12 USC 1422b(a)(1); 12 USC 1833e**CFR Citation:** 12 CFR 902**Legal Deadline:** None**Abstract:** The Finance Board adopted a regulation governing various internal agency procedures, namely: procedures for the semiannual assessments on the Federal Home Loan Banks (Banks); procedures for conducting a monthly survey on interest rates and terms on conventional, one family, nonfarm mortgages; a schedule of fees for specific services available upon request; and the establishment of the Finance Board's Minority Contractors Outreach Program.**Timetable:**

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/30/91 | 56 FR 67239 |
| NPRM Comment Period End | 01/29/92 | 56 FR 67239 |
| Final Action | 04/13/93 | 58 FR 19195 |
| Final Action Effective | 04/13/93 | 58 FR 19195 |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Charles Szlenker, Attorney, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, 202 408-2554**RIN:** 3069-AA17**4650. ASSESSMENTS****Legal Authority:** 12 USC 1422b(a)(1); 12 USC 1438(b)**CFR Citation:** 12 CFR 902**Legal Deadline:** None**Abstract:** The Finance Board issued a regulation governing the procedures by which it will levy a semiannual assessment on the Federal Home Loan Bank System for its administrative expenses.**Timetable:**

| Action | Date | FR Cite |
|----------------------------|----------|-------------------|
| NPRM | 12/30/91 | 56 FR 67239 |
| NPRM Comment Period End | 01/29/92 | 56 FR 67239 |
| Merged Into RIN | 04/13/93 | 58 FR 19195 |
| | | 3069-AA17 (93-27) |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Charles Szlenker, Attorney, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, 202 408-2554**RIN:** 3069-AA19**4651. SCHEDULE OF CHARGES FOR AGENCY SERVICES****Legal Authority:** 12 USC 1422b(a)(1); 31 USC 9701**CFR Citation:** 12 CFR 902**Legal Deadline:** None**Abstract:** The Finance Board issued a regulation to permit it to give a schedule of charges for nongovernment users of certain agency services. The Finance Board is also issuing a specific schedule of charges in connection with a FAX broadcast service of its Mortgage Interest Rate Survey.**Timetable:**

| Action | Date | FR Cite |
|----------------------------|----------|-------------------|
| NPRM | 12/30/91 | 56 FR 67241 |
| NPRM Comment Period End | 01/29/92 | 56 FR 67239 |
| Merged Into RIN | 04/13/93 | 58 FR 19195 |
| | | 3069-AA17 (93-27) |

Small Entities Affected: None**Government Levels Affected:** None

FHFB

Completed Actions

Agency Contact: Charles Szlenker, Attorney, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, 202 408-2554

RIN: 3069-AA20

4652. MORTGAGE INTEREST RATE SURVEYS

Legal Authority: 12 USC 1422b(a)(1); 12 USC 1454(a)(2); 12 USC 1717(b)(2)

CFR Citation: 12 CFR 902

Legal Deadline: None

Abstract: The Finance Board issued a regulation governing the method by which it will conduct a monthly survey of the rates and terms on conventional one-family, nonfarm mortgage loans. The survey is used to adjust the limitations on maximum original principal obligations of conventional mortgages purchased by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| NPRM | 12/30/91 | 56 FR 67239 |
| NPRM Comment Period End | 01/29/92 | 56 FR 67239 |
| Merged into RIN 3069-AA17 (93-27) | 04/13/93 | 58 FR 19195 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Szlenker, Attorney, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, 202 408-2554

RIN: 3069-AA21

4653. MEMBERS OF THE BANKS

Significance: Agency Priority

Legal Authority: 12 USC 1422a; 12 USC 1422b; 12 USC 1424; 12 USC 1426; 12 USC 1442

CFR Citation: 12 CFR 932; 12 CFR 933

Legal Deadline: None

Abstract: The Finance Board has adopted a regulation which revises in its entirety the current regulation concerning membership in the Federal Home Loan Bank System (FHLBank System) in response to changes made to the Federal Home Loan Bank Act (Bank Act) by the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA). The regulation clarifies membership eligibility requirements and procedures for applicants for membership in the FHLBank System. In addition, it clarifies access to noncredit services provided by the FHLBanks. The regulation also includes several sections of the current regulation concerning the transfer of the Federal Home Loan Bank stock in consolidations and reorganizations of member institutions.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/11/92 | 57 FR 58732 |
| NPRM Comment Period End | 02/09/93 | 57 FR 58732 |
| Final Action | 08/17/93 | 58 FR 43522 |
| Final Action Effective | 09/16/93 | 58 FR 43522 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharon B. Like, Attorney-Advisor, Federal Housing

Finance Board, 1777 F Street NW., Washington, DC 20006, 202 408-2930

RIN: 3069-AA23

4654. ELIGIBILITY OF FEDERAL HOME LOAN BANK DIRECTORS

Significance: Agency Priority

Legal Authority: 12 USC 1422b(a)(1); 12 USC 1427

CFR Citation: 12 CFR 932

Legal Deadline: None

Abstract: The Finance Board has adopted certain technical amendments to its regulations governing the eligibility of Federal Home Loan Bank directors. These amendments include changes to the deadlines by which directors must submit Personal Certification and Disclosure Forms to the Finance Board and to the date on which the Finance Board must announce the results of the election of directors.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Interim Final Rule | 01/11/93 | 58 FR 3487 |
| Final Action | 06/07/93 | 58 FR 31899 |
| Final Action Effective | 07/07/93 | 58 FR 31899 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Brandon B. Straus, Attorney-Advisor, Federal Housing Finance Board, 1777 F Street NW., Washington, DC 20006, 202 408-2589

RIN: 3069-AA29

[FR Doc. 93-21813 Filed 10-22-93; 8:45 am]

BILLING CODE 6725-01-F

Federal Register

Monday
October 25, 1993

Part LII

Federal Maritime Commission

Semiannual Regulatory Agenda

FEDERAL MARITIME COMMISSION (FMC)**FEDERAL MARITIME COMMISSION****46 CFR Ch. IV****Unified Regulatory Agenda**

AGENCY: Federal Maritime Commission.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to section 5 of E.O. 12291 and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission anticipates having under consideration, during the period from October 1, 1993, to September 30, 1994, actions in the areas listed below.

FOR FURTHER INFORMATION CONTACT: For further information concerning

Commission rulemaking proceedings or the status of any matter listed below, contact: Joseph C. Polking, Secretary, 800 North Capitol Street NW., Washington, DC 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Section 602 of the Regulatory Flexibility Act (5 U.S.C. 602) requires the publication of an agenda of items for which regulatory agencies may propose or promulgate a rule which is likely to have a significant economic impact on a substantial number of small entities. Section 5 of Executive Order 12291 also requires executive agencies to publish a regulatory agenda; the Commission voluntarily complies with this section. The agendas include information on

regulatory activities being conducted or reviewed during the succeeding 12 months by the Commission.

The following is the Commission's unified regulatory agenda. The agenda does not necessarily include all petitions for rulemakings which are under staff review.

In addition, the Commission maintains a compilation of the status of pending rulemaking proceedings and a listing of rules that have become final since the publication of the most recent regulatory agenda. This will be made available to the public, including the press and interested persons.

Joseph C. Polking,
Secretary.

Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4655 | User Fees To Recover Agency Costs | 3072-AA70 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4656 | Actions To Adjust or Meet Conditions Unfavorable to Shipping in the United States/Korea Trade (Docket No. 91-24) | 3072-AB36 |
| 4657 | Service Contracts (Docket No. 92-31) | 3072-AB49 |
| 4658 | Amendments to Rules Governing Rate Proceedings in the Domestic Offshore Trades (Docket No. 93-10) | 3072-AB71 |
| 4659 | Unfavorable Conditions in Korea (Docket No. 92-42) | 3072-AB72 |

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4660 | Financial Reports of Vessel Operating Common Carriers by Water in Domestic Offshore Trades (Docket No. 91-51 and Petition P1-92) | 3072-AB46 |
| 4661 | Electronic Filing of Military Rate (Docket No. 93-01) | 3072-AB67 |
| 4662 | Miscellaneous Amendments to Rules of Practice and Procedure (Docket No. 93-02) | 3072-AB68 |
| 4663 | Implementation of Section 502 of Public Law 102-582 (Docket No. 93-03) | 3072-AB69 |
| 4664 | Rules of Practice and Procedure; Alternate Dispute Resolution (Docket No. 93-06) | 3072-AB70 |
| 4665 | Tariff Filing by NVOCCs (Docket No. 92-22) | 3072-AB73 |

FEDERAL MARITIME COMMISSION (FMC)**Prerule Stage****4655. USER FEES TO RECOVER AGENCY COSTS**

Significance: Agency Priority

Legal Authority: 5 USC 552 to 553

CFR Citation: 46 CFR 503.43

Legal Deadline: None

Abstract: The Commission is reviewing existing fees for services in order to determine whether they are adequate to recover costs.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Begin Review | 01/25/85 | |
| End Review | 10/00/94 | |

Small Entities Affected: Undetermined

FMC

Prerule Stage

Government Levels Affected:
Undetermined

Commission, 800 N. Capitol St. NW.,
Washington, DC 20573, 202 523-5725

Agency Contact: Joseph C. Polking,
Secretary, Federal Maritime

RIN: 3072-AA70

FEDERAL MARITIME COMMISSION (FMC)

Final Rule Stage

**4656. ACTIONS TO ADJUST OR MEET
CONDITIONS UNFAVORABLE TO
SHIPPING IN THE UNITED
STATES/KOREA TRADE (DOCKET NO.
91-24)**

Significance: Agency Priority

Legal Authority: 46 USC app 876; 46
USC app 1710a; 46 CFR 585; Reorg
Plan 7 of 1961

CFR Citation: 46 CFR 586.5

Legal Deadline: None

Abstract: Proposed action would
impose fees on Korean-flag vessels
calling at U.S. ports in response to
Korean law and regulations restricting
U.S. carriers' trucking and rail sources.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| Notice of Petition | 03/16/88 | 53 FR 8679 |
| Notice of Petition | 08/26/88 | 53 FR 32663 |
| NPRM | 06/07/91 | 56 FR 26361 |
| NPRM Comment Period Extended | 11/05/91 | 56 FR 56487 |
| NPRM Comment Period End | 05/29/92 | 56 FR 56487 |
| Second NPRM | 07/01/92 | 57 FR 29259 |
| NPRM Comment Period End | 08/12/92 | 57 FR 29259 |
| Final Rule | 11/18/92 | 57 FR 54318 |
| Final Rule | 02/11/93 | 58 FR 7988 |
| Reports Due 11/93 and 5/94 | 02/11/93 | 58 FR 7988 |
| Final Rule Effective | 06/01/94 | 57 FR 54318 |
| Final Rule Effective | 08/01/94 | 58 FR 7988 |
| Final Action | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert D. Bourgoin,
General Counsel, Federal Maritime
Commission, 800 N. Capitol St. NW.,
Washington, DC 20573, 202 523-5740

RIN: 3072-AB36

**4657. SERVICE CONTRACTS
(DOCKET NO. 92-31)**

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC
app 1702; 46 USC app 1706; 46 USC
app 1707; 46 USC app 1712; 46 USC

app 1714 to 1716; 46 USC app 1718;
46 USC app 1722

CFR Citation: 46 CFR 581.1

Legal Deadline: None

Abstract: Public comments and
information are solicited on the
desirability and feasibility of a rule that
would permit two or more shippers to
enter into a service contract, regardless
of whether the shippers are members
of a shippers' association.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 06/08/92 | 57 FR 24220 |
| ANPRM Comment Period End | 07/08/92 | 57 FR 24220 |
| NPRM | 11/03/92 | 57 FR 49665 |
| NPRM Comment Period End | 12/03/92 | 57 FR 49665 |
| Final Action | 11/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected:
Undetermined

Agency Contact: Robert D. Bourgoin,
General Counsel, Federal Maritime
Commission, 800 N. Capitol St. NW.,
Washington, DC 20573, 202 523-5740

RIN: 3072-AB49

**4658. • AMENDMENTS TO RULES
GOVERNING RATE PROCEEDINGS IN
THE DOMESTIC OFFSHORE TRADES
(DOCKET NO. 93-10)**

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC
app 817; 46 USC app 841a; 46 USC
app 845

CFR Citation: 46 CFR 502.67; 46 CFR
502.155

Legal Deadline: None

Abstract: Action amends the
Commission's rules of practice and
procedure governing rate proceedings
in domestic offshore trades to enhance
the Commission's ability to comply
with the time constraints of the
Intercoastal Shipping Act, 1933. It also
clarifies that the burden of proof in any

hearing under section 3 of the 1933 Act
is on the carrier whose rates are under
investigation.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/13/93 | 58 FR 28379 |
| NPRM Comment Period End | 07/12/93 | 58 FR 28379 |
| Final Action | 11/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Seymour Glanzer,
Director, Bureau of Hearing Counsel,
Federal Maritime Commission, 800 N.
Capitol St. NW., Washington, DC
20573, 202 523-5783

RIN: 3072-AB71

**4659. UNFAVORABLE CONDITIONS IN
KOREA (DOCKET NO. 92-42)**

Significance: Agency Priority

Legal Authority: 46 USC app 876(1)(b);
Reorg Plan 7 of 1961 (75 Stat. 840);
46 CFR 585

CFR Citation: 46 CFR 586.4

Legal Deadline: None

Abstract: Action, in response to a
petition under section 19(1)(b) of the
1920 Act for relief from conditions
allegedly unfavorable to shipping in the
U.S./Korea Trade, imposes sanctions on
Korean-, non-U.S. citizen-, owned or
controlled ocean freight forwarders and
non-vessel-operating common carriers
(NVOCCs).

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Notice of Petition - Direct Container Line | 01/29/92 | 57 FR 3433 |
| NPRM | 07/08/92 | 57 FR 30192 |
| NPRM Comment Period End | 08/07/92 | 57 FR 30192 |
| Final Rule - Further Comments in July 1993 | 11/18/92 | 57 FR 54311 |

FMC

Final Rule Stage

| Action | Date | FR Cite |
|---|----------|-------------|
| Extension of Suspension of Sec. 586.4(b), (c), (d) for 60 Days Until 11/01/93 | 08/20/93 | 58 FR 44286 |

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| Final Rule Effective | 09/01/93 | 57 FR 54311 |
| Next Action Undetermined | | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Robert D. Bourgojn, General Counsel, Federal Maritime Commission, 800 N. Capitol St. NW., Washington, DC 20573, 202 523-5740

RIN: 3072-AB72

FEDERAL MARITIME COMMISSION (FMC)

Completed Actions

4660. FINANCIAL REPORTS OF VESSEL OPERATING COMMON CARRIERS BY WATER IN DOMESTIC OFFSHORE TRADES (DOCKET NO. 91-51 AND PETITION P1-92)

Legal Authority: 5 USC 553; 46 USC app 817(a); 46 USC app 828; 46 USC app 833a; 46 USC app 841a; 46 USC app 843; 46 USC app 844; 46 USC app 845; 46 USC app 845a; 46 USC app 847

CFR Citation: 46 CFR 502.67; 46 CFR 552

Legal Deadline: None

Abstract: For domestic offshore carrier tariffs and amendments, actions would modify financial reporting procedures and rules of practice and procedure related to rate increases.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 11/08/91 | 56 FR 57298 |
| Notice of Petition | 01/23/92 | 57 FR 2702 |
| ANPRM Comment Period End | 05/22/92 | 57 FR 11705 |
| NPRM | 10/28/92 | 57 FR 48770 |
| NPRM Comment Period End | 11/27/92 | 57 FR 48770 |
| Final Action | 03/11/93 | 58 FR 13414 |
| Final Action Effective | 04/12/93 | 58 FR 13414 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Seymour Glanzer, Director, Bureau of Hearing Counsel, Federal Maritime Commission, 800 N. Capitol St. NW., Washington, DC 20573, 202 523-5783

RIN: 3072-AB46

4661. ELECTRONIC FILING OF MILITARY RATE (DOCKET NO. 93-01)

Significance: Agency Priority

Legal Authority: 5 USC 552 to 553; 31 USC 9701; 46 USC app 804 to 847; 46 USC app 1702 to 1722; PL 101-92, 103 Stat 601

CFR Citation: 46 CFR 516.3; 46 CFR 514.9; 46 CFR 514.15

Legal Deadline: None

Abstract: Action exempts Military Sealift Command (MSC) tenders from electronic filing under part 514 on the condition that MSC file these tenders in paper form as is the practice with paper tariffs.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 01/13/93 | 58 FR 4137 |
| Correction | 01/26/93 | 58 FR 6167 |
| NPRM Comment Period End | 02/12/93 | 58 FR 4137 |
| Final Action | 05/17/93 | 58 FR 28787 |
| Final Action Effective | 06/16/93 | 58 FR 28787 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Robert Ewers, Deputy Managing Director, Federal Maritime Commission, 800 N. Capitol St. NW., Washington, DC 20573, 202 523-5800

RIN: 3072-AB67

4662. MISCELLANEOUS AMENDMENTS TO RULES OF PRACTICE AND PROCEDURE (DOCKET NO. 93-02)

Legal Authority: 5 USC 504; 5 USC 551 to 559; 12 USC 1141j(a); 18 USC 207; 26 USC 501(c)(3); 28 USC 2112(a); 46 USC app 817 et seq; 46 USC app 1705 et seq; EO 11222 of May 8, 1965 (30 FR 6499); 21 USC 853a; PL 89-777 (46 USC app 817d, 817e)

CFR Citation: 46 CFR 502; 46 CFR 505; 46 CFR 510; 46 CFR 540

Legal Deadline: None

Abstract: Action removes ambiguities, deletes outdated or extraneous provisions, and improves the efficient administration of proceedings.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 02/05/93 | 58 FR 7199 |
| NPRM Comment Period End | 03/22/93 | 58 FR 7199 |
| Final Action | 05/07/93 | 58 FR 27208 |
| Final Action Effective | 05/07/93 | 58 FR 27208 |
| Sec. 502.62 Withdrawn | 08/09/93 | 58 FR 42273 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 800 N. Capitol St. NW., Washington, DC 20573, 202 523-5725

RIN: 3072-AB68

4663. IMPLEMENTATION OF SECTION 502 OF PUBLIC LAW 102-582 (DOCKET NO. 93-03)

Significance: Agency Priority

Legal Authority: 5 USC 552 to 553; 31 USC 9701; 46 USC app 804 to 847; 46 USC app 1702 to 1722; PL 101-92, 103 Stat 601

CFR Citation: 46 CFR 514.12; 46 CFR 514.20; 46 CFR 514.21; 46 CFR 514 exhibit 2

Legal Deadline: None

Public Law 102-582 contains deadlines for filing of tariff data but none for the issuance or effectiveness of implementation rules.

Abstract: Action amends part 514 in order to implement 46 USC app 1707a, which requires certain tariff data to be electronically filed into the Commission's Automated Tariff Filing and Information System and requires these data to be made available without restriction to the public. Additionally, procedures are devised to implement the new law's requirement that the Commission impose a per-minute fee for secondary (remote) electronic access to the tariff data.

FMC

Completed Actions

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 02/08/93 | 58 FR 7501 |
| NPRM Comment Period End | 03/10/93 | 58 FR 7501 |
| Sec. 514.21(m)(2)(l) Effective Date | 05/27/93 | 58 FR 30709 |
| Final Action | 05/27/93 | 58 FR 30709 |
| Final Action Effective | 06/28/93 | 58 FR 30709 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Robert Ewers,
Deputy Managing Director, Federal
Maritime Commission, 800 N. Capitol
St. NW., Washington, DC 20573, 202
523-5800

RIN: 3072-AB69

**4664. • RULES OF PRACTICE AND
PROCEDURE; ALTERNATE DISPUTE
RESOLUTION (DOCKET NO. 93-06)**

Significance: Agency Priority

Legal Authority: 5 USC 504; 5 USC 551
to 596; 12 USC 1141j(a); 18 USC 207;
26 USC 501(c)(3); 28 USC 2112(a); 46
USC app 817 to 841a; 46 USC app
1114(b); 46 USC app 1705 to 1716; EO
11222 of May 8, 1965 (30 FR 6499);
21 USC 853a

CFR Citation: 46 CFR 502

Legal Deadline: None

Abstract: Action implements the
Administrative Dispute Resolution Act
and the Negotiated Rulemaking Act
through amendments to Commission
rules to incorporate appropriate
procedures.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 03/30/93 | 58 FR 16641 |
| Notice of Interim Policy (Docket No. 93-07) | 03/30/93 | 58 FR 16681 |
| NPRM Comment Period End | 05/14/93 | 58 FR 16641 |
| Notice of ADR Policy (Docket No. 93-07) | 07/19/93 | 58 FR 38651 |
| Final Action | 07/19/93 | 58 FR 38648 |
| Final Action Effective | 07/19/93 | 58 FR 38648 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph C. Polking,
Secretary, Federal Maritime
Commission, 800 N. Capitol St. NW.,
Washington, DC 20573, 202 523-5725

RIN: 3072-AB70

**4665. • TARIFF FILING BY NVOCCS
(DOCKET NO. 92-22)**

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC
app 1702 to 1722

CFR Citation: 46 CFR 580

Legal Deadline: None

Abstract: Action would exempt certain
small non-vessel-operating common
carriers (NVOCCs) from filing under the
Shipping Act of 1984 and permits all
NVOCCs greater flexibility in their
methods of pricing.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 05/07/92 | 57 FR 19583 |
| ANPRM Comment Period End | 07/06/92 | 57 FR 19583 |
| Withdrawn | 06/04/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert D. Bourgoin,
General Counsel, Federal Maritime
Commission, 800 N. Capitol St. NW.,
Washington, DC 20573, 202 523-5740

RIN: 3072-AB73

[FR Doc. 93-23542 Filed 10-22-93; 8:45 am]

BILLING CODE 6730-01-F

Federal Reserve Registered

**Monday
October 25, 1993**

Part LIII

**Federal Reserve
System**

Semiannual Regulatory Agenda

FEDERAL RESERVE SYSTEM (FRS)

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual agenda.

SUMMARY: The Board is issuing this agenda under the Regulatory Flexibility Act and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period October 1, 1993, through April 1, 1994. The next semiannual agenda will be published in April 1994.

DATES: Comments about the form or content of the agenda may be submitted any time during the next 6 months.

ADDRESSES: Comments should be addressed to William W. Wiles, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its October 1993 agenda as part of the October 1993 Unified Agenda of Federal Regulations, which is coordinated by the Office of Management and Budget under Executive Order 12291. Participation by the Board in the Unified Agenda is on a voluntary basis.

The Board's agenda is divided into three sections. The first, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next 6 months. The second section, Final Rule Stage, reports on matters that have been proposed and are under Board consideration. A third section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further.

A dot (•) preceding an entry indicates a new matter that was not a part of the Board's previous agenda and which the Board has not completed.

Barbara R. Lowrey,
Associate Secretary of the Board.

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4666 | Regulation: C—Home Mortgage Disclosure | 7100-AB63 |
| 4667 | Regulation: E—Electronic Fund Transfers | 7100-AA77 |
| 4668 | Regulation: H—Membership of State Banking Institutions in the Federal Reserve System; and Regulation: Y—Bank Holding Companies and Change in Bank Control | 7100-AB39 |
| 4669 | Regulation: H—Membership of State Banking Institutions in the Federal Reserve System; and Regulation: Y—Bank Holding Companies and Change in Bank Control | 7100-AB41 |
| 4670 | Regulation: J—Collection of Checks and Other Items by Federal Reserve Banks and Funds Transfers Through Fedwire | 7100-AB66 |
| 4671 | Regulation: K—International Banking Operations | 7100-AB58 |
| 4672 | Regulation: K—International Banking Operations | 7100-AB67 |
| 4673 | Regulation: T—Credit by Brokers and Dealers (Docket Number: R-0772) | 7100-AB28 |
| 4674 | Regulation: U—Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks | 7100-AB65 |
| 4675 | Regulation: Y—Bank Holding Companies and Change in Bank Control | 7100-AB29 |
| 4676 | Lifeline Accounts | 7100-AB40 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4677 | Regulation: A—Extensions of Credit by Federal Reserve Banks (Docket Number: R-0808) | 7100-AB56 |
| 4678 | Regulation: B—Equal Credit Opportunity (Docket Number: R-0782) | 7100-AB34 |
| 4679 | Regulation: E—Electronic Fund Transfers (Docket Number: R-0798) | 7100-AB47 |
| 4680 | Regulation: H—Membership of State Banking Institutions in the Federal Reserve System; and Regulation: Y—Bank Holding Companies and Change in Bank Control (Docket Number: R-0803) | 7100-AB20 |
| 4681 | Regulation: H—Membership of State Banking Institutions in the Federal Reserve System; and Regulation: Y—Bank Holding Companies and Change in Bank Control (Docket Number: R-0756) | 7100-AB53 |
| 4682 | Regulation: H—Membership of State Banking Institutions in the Federal Reserve System; and Regulation: Y—Bank Holding Companies and Change in Bank Control (Docket Number: R-0773) | 7100-AB55 |
| 4683 | Regulation: H—Membership of State Banking Institutions in the Federal Reserve System; and Regulation: Y—Bank Holding Companies and Change in Bank Control (Docket Number: R-0795) | 7100-AB57 |
| 4684 | Regulation: K—International Banking Operations (Docket Number: R-0754) | 7100-AB31 |
| 4685 | Regulation: K—International Banking Operations (Docket Number: R-0793) | 7100-AB48 |
| 4686 | Regulation: O—Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks (Docket Number: R-0800) | 7100-AB69 |

FRS

Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4687 | Regulation: O—Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks (Docket Number: R-0809) | 7100-AB62 |
| 4688 | Regulation: S—Reimbursement for Providing Financial Records; Recordkeeping Requirements for Certain Financial Records (Docket Number: R-0807) | 7100-AB64 |
| 4689 | Regulation: Y—Bank Holding Companies and Change in Bank Control (Docket Number: R-0686) | 7100-AB07 |
| 4690 | Regulation: DD—Truth in Savings | 7100-AB68 |
| 4691 | Regulation: EE—Netting Eligibility for Financial Institutions (Docket Number: R-0801) | 7100-AB35 |
| 4692 | Federal Reserve Bank Services (Docket Number: R-0778) | 7100-AB61 |
| 4693 | Payments System Risk Reduction Program—Policy Statement (Docket Number: R-0806) | 7100-AB70 |
| 4694 | Proposals To Modify the Payments System Risk Reduction Program (Docket Number: R-0693) | 7100-AB17 |
| 4695 | Risk-Based Capital Standards (Docket Number: R-0764) | 7100-AB50 |
| 4696 | Standards for Safety and Soundness (Docket Number: R-0766) | 7100-AB52 |

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4697 | Regulation: H—Membership of State Banking Institution in the Federal Reserve; Reg.: K—International Banking Operations; and Reg.: Y—Bank Holding Companies (Docket Number: R-0792) | 7100-AB60 |
| 4698 | Regulation: H—Membership of State Banking Institutions in the Federal Reserve System; and Regulation: Y—Bank Holding Companies and Change in Bank Control (Docket Number: R-0720) | 7100-AB27 |
| 4699 | Regulation: H—Membership of State Banking Institutions in the Federal Reserve System; and Regulation: Y—Bank Holding Companies and Change in Bank Control (Docket Number: R-0787) | 7100-AB49 |
| 4700 | Regulation: H—Membership of State Banking Institutions in the Federal Reserve System; and Regulation: Y—Bank Holding Companies and Change in Bank Control | 7100-AB51 |
| 4701 | Regulation: O—Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks (Docket Number: R-0785) | 7100-AB59 |
| 4702 | Regulation: Y—Bank Holding Companies and Change in Bank Control (Docket Number: R-0652) | 7100-AA41 |
| 4703 | Proposals To Modify the Payments System Risk Reduction Program (Docket Number: R-0661) | 7100-AA76 |

FEDERAL RESERVE SYSTEM (FRS)

Proposed Rule Stage

4666. • REGULATION: C—HOME MORTGAGE DISCLOSURE

Legal Authority: 12 USC 2804

CFR Citation: 12 CFR 203

Legal Deadline: None

Abstract: Regulation C implements the Home Mortgage Disclosure Act, which requires certain lenders to report information in connection with applications they receive for mortgage and other housing-related loans. One piece of data reported is the race or national origin of the applicant, according to certain categories specified in the regulation. The categories in Regulation C differ somewhat from those used by the U.S. Office of Management and Budget and other Federal entities. Lenders submit the data to the Federal banking regulators and, in the case of mortgage bankers,

the U.S. Department of Housing and Urban Development. During the next six months the Board may consider whether to issue for public comment amendments to Regulation C that conform the racial categories to the Federal standard.

The Board also may consider whether to propose technical revisions to the instructions that Regulation C provides to lenders for completing reporting form (HMDA-LAR), in order to facilitate the processing of the data by the Federal Financial Institutions Examination Council.

The revisions, if proposed and adopted, would be (cont)

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

Board is expected to consider requesting comment by 04/00/94

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: expected to have an economic impact on some portion of small lenders. (Only lenders with assets under \$10 million or that make fewer than 100 home purchase loans and mortgage refinancings are exempt from the reporting requirements of Regulation C.)

Agency Contact: Leonard Chanin, Managing Counsel, Federal Reserve

FRS

Proposed Rule Stage

System, Division of Consumer and
Community Affairs, 202 452-3667
RIN: 7100-AB63

**4667. REGULATION: E—ELECTRONIC
FUND TRANSFERS**

Legal Authority: 15 USC 1693 et seq
Electronic Fund Transfer Act

CFR Citation: 12 CFR 205

Legal Deadline: None

Abstract: The Board is conducting a review of Regulation E, which implements the Electronic Fund Transfer Act, and establishes the basic rights, liabilities, and responsibilities of consumers who use electronic fund transfer services and of financial institutions that offer these services (whether or not these institutions hold the consumer's account). The review will consider whether any provisions of the regulation are in need of updating, and whether any substantive changes are necessary because of technological and other developments. The Board will also consider whether to make any legislative recommendations for statutory changes. The Board's consideration of whether to propose special rules to govern the electronic delivery of Government benefits is addressed in a separate entry on Regulation E.

Public comment will be requested on any regulatory proposals that may be developed following the review. It is not anticipated that the revisions would have a significant economic impact on a substantial number of small banks.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|---------|
| Board may consider revisions by | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dolores S. Smith, Associate Director, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-2412

RIN: 7100-AA77

**4668. REGULATION: H—MEMBERSHIP
OF STATE BANKING INSTITUTIONS IN
THE FEDERAL RESERVE SYSTEM;
AND REGULATION: Y—BANK
HOLDING COMPANIES AND CHANGE
IN BANK CONTROL**

Legal Authority: 12 USC 208; 12 USC 225

CFR Citation: 12 CFR 1831m

Legal Deadline: Final, Statutory,
January 3, 1993.

Abstract: During 1992, the Board's staff consulted with the other Federal banking agencies regarding the implementation of section 112, the bank auditing requirements, of the Federal Deposit Insurance Corporation Improvement Act of 1991. The section includes requirements for insured commercial banks to receive audits of their annual reports by independent public accountants, requirements for banks and their auditors to report certain information to the Board, and requirements for independent audit committees for banks. In some cases, these requirements can be satisfied by comparable arrangements at the bank holding company level. The Act generally exempts insured depository institutions from these requirements when their total assets are less than \$150 million, unless a higher threshold is chosen by the Federal Deposit Insurance Corporation (FDIC).

The FDIC has primary responsibility for implementing this mandate through regulations, and it issued a draft regulation for comment last year. The FDIC finalized its regulation in May 1993, which will apply to all FDIC-insured banks and thrifts.

The Board has joint rulemaking authority with the other (cont)

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Board may consider amendments to Regulations H and Y by | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: banking agencies regarding the enforcement provisions of section 112. It is expected that the Board and the other agencies will request public comment by year-end on proposed regulations on these enforcement matters and on certain amendments to Regulations H and Y to address the FDIC implementing rule and guidelines.

Agency Contact: Gerald A. Edwards, Jr., Assistant Director, Federal Reserve System, Division of Banking

Supervision and Regulation, 202 452-2741

RIN: 7100-AB39

**4669. REGULATION: H—MEMBERSHIP
OF STATE BANKING INSTITUTIONS IN
THE FEDERAL RESERVE SYSTEM;
AND REGULATION: Y—BANK
HOLDING COMPANIES AND CHANGE
IN BANK CONTROL**

Legal Authority: 12 USC 1831n; 12 USC 1833d

CFR Citation: 12 CFR 208; 12 CFR 225

Legal Deadline: Final, Statutory,
December 19, 1992.

Abstract: During 1992, the Board's staff consulted with the other Federal banking agencies regarding the implementation of section 121, the bank accounting requirements, of the Federal Deposit Insurance Corporation Improvement Act of 1991. These requirements include the implementation of disclosures of the fair market value of assets, liabilities, and certain projects, which may result in the revision of reporting requirements for banks and bank holding companies. The accounting provisions of the Act do not include exemptions for small institutions. Thus, any changes to regulations and reporting requirements would likely affect smaller State member banks.

The Federal Financial Institutions Examination Council has requested public comment on proposed reporting requirements, and the comment period expired on June 14, 1993. By the end of the year the Board is expected to consider requesting comment on certain changes to its regulations in order to implement section 121.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Board may consider amendments to Regulations H and Y by | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Gerald A. Edwards, Jr., Assistant Director, Federal Reserve System, Division of Banking Supervision and Regulation, 202 452-2741

RIN: 7100-AB41

FRS

Proposed Rule Stage

**4670. • REGULATION: J—
COLLECTION OF CHECKS AND
OTHER ITEMS BY FEDERAL
RESERVE BANKS AND FUNDS
TRANSFERS THROUGH FEDWIRE**

Legal Authority: 12 USC 248(i); 12 USC 248(j); 12 USC 248(o); 12 USC 342; 12 USC 360; 12 USC 464; 12 USC 4001 to 4010

CFR Citation: 12 CFR 210

Legal Deadline: None

Abstract: During the next two months, the Board will consider issuing for public comment proposed amendments to Regulation J to conform the warranties and various other provisions of Regulation J to recent amendments to Regulation CC (Availability of Funds and Collection of Checks) and the Uniform Commercial Code.

It is not expected that the proposed amendments would impose any substantial economic burden on small entities.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Board is expected to request comment by | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephanie Martin, Senior Attorney, Federal Reserve System, Legal Division, 202 452-3198

RIN: 7100-AB66

**4671. REGULATION: K—
INTERNATIONAL BANKING
OPERATIONS**

Legal Authority: 12 USC 211

CFR Citation: 12 CFR 211

Legal Deadline: None

Abstract: Within the next four months, the Board, in consultation with the Secretary of the Treasury, will consider action to implement a portion of section 202(a) of the Federal Deposit Insurance Corporation Improvement Act of 1991 with respect to the criteria to be used in evaluating the operations of foreign banks that the Board has determined are not subject to comprehensive supervision or regulation on a consolidated basis. It is undetermined what economic impact this proposal would have on small institutions.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Board will consider requesting comment by | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ann Misback, Senior Attorney, Federal Reserve System, Legal Division, 202 452-3788

RIN: 7100-AB58

**4672. • REGULATION: K—
INTERNATIONAL BANKING
OPERATIONS**

Legal Authority: PL 102-242

CFR Citation: 12 CFR 211, subpart B

Legal Deadline: None

Abstract: Within the next two months, the Board will consider action to implement a portion of section 203(a) of the Foreign Bank Supervision Enhancement Act of 1991 that provides that the cost of examinations of branches, agencies, and representative offices of foreign banks in the United States shall be assessed against the foreign bank or its parent. Public comment will be sought on proposed methodology for assessing examination costs. Foreign banks with branches, agencies, or representative offices in the United States will be affected by the proposal.

The proposal is not expected to have a significant economic impact on a substantial number of small business entities.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Board will consider requesting comment by | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sandy Richardson, Senior Attorney, Federal Reserve System, Legal Division, 202 452-6406

RIN: 7100-AB67

**4673. REGULATION: T—CREDIT BY
BROKERS AND DEALERS (DOCKET
NUMBER: R-0772)**

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78h Securities Exchange Act of 1934, as amended; 15 USC 78w

Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 220

Legal Deadline: None

Abstract: The Board is conducting a review of Regulation T, which regulates extensions of credit by and to brokers and dealers. The review will consider whether any provisions of the regulation are in need of updating and whether any substantive changes are necessary because of developments in the securities markets, including the development of new products and services and the expansion of global markets. In August 1992, the Board approved a general request for comments to aid in its review (57 FR 37109, August 18, 1992). Following evaluation of the public comments, the Board will again seek comment on any regulatory proposals that may be developed. It is not anticipated that the revisions would have a significant economic impact on the overall lending activities of a substantial number of small brokerage firms.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| Board approved requesting comment | 08/18/92 | 57 FR 37109 |
| Further Board action expected by | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Laura Homer, Assistant Director, Federal Reserve System, Division of Banking Supervision and Regulation, 202 452-2781

RIN: 7100-AB28

**4674. • REGULATION: U—CREDIT BY
BANKS FOR THE PURPOSE OF
PURCHASING OR CARRYING MARGIN
STOCKS**

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78h Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 221

Legal Deadline: None

Abstract: During the first half of 1994, the Board plans to begin a review of Regulation U, which generally regulates bank extensions of credit that are

FRS

Proposed Rule Stage

secured by publicly traded stock. The review will consider whether any provisions of the regulation are in need of updating and whether any substantive changes are necessary because of developments in the banking and securities markets. Public comment will be requested for any regulatory proposals that may be developed following the review. It is not anticipated that the revisions will have a significant economic impact on the overall lending activities of a substantial number of small banks.

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| Board may issue advance notice of proposed rulemaking and request for comment by | 03/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Laura Homer, Assistant Director, Federal Reserve System, Division of Banking Supervision and Regulation, 202 452-2781

RIN: 7100-AB65

4675. REGULATION: Y—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL

Legal Authority: 12 USC 1834a; 12 USC 1834b

CFR Citation: 12 CFR 225

Legal Deadline: None

Abstract: Sections 233 and 234 of the Federal Deposit Insurance Corporation Improvement Act of 1991 require the Board and other regulatory agencies to become involved in an effort to get

banks to participate in certain types of lending activities in designated distressed communities. Banks that do the appropriate type of lending in the appropriate "distressed communities" will receive assessment credits for their FDIC insurance premiums. The law requires the Board to receive notice of the banks' intent to involve themselves in these activities, to assist the banks to define and locate the appropriate communities, and to define certain terms by regulation. To accomplish the mandates of the statute, it may be necessary to amend Regulation Y for purposes of receiving notice of the banks' and holding companies' intent to form the types of entities discussed in the law and to do the type of lending intended by the law. It may also be necessary to amend the regulation to provide the definitions of "nonprofit organization" and "small business" called for by the statute. It is not expected that any proposed regulation would have a significant economic impact on small institutions. (cont)

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: These provisions only take effect if, and when, Congress appropriates funds to cover the impact they may have on the Bank Insurance Fund. Consequently, the timing is somewhat uncertain.

Agency Contact: Glenn E. Loney, Assistant Director, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-3585

RIN: 7100-AB29

4676. LIFELINE ACCOUNTS

Legal Authority: 12 USC 1817; 12 USC 1834

CFR Citation: None

Legal Deadline: None

Abstract: Section 232 of the Federal Deposit Insurance Corporation Improvement Act of 1991 requires the Board with the FDIC to establish minimum requirements for "lifeline" transaction accounts. An insured depository institution that chooses to offer accounts that meet these requirements will be assessed deposit insurance premiums on those deposits at a rate of 1/2 the maximum assessment rate. The Act sets forth factors that the Board and the FDIC must consider in setting the account requirements, such as whether the amount of the fee, if any, that is charged for routine transactions does not exceed a minimal level.

It is expected that the Board will seek public comment within the next two months on a proposal to implement section 232. It is not anticipated that implementation of the law, due to its voluntary character, will have a significant impact on a substantial number of small institutions.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|---------|
| Board action expected by | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael S. Bylsma, Senior Attorney, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-3667

RIN: 7100-AB40

FEDERAL RESERVE SYSTEM (FRS)

Final Rule Stage

4677. REGULATION: A—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS (DOCKET NUMBER: R-0808)

Legal Authority: 12 USC 347; 12 USC 248

CFR Citation: 12 CFR 201

Legal Deadline: Final, Statutory, December 19, 1993.

Abstract: Section 142 of the Federal Deposit Insurance Corporation

Improvement Act of 1991 (Federal Reserve Discount Window Advances) modifies the Federal Reserve Act by placing limitations on Federal Reserve Bank liquidity lending to undercapitalized and critically undercapitalized depository institutions. In August 1993, the Board approved issuing for public comment revisions to Regulation A to reflect these changes (58 FR 45851, August 31, 1993). The regulations will apply to

extensions of credit to all depository institutions (both large and small). The regulation will limit credit to undercapitalized and critically undercapitalized depository institutions, including small depository institutions.

Following review of the public comments, the Board is expected to take further action by December 19, 1993.

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Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| Board approved requesting comment | 08/31/93 | 58 FR 45851 |
| Further Board action by | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Manley Williams-Stander, Legal Assistant, Federal Reserve System, Legal Division, 202 452-5565

RIN: 7100-AB56

4678. REGULATION: B—EQUAL CREDIT OPPORTUNITY (DOCKET NUMBER: R-0782)

Legal Authority: 12 USC 1691b

CFR Citation: 12 CFR 202

Legal Deadline: None

Abstract: Section 223 of the Federal Deposit Insurance Corporation Improvement Act of 1991 amended the Equal Credit Opportunity Act (ECOA) to require that upon written request a creditor must provide a credit applicant with a copy of the appraisal report used in connection with an application for a loan secured by a lien on residential real property. In addition, the enforcement provisions of the ECOA are amended to require the Federal financial supervisory agencies responsible for enforcing the ECOA to refer certain matters involving credit discrimination to the Department of Justice or the Department of Housing and Urban Development.

In December 1992, the Board issued for public comment proposed revisions to Regulation B that would implement the ECOA amendments (57 FR 57697, December 7, 1992). The proposal is not expected to have a substantial economic impact on small banks. Following review of the public comments, the Board is expected to take further action within the next two months.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| Board requested comment | 12/07/92 | 57 FR 57697 |
| Further Board action by | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard Chanin, Managing Counsel, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-3667

RIN: 7100-AB34

4679. REGULATION: E—ELECTRONIC FUND TRANSFERS (DOCKET NUMBER: R-0796)

Legal Authority: 12 USC 1693 et seq
Electronic Fund Transfer Act

CFR Citation: 12 CFR 205

Legal Deadline: None

Abstract: Regulation E implements the Electronic Fund Transfer Act, which establishes the basic rights, liabilities, and responsibilities of consumers who use electronic fund transfer services and of the institutions (including traditional depository institutions and other entities, whether or not they hold the consumer's account) that offer these services. In February 1993, the Board issued for public comment a proposal that would apply Regulation E to electronic benefit transfer (EBT) programs established by Federal, State, and local agencies to automate the delivery of Government benefits to recipients (58 FR 8714, February 17, 1993). EBT programs involve such benefits as Aid to Families with Dependent Children, food stamps, and Supplemental Security Income. The proposal sets forth limited modifications in regard to period account statements, which would not be required if other conditions were met. (The Board's consideration of other revisions to the existing regulation, under its Regulatory Improvement Program, is discussed in RIN: 7100-AA77.) This proposal would affect primarily Government agencies that administer EBT programs and would affect only indirectly (cont)

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|------------|
| Board requested public comment | 02/17/93 | 58 FR 8714 |
| Further Board action by | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT: most depository institutions and other private sector entities. It is not anticipated that the proposed revisions would have a significant economic

impact on small banks. Following review of the public comments, the Board is expected to take further action during the next three months.

Agency Contact: Dolores S. Smith, Associate Director, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-2412

RIN: 7100-AB47

4680. REGULATION: H—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM; AND REGULATION: Y—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0803)

Legal Authority: 12 USC 3331 et seq

CFR Citation: 12 CFR 225, subpart G

Legal Deadline: None

Abstract: In June 1993, the Board and other Federal financial regulatory agencies issued for public comment proposed amendments to their real estate appraisal regulations that would: (1) increase the threshold level at or below which appraisals are not required from \$100,000 to \$250,000; (2) expand and clarify other existing exemptions to the appraisal regulations; and (3) identify additional exemptions. In addition, the proposal would amend or delete existing requirements governing appraisal standards and appraiser independence (58 FR 31878, June 4, 1993).

Previously, in November and December 1990, the Board had issued for public comment proposed amendments to the appraisal regulation to lower the threshold to conform to the level at that time of the other agencies (55 FR 49057, November 26, 1990) and to adopt a final rule requiring compliance with the Uniform Standards of Professional Appraisal Practice (USPAP) (55 FR 53609, December 31, 1990; RIN 7100-AB27). As a result of the other agencies conforming their thresholds to the Board's level, the Board took no further action on the November 1990 proposed amendments; the Board will take final action on the (cont)

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| Board requested comment | 11/26/90 | 55 FR 49057 |

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Final Rule Stage

| Action | Date | FR Cite |
|--|----------|-------------|
| Board requested comment on a reviewed proposal | 06/04/93 | 58 FR 31878 |
| Further Board action by | 11/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: December 1990 proposal when the current proposal is finalized. The current proposal is not expected to have a significant economic impact on a substantial number of small entities and, if adopted, is expected to result in reduced regulatory burden for some small entities. Following review of the public comments and coordination with the other agencies, the Board is expected to take further action within the next two months.

Agency Contact: Christopher J. Bellini, Attorney, Federal Reserve System, Legal Division, 202 452-3269

RIN: 7100-AB20

4681. REGULATION: H—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM; AND REGULATION: Y—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0756)

Legal Authority: PL 102-233, sec 618(b) RTC Ref., Restruc. & Improv. Act of 1991

CFR Citation: 12 CFR 208, app A; 12 CFR 225, app A

Legal Deadline: NPRM, Statutory, April 10, 1992.

Abstract: In April 1992, the Board issued for public comment proposed modifications to its risk-based capital guidelines (57 FR 14362, April 20, 1992). The first proposed modification will implement section 618(b) of the RTC Refunding Act of 1991 requiring the Federal banking agencies to lower the risk weight for multifamily housing loans from 100 percent to 50 percent. The second proposed modification will lower the risk weight for certain collateralized transactions from 20 percent to 0 percent in order to better reflect the risk of such transactions. The latter proposal would place U.S. banking organizations on a more equal footing with foreign banks subject to the Basle Accord with regard to capital

requirements for certain low-risk collateralized transactions.

It is not anticipated that the proposed revisions will have a significant impact on a substantial number of small institutions. A lower risk category for multifamily housing loans and certain collateralized transactions may help some small organizations with their capital ratios, but the impact will be small. Action on the implementation of (cont)

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Board requested comment | 04/20/92 | 57 FR 14362 |
| Board adopted one of two modifications | 12/30/92 | 57 FR 62180 |
| Further Board action by | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: section 618(b) is expected within the next two months.

In December 1992, following review of the public comments, the Board adopted the modification regarding certain collateralized transactions in substantially the form proposed (57 FR 62180, December 30, 1992).

Agency Contact: Robert Motyka, Senior Financial Analyst, Federal Reserve System, Division of Banking Supervision and Regulation, 202 452-3621

RIN: 7100-AB53

4682. REGULATION: H—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM; AND REGULATION: Y—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0773)

Legal Authority: 12 USC 248(i); 12 USC 1844(b)

CFR Citation: 12 CFR 208; 12 CFR 225; 12 CFR 265

Legal Deadline: None

Abstract: In August 1992, the Board approved several proposals to reduce burden that is associated with the process for seeking Board approval for a variety of transactions (57 FR 39641, September 1, 1992). In particular, the Board agreed to: (1) establish certain procedures to limit extension of the pre-acceptance period for applications;

(2) permit prospective applicants the opportunity to submit a pre-filing notice of intent to file an application; (3) eliminate the stock redemption notice requirement for bank holding companies that are and would remain well capitalized on a consolidated basis and in generally satisfactory condition following the redemption; (4) expand the authority of Reserve Banks to process all delegable applications without Board staff review; (5) modify the Board's delegation rules that pertain to competition and market concentration; (6) reduce redundant post-acceptance processing of Board action cases; and (7) increase monitoring of cases that require extended processing. In addition, the Board determined to invite comment on a proposal to establish a general consent procedure for investments in bank premises by State member banks. Section 24A of the Federal (cont)

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| Board requested public comment | 09/01/92 | 57 FR 39641 |
| Further Board action by | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Reserve Act requires State member banks to obtain the Board's approval prior to making investments in bank premises that would result in the bank's aggregate level of investments in bank premises to exceed the bank's capital stock account.

Finally, the Board determined to invite public comment on any other ways in which the burdens on applicants under the current regulation may be reduced in a manner consistent with the Board's responsibilities under applicable law.

These proposals are part of the Board's ongoing efforts to reduce regulatory burdens on financial institutions regulated by the Board and should not have a significant economic impact on small entities. Following review of the public comments, the Board is expected to take further action by year-end.

Agency Contact: Patrick J. McDivitt, Attorney, Federal Reserve System, Legal Division, 202 452-3818

RIN: 7100-AB55

4683. REGULATION: H—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM; AND REGULATION: Y—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0795)

Legal Authority: 12 USC 1844(b); 12 USC 3909
CFR Citation: 12 CFR 208; 12 CFR 225
Legal Deadline: None

Abstract: In February 1993, the Board issued for public comment a proposed limitation on deferred tax assets for risk-based and leverage capital purposes (58 FR 8007, February 11, 1993). This proposal is in response to the adoption, by the Financial Accounting Standards Board, of Statement No. 109 (FASB 109) which provides new accounting guidance on deferred tax assets. This proposal will affect the treatment of these assets for capital purposes for all State member banks and bank holding companies regardless of size. However, it is not expected that the proposal will have a significant economic impact on a substantial number of small banking organizations, as the vast majority of small banking organizations currently have very limited amounts of net deferred tax assets as a component of their capital structures. Following review of the public comments and comments received by the other Federal banking agencies on these proposals, the Board is expected to take further action by year-end.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|------------|
| Board requested public comment | 02/11/93 | 58 FR 8007 |
| Further Board action by | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Holm, Project Manager, Federal Reserve System, Division of Banking Supervision and Regulation, 202 452-3502

RIN: 7100-AB57

4684. REGULATION: K—INTERNATIONAL BANKING OPERATIONS (DOCKET NUMBER: R-0754)

Legal Authority: 12 USC 3105; 12 USC 3108

CFR Citation: 12 CFR 211

Legal Deadline: None

Abstract: In January 1993, following review of the public comments, the Board issued a final rule implementing sections 202-204 and 206 of title II of the Federal Deposit Insurance Corporation Improvement Act of 1991 which, among other things, require prior approval of the Board for the establishment of branches, agencies, commercial lending companies, and representative offices by foreign banks in the United States (58 FR 6348, January 28, 1993). It is not expected that the final rule will have a significant economic impact on small institutions.

The Board also requested additional public comment on those portions of the final rule that deal with representative offices of foreign banks. Comments were sought on the definition of representative office and on the standards that should govern the activities that a representative office may conduct. Following review of the public comments, the Board is expected to take further action within the next three months.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Board issued an interim rule | 04/15/92 | 57 FR 12992 |
| Board issued a final rule and request for comment | 01/28/93 | 58 FR 6348 |
| Further Board action by | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ann Misback, Senior Attorney, Federal Reserve System, Legal Division, 202 452-3788

RIN: 7100-AB31

4685. REGULATION: K—INTERNATIONAL BANKING OPERATIONS (DOCKET NUMBER: R-0793)

Legal Authority: 12 USC 3105; 12 USC 3108

CFR Citation: 12 CFR 211

Legal Deadline: None

Abstract: In January 1993, the Board issued for public comment proposed amendments to Regulation K implementing section 202(a) of the Federal Deposit Insurance Corporation

Improvement Act of 1991 (FDICIA) with respect to the limitation on the powers of State branches and agencies of foreign banks (58 FR 513, January 6, 1993). Following review of the public comments and in consultation with the FDIC, the Board is expected to take further action by year-end. It is not expected that a final rule would have a significant economic impact on small institutions.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-----------|
| Board requested public comment | 01/06/93 | 58 FR 513 |
| Further Board action by | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ann Misback, Senior Attorney, Federal Reserve System, Legal Division, 202 452-3788

RIN: 7100-AB46

4686. • REGULATION: O—LOANS TO EXECUTIVE OFFICERS, DIRECTORS, AND PRINCIPAL SHAREHOLDERS OF MEMBER BANKS (DOCKET NUMBER: R-0800)

Legal Authority: PL 102-242, sec 306(d)

CFR Citation: 12 CFR 215

Legal Deadline: None

Abstract: In May 1992, the Board amended Regulation O to implement provisions of the Federal Deposit Insurance Corporation Act to permit smaller banks (deposits under \$100 million) to increase their aggregate insider lending limit from 100 percent to 200 percent of unimpaired capital and unimpaired surplus, for the one year period ending May 18, 1993. In May 1993, the Board approved extending the provision for six months, through November 18, 1993, and requesting additional comments on making the provision permanent, modifying or permitting it to expire.

Following review of the public comments, the Board is expected to take further action by November 18, 1993. Although the rulemaking will apply to all banks with deposits under \$100 million, it should not have a significant economic impact on smaller banks.

FRS

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Board extended provisions of Regulation O | 05/14/93 | 58 FR 26492 |
| Further Board action by | 11/18/93 | |

Small Entities Affected: Businesses**Government Levels Affected:** None**Agency Contact:** Gordon L. Miller, Attorney, Federal Reserve System, Legal Division, 202 452-2534

RIN: 7100-AB69

4687. • REGULATION: O—LOANS TO EXECUTIVE OFFICERS, DIRECTORS, AND PRINCIPAL SHAREHOLDERS OF MEMBER BANKS (DOCKET NUMBER: R-0809)**Legal Authority:** PL 102-242, sec 306(2)**CFR Citation:** 12 CFR 215**Legal Deadline:** None

Abstract: The Housing and Community Development Act of 1992 authorized the Board to adopt exceptions to the definition of "extension of credit" in section 22(h) of the Federal Reserve Act for transactions that pose minimal risk to the lending bank. On August 18, 1993, the Board approved requesting public comment on proposed amendments to Regulation O under this new authority (Federal Register cite unavailable). The proposed amendments would: (1) create an exception to the aggregate lending limit for the purchase of certain consumer installment paper; (2) modify the definition of "extension of credit" by (a) clarifying that the provision defining any transaction that has a "tangible economic benefit" to an insider as an extension of credit to the insider does not cover bona fide extensions of credit to third parties to finance acquisitions of property, goods, or services from insiders, (b) excluding from the definition the discount of obligations sold by an insider to the bank without recourse, and (c) increasing from \$5,000 to \$15,000 the threshold for considering credit card plan debt to be an extension of credit. The proposed amendments would also modify the (cont)

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Board approved requesting public comment on proposed amendments | 08/18/93 | |
| Further Board action by | 12/00/93 | |

Small Entities Affected: Businesses**Government Levels Affected:** None**Additional Information:** ABSTRACT CONT: recordkeeping requirements of Regulation O to allow banks greater latitude in devising procedures to ensure compliance with the regulation.

Because the proposal will reduce regulatory and recordkeeping burdens on all banks, it is not expected to have an adverse economic impact on small banks. Following review of the public comments, the Board is expected to take further action by year-end.

Agency Contact: Gordon L. Miller, Attorney, Federal Reserve System, Legal Division, 202 452-2534

RIN: 7100-AB62

4688. • REGULATION: S—REIMBURSEMENT FOR PROVIDING FINANCIAL RECORDS; RECORDKEEPING REQUIREMENTS FOR CERTAIN FINANCIAL RECORDS (DOCKET NUMBER: R-0807)**Legal Authority:** PL 102-550**CFR Citation:** 12 CFR 219, subpart B**Legal Deadline:** Final, Statutory, December 31, 1993.

Abstract: On August 18, 1993, the Board approved issuing for public comment a proposed joint regulation, promulgated by the Board and the Treasury Department pursuant to section 21(b) of the Federal Deposit Insurance Act, as amended by the Annunzio-Wylie Anti-Money Laundering Act of 1992 (58 FR 46024; August 31, 1993). The proposed regulation would establish recordkeeping requirements for wire transfers by all financial institutions including nonbank financial institutions, such as broker/dealers in securities, check-cashing businesses, money-transmitting businesses, and businesses that issue or redeem money orders or travelers' checks.

This proposal may have a significant economic impact on a substantial

number of small businesses that provide check-cashing services, money-transmitting services, and services concerning the issuance or redemption of money orders and travelers' checks, because such businesses may not currently collect or maintain the information required.

Following review of the public comments, the Board is expected to take further action within the next three months.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| Board approved requesting comment | 08/31/93 | 58 FR 46024 |
| Further Board action by | 11/00/93 | |

Small Entities Affected: Businesses**Government Levels Affected:** None**Agency Contact:** Elaine Boutilier, Senior Attorney, Federal Reserve System, Legal Division, 202 452-2418

RIN: 7100-AB64

4689. REGULATION: Y—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0686)**Legal Authority:** PL 101-73, 103 Stat 183**CFR Citation:** 12 CFR 225, subpart H**Legal Deadline:** None

Abstract: In February 1990, the Board approved issuing for public comment a proposed regulation, which implements section 914 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, requiring banks and bank holding companies to provide notice to the Federal Reserve System 30 days before adding any individual to the institution's board of directors or employing any individual as a senior executive officer under certain circumstances (55 FR 6787, February 27, 1990). Notice would be required if the institution is failing to meet minimum capital standards or is otherwise in a troubled condition, has undergone a change in control within the past two years, or has received a bank charter within the past two years. The regulation defines "senior executive officer," "troubled condition," and "change in control." The proposal is not expected to have a significant economic impact on a

substantial number of small business entities. State member banks and bank holding companies will be affected if they meet one of the criteria that triggers the notice requirements. Following review of public comments, the Board is expected (cont)

Timetable:

| Action | Date | FR Cite |
|-------------------------------------|----------|------------|
| Board approved proposal for comment | 02/27/90 | 55 FR 6787 |
| Further Board action by | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: to take further action within the next three months.

Agency Contact: Robert Frierson, Managing Senior Counsel, Federal Reserve System, Legal Division, 202 452-3711

RIN: 7100-AB07

4690. • REGULATION: DD—TRUTH IN SAVINGS

Legal Authority: 12 USC 4301 et seq

CFR Citation: 12 CFR 230

Legal Deadline: None

Abstract: Sections 261 to 275 of the Federal Deposit Insurance Corporation Improvement Act of 1991 require depository institutions to provide a schedule of terms, rates, and fees for deposit accounts offered by the institution. The law also sets forth rules for advertisements for deposit accounts.

On July 14, 1993, the Board approved issuing for public comment proposed amendments to Regulation DD regarding the calculation of the annual percentage yield (APY) (Federal Register cite unavailable). The proposal would require institutions to use a new formula to calculate the APY for accounts where consumers receive interest payments (by check or transfer to another account) more frequently than interest is compounded. The formula would also be used if interest is not compounded but the consumer receives interest periodically during the term of the account. The amendments will apply to both large and small institutions. The economic impact on small institutions will depend upon the variety of deposit products offered, the extent of the disclosures, and the

options for compliance offered by the final rule. (cont)

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Board approved requesting comment on | 07/14/93 | |
| Board is expected to take further action by | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Following review of the public comments, the Board is expected to take further action by year-end.

Agency Contact: Leonard Chanin, Managing Counsel, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-3667

RIN: 7100-AB68

4691. REGULATION: EE—NETTING ELIGIBILITY FOR FINANCIAL INSTITUTIONS (DOCKET NUMBER: R-0801)

Legal Authority: 12 USC 4402(1)(B); 12 USC 4402(9)

CFR Citation: 12 CFR 231

Legal Deadline: None

Abstract: Section 401 et seq of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA) contains provisions to validate netting contracts between and among financial institutions for the purpose of improving efficiency and reducing systemic risk in the banking system and financial markets. The FDICIA defines "financial institution" to include securities brokers or dealers, depository institutions, futures commission merchants, and any other institution as determined by the Board, such as broker-dealer affiliates that engage in netting.

In May 1993, the Board requested public comment on the expansion of the "financial institution" definition to include entities not covered by FDICIA (58 FR 29149, May 19, 1993). Small entities will be affected only to the extent that they engage in netting activities in the financial markets and would benefit by being considered financial institutions for purposes of the FDICIA netting provisions.

Following review of the public comments, the Board is expected to

take further action within the next three months.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| Board requested public comment | 05/19/93 | 58 FR 29149 |
| Further Board action by | 11/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Stephanie Martin, Senior Attorney, Federal Reserve System, Legal Division, 202 452-3198

RIN: 7100-AB35

4692. FEDERAL RESERVE BANK SERVICES (DOCKET NUMBER: R-0778)

Legal Authority: 12 USC 248(i); 12 USC 240(j); 12 USC 248(o); 12 USC 342; 12 USC 464

CFR Citation: None

Legal Deadline: None

Abstract: In October 1992, the Board requested comment on a proposal to change the opening time for the Fedwire funds transfer service from 8:30 a.m. Eastern Time (ET) to 6:30 a.m. ET (57 FR 47080, October 14, 1992). The earlier opening time would facilitate changes to the settlement practices of the futures and options markets that would reduce risk in those markets, and it would also permit a reduction in the risk associated with the settlement of foreign exchange transactions.

The Board also requested comment on whether the Fedwire securities transfer service should open concurrently with the funds service at 6:30 a.m. ET and on the costs and benefits of extended Fedwire hours for depository institutions, their customers, and the financial markets.

In July 1993, the Board announced a delay in final action on the proposal pending a staff study further analyzing the complex issues raised by commenters (58 FR 40430, July 28, 1993). The Board is expected to take further action by February 1994. Small entities should not be affected by this proposal, because they would be unlikely to choose to open their (cont)

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| Board requested public comment | 10/14/92 | 57 FR 47080 |

FRS

Final Rule Stage

| Action | Date | FR Cite |
|-------------------------------------|----------|-------------|
| Board announced delay pending study | 07/28/93 | 58 FR 40430 |
| Further Board action by | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT
CONT: Fedwire operations earlier in the morning and would not increase costs.

Agency Contact: Gayle Brett, Manager, Federal Reserve System, Division of Reserve Bank Operations and Payment Systems, 202 452-2934

RIN: 7100-AB61

4693. • PAYMENTS SYSTEM RISK REDUCTION PROGRAM—POLICY STATEMENT (DOCKET NUMBER: R-0806)

Legal Authority: 12 USC 221 et seq

CFR Citation: None

Legal Deadline: None

Abstract: The Board's payments system risk policy requires depository institutions to establish a maximum limit, or net debit cap, on daylight overdrafts in their Federal Reserve accounts. Institutions that incur a significant amount of daylight overdrafts must use a self-assessment process to establish their caps. On August 4, 1993, the Board approved requesting public comment on revisions to the self-assessment procedures, as they are set out in the Board's "Guide to the Payments System Risk Policy," to reduce the burden of conducting a self-assessment and to expand the assessment to cover operating controls and contingency procedures (58 FR 44677, August 24, 1993). This proposal would not have a significant economic impact on small depository institutions because those institutions generally do not incur significant daylight overdrafts or perform self-assessment. Following review of the public comments, the Board is expected to take further action by year-end.

Timetable:

| Action | Date | FR Cite |
|-----------------------------------|----------|-------------|
| Board approved requesting comment | 08/24/93 | 58 FR 44677 |
| Further Board action by | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Bettge, Manager, Federal Reserve System, Division of Reserve Bank Operations and Payment Systems, 202 452-3174

RIN: 7100-AB70

4694. PROPOSALS TO MODIFY THE PAYMENTS SYSTEM RISK REDUCTION PROGRAM (DOCKET NUMBER: R-0693)

Legal Authority: 12 USC 221 et seq

CFR Citation: None

Legal Deadline: None

Abstract: In May 1990, the Board requested comment on a proposed change to its policy on payments system risk to assess a penalty fee on the maximum daily daylight overdraft incurred by certain institutions without regular discount window access. The Board proposed that the penalty rate be the same as the current penalty rate for overnight overdrafts.

On August 11, 1993, following review of the public comments, the Board approved a structure under which Reserve Banks would assess a penalty fee for the average daily daylight overdrafts incurred by institutions without regular discount window access, specifically bankers' banks that do not maintain reserves, Edge and agreement corporations, and limited-purpose trust companies (58 FR 44672, August 24, 1993). The Board determined to seek further comment on the size of the daylight overdraft penalty rate. The Board proposes that the rate equal the overnight penalty rate plus the Federal funds rate, adjusted to take account of the Fedwire operating day.

It is not expected that this action will have a significant economic impact on a substantial number of small entities. (cont)

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Board requested comment | 05/31/90 | 55 FR 22086 |
| Board adopted proposal in part and requested public comment | 08/24/93 | 58 FR 44672 |
| Further Board action by | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT

CONT: The action will affect only a small subset of payments system participants, who are generally large entities. Following review of the public comments, the Board is expected to take further action by year-end.

Agency Contact: Stephanie Martin, Senior Attorney, Federal Reserve System, Legal Division, 202 452-3198

RIN: 7100-AB17

4695. RISK-BASED CAPITAL STANDARDS (DOCKET NUMBER: R-0764)

Legal Authority: PL 102-242

CFR Citation: 12 CFR 208; 12 CFR 225

Legal Deadline: Final, Statutory, June 19, 1993.

Abstract: Section 305 of the Federal Deposit Insurance Corporation Improvement Act of 1991 requires each Federal banking agency to revise its risk-based capital standards for the depository institutions it regulates in order to ensure that those standards take adequate account of interest rate risk (IRR), concentration of credit risk, and the risks of nontraditional activities. In August 1992, the Federal banking agencies issued jointly for public comment an advance notice of proposed rulemaking (ANPRM) for each of these risks. The IRR proposal described a supervisory risk measure, and would have required additional reporting by all commercial banks and imposed additional capital requirements on banks identified as having risk beyond a threshold level. For nontraditional and concentration risk, the ANPRM simply requested comments about how the Board might proceed.

On March 31, 1993, following a review of the comments and after staff discussions with the other agencies, the Board approved for comment a notice of proposed rulemaking for IRR. This proposal would allow institutions to use internal risk models to measure IRR (if the models are acceptable to examiners) and would

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Board requested public comment on an ANPRM | 08/10/92 | 57 FR 35507 |

| Action | Date | FR Cite |
|--|----------|---------|
| Board approved requesting comment on proposed rulemaking | 03/31/93 | |
| Further Board action by | 12/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: require additional capital of institutions identified as having excess IRR. Also, in an effort to reduce the burden on small institutions, the proposal would exempt an estimated 8,000 institutions from any additional reporting. The Board also approved for comment proposals regarding nontraditional and concentration risks that provide bankers and examiners substantial flexibility to evaluate these risks. The proposals will be issued jointly for public comment, following review by the other banking agencies. Following the public comment period, final action on the proposals is expected by year-end.

Agency Contact: James Embersit, Manager, Federal Reserve System, Division of Banking Supervision and Regulation, 202 452-5249

RIN: 7100-AB50

4696. STANDARDS FOR SAFETY AND SOUNDNESS (DOCKET NUMBER: R-0766)

Legal Authority: PL 102-242

CFR Citation: 12 CFR ch II

Legal Deadline: Final, Statutory, August 1, 1993.

Abstract: Section 132 of the Federal Deposit Insurance Corporation Improvement Act of 1991 directs each Federal banking agency to prescribe standards regarding operations, management, asset quality, earnings, stock valuation (to the extent feasible), and employee compensation. In July 1992, the Board requested public comment on an interagency advance notice of proposed rulemaking (57 FR 31336, July 15, 1992). After considering the public's comments, a notice of proposed rulemaking was developed that contains broad principle-based standards that leave the method for meeting such standards largely in the province of management. The proposed standards are specific enough to identify emerging safety and soundness problems and require submission of a compliance plan before those problems become serious; however, the standards do not specify each operational and managerial procedure an institution must have in place. The Board believes that well-managed institutions generally should not find it necessary to amend their operations in order to comply with the operational and managerial standards.

A draft notice of proposed rulemaking was approved by (cont)

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Board requested public comment | 07/15/92 | 57 FR 31336 |
| Board approved notice of proposed rulemaking | 04/21/93 | |
| Further Board action by | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: the Board on April 21, 1993, and a similar version was approved by the Federal Deposit Insurance Corporation in early June. An interagency notice is expected to be published in the Federal Register after the Office of Thrift Supervision and the Office of the Comptroller of the Currency have completed their approval processes. The proposal is not expected to impose a significant economic hardship on small institutions.

Following review of the public comments, the Board is expected to take further action by year-end.

Agency Contact: Roger T. Cole, Deputy Associate Director, Federal Reserve System, Division of Banking Supervision and Regulation, 202 452-2618

RIN: 7100-AB52

FEDERAL RESERVE SYSTEM (FRS)

Completed Actions

4697. REGULATION: H—MEMBERSHIP OF STATE BANKING INSTITUTION IN THE FEDERAL RESERVE; REG.: K—INTERNATIONAL BANKING OPERATIONS; AND REG.: Y—BANK HOLDING COMPANIES (DOCKET NUMBER: R-0792)

Legal Authority: 12 USC 248(a)(1); 12 USC 625; 12 USC 1818; 12 USC 1844(c); 12 USC 3105(b)(2); 12 USC 3106(a); 12 USC 3108(a); 12 USC 3401 to 3422

CFR Citation: 12 CFR 208.20; 12 CFR 211.8; 12 CFR 225.4(g)

Legal Deadline: None

Abstract: In January 1993, an interagency task force of the Federal financial institutions regulatory

agencies designed a uniform interagency criminal referral form to facilitate compliance with financial institutions' criminal activity reporting requirements, to enhance law enforcement agencies' ability to investigate and prosecute the matters reported in the criminal referrals, and to develop and maintain a new interagency database. This uniform criminal referral form will replace the various criminal referral forms that are currently being used by financial institutions. The purpose of the rule, which was issued for public comment, is to create a uniform criminal referral reporting requirement for all domestic and foreign financial institutions operating in the United States. The

proposal would codify existing Board policy and procedures and would not impose any additional regulatory burden. On May 26, 1992, following review of the public comments, the Board adopted the proposal in substantially the form proposed (Federal Register cite unavailable).

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|------------|
| Board requested public comment | 01/08/93 | 58 FR 3235 |
| Board adopted the form | 05/26/93 | |

Small Entities Affected: None

Government Levels Affected: None

FRS

Completed Actions

Agency Contact: Herbert A. Biern, Deputy Associate Director, Federal Reserve System, Division of Banking Supervision and Regulation, 202 452-2620

RIN: 7100-AB60

4698. REGULATION: H—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM; AND REGULATION: Y—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0720)

Legal Authority: 12 USC 3331 et seq

CFR Citation: 12 CFR 225, subpart G

Legal Deadline: None

Abstract: In December 1990, the Board, along with the other Federal financial institutions regulatory agencies, issued an interim common rule and request for public comment regarding those applicable provisions of the Uniform Standards of Professional Appraisal Practice (USPAP) that are required to be incorporated into each agency's real estate appraisal rules (55 FR 53609, December 31, 1990). The provisions were published as an interim rule because the agencies' existing appraisal regulations already require compliance with the USPAP, as mandated by title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

The USPAP was undergoing revision when the agencies initially promulgated their appraisal regulations. This proposal will permit the agencies to consider and receive comment on the revisions to USPAP. It is not expected that the proposal will have a significant economic impact on a substantial number of small entities.

In June 1993, the Board, along with the other Federal financial institutions regulatory agencies, proposed for public (cont)

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Board requested public comment | 12/31/90 | 55 FR 53609 |
| Board incorporated proposal into a new proposed rulemaking | 06/04/93 | 58 FR 31877 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: comment amendments to the

agencies' regulations regarding appraisals of real estate including alternatives for satisfying the statutory requirement to publish appraisal standards applicable to federally related transactions (58 FR 31877, June 4, 1993; Docket Number: R-0803).

Agency Contact: Christopher J. Bellini, Attorney, Federal Reserve System, Legal Division, 202 452-3269

RIN: 7100-AB27

4699. REGULATION: H—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM; AND REGULATION: Y—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0787)

Legal Authority: PL 102-233, sec 618(a) RTC Ref., Restruc. & Improv. Act of 1991

CFR Citation: 12 CFR 208, app A; 12 CFR 225, app A

Legal Deadline: NPRM, Statutory, April 10, 1992.

Abstract: In order to lower the risk weight for certain presold residential construction loans from 100 percent to 50 percent so as to more accurately reflect the risk of these assets, the Federal Financial Institutions Examination Council (FFIEC), in February 1992, issued for public comment a proposed change to the instructions to the Reports of Condition and Income (Call Report) to include these loans in the definition of loans secured by one-to-four family residences (57 FR 4027, February 3, 1992). This change would place these assets in the 50 percent risk category under the Board's risk-based capital guidelines. It also would serve to implement section 618(a) of the RTC Refunding Act of 1991, which requires the Federal banking agencies to lower the risk weight on certain presold residential construction loans to 50 percent.

Subsequently, the legal staffs of the other Federal banking agencies agreed to not amend the Call Report, but to implement the change of risk weight instead through a revision to their respective risk-based capital guidelines. Since the Federal Reserve cannot change the Call Report unilaterally and in (cont)

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| FFIEC issued proposed changes to Call Report | 02/03/92 | 57 FR 4027 |
| Board adopted interim rule | 12/22/92 | 57 FR 62177 |
| Board adopted final rule | 05/14/93 | 58 FR 28491 |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: order to achieve consistency with the other agencies, the Board, in December 1992, adopted an interim rule, with request for comment, amending the Board's risk-based capital guidelines to lower the risk weight for these assets and, thereby, implement the statutory requirement. In May 1993, following review of the public comments, the Board adopted the interim rule as a final rule in substantially the form proposed (58 FR 28491, May 14, 1993). It is not anticipated that the revision will have a significant impact on a substantial number of small institutions. A lower risk category for presold residential construction loans may help some small organizations with their capital ratios, but the impact will be small.

Agency Contact: Robert Motyka, Senior Financial Analyst, Federal Reserve System, Division of Banking Supervision and Regulation, 202 452-3621

RIN: 7100-AB49

4700. REGULATION: H—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM; AND REGULATION: Y—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL

Legal Authority: 12 USC 3310; 12 USC 3331; 12 USC 3351

CFR Citation: 12 CFR 208; 12 CFR 225

Legal Deadline: None

Abstract: In the April 1993 Agenda, the Board stated that it would consider issuing for public comment proposed amendments to its appraisal standards provisions in Regulations H and Y that would permit appraisers to use the Departure Provision in the Uniform Standards of Professional Appraisal Practice (USPAP) and would eliminate those portions of the Board's appraisal standards that are similar to or

duplicative of the USPAP standards. Staff was developing this proposal as part of the Board's ongoing program to reduce regulatory burden on depository institutions, and the proposal is not expected to have a significant economic impact on small institutions.

In June 1993, the Board, along with the other Federal financial institutions regulatory agencies, proposed for public comment amendments to the agencies' regulations regarding appraisals of real estate including the above proposals (58 FR 31877, June 4, 1993; Docket Number: R-0803).

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Board incorporated proposal into a new proposed rulemaking | 06/04/93 | 58 FR 31877 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roger T. Cole, Deputy Associate Director, Federal Reserve System, Division of Banking Supervision and Regulation, 202 452-2618

RIN: 7100-AB51

4701. REGULATION: O—LOANS TO EXECUTIVE OFFICERS, DIRECTORS, AND PRINCIPAL SHAREHOLDERS OF MEMBER BANKS (DOCKET NUMBER: R-0785)

Legal Authority: PL 102-550, sec 955

CFR Citation: 12 CFR 215

Legal Deadline: None

Abstract: In December 1992, the Board issued for public comment a proposal to exempt three categories of collateralized loans from the aggregate insider lending limit under Regulation O and section 22(h) of the Federal Reserve Act. The exemptions are based on minimal risk of loss to the lending institution. The Board requested comments on these and other similar categories that might be exempted. The purpose of the exemptions is to make the aggregate insider lending limit more consistent with the single borrower lending limit, which contains the proposed exemptions and additional exemptions as well. In April 1993, the Board, after reviewing public comments, adopted the three exemptions with modifications (58 FR 26507, May 4, 1993).

It is expected that the final rule will reduce the regulatory and recordkeeping burden on banks and increase the ability of banks to make loans and other extensions of credit that pose little or no risk to the bank.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| Board requested public comment | 12/23/92 | 57 FR 61016 |
| Board adopted the proposal | 05/04/93 | 58 FR 26507 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gordon L. Miller, Attorney, Federal Reserve System, Legal Division, 202 452-2534

RIN: 7100-AB59

4702. REGULATION: Y—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0652)

Legal Authority: 12 USC 1843 Bank Holding Company Act; 12 USC 1844(b) Bank Holding Company Act

CFR Citation: 12 CFR 225

Legal Deadline: None

Abstract: A provision of Regulation Y permits a State bank subsidiary of a bank holding company to engage through a nonbank subsidiary in any activity that is permissible under State law for the bank subsidiary itself, subject to the same limits as if the bank engages in the activity directly. (A similar rule applies to national bank subsidiaries regarding activities permissible for such banks under Federal law.) The Board received comments on this provision in connection with its general request for comments in May 1983 regarding the proposed revision of Regulation Y. Some of the commenters challenged the Board's authority to issue this provision, although it has been part of Regulation Y since 1971. In taking final action on the revision of Regulation Y, the Board deferred consideration of the comments on this provision and allowed the existing rule to remain in effect in the interim (49 FR 794, January 5, 1984).

In December 1988, the Board requested public comment regarding whether this rule, as it applies to nonbanking companies owned by State banks in a holding company system, continues to

be valid and appropriate in light of enactment of the (cont)

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Board requested comments | 05/25/83 | 48 FR 23520 |
| Board allows existing rule to remain in effect | 01/05/84 | 49 FR 794 |
| Board requested comments | 12/05/88 | 53 FR 48915 |
| Board action not expected during next six months | 08/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Garn-St Germain Act and certain recent court decisions (53 FR 48915, December 5, 1988). The Board also held an informal public hearing on this matter on April 7, 1989. The Board has not proposed revising its current rule regarding subsidiaries of national banks in a holding company. A determination to reverse the Board's State bank rule could have an adverse impact on small banks that are subsidiaries of holding companies because they might be required to restructure their nonbanking activities or to take other action.

The issue of the validity of the Board's State bank rule was recently raised in litigation involving the permissibility of insurance activities of a nonbank subsidiary of Citicorp's Delaware bank. In that case, the U.S. Court of Appeals for the Second Circuit found that the Bank Holding Company Act does not apply to nonbank companies owned by holding company banks. The U.S. Supreme Court subsequently declined to review an appeal on this matter.

The Board is not expected to take action on this matter during the next six months.

Agency Contact: Scott G. Alvarez, Associate General Counsel, Federal Reserve System, Legal Division, 202 452-3583

RIN: 7100-AA41

4703. PROPOSALS TO MODIFY THE PAYMENTS SYSTEM RISK REDUCTION PROGRAM (DOCKET NUMBER: R-0661)

Legal Authority: 12 USC 221 et seq

CFR Citation: None

Legal Deadline: None

FRS

Completed Actions

Abstract: In March 1989, the Board requested public comment on proposals regarding the finality accorded automated clearing house (ACH) credit and debit transactions processed by Federal Reserve Banks (54 FR 8822, March 2, 1989). Since the Board's proposal, there have been significant changes in the ACH operating environment, such as the Federal Reserve's all-electronic ACH policy. Consequently, the Board has delayed taking final action on the ACH finality

proposals while the ACH operating environment evolves. Any further action in this area will come only after further request for public comment.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Board requested comment | 06/21/89 | 54 FR 26090 |
| Action on this proposal is not expected during the next six months | 08/27/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Jack Walton,
Manager, Federal Reserve System,
Division of Federal Reserve Bank
Operations and Payment Systems, 202
452-2660

RIN: 7100-AA76

[FR Doc. 93-21814 Filed 10-22-93; 8:45 am]

BILLING CODE 6210-01-F

Federal Register

**Monday
October 25, 1993**

Part LIV

**Federal Trade
Commission**

Semiannual Regulatory Agenda

FEDERAL TRADE COMMISSION (FTC)

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Trade Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The following agenda of Commission proceedings is published in accordance with section 22(d)(1) of the Federal Trade Commission Act, 15 U.S.C. 57b-3(d)(1), and section 610(c) of the Regulatory Flexibility Act, 5 U.S.C. 610(c). Each projected date reflects an assessment by the FTC staff of the likelihood that the specified event will occur during the coming year. No Commission determination on the need for or the substance of a trade regulation rule or any other procedural option should be inferred from the notation of projected events in this agenda.

Several agenda items concern rulemaking proceedings that may affect a substantial number of small businesses as that term is used in the Regulatory Flexibility Act. Whether any such proceeding is likely to have a significant economic impact on such entities will depend upon the Commission's final determinations respecting the need for and the substance of a trade regulation rule.

Except for notice of completed actions, the information in this agenda represents the judgment of Commission staff based upon information now available. These views should not be regarded as a final staff position nor should they be attributed to the Commission itself. The Commission will independently address the issues presented on the rulemaking record in each proceeding.

Agenda items include the projected timing of certain future actions. In most

instances, the dates of future events are listed by month, not by a specific day. Acquisition of new information, change of circumstances, or changes in the law may alter the information set forth in this agenda.

In addition to these agenda items, the Commission has determined to conduct a systematic review of all current FTC regulations and guides on a recurring 10-year cycle. This review will be modeled on the review conducted under the Regulatory Flexibility Act review process and will be a permanent feature of the Commission's regulatory oversight process.

FOR FURTHER INFORMATION CONTACT: Further details may be obtained from the agency contact person listed for each particular proceeding.

By direction of the Commission.

Donald S. Clark,
Secretary.

Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4704 | Amended Federal Deposit Insurance Act | 3084-AA44 |
| 4705 | Regulatory Review | 3084-AA47 |

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4706 | Review of the Funeral Industry Practices Rule | 3084-AA05 |
| 4707 | Review of the Premerger Notification Rules and Report Form | 3084-AA23 |
| 4708 | Games of Chance in the Food Retailing and Gasoline Industries Rule | 3084-AA24 |
| 4709 | Franchise Rule | 3084-AA38 |
| 4710 | Regulations Under the Comprehensive Smokeless Tobacco Health Education Act of 1986 | 3084-AA48 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4711 | Mail Order Merchandise | 3084-AA19 |
| 4712 | Appliance Labeling Rule—Energy Policy and Conservation Act | 3084-AA26 |
| 4713 | Fair Packaging and Labeling Act Regulations | 3084-AA46 |

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4714 | Octane Certification and Posting Rule | 3084-AA45 |
| 4715 | Rule Pursuant to the Telephone Disclosure and Dispute Resolution Act of 1992 | 3084-AA49 |

FEDERAL TRADE COMMISSION (FTC)

Prerule Stage

4704. AMENDED FEDERAL DEPOSIT INSURANCE ACT

Legal Authority: 12 USC 1811 et seq, Federal Deposit Insurance Act.

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: On December 19, 1991, the Federal Deposit Insurance Corporation Improvement Act of 1991, Pub. L. No. 102-242, 105 Stat. 2236, 12 USC 1811, was signed into law. This law assigns to the FTC new responsibilities for certain non-federally insured depository institutions (DIs) and private deposit insurers of such DIs. The law imposes certain disclosure requirements on DIs, requires private deposit insurers to obtain annual audits from independent auditors using generally accepted accounting techniques, and requires private deposit insurers to file copies of the annual audit reports with each DI they insure and with each state in which such DIs receive deposits. DIs must also provide copies of their insurer's audit reports to current or prospective customers upon request. The FTC is required to prescribe, by regulation or order, the manner and content of three affirmative disclosures required of DIs that lack Federal deposit insurance. Such DIs must: (1) include in all periodic account statements and certain other documents a notice that the institution is not federally insured and that the Federal government does not guarantee that depositors "will get back their money" if the institution (cont)

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: State

Additional Information: ABSTRACT CONT: fails; (2) include such a notice that the DI is not federally insured in all advertising and at each place where deposits are normally received; and (3) receive deposits only for persons who have signed a written acknowledgment that the institution is not federally insured and that the Federal government does not guarantee that such persons "will get back their money" if the institution fails. However, on October 8, 1992, the Departments of Commerce, Justice, and State, The Judiciary, and Related Agencies Appropriations Act, 1993, Pub. L. No. 102-393, 106 Stat. 1828, was signed into law. This law, which contains the Commission's appropriation for fiscal year 1993, provides that none of the funds made available to the Commission shall be available for expenses authorized by Section 151 of the FDICIA, unless legislation amending Section 151 of FDICIA is enacted into law during fiscal year 1993 and only upon notification to the Appropriations Committees. Thus, as of September 1, 1993, implementation and enforcement of FDICIA by the Commission was on hold. Section 151 of FDICIA nonetheless continues to be in effect with respect to all affected entities.

Agency Contact: Carole Reynolds, Division of Credit Practices, Federal Trade Commission, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3230

RIN: 3084-AA44

4705. REGULATORY REVIEW

Significance: Agency Priority

Legal Authority: 15 USC 41 et seq

CFR Citation: 16 CFR 41 et seq

Legal Deadline: None

Abstract: The Commission is conducting a ten-year review of current rules and guides to identify any that should be modified or rescinded. At the beginning of each year, the Commission will publish a notice in the Federal Register listing the specific rules and guides to be reviewed during that year. See 58 FR 11554 (February 26, 1993). During the year, the Commission will publish separate notices in the Federal Register for each such rule or guide, soliciting comments about its costs and benefits and regulatory and economic impact. Where rulemaking timetables have been established for such items, they are included in this Agenda. However, no determination about whether to modify or rescind a rule, regulation, guide or interpretation or any other procedural option should be inferred from the Commission's decision to publish a request for comments. In certain instances, the reviews will also address other specific matters or issues, such as reviews mandated by the Regulatory Flexibility Act, 5 U.S.C. 601 et seq.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Flexibility Act, 5 USC 601 et. seq.

Agency Contact: Kent Howerton, Division of Enforcement, Federal Trade Commission, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3013

RIN: 3084-AA47

FEDERAL TRADE COMMISSION (FTC)

Proposed Rule Stage

4706. REVIEW OF THE FUNERAL INDUSTRY PRACTICES RULE

Legal Authority: 15 USC 45; 15 USC 46(g); 15 USC 57(a)

CFR Citation: 16 CFR 453.

Legal Deadline: None

Abstract: The Funeral Industry Practices Rule, which became fully effective on April 30, 1984, seeks to increase consumer access to accurate information about prices and legal requirements prior to and at the time

of purchase of funeral goods and services. The rule: (1) requires funeral directors to provide consumers with written itemized pre-sale disclosures; (2) prohibits misrepresentation of legal and cemetery requirements and the preservative or protective value of embalming, caskets, and vaults; (3) prohibits funeral directors from requiring a casket for cremations, or any other tie-in arrangements; (4) prohibits funeral directors from charging for goods and services not

specifically ordered, such as embalming, unless required by law; and (5) requires funeral directors to give, on request, price information over the telephone. The Rule provides that no later than four years after its effective date, the Commission will begin a rulemaking proceeding to determine whether the Rule should be amended or terminated. (cont)

FTC

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Rule Promulgated | 09/24/82 | 47 FR 42260 |
| Prohibitions Effective Date | 01/01/84 | |
| Affirmative Requirements Effective Date | 04/30/84 | |
| ANPRM | 12/09/87 | 52 FR 46706 |
| NPRM | 05/31/88 | 53 FR 19864 |
| Hearings Ended | 02/03/89 | |
| Staff Report | 06/29/90 | |
| FR Notice Inviting Public Comment | 07/30/90 | 55 FR 30925 |
| Presiding Officer's Report | 07/30/90 | 55 FR 30925 |
| Comment Period End | 10/15/90 | |
| Final Staff Recommendation to Commission | 06/20/91 | |
| Oral Presentation to Commission | 11/21/91 | |
| Initial Commission Vote | 01/28/93 | |
| Draft SBP and Final Amended Rule to Commission | 05/28/93 | |
| Commission Vote to Promulgate | 10/00/93 | |
| SBP and Final Rule Published in Federal Register | 10/00/93 | |
| Final Rule Effective Date | 04/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The Commission issued the Notice of Proposed Rulemaking for public comment and held public hearings in the cities of Washington, Chicago, and San Francisco. The staff's recommendations and presiding officer's report were published, and public comments on those reports were submitted. The staff submitted its final recommendation to the Commission, which heard oral presentations by interested parties. On January 28, 1993, the Commission tentatively approved the amended Rule. The Commission's action was made tentative to accommodate the staff's need to draft a Statement of Basis and Purpose for publication with the final rule. Once the Commission makes its final decision on the proposed amendments and approves the Statement of Basis and Purpose, they will be published in the Federal Register. The amendments will become effective six months after the date of publication.

Agency Contact: Matthew Daynard, Federal Trade Commission, Division of

Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3291

RIN: 3084-AA05

4707. REVIEW OF THE PREMERGER NOTIFICATION RULES AND REPORT FORM

Significance: Agency Priority

Legal Authority: 15 USC 18a Clayton Act

CFR Citation: 16 CFR 801 to 803

Legal Deadline: None

Abstract: The Premerger Notification Rules and the Antitrust Improvements Act Notification and Report Form were adopted pursuant to Section 7A of the Clayton Act. Section 7A requires firms of a certain size contemplating mergers or acquisitions of a specified size to file notification with the Federal Trade Commission (FTC) and the Department of Justice (DOJ) and to wait a designated period before consummating the transaction. It also requires the FTC, with the concurrence of the Assistant Attorney General for Antitrust, to promulgate rules requiring that notification be in a form and contain information necessary to enable the FTC and DOJ to determine whether the proposed acquisition may, if consummated, violate the antitrust laws. These rules are continually reviewed in order to improve the program's effectiveness and reduce the paperwork burden on the business community. The Commission plans to propose modifications to the Premerger Notification and Report form during the next fiscal year. In September 1985, The Commission proposed to amend the Rule's treatment of acquisition (cont)

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| Begin Review | 09/30/81 | |
| NPRM -- Ordinary Course | 09/24/85 | 50 FR 38742 |
| NPRM Ord. Course | 10/00/93 | |
| NPRM -- HSR Form | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: of goods or realty made in the ordinary course of business. The Commission will reconsider what action, if any, to take on possible amendments regarding such

acquisitions. The consideration of amendments regarding mergers and consolidations of non-profit organizations has been postponed until later this year.

Agency Contact: Roberta S. Baruch, Deputy Assistant Director, Federal Trade Commission, Bureau of Competition, Washington, DC 20580, 202 326-2861

RIN: 3084-AA23

4708. GAMES OF CHANCE IN THE FOOD RETAILING AND GASOLINE INDUSTRIES RULE

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 419

Legal Deadline: None

Abstract: The Commission's trade regulation rule concerning games of chance became effective on October 17, 1969. The Rule establishes requirements for food and gasoline retailers in conducting and advertising games of chance by requiring disclosure of odds-of-winning and prize information in broadcast and print advertisements, as well as in point of sale information. In January, 1983, the Commission granted a temporary partial exemption to allow supermarkets and gas stations to advertise their games on radio and television without disclosing full information on prizes and odds-of-winning. In addition, the Commission also published an Advance Notice of Proposed Rulemaking on whether to make the broadcast exemption permanent. Finally, the Commission has proposed to reduce the recordkeeping requirements of the Rule from three years to one year in keeping with the goals of the Paperwork Reduction Act, and requested public comment on other possible areas where amendments to the Rule may be appropriate. The Rule benefits consumers by allowing contestants to enter games of chance with full knowledge of all material information to enable equal competition for (cont)

Timetable:

| Action | Date | FR Cite |
|-------------------------------|----------|-------------|
| Promulgation of Original Rule | 08/19/69 | 34 FR 13302 |
| ANPRM | 01/04/83 | 48 FR 265 |
| Temporary Partial Exemption | 01/10/83 | 48 FR 1046 |

FTC

Proposed Rule Stage

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 07/07/88 | 53 FR 25503 |
| Staff Report | 10/00/93 | |
| Presiding Officer's Report | 11/00/93 | |
| Commission Consideration of Staff Recommendations | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: prizes. The major costs to industry are the possible burdensomeness of the electronic media disclosure and recordkeeping provisions of the rule, both of which have been reconsidered. The Commission issued an NPRM on July 7, 1988 to consider amendments that would reduce the burden of the rule's recordkeeping and disclosure requirements.

Agency Contact: John M. Mendenhall, Federal Trade Commission, Cleveland Regional Office, Suite 520A, 668 Euclid Ave., Cleveland, Ohio 44114, 216 522-4207

RIN: 3084-AA24

4709. FRANCHISE RULE

Legal Authority: 15 USC 41 et seq, Federal Trade Commission

CFR Citation: 16 CFR 436

Legal Deadline: None

Abstract: On December 21, 1978, the Commission issued a Trade Regulation Rule applicable to franchises and other business opportunity ventures. The Franchise Rule took effect on October 21, 1979. The Rule requires franchisors to give pre-sale disclosures to prospective investors before they pay money or become legally bound to pay. The disclosures provide material information and are designed to assure that potential investors have the information they need to investigate the franchise offer so they can make an informed investment decision. The Commission is considering whether to amend its Franchise Rule. In particular, the Commission is considering whether to amend the Rule's earning's claim

and preemption provisions. On February 5, 1991, the Commission deferred this decision and continues to seek academic and other studies of the impact of streamlined earnings claim disclosure requirements and any inconsistencies in State franchise laws. The record was held open until August 6, 1992, for receipt of this evidence and related comments.

Timetable:

| Action | Date | FR Cite |
|--|----------|------------|
| ANPRM | 02/16/89 | 54 FR 7041 |
| Notice of Reopening Record for Additional Evidence | 02/13/91 | 56 FR 5783 |
| Record Closes | 08/06/92 | |
| Review of Comments | 10/31/92 | |
| Staff Recommendations to Commission | 10/00/93 | |
| Commission Consideration of Staff Recommendations | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Craig Tregillus, Franchise Rule Coordinator, Federal Trade Commission, Division of Marketing Practices, Washington, DC 20580, 202 326-2870

RIN: 3084-AA38

4716. REGULATIONS UNDER THE COMPREHENSIVE SMOKELESS TOBACCO HEALTH EDUCATION ACT OF 1986

Significance: Agency Priority

Legal Authority: 15 USC 4401

CFR Citation: 16 CFR 307

Legal Deadline: None

Abstract: The Comprehensive Smokeless Tobacco Act of 1986 requires health warnings on all packages and advertising for smokeless tobacco. The initial regulations allowed the warning on promotional materials to be rotated on the basis of the date the materials were disseminated, or the date of order or manufacture, and exempted utilitarian items. In 1991, the Commission amended its regulations to delete the exemptions for utilitarian

items, and decided to require that the warnings on utilitarian items be rotated according to the date of dissemination, rather than the date of order or manufacture. At the same time, the Commission determined to modify the rotation method for promotional materials to require that the warnings rotate according to dissemination date. On January 15, 1993, the FTC concluded that inadequate public comment was received on the amended rotational plan for promotional items. Thus, the Commission deleted the amended requirements for promotional items, and offered the identical rotational plan for a 30-day public comment period. On May 14, 1991, the Coalition on Smoking OR Health petitioned the Commission to enforce the Smokeless Tobacco Act (cont)

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Rule Promulgated | 11/04/86 | 51 FR 40015 |
| Effective Date of Rule | 02/27/87 | |
| NPRM | 07/31/89 | 54 FR 31541 |
| NFRM | 03/20/91 | 56 FR 11662 |
| Effective Date of Amended Rule | 04/19/91 | |
| Amendment to Final Rule | 01/15/93 | 58 FR 4874 |
| NPR (Promotional Items) | 01/15/93 | 58 FR 4875 |
| Comm. Consid. of Staff Rec. (Racing Cars) | 10/00/93 | |
| Staff Review of Comments (Promotional Items) | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: to require smokeless tobacco health warnings on sponsored racing cars, banners, flags and other related objects bearing smokeless tobacco product brand names, logos, or selling messages. The Commission is considering this petition.

Agency Contact: Phillip Priesman, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, 202 326-2484

RIN: 3084-AA48

FEDERAL TRADE COMMISSION (FTC)

Final Rule Stage

4711. MAIL ORDER MERCHANDISE

Legal Authority: 15 USC 41 et seq
Federal Trade Commission Act

CFR Citation: 16 CFR 435

Legal Deadline: None

Abstract: The Mail Order Merchandise Rule requires mail order sellers to possess a reasonable basis for any claims made concerning shipping dates and, in the absence of any specifically stated date, to ship the ordered merchandise within thirty (30) days of receipt of an order. In the event of delays in shipment, the rule establishes notification procedures whereby buyers have the option either to agree to the delay or to cancel the order and receive a prompt refund. On October 11, 1989, the Commission commenced a rulemaking to amend the Rule to cover orders placed by telephone, and to change the Rule's definition of "properly completed order" for credit sales to the time the seller receives sufficient information to charge the buyer's account. The Notice of Proposed Rulemaking was published on November 28, 1989. The deadline for filing written comments was January 29, 1990. Public hearings were held on March 28, 1990, and April 19, 1990. The record closed on September 10, 1991. Both the staff and Presiding Officer in the rulemaking recommended that the Commission amend the Rule to cover telephone order merchandise and change the definition of "properly completed order" as proposed (cont)

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Rule Promulgated | 10/22/75 | 40 FR 49492 |
| Begin Reg Flex Act Review | 10/20/83 | |
| End Reg Flex Review | 06/10/86 | 51 FR 20991 |
| ANPRM | 10/27/88 | 53 FR 43448 |
| NPRM Published | 11/28/89 | 54 FR 49060 |
| Staff Report Placed on Public Record | 07/19/91 | |
| Notice of Reports and Invitation to Comment | 09/10/91 | 56 FR 46133 |
| Presiding Officer's Report on Public Record | 09/10/91 | |
| Post-Record Comments Placed on Public Record | 11/08/91 | |
| Final Staff Recommendations to Commission | 07/02/92 | |
| Oral Presentation by Interested Parties | 11/03/92 | |

| Action | Date | FR Cite |
|---|----------|---------|
| Commission Consideration of Staff Recommendations | 11/18/92 | |
| Commission Vote Re: Deletion of Rebuttable Presumptions | 03/01/93 | |
| Staff Submission of Draft Statement of Basis and Purposes | 03/22/93 | |
| Final Commission Action | 09/03/93 | |
| Effective Date | 03/01/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: On September 10, 1991, interested parties were invited to comment on the Staff and Presiding Officer recommendations. Five post-record comments were placed on the public record on November 8, 1991. After summarizing the comments staff sent its final recommendation to the Commission on July 2, 1992. Two interested parties made oral presentations before the Commission on November 3, 1992. On November 18, 1992, and March 1 1993, the Commission tentatively determined to amend the Rule to cover telephone-order merchandise; to define the term "telephone" to include any direct or indirect use of the telephone to order merchandise; to amend the definition of "receipt of a properly completed order" for credit sales to refer to the time sufficient information is received to charge the buyer's account; to increase the shipment or notice deadline for orders accompanied by applications for first-time credit from 30 to 50 days; and to delete the rebuttable presumptions from section 435.1(b)(3). The Commission voted to amend the Rule on September 3, 1993. The effective date is March 1, 1994.

Agency Contact: Joel N. Brewer, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 326-2967

RIN: 3084-AA19

4712. APPLIANCE LABELING RULE—ENERGY POLICY AND CONSERVATION ACT

Legal Authority: Sec 324 of the Energy Policy and Conservation Act; PL 94-163 (1975)

CFR Citation: 16 CFR 305

Legal Deadline: None

Abstract: The Energy Policy and Conservation Act is designed to enable consumers to conserve energy by comparing the energy use of competing appliances and use that information in purchasing decisions. The statute requires the Commission to issue a labeling rule prescribing the disclosure of the estimated annual cost of operation (or another measure of energy use) for at least 13 categories of major household appliances. The statute also requires that the disclosures be based on standardized test procedures prescribed by the Department of Energy (DOE). In 1979, the Commission promulgated the Appliance Labeling Rule, which was amended in 1987 and 1990. The rule covers eight appliance categories: (1) refrigerators, refrigerator-freezers and freezers; (2) dishwashers; (3) clothes washers; (4) water heaters; (5) room air conditioners; (6) furnaces; (7) central air conditioners and heat pumps; and (8) fluorescent lamp ballasts. Five other product categories were exempted. The rule requires that specific energy costs or efficiency information for covered products be disclosed in catalogues and at the point of sale in the form of a (cont)

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM (Comprehensive Review) | 06/13/88 | 53 FR 22106 |
| Commission Consid. of NPRM (Pool Heaters) | 01/21/93 | |
| Publication of NPRM (Pool Heaters) | 02/09/93 | 58 FR 7852 |
| Commission Consid. of Further Limited NPRM (Comp. Review) | 02/16/93 | |
| Publication of Limited NPRM (Comp. Review) | 03/05/93 | 58 FR 12818 |
| Commission Consideration of NPRM (Plumbing Rule) | 04/26/93 | |
| Publication of NPRM (Plumbing Rule) | 05/05/93 | |
| Publication of Final Rule (Plumbing Rule) | 10/24/93 | |
| Commission Consideration of NPRM (Lamp Rule) | 10/00/93 | |

FTC

Final Rule Stage

| Action | Date | FR Cite |
|---|----------|---------|
| Commission Review of Final Recommendations (Comp. Review) | 10/00/93 | |
| Publication of NPRM (Lamp Rule) | 10/00/93 | |
| Publication of Final Rule (Comp. Review) | 12/00/93 | |
| Publication of Final Rule (Pool Heaters) | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: yellow and black "EnergyGuide" label (fact sheets are required for furnaces, fact sheets or listing in an industry directory are required for central air conditioners and heat pumps, and an encircled "E" logo is required for fluorescent lamp ballasts). The Rule also mandates that energy-use-related advertisements be based on the DOE test procedures. The Commission is considering proposed amendments to the rule to make the rule's energy use disclosure scheme more efficient for consumers and businesses. A proposal to label a new category (pool heaters) and two new types of water heaters has been published for comment. The Energy Policy Act of 1992 requires the Commission to amend the rule to address certain plumbing products (shower heads, faucets, water closets and urinals) by October 24, 1993, and to include certain incandescent and fluorescent lamp products by April 24, 1994.

Agency Contact: James Mills, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3035

RIN: 3084-AA26

4713. FAIR PACKAGING AND LABELING ACT REGULATIONS

Significance: Regulatory Program

Legal Authority: Fair Packaging and Labeling Act; PL 89-755, as amended; 15 USC 1451

CFR Citation: 16 CFR 500; 16 CFR 501; 16 CFR 502; 16 CFR 503

Legal Deadline: None

Abstract: The Fair Packaging and Labeling Act (FPLA) requires consumer commodities to be marked with statements of: (1) identity; (2) net quantity of contents; and (3) name and place of the business of manufacturer, packer, or distributor. These requirements serve FPLA's stated purpose of "enabling consumers to obtain accurate information as to the quantity of the contents and ... [to] facilitate value comparisons." The FTC is responsible for FPLA enforcement regarding all consumer commodities other than foods, drugs, and cosmetics, and pursuant to Section 6(b) of FPLA, the Commission has promulgated the existing implementing regulations found in 16 CFR Parts 500, 501, 502, and 503. In 1992 FPLA was amended to require the statement of net quantity of contents to be expressed in terms of both customary inch-pound units and SI metric units; these amendments

become effective on 02/14/94. At present, FPLA requires net quantity of contents to be expressed in customary inch-pound units, although an accompanying declaration expressed in SI metric units is (cont)

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Commission Consideration of NPRM | 08/02/93 | |
| Publication in Federal Register of NPRM | 08/17/93 | 58 FR 43726 |
| Publication of Final Amendments to 16 CFR 500 | 01/13/94 | |
| Effective Date of Amended 16 CFR 500 | 02/14/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: permissible. To implement the 1992 FPLA amendments, the 16 CFR part 500 regulations will have to be rewritten and slight revisions to 16 CFR Parts 501, 502, and 503 will have to be made. Staff's proposed amendments to 16 CFR 500 have been submitted to the Commission; the accompanying proposed Federal Register Notice includes regulatory review questions relating to 16 CFR Parts 500, 501, 502, and 503.

Agency Contact: Bret S. Smart, Los Angeles Regional Office, Federal Trade Commission, 11000 Wilshire Boulevard, Ste. 13209, Los Angeles, CA 90024, 310 575-7975

RIN: 3084-AA46

FEDERAL TRADE COMMISSION (FTC)

Completed Actions

4714. OCTANE CERTIFICATION AND POSTING RULE

Significance: Agency Priority

Legal Authority: Petroleum Marketing Practices Act; PL 95-297

CFR Citation: 16 CFR 306

Legal Deadline: None

Abstract: Section 203(c)(1) of the Petroleum Marketing Practices Act requires the Commission to prescribe, by rule, a uniform method by which the octane rating of automotive gasoline can be certified from the refiner through the chain of distribution, and

a uniform method of displaying its octane rating at the point of retail sale. In 1979, the Commission issued the Octane Certification and Posting Rule, which fulfills these requirements. The Rule enables consumers to buy gasoline with an octane rating that is high enough to prevent inefficient and harmful "engine knock" and to avoid buying a gasoline with an octane rating that is needlessly higher than the requirements of their automobiles. The Rule establishes standard procedures for determining, certifying and posting (by means of a label on the fuel dispenser) the octane rating of

automotive gasoline intended for sale to consumers. The certification requirement may be satisfied by industry documents (shipping receipts, delivery tickets, etc.), on which the octane rating is noted, or can be accomplished with a one-time letter of certification. In addition the Rule contains recordkeeping requirements that require (cont)

Timetable:

| Action | Date | FR Cite |
|--|----------|---------|
| Commission Consid. of NPRM (Alt. Fuels and Diesel) | 03/23/93 | |

FTC

Completed Actions

| Action | Date | FR Cite |
|---|----------|-------------|
| Publication of NPRM (Alt. Fuels and Diesel) | 03/26/93 | 58 FR 16464 |
| Commission Review of Final Rec. (Alt. Fuels and Diesel) | 06/21/93 | |
| Commission issuance of Final Rule (Alt. Fuels and Diesel) | 07/21/93 | |
| Publication of Final Rule (Alt. Fuels and Diesel) | 08/03/93 | 58 FR 41356 |

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: gasoline refiners and importers to retain octane rating test records and gasoline distributors and retailers to retain octane certification records for one year. Section 1501 of the Energy Policy Act of 1992 directs the Commission to amend the Octane Rule to require certification and posting of octane ratings (or other automotive fuel ratings) for all alternative liquid automotive fuels and gives the Commission the authority to amend the Octane Rule to require the certification and posting of the cetane rating of diesel fuel oils. On July 21, 1993, the Commission amended the Octane Rule to require sellers of alternative liquid automotive fuels to determine, certify and post an "automotive fuel rating" consisting of the common name of the fuel along with a disclosure of the amount, expressed as a minimum percentage by volume, of the principal component of the fuel. Sellers will be permitted to disclose other components, if desired. The amendments go into effect on October 25, 1993. The Commission deferred a decision on whether to require the certification and posting of cetane ratings for diesel fuel oil.

Agency Contact: Neil Blickman, Division of Enforcement, Federal Trade

Commission, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3038

RIN: 3084-AA45

4715. RULE PURSUANT TO THE TELEPHONE DISCLOSURE AND DISPUTE RESOLUTION ACT OF 1992

Significance: Agency Priority

Legal Authority: PL 102-556

CFR Citation: 16 CFR 308

Legal Deadline: Final, Statutory, July 26, 1993.

Abstract: The Telephone Disclosure and Dispute Resolution Act of 1992, Pub. L. No. 102-556, was signed into law on October 28, 1992. Titles II and III of the Act direct the FTC to promulgate, within 270 days of enactment, a rule governing the advertising and operation of, as well as billing and collection procedures for pay-per-call services. Pay-per-call services, most commonly provided through 900 telephone numbers, involve a charge to the consumer which is assessed on the basis of the completion of the call and for which the consumer generally is billed on the monthly telephone bill. Title II of the statute requires that disclosure of the cost of a pay-per-call service be made both in advertising and in a preamble message. Advertisements for pay-per-call services that offer a prize must disclose the odds of receiving the prize. In the case of a pay-per-call service that provides information about a Federal program, both the preamble and advertising must disclose that the service is not authorized, endorsed, or approved by any Federal agency. Pay-per-call services, and advertisements for such services, cannot be directed at children under 12, unless the service is a bona fide (cont)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| Publication of NPRM | 03/10/93 | 58 FR 13370 |
| Public Workshop-Conference | 04/22/93 | |
| Promulgation of Final Rule | 07/26/93 | |
| Publication of Final Rule | 08/09/93 | 58 FR 42364 |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: educational service.

Advertisements primarily directed at individuals under the age of 18, and the preambles to all pay-per-call services, are required to state that persons under 18 must have parental consent to use the service. Pay-per-call services may not be provided through an 800 telephone number, or any other number designated by the FCC as a toll-free number. Moreover, pay-per-call providers are liable for refunds to consumers who have paid for services that violate regulations prescribed pursuant to the Act. In addition, the Commission is authorized to prescribe other regulations it deems necessary to prevent abusive practices or to prevent evasion of these requirements. Title III of the Act directs the FTC to prescribe rules establishing procedures for the correction of billing errors with respect to telephone-billed purchases. The final rule was published in the Federal Register on August 9, 1993 (58 FR 42364), and will become effective on November 1, 1993.

Agency Contact: Carol Jennings, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, 202 326-3010

RIN: 3084-AA49

[FR Doc. 93-22935 Filed 10-22-93; 8:45 am]

BILLING CODE 6750-01-F

Federal Register

**Monday
October 25, 1993**

Part LV

**Interstate Commerce
Commission**

Semiannual Regulatory Agenda

INTERSTATE COMMERCE COMMISSION (ICC)

INTERSTATE COMMERCE
COMMISSION

49 CFR Ch. X

[Ex Parte No. 420; Sub-No. 25]

Semiannual Regulatory Flexibility
AgendaAGENCY: Interstate Commerce
Commission.ACTION: Publication of regulatory
flexibility agenda.

SUMMARY: The Interstate Commerce Commission, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of: (1) Current and projected rulemakings and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601

et seq. (RFA), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that, during the months of April and October of each year, each agency shall publish in the Federal Register a regulatory flexibility agenda which shall contain:

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

Accordingly, a list of proceedings appears below containing information about subject areas in which the Commission is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It

also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Commission's best estimate of significant rules which will be considered over the next 12 months. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda."

The Commission is publishing its October 1993 regulatory flexibility agenda as part of the Unified Agenda of Federal Regulations. The Unified Agenda of Federal Regulations is coordinated by the Office of Management and Budget pursuant to Executive Order 12291. Independent regulatory agencies, such as the Commission, participate in the Agenda on a voluntary basis.

Decided: August 11, 1993.
By the Commission, Chairman McDonald, Vice Chairman Simmons, Commissioners Phillips, Philbin, and Walden.
Sidney L. Strickland, Jr.,
Secretary.

INTERSTATE COMMERCE COMMISSION (ICC)

Proposed Rule Stage

4716. EXEMPTION OF DEMURRAGE
FROM REGULATION, EX PARTE NO.
462

Significance: Agency Priority

Legal Authority: 49 USC 10505; 49
USC 10750; 49 USC 11121 to 11122;
5 USC 553

CFR Citation: 49 CFR 1033

Legal Deadline: None

Abstract: The Commission proposes to exempt rail carriers' demurrage from all regulation but to retain jurisdiction over the first 24 hours for loading and the first 48 hours for unloading.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 12/18/85 | 50 FR 51565 |
| ANPRM Comment Period End | 01/17/86 | 50 FR 51565 |
| NPRM | 04/22/92 | 57 FR 14689 |

Action Date FR Cite

Extension of Public
Comment Period to
07/21/92NPRM Comment
Period EndExtension of Public
Comment Period to
09/21/92

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar,
Deputy Director, Section of Legal
Analysis, Interstate Commerce
Commission, Room 2144, 12th &
Constitution Avenue NW., Washington,
DC 20423, 202 927-5660

RIN: 3120-AB35

4717. RATE GUIDELINES—NONCOAL
PROCEEDINGS, EX PARTE NO. 347
(SUB-NO. 2)

Significance: Agency Priority

Legal Authority: 49 USC 10301; 49
USC 10321; 49 USC 10326; 49 USC
10701a; 49 USC 10704; 49 USC 10707;
49 USC 11701; 5 USC 553

CFR Citation: None

Legal Deadline: None

Abstract: Proposal to adopt maximum rate reasonableness guidelines for captive noncoal commodities. Request for comments on alternative guidelines for small shippers including small coal shippers.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| Notice of Proposed Policy Statement | 05/22/86 | 51 FR 18811 |

| Action | Date | FR Cite |
|-------------------------------------|----------|---------|
| Notice of Intent To Participate Due | 06/02/86 | |
| Comments Due | 07/21/86 | |
| Begin Review | 07/24/87 | |
| End Review | 09/30/87 | |
| Comments Under Internal Evaluation | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Leslie J. Selzer, Assistant to the Director, Interstate Commerce Commission, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-6181

RIN: 3120-AB41

4718. CLASS EXEMPTION FOR THE CONSTRUCTION OF CONNECTING TRACKS UNDER 49 USC 10901, EX PARTE NO. 392 (SUB-NO. 2)

Significance: Agency Priority

Legal Authority: 5 USC 553; 49 USC 10321; 49 USC 10901; 49 USC 10505

CFR Citation: 49 CFR 1150

Legal Deadline: None

Abstract: The Commission proposes to exempt from the prior approval requirements of 49 USC 10901, the construction of rail connecting tracks, except those construction projects that would result in a major market extension as defined at 49 CFR 1180.3(c).

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| NPRM | 07/24/86 | 51 FR 26563 |
| NPRM Comment Period End | 08/25/86 | |
| NPRM | 09/16/92 | 57 FR 42733 |
| NPRM Comment Period End | 10/16/92 | 57 FR 42733 |
| Internal Review of Comments | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Section of Legal Analysis, Interstate Commerce Commission, Room 2144, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-5660

RIN: 3120-AB43

4719. CLASS EXEMPTION FOR RAIL CONSTRUCTION, EX PARTE NO. 392 (SUB-NO. 3)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 10901; 5 USC 553; 5 USC 559; 5 USC 704

CFR Citation: 49 CFR 1150.35

Legal Deadline: None

Abstract: The Commission is considering whether to exempt from regulation all applications under 49 USC 10901 for construction and operation of new lines of railroad.

Timetable:

| Action | Date | FR Cite |
|---------------------------|----------|-------------|
| ANPRM | 06/02/87 | 52 FR 20632 |
| ANPRM Comment Period End | 07/02/87 | 52 FR 20632 |
| NPRM | 09/16/92 | 57 FR 42733 |
| NPRM Comment Period End | 10/16/92 | 57 FR 42733 |
| Comments Under Evaluation | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The Commission is also considering application of the proposed exemptions to construction of conventional, high speed, or magnetic levitation (MagLev) passenger lines.

Agency Contact: Joseph H. Dettmar, Deputy Director, Section of Legal Analysis, Interstate Commerce Commission, Room 2144, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-5660

RIN: 3120-AB50

4720. REVISION OF LICENSING APPLICATION FORMS AND CORRESPONDING REGULATIONS, EX PARTE NO. 55 (SUB-NO. 86)

Significance: Agency Priority

Legal Authority: 5 USC 551(a); 5 USC 553; 5 USC 559; 16 USC 1456; 49 USC 10101; 49 USC 10305; 49 USC 10321; 49 USC 10921; 49 USC 10922; 49 USC 10923; 49 USC 10924; 49 USC 10928; 49 USC 11102

CFR Citation: 49 CFR 1003; 49 CFR 1160; 49 CFR 1162; 49 CFR 1166

Legal Deadline: None

Abstract: The Interstate Commerce Commission proposes to revise its standard licensing application form and

corresponding regulations concerning application procedures at 49 CFR parts 1003, 1160, 1162, and 1166. The proposal would replace the comprehensive licensing form currently in use with six transportation mode-specific licensing forms to be used respectively by applicants for motor property carrier, motor property "fitness only," motor passenger, property broker, household goods freight forwarder, and water carrier authority. The recommended revisions to the licensing form and procedures are intended to rationalize and simplify the licensing process and will incorporate recent revisions to the Commission's safety fitness policy adopted in Safety Fitness Policy, 8 ICC 2d 123 (1991), petition to reopen denied (not printed), served December 26, 1991, 56 FR 67002 (December 27, 1991). The proposal is expected to reduce significantly the burden hours associated with the licensing application process.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/19/92 | 57 FR 37761 |
| NPRM Comment Period End | 09/21/92 | 57 FR 37761 |
| Comments Under Review | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Suzanne Higgins O'Malley, Principal Attorney, Section of Legal Counsel, Office of Proceedings, Interstate Commerce Commission, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-5610

RIN: 3120-AB70

4721. BILLS OF LADING, EX PARTE NO. 495

Significance: Agency Priority

Legal Authority: 49 USC 10321; 5 USC 553

CFR Citation: 49 CFR 1035

Legal Deadline: None

Abstract: The Commission proposes to revise its regulations governing railroad and water carrier uniform bills of lading and livestock contracts to clarify the terms, remove obsolete references, and eliminate prescription of livestock contracts. The Commission is also seeking comment on proposals to permit railroads and shippers mutually

ICC

Proposed Rule Stage

to make changes to the language of the front of the bill of lading.

Timetable:

| Action | Date | FR Cite |
|------------------------------------|----------|-------------|
| NPRM | 06/29/93 | 58 FR 34775 |
| Comment Period Extended to 8/30/92 | 07/26/93 | 58 FR 39723 |
| NPRM Comment Period End | 07/29/93 | 58 FR 34775 |
| Comments Under Review | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Section of Legal Analysis, Interstate Commerce Commission, Room 2144, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-5660

RIN: 3120-AB71

4722. RAIL GENERAL EXEMPTION AUTHORITY: EXPORT CORN AND EXPORT SOYBEANS, EX PARTE NO. 346 (SUB-NO. 28)

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 10708; 49 USC 10761; 49 USC 10762; 49 USC 11105; 49 USC 11902 to 11904; 5 USC 553

CFR Citation: 49 CFR 1039

Legal Deadline: None

Abstract: The Commission is proposing to exempt from its regulation the rail transportation of export corn and export soybeans.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| NPRM | 07/16/92 | 57 FR 31489 |
| NPRM Comment Period End | 12/15/92 | 57 FR 45602 |
| Internal Review of Comments | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Section of Legal Analysis, Interstate Commerce Commission, Room 2144, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-5660

RIN: 3120-AB80

4723. RAIL GENERAL EXEMPTION AUTHORITY: PETITION OF AAR TO EXEMPT RAIL TRANSPORTATION OF SELECTED COMMODITY GROUPS, EX PARTE NO. 346 (SUB-NO. 29)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 10708; 49 USC 10761; 49 USC 10762; 49 USC 11105; 49 USC 11902 to 11904; 5 USC 553

CFR Citation: 49 CFR 1039

Legal Deadline: None

Abstract: The Commission is seeking public comment on whether to exempt 31 commodity groups selected by the Association of American Railroads from regulation. The commodities are: crude petroleum, natural gas or gasoline; dimension stone, quarry; crushed or broken stone or riprap; sand (aggregate or ballast); gravel (aggregate or ballast); rock salt, crude, crushed lump or screened; food or kindred products with exceptions; textile mill products; apparel or other finished textile products or knit apparel; lumber or wood products; furniture or fixtures; pulp, paper or allied products with exceptions; printed matter; carbon dioxide; iron chloride, liquid; iron sulphate; ferrous sulphate; paints, enamels, lacquers, shellacs or varnishes, or allied products; salt, common; products of petroleum refining; petroleum coke; coke produced from coal; distillate or residual fuel oil from coal refining; coal or petroleum products; rubber or miscellaneous plastic products with exceptions; leather or leather products; clay concrete, glass or stone products with exceptions; primary metal products including galvanized; fabricated metal products with exceptions; (cont)

Timetable:

| Action | Date | FR Cite |
|--|----------|------------|
| NPRM | 02/11/93 | 58 FR 8030 |
| NPRM Comment Period End | 02/26/93 | 58 FR 8030 |
| Request for Further Comments Based on Service List | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: machinery with exceptions; electrical machinery, equipment or supplies with exceptions; instruments; and miscellaneous products.

Agency Contact: Joseph H. Dettmar, Deputy Director, Section of Legal Analysis, Interstate Commerce Commission, Room 2144, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-5660

RIN: 3120-AB81

4724. REVISION OF TARIFF REGULATIONS—INDEXES, EX PARTE NO. MC-211

Legal Authority: 49 USC 10761(a); 49 USC 10762; 49 USC 10321; 5 USC 553

CFR Citation: 49 CFR 1312

Legal Deadline: None

Abstract: The Commission is considering whether there is a need to reimpose requirements for tariff indexes, and if so, what kinds of indexes should be required. Because many tariffs now on file contain thousands of pages but no indexes, the rates applicable to particular shipments can be difficult to determine. Indexes may improve the public's ability to determine the rates which are contained in the tariffs and which are therefore applicable by law.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|------------|
| ANPRM | 01/05/93 | 58 FR 3529 |
| ANPRM Comment Period End | 03/08/93 | 58 FR 3529 |
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Lawrence C. Herzig, Chief, Section of Rates and Informal Cases, Interstate Commerce Commission, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-5160

RIN: 3120-AB83

4725. REVIEW OF MOTOR TARIFF REGULATIONS—1993, EX PARTE NO. MC-212

Legal Authority: 49 USC 10761(a); 49 USC 10762; 5 USC 553

CFR Citation: 49 CFR 1312

Legal Deadline: None

Abstract: Congress has provided the Commission with additional resources to monitor and enforce tariff filing regulations. In conjunction with the increased monitoring program, the

ICC

Proposed Rule Stage

Commission is reexamining certain of its tariff regulations to ensure that they continue to advance the basic purposes of tariffs: to inform the public of the services and rates offered by carriers and fix the legally binding applicable rate for a given shipment.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 03/16/93 | 58 FR 14198 |
| ANPRM Comment Period End | 05/17/93 | |
| Internal Review of Comments | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas A. Mongelli, Chief, Tariff Examining Branch, Interstate Commerce Commission, Room 4363A, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-5150

RIN: 3120-AB84

4726. • RANGE TARIFFS—FAX FILING, EX PARTE NO. MC-213

Legal Authority: 5 USC 552(a)(4)(A); 5 USC 553; 31 USC 9701; 49 USC 10321; 49 USC 10762

CFR Citation: 49 CFR 1002; 49 CFR 1312

Legal Deadline: None

Abstract: The Commission is proposing to permit carriers to supplement range tariffs by filing by fax the actual rate applicable to individual shipments prior to transport of those shipments.

Timetable:

| Action | Date | FR Cite |
|-----------------------|----------|------------|
| Show Cause Proceeding | 01/11/93 | 58 FR 3559 |
| Awaiting Comments | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles E. Langyher, Chief, Section of Tariff Maintenance and Compliance, Bureau of Traffic, Interstate Commerce Commission, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-5160

RIN: 3120-AB85

4727. • PETITION TO EXEMPT FROM REGULATION THE RAIL TRANSPORTATION OF SCRAP PAPER, EX PARTE NO. 394 (SUB-NO. 12)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 10708; 49 USC 10761; 49 USC 10762; 49 USC 11105; 5 USC 553

CFR Citation: 49 CFR 1039

Legal Deadline: None

Abstract: The Commission is seeking public comment on a proposal from the Association of American Railroads to exempt from regulation the rail transportation of scrap paper. If the proposed exemption is adopted, rates for the transportation of scrap paper would no longer be subject to the recyclable rate cap or the evidentiary requirements associated with the annual compliance proceedings. The Commission is also seeking comments on an alternative that would grant an exemption from tariff and other filing requirements while retaining the maximum rate cap of section 10731(e).

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| NPRM | 04/07/93 | 58 FR 10872 |
| NPRM Comment Period End | 06/18/93 | 58 FR 10872 |
| Internal Review of Comments | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Section of Legal Analysis, Interstate Commerce Commission, Room 2144, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-5660

RIN: 3120-AB86

4728. • REVISION TO ACCOUNTING AND REPORTING REQUIREMENTS FOR MOTOR CARRIERS OF PROPERTY, EX PARTE NO. MC-206

Significance: Agency Priority

Legal Authority: 49 USC 11145

CFR Citation: 49 CFR 1207; 49 CFR 1249

Legal Deadline: None

Abstract: The Commission is seeking public comment on its proposal to: (1) eliminate the Uniform System of Accounts for motor carriers of property;

(2) raise the reporting threshold for Class I carriers to at least \$25 million in annual revenues; (3) eliminate Class II reporting; and (4) eliminate quarterly reporting.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| NPRM | 07/27/92 | 57 FR 33314 |
| NPRM Comment Period End | 09/25/92 | 57 FR 33314 |
| Internal Review of Comments | 00/00/00 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Aubrey H. Herndon, Jr., Associate Director-Accounts, Office of Economics, Interstate Commerce Commission, Room 3148, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-7565

RIN: 3120-AB87

4729. • PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS (PERFORMANCE REPORTS), EX PARTE NO. MC-19 (SUB-NO. 42)

Significance: Agency Priority

Legal Authority: 49 USC 11110

CFR Citation: 49 CFR 1056

Legal Deadline: None

Abstract: The Commission is considering the need to modify the mover performance report, required to be given to individual shippers of household goods, to make the data more objective and understandable, and to require verification of the accuracy of reports by movers. Little additional cost to carriers is contemplated since the data used are readily available; the benefit to consumers is substantial because it assists them in choosing a mover.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 02/03/93 | 58 FR 6912 |
| NPRM Comment Period End | 03/22/93 | 58 FR 6912 |
| Comments Under Review | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles E. Wagner, Deputy Director, Office of Compliance and Consumer Assistance, Interstate Commerce Commission, 12th &

ICC

Proposed Rule Stage

Constitution Avenue NW., Washington,
DC 20423, 202 927-5530

RIN: 3120-AB88

INTERSTATE COMMERCE COMMISSION (ICC)

Final Rule Stage

4730. ELECTRONIC FILING OF TARIFFS, EX PARTE NO. 444

Legal Authority: 49 USC 10321; 49 USC 10708; 49 USC 10761; 49 USC 10762; 5 USC 553

CFR Citation: 49 CFR 1312; 49 CFR 1314

Legal Deadline: None

Abstract: The Commission reopened this proceeding and requested public comments on the advisability of developing and implementing a comprehensive electronic tariff filing (ETF) system that would support automated functions such as electronic data interchange (EDI) and rate analyses. Such an ETF system, which would require the development and use of a variety of standard electronic formats for tariff information, would benefit carriers and shippers by permitting tariff automation, and would allow the Commission to process tariff filings more efficiently. The Commission also requested comments on the form such a system should take if one is developed, and on the processes that should be utilized to develop it. More fundamentally, the Commission seeks comments on such topics as the need for a comprehensive ETF system, its purpose, its potential costs, and its potential usefulness to shippers, carriers, and other affected parties. Also, in these times of budgetary restraint it is important for the Commission to assess, after consideration of comments by the interested public, the desirability, validity, and feasibility of enactment of these or similar proposals before (cont)

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 03/08/83 | 48 FR 9672 |
| ANPRM Comment Period End | 04/26/83 | 48 FR 18861 |
| NPRM | 10/22/87 | 52 FR 39549 |
| NPRM Comment Period End | 02/19/88 | 53 FR 5022 |
| Final Action | 02/10/89 | 54 FR 6403 |
| Final Action Effective | 03/13/89 | 54 FR 6403 |
| Stay of Effective Date | 03/13/89 | 54 FR 10533 |

| Action | Date | FR Cite |
|--|----------|-------------|
| Stay Lifted in Part for Rail Carriers | 10/19/89 | 54 FR 42959 |
| Second NPRM | 04/16/93 | 58 FR 19795 |
| Second NPRM Comment Period End | 09/13/93 | 58 FR 19795 |
| Petition To Reopen Under Review | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: committing the resources necessary to ensure an effective system of ETF.

Agency Contact: Charles E. Langyher, Chief, Section of Tariff Maintenance and Compliance, Bureau of Traffic, Interstate Commerce Commission, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-5160

RIN: 3120-AA99

4731. RAILROAD CONSOLIDATION PROCEDURES: CLASS EXEMPTION FOR TRANSACTIONS SUBJECT TO THE STATUTORY CONSOLIDATION PROVISION, EX PARTE NO. 282 (SUB-NO. 15)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 11341; 49 USC 11343 to 11346; 11 USC 1172; 45 USC 904; 45 USC 915; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1180

Legal Deadline: None

Abstract: The Commission proposes to expand the "nonconnecting carrier" class exemption to embrace all transactions subject to the statutory consolidation provision, except (1) transactions involving the merger or control of at least two Class I railroads; (2) transactions involving a reduction in the number of noncommonly controlled railroads serving any two points; (3) transactions involving a reduction from three to two in the

number of noncommonly controlled railroads serving any interchange point.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| NPRM | 07/14/92 | 57 FR 31165 |
| NPRM Comment Period End | 08/30/92 | 57 FR 31165 |
| Internal Review of Comments | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Section of Legal Analysis, Interstate Commerce Commission, Room 2144, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-5660

RIN: 3120-AB77

4732. RAILROAD CONSOLIDATION PROCEDURES: DEFINITION OF, AND REQUIREMENTS APPLICABLE TO, "SIGNIFICANT TRANSACTIONS," EX PARTE NO. 282 (SUB-NO. 17)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 11343 to 11345; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1180

Legal Deadline: None

Abstract: The Commission proposes to revise the definition of "significant transactions" in rail consolidation cases, and to eliminate certain requirements presently applicable to applications seeking approval of significant transactions.

Timetable:

| Action | Date | FR Cite |
|--------------------------------|----------|-------------|
| NPRM | 08/10/92 | 57 FR 35559 |
| NPRM Comment Period End | 10/09/92 | 57 FR 39385 |
| Internal Review of Comments | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Section of Legal

ICC

Final Rule Stage

Analysis, Interstate Commerce Commission, Room 2144, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-5660

RIN: 3120-AB78

4733. RAIL GENERAL EXEMPTION AUTHORITY: USED MOTOR VEHICLES, EX PARTE NO. 346 (SUB-NO. 27A)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 10708; 49 USC

10761; 49 USC 10762; 49 USC 11105; 49 USC 11902 to 11904; 5 USC 553

CFR Citation: 49 CFR 1039

Legal Deadline: None

Abstract: The Commission is considering whether to exempt the rail transportation of used motor vehicles from its regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|------------|
| NPRM | 01/26/93 | 58 FR 6104 |

| Action | Date | FR Cite |
|-----------------------------|----------|------------|
| NPRM Comment Period End | 02/25/93 | 58 FR 6104 |
| Internal Review of Comments | 00/00/00 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Section of Legal Analysis, Interstate Commerce Commission, Room 2144, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-5660

RIN: 3120-AB79

INTERSTATE COMMERCE COMMISSION (ICC)

Completed Actions

4734. SINGLE STATE INSURANCE REGISTRATION, EX PARTE NO. MC-100 (SUB-NO. 6)

Significance: Agency Priority

CFR Citation: 49 CFR 1023

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/18/93 | 58 FR 28933 |
| Final Action Effective | 05/18/93 | 58 FR 28933 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kenneth H. Schwartz, 202 927-5316

RIN: 3120-AB74

4735. RAILROAD RATES ON RECYCLABLES—EXEMPTIONS, EX PARTE NO. 394 (SUB-NO. 10)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 10708; 49 USC 10761; 49 USC 10762; 49 USC 11105; 49 USC 11902 to 11904; 5 USC 553

CFR Citation: 49 CFR 1039; 49 CFR 1145

Legal Deadline: None

Abstract: The Commission has partially exempted from regulation the rail transportation of recyclable commodities that move at rates below the variable costs of the transportation.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 09/09/92 | 57 FR 41122 |

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM Comment Period End | 12/31/92 | 57 FR 41122 |
| Final Action | 05/11/93 | 58 FR 27951 |
| Final Action Effective | 06/10/93 | 58 FR 27951 |
| Decision on Reconsideration Clarified; Minor Amendment to Final Rule | 07/26/93 | 58 FR 39679 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Craig M. Keats, Associate General Counsel, Interstate Commerce Commission, 12th & Constitution Avenue NW., Washington, DC 20423, 202 927-6046

RIN: 3120-AB82

[FR Doc. 93-21815 Filed 10-22-93; 8:45 am]

BILLING CODE 7035-01-F

Federal Register

Monday
October 25 1993

Part LVI

National Credit Union Administration

Semiannual Regulatory Agenda

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch. VII

Semiannual Agenda of Regulations

AGENCY: National Credit Union Administration (NCUA).

ACTION: Semiannual agenda of regulations.

SUMMARY: Pursuant to its ongoing policy of reviewing regulations, NCUA is publishing a list of current and projected rulemakings, reviews of existing regulations, and completed actions as of August 27, 1993. NCUA will also include this agenda in the Unified Agenda of Federal Regulations.

DATES: This information is current as of August 27, 1993.

ADDRESSES: National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428.

FOR FURTHER INFORMATION CONTACT: For each regulation listed, the person(s) named in the listing at the above address, unless otherwise noted, or listed telephone number.

SUPPLEMENTARY INFORMATION: The purpose of this agenda is to enable credit unions and the public to follow regulatory development and review at NCUA and to enable interested parties to more effectively participate in that process. The agenda is divided into three parts: (1) Actions completed since the last agenda; (2) actions proposed but not completed; and (3) actions planned

but not yet proposed by the NCUA Board.

The agenda is published pursuant to NCUA Interpretive Ruling and Policy Statement Number 87-2 ("Developing and Reviewing Government Regulations," 54 FR 35231; September 18, 1987). Executive Order No. 12291 does not require independent executive agencies such as NCUA to publish a regulatory agenda, but NCUA has voluntarily decided to do so by including this agenda in the Office of Management and Budget's next publication of its Unified Agenda of Federal Regulations.

Approved by the NCUA Board on August 23, 1993.

Becky Baker,
Secretary of the Board.

Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4736 | Share Insurance and Appendix | 3133-AB15 |
| 4737 | Golden Parachute and Indemnification Payments | 3133-AB28 |
| 4738 | Special Reserves | 3133-AB29 |
| 4739 | Investment and Deposit Activities | 3133-AB41 |

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4740 | Credit Union Service Contracts and Correspondent Services | 3133-AA95 |
| 4741 | Requirements for Insurance | 3133-AB31 |
| 4742 | Chartering and Field of Membership Policy | 3133-AB54 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4743 | Excerpts From the Uniform Standards of Professional Appraisal Practice Applicable to Federally Related Transactions | 3133-AB20 |
| 4744 | Share, Share Draft, and Share Certificate Accounts | 3133-AB50 |
| 4745 | Advertising | 3133-AB56 |
| 4746 | Organization and Operations of Federal Credit Unions; Corporate Credit Unions; Requirements for Insurance | 3133-AB57 |

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--------------------------------------|------------------------------|
| 4747 | Management Official Interlocks | 3133-AA19 |
| 4748 | Voluntary Liquidations | 3133-AB30 |
| 4749 | Truth-In-Savings | 3133-AB40 |
| 4750 | Flood Insurance | 3133-AB43 |

NCUA

Completed Actions (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4751 | Community Development Revolving Loan Program | 3133-AB44 |
| 4752 | Public Availability of Meeting Records and Other Documents | 3133-AB45 |
| 4753 | Investment and Deposit Activities | 3133-AB49 |
| 4754 | Report of Crime or Catastrophic Act and Bank Secrecy Act Compliance | 3133-AB51 |
| 4755 | Supervisory Committee Audits and Verifications | 3133-AB52 |
| 4756 | Definitions, Organization and Operation of Federal Credit Unions, and Appraisals | 3133-AB58 |

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

Prerule Stage

4736. SHARE INSURANCE AND APPENDIX

Legal Authority: 12 USC 1766; 12 USC 1781; 12 USC 1789

CFR Citation: 12 CFR 745

Legal Deadline: None

Abstract: On May 15, 1990, the FDIC issued final rules on deposit insurance (55 FR 20111). The FDIC rules differ in some respects from NCUA's current rules and/or policies. NCUA staff will be analyzing the changes and clarifications to deposit insurance coverage rules made by the FDIC, in order to determine whether changes in NCUA's insurance regulation are warranted. Staff is also reviewing the entire section for a general update.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Engel, Deputy General Counsel, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, 703 518-6540

RIN: 3133-AB15

4737. GOLDEN PARACHUTE AND INDEMNIFICATION PAYMENTS

Significance: Agency Priority
Legal Authority: 12 USC 1786(t)
CFR Citation: 12 CFR 701.34

Legal Deadline: None

Abstract: The Crime Control Act of 1990 amended the Federal Credit Union Act to strictly limit the use of golden parachute payments and indemnification by credit unions. NCUA staff is considering whether proposed rules are necessary to implement this statutory amendment.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Allan Meltzer, Associate General Counsel, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, 703 518-6540

RIN: 3133-AB28

4738. SPECIAL RESERVES

Legal Authority: 12 USC 1762(b); 12 USC 1781(b)(6); 12 CFR 741.9(a)(2)

CFR Citation: 12 CFR 702.4

Legal Deadline: None

Abstract: NCUA has the authority, pursuant to the FCU Act, to order individual credit unions to establish special reserves. NCUA staff is considering the advisability of a uniform procedure and a mechanism for credit unions to respond to such procedures.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Schulman, Trial Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, 703 518-6540

RIN: 3133-AB29

4739. INVESTMENT AND DEPOSIT ACTIVITIES

Legal Authority: 12 USC 1757(7); 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 703.4(e)

Legal Deadline: None

Abstract: The NCUA staff is reviewing the regulation on reverse repurchase transactions to determine the necessity for the limitation on the maturity date of the securities involved in such transactions.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lisa Henderson, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, 703 518-6540

RIN: 3133-AB41

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

Proposed Rule Stage

4740. CREDIT UNION SERVICE CONTRACTS AND CORRESPONDENT SERVICES

Legal Authority: 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.26

Legal Deadline: None

Abstract: The proposed rule clarifies the limits on the authority for an FCU to provide services and activities to other credit unions. In response to comments, staff is preparing a proposed revision which would permit, and set safety and soundness standards for, correspondent credit union services between credit unions, as well as address the issue of shared branching.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 11/21/89 | 54 FR 48110 |
| ANPRM Comment Period End | 02/20/90 | 54 FR 48110 |
| NPRM | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Martin E. Conrey, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, 703 518-6540

RIN: 3133-AA95

4741. REQUIREMENTS FOR INSURANCE

Significance: Agency Priority

Legal Authority: 12 USC 1757; 12 USC 1766(a); 12 USC 1781 to 1790

CFR Citation: 12 CFR 741

Legal Deadline: None

Abstract: NCUA staff is reviewing requirements for National Credit Union Share Insurance Fund (NCUSIF) insurance as part of its regulatory review process. Staff expects to rewrite part 741 in order to clarify which of the NCUA Regulations currently apply to State-chartered, NCUSIF-insured credit unions. The changes will be informational, rather than substantive.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda Groth, State Program Officer, Office of Examination and Insurance, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, 703 518-6360

RIN: 3133-AB31

4742. CHARTERING AND FIELD OF MEMBERSHIP POLICY

Legal Authority: 12 USC 1757; 12 USC 1759

CFR Citation: None

Legal Deadline: None

Abstract: The proposed IRPS is intended to update and revise IBPS 89-1 to take into account changes in credit unions since that time. Changes in the policy were designed to facilitate corporate and military unit restructurings, to clarify NCUA policy on the "operational area" requirement for select group expansions, to update the low income and community development credit union policies, to accelerate reaching a final decision on a charter application, and to make minor or technical changes to modify or clarify NCUA policy.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/28/93 | 58 FR 40470 |
| NPRM Comment Period End | 01/26/94 | 58 FR 42698 |
| Final Action | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: H. Allen Carver, Region III Director, National Credit Union Administration, 7000 Central Parkway, Suite 1600, Atlanta, GA 30328, 404 396-4042

RIN: 3133-AB54

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

Final Rule Stage

4743. EXCERPTS FROM THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE APPLICABLE TO FEDERALLY RELATED TRANSACTIONS

Legal Authority: 12 USC 1766; 12 USC 1789; PL 101-73

CFR Citation: 12 CFR 722, app A

Legal Deadline: None

Abstract: The interim common rule, issued jointly with other Federal financial institution regulators (FRB, OTS, RTC, OCC, and FDIC), is designed to ensure that reliable appraisals are rendered in connection with federally related transactions.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 12/31/90 | 55 FR 53610 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: State

Additional Information: The Federal financial institutions working group is nearing completion on a final rule.

Agency Contact: Michael J. McKenna, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, 703 518-6540

RIN: 3133-AB20

4744. SHARE, SHARE DRAFT, AND SHARE CERTIFICATE ACCOUNTS

Legal Authority: 12 USC 1752; 12 USC 1757; 12 USC 1759; 12 USC 1766; 12 USC 1782; 12 USC 1789; PL 102-242

CFR Citation: 12 CFR 701.35

Legal Deadline: Final, Statutory, September 19, 1993.

The proposal would conform section 701.35 to the proposed Truth in Savings Rule, which must be final form within 90 days of the effective date of the Federal Reserve Board's Reg. DD, 6/21/93.

Abstract: Current section 701.35(c) permits a Federal credit union to determine, among other matters, the types of disclosures that it will make and its policies with regard to crediting

NCUA

Final Rule Stage

of funds. The proposed rule deletes references to that authority, in order to conform with the Truth in Savings Act and the proposed Truth in Savings Rule (12 CFR part 707), which address, among other things, credit union disclosures and crediting of funds.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/30/92 | 57 FR 56686 |
| NPRM Comment Period End | 04/01/93 | 58 FR 11801 |
| Final Action | 10/00/93 | |
| Final Action Effective | 07/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Martin E. Conrey, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, 703 518-6540

RIN: 3133-AB50

4745. ADVERTISING

Legal Authority: 12 USC 4311; PL 102-242

CFR Citation: 12 CFR 740

Legal Deadline: Final, Statutory, September 19, 1993.

Abstract: The proposed rule adds a reference to the proposed Truth in Savings Rule (12 CFR 707.8).

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 11/30/92 | 57 FR 56686 |
| NPRM Comment Period End | 03/01/93 | 57 FR 56686 |
| ANPRM Comment Period End | 04/01/93 | 58 FR 11801 |
| Final Action | 10/00/93 | |
| Final Action Effective | 07/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret Suuberg, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, 703 518-6540

RIN: 3133-AB56

4746. ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS; CORPORATE CREDIT UNIONS; REQUIREMENTS FOR INSURANCE

Legal Authority: 12 USC 1751; 12 USC 1766(a); 12 USC 1781 to 1790

CFR Citation: 12 CFR 704.17; 12 CFR 741.1

Legal Deadline: None

Abstract: The proposed rule would allow corporate credit unions more options in purchasing fidelity bond coverage. It would allow higher deductibles and require higher limits for some corporate credit unions. It would also permit corporate credit unions the opportunity to insure against catastrophic losses.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/27/93 | 58 FR 30719 |
| NPRM Comment Period End | 07/30/93 | 58 FR 33783 |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: D. Michael Riley, Director, Office of Examination and Insurance, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, 703 518-6360

RIN: 3133-AB57

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

Completed Actions

4747. MANAGEMENT OFFICIAL INTERLOCKS

Legal Authority: 12 USC 3201 et seq

CFR Citation: 12 CFR 711

Legal Deadline: None

Abstract: The rule incorporates recent changes to the Depository Institution Management Interlocks Act, which prohibits certain overlaps of various financial institutions.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 10/24/88 | 53 FR 41614 |
| ANPRM Comment Period End | 01/23/89 | 53 FR 41614 |
| NPRM | 03/08/93 | 58 FR 12910 |
| NPRM Comment Period End | 05/07/93 | 58 FR 12910 |
| Final Action | 07/23/93 | 58 FR 39434 |
| Final Action Effective | 07/23/93 | 58 FR 39434 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael J. McKenna, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, 703 518-6540

RIN: 3133-AA19

4748. VOLUNTARY LIQUIDATIONS

Significance: Agency Priority

Legal Authority: 12 USC 1766(a); 12 USC 1787

CFR Citation: 12 CFR 710

Legal Deadline: None

Abstract: The rule sets forth requirements applicable to Federal credit unions entering voluntary liquidation pursuant to 12 USC 1766.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 10/21/92 | 57 FR 47999 |

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM Comment Period End | 12/21/92 | 57 FR 47999 |
| Final Action | 07/01/93 | 58 FR 35363 |
| Final Action Effective | 08/02/93 | 58 FR 35363 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Engel, Deputy General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, 703 518-6540

RIN: 3133-AB30

4749. TRUTH-IN-SAVINGS

Significance: Agency Priority

Legal Authority: 12 USC 4311; PL 102-242

CFR Citation: 12 CFR 701.35; 12 CFR 740.2; 12 CFR 707

NCUA

Completed Actions

Legal Deadline: Final, Statutory, September 19, 1993.
NCUA must issue a final rule within 90 days of the effective date of the Federal Reserve Board's rule, June 21, 1993.

Abstract: The Truth in Savings Act of 1991 (TISA) requires the NCUA to promulgate a rule implementing TISA and, with a few exceptions, following the Federal Reserve Board's Regulation DD. Pursuant to TISA, NCUA's rule will apply to all credit unions, whether or not federally insured. The proposed rule requires credit unions to make certain disclosures concerning the dividend rates payable on depository accounts and the fees assessable against depository accounts, and prescribes the circumstances under which such disclosures must be made.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 11/30/92 | 57 FR 56686 |
| NPRM Comment Period Extended to 04/01/93 | 03/01/93 | 58 FR 11801 |
| NPRM Comment Period End | 04/01/93 | 58 FR 11801 |
| Final Action | 09/27/93 | 58 FR 50394 |
| Final Action Effective | 01/01/95 | |

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Margaret Suuberg, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, 703 518-6540

RIN: 3133-AB40

4750. FLOOD INSURANCE

Legal Authority: 12 USC 1757; 12 USC 1789; 42 USC 4012a; 42 USC 4106

CFR Citation: 12 CFR 760

Legal Deadline: None

Abstract: The Flood Disaster Protection Act has been amended by the imposition of a cap on required flood insurance. After reviewing the matter, the agency decided not to establish a cap in its regulations.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 08/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lisa Henderson, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, 703 518-6540

RIN: 3133-AB43

4751. COMMUNITY DEVELOPMENT REVOLVING LOAN PROGRAM

Legal Authority: 12 USC 1757(6); 12 USC 1766(k); PL 97-35; PL 99-609; PL 101-144

CFR Citation: 12 CFR 701.32; 12 CFR 705

Legal Deadline: None

Abstract: The rule is intended to increase the number of participating credit unions, to make the program more accessible to participating credit unions, to provide technical assistance to credit unions that may not receive loans, and to reduce the regulatory burden. The amendments, among other things, reduce paperwork requirements, modify the definitions of low-income members and participating credit unions, clarify technical assistance issues, and eliminate requirements for a community development committee.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/01/92 | 57 FR 56868 |
| NPRM Comment Period End | 02/01/93 | 57 FR 56868 |
| Final Action | 04/23/93 | 58 FR 21642 |
| Final Action Effective | 05/24/93 | 58 FR 21642 |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Ron Lewandowski, President, Central Liquidity Facility, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, 703 518-6490

RIN: 3133-AB44

4752. PUBLIC AVAILABILITY OF MEETING RECORDS AND OTHER DOCUMENTS

Legal Authority: 12 USC 552b

CFR Citation: 12 CFR 791.8

Legal Deadline: None

Abstract: The rule allows the NCUA Board to delegate to the General Counsel its authority to determine, after a closed meeting, what items or parts thereof, if any, should be made available to the public.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 09/15/92 | 57 FR 42532 |
| NPRM Comment Period End | 11/16/92 | 57 FR 42532 |
| Final Action | 04/05/93 | 58 FR 17492 |
| Final Action Effective | 05/05/93 | 58 FR 17492 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret Suuberg, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, 703 518-6540

RIN: 3133-AB45

4753. INVESTMENT AND DEPOSIT ACTIVITIES

Legal Authority: 12 USC 1757(7); 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 703.5

Legal Deadline: None

Abstract: To make the investment restrictions on Federal credit unions more consistent with those applicable to other Federal financial institutions, the rule replaces the average life sensitivity test for certain mortgage-related securities, set forth in section 703.5(g), with the average life, average life sensitivity, and price sensitivity tests set forth in the Federal Financial Institutions Examination Council's December 3, 1991, Supervisory Policy Statement on Securities Activities.

Timetable:

| Action | Date | FR Cite |
|-------------------------------|----------|-------------|
| NPRM | 01/22/93 | 58 FR 5665 |
| NPRM Comment Period End | 03/23/93 | 58 FR 5665 |
| Final Action | 06/30/93 | 58 FR 34868 |
| Final Action Effective | 07/30/93 | 58 FR 34868 |
| Correction to Final Action | 08/04/93 | 58 FR 41419 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lisa Henderson, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, 703 518-6540

RIN: 3133-AB49

NCUA

Completed Actions

4754. REPORT OF CRIME OR CATASTROPHIC ACT AND BANK SECRECY ACT COMPLIANCE

Legal Authority: 12 USC 1766(a); 12 USC 1786(q); 31 USC 5311

CFR Citation: 12 CFR 748.1

Legal Deadline: None

Abstract: The rule conforms NCUA's regulations to the procedures for completion and submission of the new uniform criminal referral form developed by an interagency task force. The purpose of the new form is to improve the reporting of crime relating to financial institutions.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 01/22/93 | 58 FR 5663 |
| NPRM Comment Period End | 02/22/93 | 58 FR 5663 |
| Final Action | 04/05/93 | 58 FR 17491 |
| Final Action Effective | 05/05/93 | 58 FR 17491 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John K. Ianno, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, 703 518-6540

RIN: 3133-AB51

4755. SUPERVISORY COMMITTEE AUDITS AND VERIFICATIONS

Legal Authority: 12 USC 1761d; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.12

Legal Deadline: None

Abstract: Adds a nonstatistical sampling option for independent, licensed, certified public accountants in the verification of members' accounts consistent with applicable generally accepted auditing standards and conforms terminology to accounting/auditing terms of art.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 04/06/93 | 58 FR 17808 |
| NPRM Comment Period End | 06/07/93 | 58 FR 17808 |
| Final Action | 07/23/93 | 58 FR 39430 |
| Final Action Effective | 08/23/93 | 58 FR 39430 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Karen Kelbly, Accounting Officer, Office of Examination & Insurance, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, 703 518-6360

RIN: 3133-AB52

4756. • DEFINITIONS, ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS, AND APPRAISALS

Legal Authority: 12 USC 1752; 12 USC 1755; 12 USC 1756; 12 USC 1757; 12 USC 1759; 12 USC 1761a; 12 USC 1761b; 12 USC 1766; 12 USC 1767; 12 USC 1782; 12 USC 1784; 12 USC 1787; 12 USC 1789

CFR Citation: 12 CFR 700.1(i); 12 CFR 701.21(h); 12 CFR 722.3(a); 12 CFR 722.3(d)

Legal Deadline: None

Abstract: The final rule, meant to reduce regulatory burden: (1) extends the maturity date of certain investments not considered risk assets from 3 to 5 years; (2) increases the dollar value from \$25,000 to \$50,000 for determining when loans are subject to the business loan regulation; (3) makes the recordkeeping requirements for business loans consistent with the definition of member business loans; and (4) raises the de minimis amount for an appraisal performed by a State-certified or -licensed appraiser from \$50,000 to \$100,000.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 04/26/93 | 58 FR 21953 |
| NPRM Comment Period End | 05/26/93 | 58 FR 21953 |
| Final Action | 07/27/93 | 58 FR 40040 |
| Final Action Effective | 07/27/93 | 58 FR 40040 |

Small Entities Affected: None

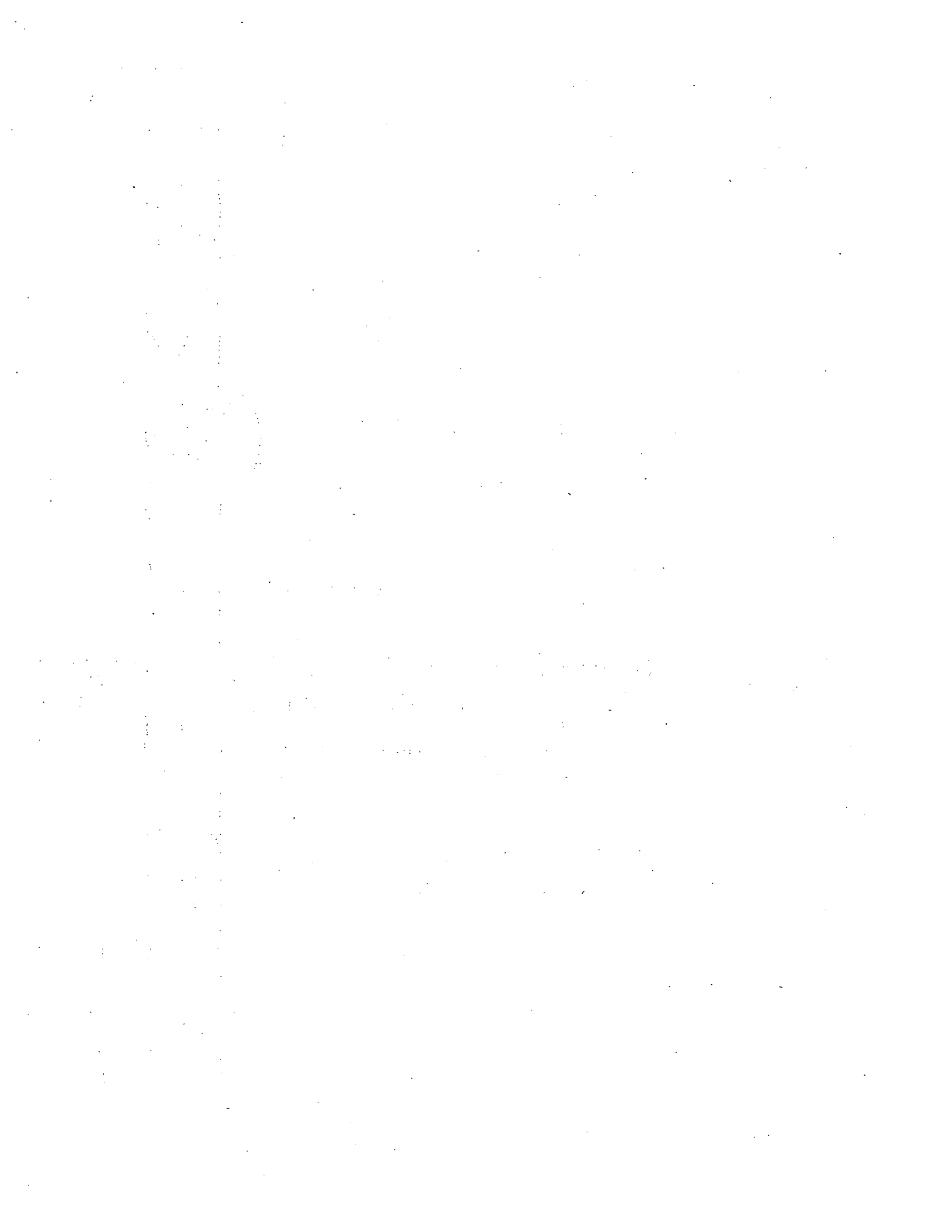
Government Levels Affected: None

Agency Contact: D. Michael Riley, Director, Office of Examination and Insurance, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, 703 518-6360

RIN: 3133-AB58

[FR Doc. 93-21461 Filed 10-22-93; 8:45 am]

BILLING CODE 7535-01-F



Federal Register

Monday
October 25, 1993

Part LVII

National Indian Gaming Commission

Semiannual Regulatory Agenda

NATIONAL INDIAN GAMING COMMISSION (NIGC)

NATIONAL INDIAN GAMING COMMISSION

25 CFR Ch. III

Semiannual Regulatory Agenda

AGENCY: National Indian Gaming Commission.

ACTION: Publication of semiannual regulatory agenda.

SUMMARY: The National Indian Gaming Commission is today publishing an agenda of its open and anticipated rulemaking actions. The agenda is a general announcement to the public

intended to provide advance notice of rulemaking actions in which the public may wish to participate. The Commission invites questions and public comment on individual agenda entries.

FOR FURTHER INFORMATION CONTACT: Susan Carletta, National Indian Gaming Commission, Suite 250, 1850 M Street NW., Washington, DC 20036, (202) 632-7003, ext. 34.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291 "Federal Regulation" and the Regulatory Flexibility Act (5 U.S.C. 605), executive agencies are required to publish semiannual regulatory agendas

in the Federal Register in April and October of each year.

The regulations being considered by the Commission are not "major" rules within the meaning of E.O. 12291, and no Regulatory Impact Analysis is required. The Commission also has determined, under the Regulatory Flexibility Act, that the regulations under consideration will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Flexibility Analysis is required.

Anthony J. Hope,
Chairman, National Indian Gaming Commission.

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4757 | Review of Petitions for Certificate of Self-Regulation Under the Indian Gaming Regulatory Act | 3141-AA04 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4758 | Procedures Under the National Environmental Policy Act | 3141-AA06 |

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4759 | Freedom of Information Act Procedures | 3141-AA05 |

NATIONAL INDIAN GAMING COMMISSION (NIGC)

Proposed Rule Stage

4757. REVIEW OF PETITIONS FOR CERTIFICATE OF SELF-REGULATION UNDER THE INDIAN GAMING REGULATORY ACT

Significance: Agency Priority
Legal Authority: 25 USC 2701 et seq
CFR Citation: 25 CFR 581
Legal Deadline: None

Abstract: This rule will provide procedures for a tribe to petition the Commission for a certificate of self-regulation of class II gaming. The rule

will implement the statutory standards that must be met in order for the Commission to grant such a petition. The rule also will implement the Commission's authority to remove a certificate of self-regulation for just cause.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment Period End | 11/00/93 | |

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 01/00/94 | |
| Final Action Effective | 02/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael Cox, General Counsel, National Indian Gaming Commission, Suite 250, 1850 M Street NW., Washington, DC 20036, 202 632-7003.

RIN: 3141-AA04

NATIONAL INDIAN GAMING COMMISSION (NIGC)

Final Rule Stage

4758. PROCEDURES UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT

Significance: Agency Priority
Legal Authority: 25 USC 2701 et seq; 42 USC 4321 et seq
CFR Citation: 25 CFR 518
Legal Deadline: None
Abstract: The National Environmental Policy Act establishes national environmental policy and goals for the protection, maintenance, and

enhancement of the environment. The Act provides a process for implementing these goals within the Federal agencies. This rule would provide procedures for the Commission to follow in meeting its obligations under the Act.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 04/09/93 | 58 FR 18353 |
| NPRM Comment Period End | 06/30/93 | 58 FR 27967 |

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

| | | |
|------------------------|----------|--|
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Susan Carletta, Paralegal Specialist, National Indian Gaming Commission, Suite 250, 1850 M Street NW., Washington, DC 20036, 202 632-7003

RIN: 3141-AA06

NATIONAL INDIAN GAMING COMMISSION (NIGC)

Completed Actions

4759. FREEDOM OF INFORMATION ACT PROCEDURES

Significance: Agency Priority
Legal Authority: 25 USC 2701 et seq; 5 USC 552
CFR Citation: 25 CFR 517
Legal Deadline: None
Abstract: Under the Freedom of Information Act, a Federal agency must publish, in the Federal Register,

procedures by which the public may obtain access to information the agency compiles, creates, and maintains. This rule would provide such procedures.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/24/92 | 57 FR 55212 |
| NPRM Comment Period End | 12/24/92 | 57 FR 55212 |
| Final Action | 08/23/93 | 58 FR 44445 |
| Final Action Effective | 09/22/93 | 58 FR 44445 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Susan Carletta, Paralegal Specialist, National Indian Gaming Commission, Suite 250, 1850 M Street NW., Washington, DC 20036, 202 632-7003

RIN: 3141-AA05

[FR Doc. 93-21816 Filed 10-22-93; 8:45 am]
BILLING CODE 7555-01-F

Federal Register

**Monday
October 25, 1993**

Part LVIII

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NUCLEAR REGULATORY COMMISSION (NRC)

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual publication of NRC regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing its semiannual regulatory agenda in accordance with Public Law 96-354 "The Regulatory Flexibility Act" and Executive Order 12291 "Federal Regulation." The agenda is a compilation of all rules on which the NRC has recently completed action or has proposed or is considering action. This issuance updates any action occurring on rules since publication of the last semiannual agenda on April 26, 1993 (58 FR 24002).

ADDRESSES: Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Comments may also be hand delivered to the One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m., Federal workdays. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

The agenda and any comments received on any rule listed in the agenda are available for public inspection and

copying for a fee at the Nuclear Regulatory Commission's Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC 20555. Single copies of the NRC quarterly agenda can be purchased from the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7082. Customers may call (202) 512-2303 or (202) 512-2249.

FOR FURTHER INFORMATION CONTACT: For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Michael Lesar, Chief, Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone (301) 492-7758. Persons outside the Washington, DC, metropolitan area may call, toll-free: (800) 368-5642. For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "Agency Contact" for that rule.

SUPPLEMENTARY INFORMATION: Although publication of the agenda is only required semiannually, in April and October, the NRC has chosen to update and publish its agenda each quarter. However, the information contained in this semiannual publication is updated to reflect any action which has occurred on rules since publication of the last NRC semiannual agenda on April 26, 1993 (58 FR 24002). Within each group, the rules are ordered according to the Regulation Identifier Number (RIN).

The information in this agenda has been updated through August 27, 1993. The date for the next scheduled action under the heading "Timetable" is the

date the rule is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. The regulatory agenda is intended to provide the public early notice and opportunity to participate in the NRC rulemaking process. However, the NRC may consider or act on any rulemaking even though it is not included in the regulatory agenda.

Rulemakings Approved by the Executive Director for Operations (EDO)

The EDO initiated a procedure for review of the regulations being prepared by staff offices that report to him to ensure that staff resources are allocated most effectively to achieve NRC's regulatory priorities. This procedure requires EDO approval before staff resources may be expended on the development of any new rulemaking. Furthermore, all existing rules must receive EDO approval prior to the commitment of additional resources.

The NRC agenda lists rulemaking actions. Of these, no rulemaking items are considered to be priority or major as defined in section 1(b) of Executive Order 12291.

Nine rules potentially will have a "significant economic impact on a substantial number of small entities" as defined in the Regulatory Flexibility Act.

Dated at Bethesda, Maryland, this 23rd day of August 1993.

For the Nuclear Regulatory Commission,
David L. Meyer,
Chief, Rules Review and Directives Branch,
Division of Freedom of Information and
Publications Services, Office of
Administration.

Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4760 | Night Firing Qualifications for Security Guards at Nuclear Power Plants | 3150-AC88 |
| 4761 | Codes and Standards for Nuclear Power Plants (ASME Code, Section XI, Division 1, Subsection IWE and Sub-section IWL) | 3150-AC93 |
| 4762 | Acceptance of Products Purchased for Use in Nuclear Power Plant Structures, Systems, and Components | 3150-AD10 |
| 4763 | Revision of Specific Exemptions | 3150-AD83 |
| 4764 | Design and Performance Criteria for Sealed Sources Used in Well Logging | 3150-AE24 |
| 4765 | Reporting Requirements for Transfer of Products to Persons Exempt From Licensing Requirements | 3150-AE28 |
| 4766 | Licensing of Source Material | 3150-AE33 |
| 4767 | Consideration of the Possible Effects of Power Reactor Ownership Arrangements on Safety | 3150-AE48 |

NRC

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4768 | Amendment to 10 CFR 51.51 and 51.52, Tables S-3 and S-4, Addition of Radon-222 and Technetium-99 Radiation Values, and Addition of Appendix B, "Table S-3 Explanatory Analysis" | 3150-AA31 |
| 4769 | Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors | 3150-AA86 |
| 4770 | Criteria for an Extraordinary Nuclear Occurrence | 3150-AB01 |
| 4771 | Revised Rules of Practice for Domestic Licensing Proceedings | 3150-AB68 |
| 4772 | Elimination of Inconsistencies Between NRC Regulations and EPA HLW Standards | 3150-AC03 |
| 4773 | Availability of Official Records | 3150-AC07 |
| 4774 | Comprehensive Quality Assurance in Medical Use and a Standard of Care | 3150-AC42 |
| 4775 | Reasserting NRC's Sole Authority for Approving On-Site Low-Level Waste Disposal in Agreement States | 3150-AC57 |
| 4776 | Low-Level Waste Manifest Information and Reporting | 3150-AD33 |
| 4777 | Import and Export of Radioactive Wastes | 3150-AD36 |
| 4778 | Clarification of Emergency Preparedness Regulations; Exercise Requirements | 3150-AD40 |
| 4779 | Reinvestigation of Individuals Granted Unescorted Access to Nuclear Power Plants | 3150-AD49 |
| 4780 | Design Basis Events | 3150-AD51 |
| 4781 | Fracture Toughness Requirements for LWR Pressure Vessels | 3150-AD57 |
| 4782 | Radiological Criteria for Decommissioning of Nuclear Facilities | 3150-AD65 |
| 4783 | Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use | 3150-AD69 |
| 4784 | Physical Protection of Special Nuclear Material in Transit | 3150-AE02 |
| 4785 | Radiography and Radiation Safety Requirements for Radiography Operations | 3150-AE07 |
| 4786 | Emergency Planning for Independent Spent Fuel Storage Facilities (ISFSI) and Monitored Retrievable Storage Facilities (MRS) | 3150-AE17 |
| 4787 | Clarification of Reporting of Defects and Noncompliance for Materials Facilities | 3150-AE18 |
| 4788 | Standardized Plant Designs, Early Review of Site Suitability Issues; Clarifying Amendments | 3150-AE25 |
| 4789 | Codes and Standards for Nuclear Power Plants (ASME B&PV Code, 1989/1990/1991 Addenda and 1992 Edition, Appendix VIII, Safety-Related Snubbers and the ASME OM Code-1990) | 3150-AE26 |
| 4790 | Licensee Submittal of Data in Computer-Readable Form | 3150-AE35 |
| 4791 | Notification of Incidents | 3150-AE37 |
| 4792 | Acceptability of Plant Performance for Severe Accidents; Scope of Consideration in Safety Regulations | 3150-AE38 |
| 4793 | Disposal of High-Level Radioactive Wastes in Geologic Repositories; Investigation and Evaluation of Potentially Adverse Conditions | 3150-AE40 |
| 4794 | Dose Limits for Patients and Members of the Public | 3150-AE41 |
| 4795 | Removal of Criticality Alarm Requirements for Fresh Fuel | 3150-AE43 |
| 4796 | Administration of Byproduct Material or Radiation to Patients Who May Be Pregnant or Breast-Feeding | 3150-AE44 |
| 4797 | Thermal Annealing of the Reactor Pressure Vessel | 3150-AE45 |
| 4798 | Physical Fitness Programs for Security Personnel at Category I Licensee Fuel Cycle Facilities | 3150-AE52 |
| 4799 | Safety Requirements for Reactor Coolant Pump Seats | 3150-AE53 |
| 4800 | NRC Fee Policy | 3150-AE54 |
| 4801 | Standards for Certification of DOE Uranium Enrichment Gaseous Diffusion Facilities | 3150-AE62 |
| 4802 | Informal Hearing Procedures for Materials Licensing Adjudications | 3150-AE67 |
| 4803 | Certification of Industrial Radiographers | 3150-AE69 |
| 4804 | Changes to Quality Assurance Programs | 3150-AE70 |
| 4805 | Changes to Security Plans | 3150-AE71 |
| 4806 | Changes to Emergency Plans | 3150-AE72 |
| 4807 | Changes to Fire Protection Plans | 3150-AE73 |
| 4808 | Definition of Commitment | 3150-AE74 |
| 4809 | Financial Assurance for Low-Level Waste Disposal Site Surveillance, Monitoring, and Custodial Care | 3150-AE76 |
| 4810 | Uranium Tailings Regulations; Conforming NRC Requirements to EPA Standards | 3150-AE77 |
| 4811 | Radiation Protection Requirements; Amended Definitions and Criteria | 3150-AE80 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4812 | Update of Transportation Regulations To Incorporate New Licensing Information | 3150-AC41 |
| 4813 | Requirements for Possession of Industrial Devices Containing Byproduct Material | 3150-AD34 |
| 4814 | Discrimination on the Basis of Sex | 3150-AD50 |
| 4815 | License Renewal for Nuclear Power Plants; Scope of Environmental Effects | 3150-AD63 |

NRC

Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4816 | Requirements Concerning the Accessible Air Gap for Generally Licensed Devices | 3150-AD82 |
| 4817 | Timeliness in Decommissioning of Materials Facilities | 3150-AD85 |
| 4818 | Reactor Site Criteria; Including Seismic and Earthquake Engineering Criteria for Nuclear Power Plants | 3150-AD93 |
| 4819 | List of Approved Spent Fuel Storage Casks: Addition of Cask TN-24 | 3150-AE15 |
| 4820 | Self-Guarantee as an Additional Financial Assurance Mechanism | 3150-AE16 |
| 4821 | Procedures and Criteria for On-Site Storage of Low-Level Radioactive Waste | 3150-AE22 |
| 4822 | Specific Licensing of Exports of Certain Alpha-Emitting Radionuclides and Byproduct Material | 3150-AE31 |
| 4823 | Modifications to Fitness-For-Duty Program Requirements | 3150-AE36 |
| 4824 | Operators' Licenses | 3150-AE39 |
| 4825 | Notification of Spent Fuel Management and Funding Plans by Licensees of Prematurely Shut Down Power Reactors | 3150-AE46 |
| 4826 | Whistleblower Protection for Nuclear Power Plant Employees | 3150-AE50 |
| 4827 | Supplemental Standards of Ethical Conduct for Employees of the Nuclear Regulatory Commission | 3150-AE60 |
| 4828 | Equal Access to Justice Act: Implementation | 3150-AE61 |
| 4829 | Interim Storage of Spent Fuel in an Independent Spent Fuel Storage Installation; Site-Specific License to a Qualified Applicant | 3150-AE64 |

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4830 | Procedures Involving the Equal Access to Justice Act: Implementation | 3150-AA01 |
| 4831 | Radioactive Waste Below Regulatory Concern; Generic Rulemaking | 3150-AC35 |
| 4832 | Day Firing Qualifications for Security Personnel at Category I Licensee Fuel Cycle Facilities | 3150-AD30 |
| 4833 | Fitness-for-Duty Requirements for Licensees Who Possess, Use, or Transport Category I Material | 3150-AD68 |
| 4834 | Training and Qualification of Nuclear Power Plant Personnel | 3150-AD80 |
| 4835 | Decommissioning Recordkeeping and License Termination: Documentation Additions | 3150-AD98 |
| 4836 | Licensing Requirements for Land Disposal of Radioactive Wastes | 3150-AE00 |
| 4837 | Loss of All Alternating Current Power; Withdrawal of Proposed Rule | 3150-AE06 |
| 4838 | Licensees' Announcements of Safeguards Inspections | 3150-AE27 |
| 4839 | FY 1991 and FY 1992 Proposed Rule Implementing the U.S. Court of Appeals Decision and Revision of Fee Schedules; 100 Percent Fee Recovery; FY 1993 | 3150-AE49 |
| 4840 | Freedom of Information Act Regulations; Minor Amendment | 3150-AE51 |
| 4841 | Monitoring the Effectiveness of Maintenance at Nuclear Power Plants | 3150-AE55 |
| 4842 | Withdrawal of Below Regulatory Concern Policy Statements | 3150-AE56 |
| 4843 | Policy and Procedure for NRC Enforcement Actions; Policy Statement | 3150-AE57 |
| 4844 | Authorization to Prepare Radiopharmaceutical Reagent Kits and Elute Radiopharmaceutical Generators; Use of Radiopharmaceuticals for Therapy; Extension of Expiration Date | 3150-AE58 |
| 4845 | Policy and Procedure for NRC Enforcement Actions; Policy Statement | 3150-AE59 |
| 4846 | FSAR Update Submittals | 3150-AE63 |
| 4847 | Repeal of NRC Standards of Conduct Regulations | 3150-AE65 |
| 4848 | Clarification of Nuclear Power Plant License Renewal Requirements | 3150-AE66 |
| 4849 | Access Authorization Fee Schedule for Licensee Personnel | 3150-AE68 |
| 4850 | Adjustment of the Maximum Standard Deferred Premium | 3150-AE75 |
| 4851 | Nuclear Regulatory Commission Acquisition Regulation; Minor Amendments | 3150-AE78 |
| 4852 | Duplication Fees | 3150-AE79 |

NUCLEAR REGULATORY COMMISSION (NRC)

Prerule Stage

4760. NIGHT FIRING QUALIFICATIONS FOR SECURITY GUARDS AT NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to ensure that security force effectiveness at nuclear power plants is not dependent on the time of day. Security guards currently are required to perform night firing for familiarization only. There is no requirement for standards to measure their effectiveness. The proposed rule would require that security guards at nuclear power plants qualify for night firing. The only alternative to rulemaking is to retain the current status.

Part 73, Appendix B, Part IV, would be amended to require reactor security guards to qualify annually in an NRC-approved night firing course with their assigned weapons. The proposed amendment would standardize training and qualification in night firing and prepare power reactor guard forces to respond more effectively in the event of an incident occurring in limited lighting conditions. The cost to industry should be relatively modest since licensees already operate daylight firing training and qualification facilities and programs.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Telford, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3796

RIN: 3150-AC88

4761. CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (ASME CODE, SECTION XI, DIVISION 1, SUBSECTION IWE AND SUBSECTION IWL)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would incorporate by reference Subsection IWE, "Requirements for Class MC Components of Light-Water Cooled

Power Plants," and Subsection IWL, "Requirements for Class CC Concrete Components of Light-Water Cooled Power Plants," of Section XI (Division 1) of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code). Subsection IWE provides the rules and requirements for inservice inspection, repair, and replacement of Class MC pressure retaining components and their integral attachments in light-water cooled power plants. Subsection IWL provides the rules and requirements for inservice inspection and repair of the reinforced concrete and post tensioning systems of Class CC components.

Incorporation by reference of Subsection IWE and Subsection IWL will provide systematic examination rules for containment structure for meeting Criterion 53 of the General Design Criteria (Appendix A of 10 CFR part 50) and Appendix J of 10 CFR part 50. (cont)

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Age-related degradation of containments has occurred, and additional and potentially more serious degradation mechanisms can be anticipated as nuclear power plants age.

If the NRC did not take action to endorse the Subsection IWE and Subsection IWL rules, the NRC position on examination practices for containment structure would have to be established on a case-by-case basis and improved examination practices for steel containment structures might not be implemented. The other alternatives of incorporating these detailed examination requirements into the American National Standard ANSI/ANS 56.8-1981 or into Appendix J are not feasible.

Incorporating by reference the latest edition and addenda of Subsection IWE and Subsection IWL will save applicants/licensees and the NRC staff both time and effort by providing uniform detailed criteria against which the staff can review any single submission. Adoption of the proposed amendment would permit the use of improved methods for containment inservice inspection.

Agency Contact: Wallace E. Norris, Nuclear Regulatory Commission, Office

of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3805

RIN: 3150-AC93

4762. ACCEPTANCE OF PRODUCTS PURCHASED FOR USE IN NUCLEAR POWER PLANT STRUCTURES, SYSTEMS, AND COMPONENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) was published to request public comment on the need for additional regulatory requirements and to obtain an improved understanding of alternatives to regulatory requirements. Based upon comment analysis, the staff recommended to the Commission that this rule be withdrawn. The Commission has approved withdrawal of this rulemaking.

Recent inspections and discussions with the industry and licensees indicate that there is still some disagreement between industry and the NRC staff regarding commercial grade procurement and dedication. The NRC staff has conducted meetings with the industry and individual licensees to resolve the areas of disagreement. Final issuance of the notice of action will be issued following resolution of the areas of disagreement.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|------------|
| ANPRM | 03/06/89 | 54 FR 9229 |
| ANPRM Comment Period End | 07/05/89 | |
| Next Action Undetermined | | |

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Lief J. Norrholm, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 504-0961

RIN: 3150-AD10

4763. REVISION OF SPECIFIC EXEMPTIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 009

Legal Deadline: None

NRC

Prerule Stage

Abstract: The proposed rule would amend the Commission's regulations pertaining to specific Privacy Act exemptions. This proposed rule would add exemption (j)(2) of the Privacy Act to the regulations that describe exempt systems of records. These amendments would make NRC's regulations consistent with the majority of statutorily appointed Inspectors General and would clearly link each system of records to the specific exemption(s) of the Privacy Act under which each system is exempt.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sarah Wigginton, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, 301 492-7752

RIN: 3150-AD83

4764. DESIGN AND PERFORMANCE CRITERIA FOR SEALED SOURCES USED IN WELL LOGGING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 039

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations governing well logging operations. The proposed rule would allow the continued use of sealed sources that were approved by accepted prototype testing before July 14, 1989. The proposed rule would also permit the continued use of previously evaluated and approved sealed sources by NRC well logging licensees. The proposed rule is necessary because the current regulations unintentionally excluded the use of sealed sources previously approved by prototype testing.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jean Trefethen, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3867

RIN: 3150-AE24

4765. REPORTING REQUIREMENTS FOR TRANSFER OF PRODUCTS TO PERSONS EXEMPT FROM LICENSING REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 032

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to reinstate the annual reporting requirement for transfer of products containing small quantities of radioactive material to persons exempt from licensing requirements. Submittal of transfer reports on a 5-year reporting basis has made it difficult for the NRC staff to identify trends in distribution of materials to persons exempt from licensing requirements. Reinstating the annual reporting requirement will provide the NRC with more complete and accurate information on exemptions granted under 10 CFR 30 and improve the Commission's capability to assess potential effects of aggregated exposures to the public from a number of exempted practices. (cont)

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The impact of the proposed rule on licensees is expected to be minor based on the low estimated administrative burden, and on the current potential for the use of electronic data submittal and processing and the NMSS Licensing Management System.

Agency Contact: Frank Cardile, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3774

RIN: 3150-AE28

4766. LICENSING OF SOURCE MATERIAL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 040

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking was published to request public comment on contemplated amendments to the Commission's regulations governing the licensing of source material and mill tailings. The contemplated rulemaking

would consider revisions to improve the control of source material through more specific regulation and to incorporate the revised standards for protection against radiation.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 10/28/92 | 57 FR 48749 |
| ANPRM Comment Period End | 01/26/93 | |
| Next Action Undetermined | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Catherine R. Mattsen, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3638

RIN: 3150-AE33

4767. CONSIDERATION OF THE POSSIBLE EFFECTS OF POWER REACTOR OWNERSHIP ARRANGEMENTS ON SAFETY

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The NRC is considering amending its regulations to increase assurance that nuclear power reactor licensees will have adequate funds for decommissioning and other safety-related activities. This rulemaking will consider the need for amending the NRC's regulations to require power reactor licensees to either: (1) guarantee any unfunded decommissioning liability with a surety bond letter of credit, or other guarantee method currently allowed in 10 CFR 50.75(e)(1)(iii); (2) provide for a financial test guarantee mechanism similar to the one contained in 10 CFR Part 30, Appendix A; or (3) provide a certification to the NRC from the licensee's rate-making authority that it will allow unfunded decommissioning obligations to be collected in rates, notwithstanding the operating status of the facility.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert S. Wood, Nuclear Regulatory Commission, Office

NRC

Prerule Stage

of Nuclear Reactor Regulation,
Washington, DC 20555, 301 504-1255
RIN: 3150-AE48

NUCLEAR REGULATORY COMMISSION (NRC)

Proposed Rule Stage

4768. AMENDMENT TO 10 CFR 51.51 AND 51.52, TABLES S-3 AND S-4, ADDITION OF RADON-222 AND TECHNETIUM-99 RADIATION VALUES, AND ADDITION OF APPENDIX B, "TABLE S-3 EXPLANATORY ANALYSIS"

Legal Authority: 42 USC 2011; 42 USC 2201; 42 USC 4321; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 51

Legal Deadline: None

Abstract: The proposed rule amends the Table of Uranium Fuel Cycle Environmental Data (Table S-3) by adding new estimates for potential releases of technetium-99 and radon-222 and by updating other estimates. The proposed rule's Appendix B to Subpart A (narrative explanation) also describes the basis for the values contained in Table S-3, explains the environmental effects of these potential releases from the LWR Fuel Cycle, and postulates the potential radiation doses, health effects, and environmental impacts of these potential releases. The proposed rule would also amend 10 CFR 51.52 to modify the enrichment value of U-235 and the maximum level of average fuel irradiation (burnup in megawatt-days of thermal power per metric ton of uranium). The narrative explanation also addresses important fuel cycle impacts and the cumulative impacts of the nuclear fuel cycle for the whole nuclear power industry so that it may be possible to consider these impacts generically rather than repeatedly in individual licensing proceedings, thus reducing potential litigation time and costs for both NRC and applicants. (cont)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 03/04/81 | 46 FR 15154 |
| NPRM Comment Period End | 05/04/81 | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The proposed revision of 10 CFR 51.51 and the addition of Appendix B was published for public review and comment on March 4, 1981 (46 FR 15154). The final rulemaking was deferred pending the outcome of a suit (Natural Resources Defense Council, et al. v. NRC, No. 74-1486) in the U.S. Circuit Court of Appeals. The U.S. Court of Appeals (D.C. Circuit) decision on April 27, 1982, invalidated the entire Table S-3 rule. The Supreme Court reversed this decision on June 6, 1983.

The proposed rule to provide an explanatory narrative for Table S-3 has been revised to reflect new modeling developments during the time the rulemaking was deferred. Final action on the Table S-3 rule was held in abeyance until new values for radon-222 and technetium-99 could be added to the table and covered in the narrative explanation. The rule is being reissued as a proposed rule because the scope has been expanded to include radiation values for radon-222 and technetium-99 and the narrative explanation has been extensively revised from that published on March 4, 1981 (46 FR 15154).

Agency Contact: Stanley Turel, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3739

RIN: 3150-AA31

4769. PRIMARY REACTOR CONTAINMENT LEAKAGE TESTING FOR WATER-COOLED POWER REACTORS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would update and revise the 1973 criteria for preoperational and periodic pressure testing for leakage of primary containment boundaries of water-cooled power reactors. The Commission

has determined that this proposed rule is unnecessary and has withdrawn the proposed rule in a Staff Requirements Memorandum dated March 1, 1993. A publication date for the notice of withdrawal is undetermined.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/29/86 | 51 FR 39538 |
| NPRM Comment Period End | 04/24/87 | 52 FR 2416 |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Moni Dey, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3912

RIN: 3150-AA86

4770. CRITERIA FOR AN EXTRAORDINARY NUCLEAR OCCURRENCE

Legal Authority: 42 USC 2201; 42 USC 2210; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 140

Legal Deadline: None

Abstract: The proposed rule would revise the criteria for an extraordinary nuclear occurrence (ENO) to eliminate the problems encountered in the Three Mile Island ENO determination. The revised criteria should be established in the event they are needed.

There are no alternatives to this rulemaking, as the current ENO criteria are already codified in Subpart E of 10 CFR Part 140. The only way to modify these criteria, as this rule seeks to do, is through rulemaking.

There is no safety impact on public health or safety. The ENO criteria provide legal waivers of defenses. Industry (insurers and utilities) claims that a reduction in the ENO criteria could cause increases in insurance premiums. The final rule will also respond to PRM-140-1.

NRC

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 04/09/85 | 50 FR 13978 |
| NPRM Comment | 09/06/85 | |
| Period End | | |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Alan K. Roecklein, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3740

RIN: 3150-AB01**4771. REVISED RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS**

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841; 05 USC 552

CFR Citation: 10 CFR 0; 10 CFR 1; 10 CFR 2; 10 CFR 9; 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would shorten and simplify existing Commission procedural rules applicable to domestic licensing proceedings by comprehensively restating, revising and reorganizing the statement of those rules to reflect current practice. The changes in this proposed rule would enable the Commission, directly and through its adjudicatory offices, to render decisions in a more timely fashion, eliminate the stylistic complexity of the existing rules, and reduce the burden and expense to the parties participating in agency proceedings. In 1987, the Commission deferred consideration of this proposal which would have revised the Commission's procedural rules governing the conduct of all adjudicatory proceedings other than export licensing proceedings under 10 CFR part 110, pending consideration of other, more limited revisions to the rules of practice. In 1989, former Chairman Zech requested that this proposed rule be updated for reconsideration by the Commission, and more recently, the Administrative Conference of the United States has drafted Model Rules.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 06/00/94 | |
| Final Action | 09/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Lee S. Dewey, Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, DC 20555, 301 492-7787

RIN: 3150-AB66**4772. ELIMINATION OF INCONSISTENCIES BETWEEN NRC REGULATIONS AND EPA HLW STANDARDS**

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 60

Legal Deadline: None

Abstract: The proposed rule would eliminate several inconsistencies with the EPA standards to be developed for the disposal of HLW in deep geologic repositories. The Nuclear Waste Policy Act of 1982 (NWSA) directs NRC to promulgate criteria for the licensing of HLW geologic repositories. Section 121(c) of this Act states that the criteria for the licensing of HLW geologic repositories must be consistent with these standards. The proposed rule is needed in order to eliminate several inconsistencies with the EPA standards, thus fulfilling the statutory requirement.

Because the NWSA directs NRC to eliminate inconsistencies between Part 60 and the EPA standard, the alternatives to the proposed action are limited by statute.

Because the Federal Court invalidated the EPA standards, action on this rule is undetermined. Congress has authorized the National Academy of Sciences to recommend HLW standards to EPA for specific application to Yucca Mountain. The EPA must propose a new standard by 1995.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 06/19/86 | 51 FR 22289 |
| NPRM Comment | 08/18/86 | |
| Period End | | |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: John Randall, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3873

RIN: 3150-AC03**4773. AVAILABILITY OF OFFICIAL RECORDS**

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2

Legal Deadline: None

Abstract: The proposed amendment would conform the NRC's regulations pertaining to the availability of official records to existing case law and agency practice. The amendment would reaffirm that 10 CFR 2.790(c) provides submitters of information a qualified right to have their information returned upon request. This amendment informs the public of three additional circumstances where information will not be returned to the applicant, i.e., information which has been made available to an advisory committee or was received at an advisory committee meeting, information discussed at an open Commission meeting under the Government in Sunshine Act and information that is subject to a pending Freedom of Information Act request.

The proposed amendment would also address the NRC's procedures for handling copyrighted information, including reproduction and distribution according to normal agency practice. The NRC, in receiving submittals and making its normal distributions, routinely photocopies submittals, makes microfiche of the submittals, and ensures that these fiche are distributed to the Public Document Room, Local Public Document Rooms, (cont)

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 12/23/92 | 57 FR 61013 |
| NPRM Comment | 03/08/93 | |
| Period End | | |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** None

Additional Information: ABSTRACT CONT: all appropriate internal offices, and made available to the National Technical Information Service. This broad distribution and reproduction is made to increase public understanding of the peaceful uses of atomic energy. The proposed rule would not prevent submitters from applying 10 CFR 2.790(b)(1) procedures to information that contains trade secrets or privileged or confidential commercial or financial information (proprietary information) and it is recognized that some

information in those categories may be copyrighted. Proprietary information status exempts this material from public disclosure and is not to be confused with handling pursuant to copyright designation.

Agency Contact: Catherine M. Holze, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 504-1560

RIN: 3150-AC07

4774. COMPREHENSIVE QUALITY ASSURANCE IN MEDICAL USE AND A STANDARD OF CARE

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 35

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) was published to request public comment on the extent to which, in addition to the basic quality assurance procedures (being addressed by another rulemaking action, entitled "Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use" (RIN 3150-AD69), a more comprehensive quality assurance requirement is needed and invites advice and recommendations on about 20 questions that will have to be addressed in the rulemaking process. The purpose of this rulemaking action is to address each source of error that can lead to a misadministration.

Timetable:

| Action | Date | FR Cite |
|---------------|--------------|-------------|
| ANPRM | 10/02/87 | 52 FR 36949 |
| ANPRM Comment | 12/31/87 | |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anthony Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3797

RIN: 3150-AC42

4775. REASSERTING NRC'S SOLE AUTHORITY FOR APPROVING ON-SITE LOW-LEVEL WASTE DISPOSAL IN AGREEMENT STATES

Legal Authority: 42 USC 2201; 42 USC 2021; 42 USC 5841

CFR Citation: 10 CFR 150

Legal Deadline: None

Abstract: The proposed rule would establish NRC as the sole authority for approving onsite disposal of very low-level waste at all NRC licensed reactors and at Part 70 facilities. The NRC staff has recommended that this proposed rulemaking be withdrawn.

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-------------|
| NPRM | 08/22/88 | 53 FR 31880 |
| NPRM Comment | 10/21/88 | |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry S. Tovmassian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3634

RIN: 3150-AC57

4776. LOW-LEVEL WASTE MANIFEST INFORMATION AND REPORTING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 020; 10 CFR 061

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to: (1) improve information contained in manifests accompanying shipments of waste to low-level waste (LLW) disposal facilities licensed under Part 61; (2) develop a uniform manifest for national use; (3) require that operators of these disposal facilities store manifest information in electronic recordkeeping systems; and (4) require that operators submit, on a machine-readable medium, reports of shipment manifest information.

To ensure safe disposal of LLW, the NRC must understand the mechanisms and rates by which radioactivity can be released from LLW and into the environment. To do this, the NRC must understand the chemical, physical, and radiological characteristics of LLW. This task is greatly complicated by the heterogeneous nature of LLW; it exists in a variety of chemical and physical forms and contains roughly 200 different radionuclides in concentrations that can range from a few microcuries to several hundred curies per cubic foot. Each year there are thousands of shipments to LLW disposal sites. (cont)

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-------------|
| NPRM | 04/21/92 | 57 FR 14500 |
| NPRM Comment | 07/20/92 | |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The rulemaking would facilitate the eventual development of a complete, detailed national LLW computer data base, if appropriate, that contains information about waste disposed in all LLW sites, those regulated by NRC as well as by Agreement States. The rulemaking, through development of a uniform manifest, would also improve safe and expeditious movement of LLW from generators through processors or collectors to disposal facilities. Emergency accident procedures would be enhanced through use of a single uniform manifest.

The NRC does not expect that the rulemaking will increase disposal costs. The final rule is dependent upon a coordinated rulemaking effort with the Department of Transportation.

Agency Contact: Mark Haisfield, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3877

RIN: 3150-AD33

4777. IMPORT AND EXPORT OF RADIOACTIVE WASTES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 110

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's licensing requirements to strengthen the Commission's controls over radioactive waste coming into and leaving the United States by requiring specific NRC licensing of radioactive waste imports and exports. The proposed rule would help ensure that the transactions are subject to the approval of the U.S. Government and the consent of other involved parties. The proposed amendment would conform U.S. policies with the decision of the General Conference of the International Atomic Energy Agency in September 1990, approving a voluntary Code of

NRC

Proposed Rule Stage

Practice to guide Nation States in the development and harmonization of policies and laws on the transboundary shipments of radioactive waste. (cont)

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 02/07/90 | 55 FR 4181 |
| ANPRM Comment | 04/24/90 | 55 FR 10786 |
| Period End | | |
| NPRM | 04/28/92 | 57 FR 17859 |
| NPRM Comment | 07/13/92 | |
| Period End | | |

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT: (cont)

Sixteen letters of comment were received from several different sources in response to the proposed rule. These comments are being reviewed by the NRC as it begins to develop the final amendments to the NRC's licensing regulations pertaining to the export and import of radioactive wastes.

Agency Contact: Ronald D. Hauber, Nuclear Regulatory Commission, Office of International Programs, Washington, DC 20555, 301 504-2344

RIN: 3150-AD36

4778. CLARIFICATION OF EMERGENCY PREPAREDNESS REGULATIONS; EXERCISE REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations by clarifying the linkage between the need for "reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency" indicated in Section 50.47(a) and 16 planning standards outlined in Section 50.47(b). In addition, the rulemaking will clarify the term "range of protective" actions. Other issues to be clarified include monitoring of evacuees, actions for recovery and reentry, notification of the public, evacuation time estimates, and exercise frequency.

In a December 23, 1988, memorandum to the EDO from SECY, the staff was directed to review the "...NRC's

emergency planning regulations and proposed revisions designed to eliminate ambiguity and clarify the regulations to include what constitutes the exercise scope prior to the full power licensing...." The staff outlined the proposed rulemaking in a memorandum from the EDO to the Commission dated June 29, 1989.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 07/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael T. Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3918

RIN: 3150-AD40

4779. REINVESTIGATION OF INDIVIDUALS GRANTED UNESCORTED ACCESS TO NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 073

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to require periodic updates of FBI fingerprint checks for reinvestigation of individuals granted unescorted access to nuclear power plants or access to safeguards information. The proposed rule would require that licensees who operate a nuclear power plant submit fingerprint cards for applicable personnel to the NRC for criminal history checks every 5 years. Authorization for unescorted access would be retained by an individual pending results of the criminal history check on that individual's fingerprints.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sandra Frattali, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3773

RIN: 3150-AD49

4780. DESIGN BASIS EVENTS

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 060

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations concerning additional preclosure regulatory requirements for high-level waste geologic repositories. Several issues associated with preclosure regulatory requirements have been raised due to different interpretations of the rulemaking record for 10 CFR Part 60. These involve: (1) the lack of clearly prescribed requirements for the establishment of a controlled use area intended to protect public health and safety in the event of a postulated radionuclide release and (2) the definition of structures, systems, and components important to safety for which certain design and quality assurance criteria apply. In order to meet the milestones mandated by the Nuclear Waste Policy Act of 1982, as amended, and milestones pertaining to DOE's production schedule in the Mission Plan amendments, guidance is needed from NRC on these matters to enable DOE to proceed with the siting of a geologic repository. (cont)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 08/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The proposed amendments would require the establishment of a controlled use area, based on radiation dose criteria, for the siting of geologic repositories. In addition, a new definition of structures, systems, and components important to safety would be added that would be similar to one in 10 CFR part 72.

Agency Contact: Mysore Nataraja, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 504-3459

RIN: 3150-AD51

4781. FRACTURE TOUGHNESS REQUIREMENTS FOR LWR PRESSURE VESSELS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations concerning fracture toughness requirements to resolve issues that have resulted from technological improvements and from other issues. The "Pressurized Thermal Shock (PTS) rule" (10 CFR 50.61), was modified in 1991 to be consistent with the embrittlement correlations given in Regulatory Guide 1.99, Revision 2. However, the need for further clarifications to the PTS rule has been identified.

Appendix G to 10 CFR Part 50 provides fracture toughness requirements for ferritic materials of pressure-retaining components of the reactor coolant boundary of light-water nuclear power reactors.

Appendix H to 10 CFR Part 50 contains requirements for RPV material surveillance programs that are intended to monitor fracture toughness property changes in RPV materials due to irradiation embrittlement.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| Final Action | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Allen L. Hiser, Jr., Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3988
RIN: 3150-AD57

4782. RADIOLOGICAL CRITERIA FOR DECOMMISSIONING OF NUCLEAR FACILITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 020

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to codify the basic principles and radiological criteria which would allow decommissioned lands and structures to be released for unrestricted public use. In the final rule on General Requirements for Decommissioning Nuclear Facilities (53 FR 24018) dated June 27, 1988, the need and urgency for guidance with respect to residual contamination criteria was expressed. At that time, it was anticipated that an interagency working group organized

by the Environmental Protection Agency would develop necessary Federal guidance. However, in the absence of significant progress by the interagency working group, the Commission has directed that the NRC expedite rulemaking because the requirements, once final, will provide licensees with an incentive to complete site decommissionings. The rule would establish basic radiological criteria for release of lands and structures. Measurables, in the form of surface and volume radioactivity concentrations and site radioactivity inventory values, would be provided in supporting regulatory guidance. (cont)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 06/00/94 | |
| Final Action | 06/00/95 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT: These combined activities should benefit the public, industry and the NRC by providing a risk-based framework upon which decommissioning activities and license terminations can be accomplished. The framework will ensure adequate protection of public health and safety and identify residual radioactivity criteria upon which licensees can confidently develop reasonable and responsible decommissioning plans.

Agency Contact: James Malara, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3764
RIN: 3150-AD65

4783. PREPARATION, TRANSFER FOR COMMERCIAL DISTRIBUTION, AND USE OF BYPRODUCT MATERIAL FOR MEDICAL USE

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 035

Legal Deadline: None

Abstract: The proposed rule would examine the Commission's regulations related to the compounding of radiopharmaceuticals, the use of biologics containing byproduct material, and the medical research uses

of radiopharmaceuticals. This rulemaking will address a petition for rulemaking from the American College of Nuclear Physicians and the Society of Nuclear Medicine (PRM-35-9).

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/17/93 | 58 FR 33396 |
| NPRM Comment Period End | 10/15/93 | |
| Final Action | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anthony Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3797
RIN: 3150-AD69

4784. PHYSICAL PROTECTION OF SPECIAL NUCLEAR MATERIAL IN TRANSIT

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 073

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations for the transport of Category I materials to provide a level of protection for these materials while in transit comparable to that provided by the U.S. Department of Energy. This amendment would reduce reliance on DOE's Safe Secure Trailer program for secure shipments of Category I material.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Priscilla A. Dwyer, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, 301 504-2478

RIN: 3150-AE02

4785. RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHY OPERATIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 034

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations on licenses for radiography and radiation

NRC

Proposed Rule Stage

safety requirements for radiographic operations. The proposed rule would revise 10 CFR Part 34 to clarify the requirements in section 34.27 and conform Part 34 with the approach developed by the Conference of Radiation Control Program Directors, Inc. (Part E of the "Suggested State Regulations for Control of Radiation"), and the State of Texas in Part 31 of the Texas Regulations for Control of Radiation. Comments and suggestions from regulatory groups, users, and manufacturers will be considered in the overall revision. The NRC will also consult Canadian atomic energy control regulations that relate to radiography. The proposed rule is necessary because of frequent misinterpretations of the provisions of Part 34 and the need to clarify the requirements of 10 CFR 34.27. The staff is currently preparing an options paper which will examine the issues, set priorities, and provide direction for the proposed rulemaking. This proposed rule would also respond to a petition for rulemaking from International Union of Operating Engineers - Local No. 2 (PRM-34-4).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 08/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Donald Nellis, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3628

RIN: 3150-AE07

4786. EMERGENCY PLANNING FOR INDEPENDENT SPENT FUEL STORAGE FACILITIES (ISFSI) AND MONITORED RETRIEVABLE STORAGE FACILITIES (MRS)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 072

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to provide, as directed by the Nuclear Waste Policy Act of 1982, for the emergency planning licensing requirements for Independent Spent Fuel Storage Facilities and Monitored Retrieval Storage Facilities.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/24/93 | 58 FR 29795 |
| NPRM Comment Period End | 11/09/93 | 58 FR 45463 |
| Final Action | 05/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael T. Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3918

RIN: 3150-AE17

4787. CLARIFICATION OF REPORTING OF DEFECTS AND NONCOMPLIANCE FOR MATERIALS FACILITIES

Legal Authority: 42 USC 2201; 42 USC 5846

CFR Citation: 10 CFR 021

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations concerning the reporting of defects and noncompliance to clarify the applicability of these provisions to materials and fuel cycle licensees. Because of the wide diversity in the types of licensees covered under these regulations, the requirements have been misinterpreted by the licensees. The proposed rule would clearly define the applicability of these provisions to the different types of licensees and would take into account the differences between different classes of licensees. The proposed rule is being developed in response to an NRC internal audit and to a parallel review of these regulations as they apply to materials licensees.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 08/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Markley L. Au, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3749

RIN: 3150-AE18

4788. STANDARDIZED PLANT DESIGNS, EARLY REVIEW OF SITE SUITABILITY ISSUES; CLARIFYING AMENDMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050; 10 CFR 052; 10 CFR 140

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations by deleting Appendices M, N, O, and Q from 10 CFR Part 50. The NRC is also proposing to make clarifying changes to 10 CFR Parts 52 and 140 to make clear that licensees are required to submit accurate and complete information to the NRC, and that its Price-Anderson requirements apply to combined license holders.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Geary S. Mizuno, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 504-1639

RIN: 3150-AE25

4789. CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (ASME B&PV CODE, 1989/1990/1991 ADDENDA AND 1992 EDITION, APPENDIX VIII, SAFETY-RELATED SNUBBERS AND THE ASME OM CODE-1990)

Legal Authority: 42 USC 2201; 42 USC 5846

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to incorporate by reference the 1989 Addenda, 1990 Addenda, 1991 Addenda, and 1992 Edition of Section III, Division I, of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME B&PV Code); the 1989 Addenda, 1990 Addenda, 1991 Addenda, and 1992 Edition of Section XI, Division 1, of the ASME B&PV Code. Additionally, the proposed amendment would expedite implementation of Appendix VIII of Section XI, Division 1, which provides rules for performance demonstration of ultrasonic examination systems. The proposed amendment would expand

the scope of Section 50.55a to require inservice testing and examinations of safety-related snubbers. The proposed amendment would, for the first time, incorporate by reference the 1990 Edition of the ASME Code for Operation and Maintenance of Nuclear Power Plants (ASME OM Code).(cont)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 03/00/94 | |
| Final Action | 12/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT: (cont)

The ASME B&PV Code provides rules in Section III, Division 1, for the construction of components of light-water-cooled nuclear power plants. Section XI, Division 1, provides rules for the inservice inspection of those components. Requiring licensees to expedite implementation of Appendix VIII would improve the quality of inservice inspections in a timely manner. Expanding the scope of Section 50.55a to include safety-related snubbers would ensure that these components are tested to quality standards commensurate with the importance of the safety functions to be performed. The ASME OM Code provides rules for the inservice testing of pumps, valves, and snubbers. This proposed amendment would permit the use of improved methods for the construction, inservice inspection, and inservice testing of nuclear power plant components. Further, these actions would save applicants/licensees and the NRC staff both time and effort by providing uniform detailed criteria against which the staff could review any single submission. There is no reasonable alternative to rulemaking action.

Agency Contact: Wan Cheng (Winston) Liu, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3822
RIN: 3150-AE26

4790. LICENSEE SUBMITTAL OF DATA IN COMPUTER-READABLE FORM

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 040; 10 CFR 072; 10 CFR 074; 10 CFR 075; 10 CFR 150

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to require that licensees' submittals related to special nuclear material transactions be in computer readable form. The proposed rule would affect those licensees possessing reportable quantities of special nuclear material. The purpose of this proposed amendment is to increase the efficiency of the data collection process and, at the same time, reduce costs.

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|------------|
| NPRM | 01/26/93 | 58 FR 6098 |
| NPRM Comment | 04/26/93 | |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard H. Gramann, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, 301 504-2456

RIN: 3150-AE35

4791. NOTIFICATION OF INCIDENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 072

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to add incident reporting requirements to Part 72 to make it consistent with other regulations in 10 CFR Chapter I. On August 16, 1991 (56 FR 40757), the Commission published a final rule that deleted certain incident reporting requirements from Part 20 and replaced them with new incident reporting requirements in Parts 30, 40, and 70. However, incident reporting requirements were not added to Part 72. The only alternative to this rulemaking that would assure that the specified incidents are reported is to impose these reporting requirements by order or license condition. However, establishing reporting requirements by rulemaking is necessary to provide consistency throughout the Commission's regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 09/14/93 | 58 FR 48004 |

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM Comment | 11/29/93 | |
| Period End | | |
| Final Action | 08/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Naiem S. Tanious, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3878

RIN: 3150-AE37

4792. ACCEPTABILITY OF PLANT PERFORMANCE FOR SEVERE ACCIDENTS; SCOPE OF CONSIDERATION IN SAFETY REGULATIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) was published to request public comment on amendment of the Commission's regulations to decouple source term and dose calculations from reactor siting and to permit the use of updated source term insights for future light water reactors. The NRC is presently in the process of reviewing advanced reactor designs. The DOE has also indicated that it intends to seek review for an early site permit, as permitted by 10 CFR Part 52, in 1993. The only alternative to rulemaking would be to continue present staff practice utilizing an outdated source term formulation derived from Technical Information Document (TID) 14844, issued in 1962, coupled with the use of the guideline dose values in 10 CFR Part 100, not only for reactor siting, but for plant design as well.

This rulemaking action comprises two phases. The first phase is described in the proposed rule titled, "Reactor Site Criteria; Including Seismic and Earthquake Engineering Criteria for Nuclear Power Plants (3150-AD93)." (cont)

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 09/28/92 | 57 FR 44513 |
| ANPRM Comment | 12/28/92 | |
| Period End | | |
| NPRM | 09/00/94 | |
| Final Action | 09/00/95 | |

Small Entities Affected: Undetermined

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Government Levels Affected:

Undetermined

Additional Information: ABSTRACT

CONT:

The second phase will consist of the issuance of an advance notice of proposed rulemaking (ANPRM), followed by a final revision of 10 CFR Part 50 to incorporate updated source term and severe accident research insights into plant design requirements for future light water reactors. The intent of this second phase of rulemaking is expected to provide additional requirements for future light water reactors regarding severe accident prevention and mitigation, and is expected to substantially reduce the risks from these events.

Agency Contact: Leonard Soffer, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3916

RIN: 3150-AE38

4793. DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES; INVESTIGATION AND EVALUATION OF POTENTIALLY ADVERSE CONDITIONS

Legal Authority: 42 USC 10101**CFR Citation:** 10 CFR 060**Legal Deadline:** None

Abstract: The proposed rule would amend the Commission's regulations concerning regulatory requirements for licensing of high-level waste geologic repositories. The relationship described in Section 60.21 of the siting criteria in Section 60.122 (defined in terms of potentially adverse and favorable conditions) and the performance objectives in Sections 60.112 and 60.113 has been the subject of conflicting interpretations. The proposed rule would resolve the conflicting interpretations of the terms "adequately investigated" and "adequately evaluated" which are used with reference to the potentially adverse conditions in Section 60.122. In addition, the proposed rule would resolve the conflicting interpretations of the relationship of performance assessment and potentially adverse conditions. (cont)

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 07/09/93 | 58 FR 36902 |

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM Comment Period End | 10/07/93 | |
| Final Action | 07/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None**Additional Information: ABSTRACT**

CONT:

The proposed rule would also revise Sections 60.21 and 60.122 by removing the analysis requirements from Section 60.122 and placing them in Section 60.21. This would be consistent with other technical aspects of 10 CFR Part 60. These sections would also be revised to clarify that siting criteria must be appropriately considered in the compliance demonstration for the performance objectives of Sections 60.112 and 60.113. Separate acceptability assessments for individual potentially adverse conditions are not required.

Agency Contact: Mark Delligatti, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, 301 504-2430

RIN: 3150-AE40

4794. DOSE LIMITS FOR PATIENTS AND MEMBERS OF THE PUBLIC

Legal Authority: 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 020; 10 CFR 035**Legal Deadline:** None

Abstract: The proposed rule would amend the Commission's regulations to revise the patient release criteria contained in 10 CFR 35.75, and the applicability of the dose limits for members of the public in 10 CFR 20.1301. The Commission has received two petitions for rulemaking, PRM-20-20 and PRM-35-10, to amend its regulations regarding radiation exposure that members of the public may receive from patients who have been medically administered radioactive materials, and the criteria under which this patient may be released from confinement. The petitioners believe that the current requirements of Parts 20 and 35 would cause patients to be confined unnecessarily beyond the time needed for medical reasons. Therefore, if the Commission concludes that the dose limits and other restrictions should be

relaxed, it will proceed with this rulemaking.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/93 | |
| Final Action | 11/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Stewart Schneider, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3588

RIN: 3150-AE41

4795. REMOVAL OF CRITICALITY ALARM REQUIREMENTS FOR FRESH FUEL

Legal Authority: 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 070**Legal Deadline:** None

Abstract: The proposed rule would amend the Commission's regulations to eliminate the need for licensees to request an exemption for criticality monitors for new reactor fuel. An exemption for this requirement is routinely granted when requested by a licensee. The proposed rule would allow reactor licensees to dispense with unneeded criticality monitors without having to request an exemption.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| Final Action | 11/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Jerry E. Jackson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3923

RIN: 3150-AE43

4796. ADMINISTRATION OF BYPRODUCT MATERIAL OR RADIATION TO PATIENTS WHO MAY BE PREGNANT OR BREAST-FEEDING

Legal Authority: 42 USC 2111; 42 USC 2112; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2282**CFR Citation:** 10 CFR 035**Legal Deadline:** None

Abstract: The proposed rule would amend the Commission's regulations

concerning the medical use of byproduct material. The proposed rule would require medical use licensees to have policies and procedures to avoid unintended radiation exposures to an embryo, fetus, or a breast-feeding child. The proposed rule would also require reporting of these events.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Samuel Z. Jones, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3738

RIN: 3150-AE44

4797. THERMAL ANNEALING OF THE REACTOR PRESSURE VESSEL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to define and clarify the requirements on thermal annealing of reactor vessels to mitigating neutron irradiation embrittlement. The proposed rule would reduce the potential for confusion stemming from addressing thermal annealing in two rules and would result in a clear and more definitive regulatory process. The proposed rule would also address the following requirements for thermal annealing: (1) the procedural aspects of requesting permission to anneal the pressure vessel and to return to operation after the annealing process; and (2) the general analysis, testing, and inspection issues that would be considered by the Director, Office of Nuclear Reactor Regulation, in reviewing licensing submittals requesting permission to anneal to return to operation.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| Final Action | 10/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Al Taboada, Nuclear Regulatory Commission, Office of

Nuclear Regulatory Research, Washington, DC 20555, 301 492-3838
RIN: 3150-AE45

4798. PHYSICAL FITNESS PROGRAMS FOR SECURITY PERSONNEL AT CATEGORY I LICENSEE FUEL CYCLE FACILITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 073

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to include a standardized physical fitness training program and fitness standards for security personnel. Current regulations specify that security personnel have no physical weaknesses that would adversely affect their performance of assigned job duties. However, regulatory standards ensuring that security personnel are physically fit to perform their duties do not exist. Requirements for a physical fitness program and fitness standards at Category I fuel cycle facilities for security personnel need to be added to the regulations in order to provide a uniform, enforceable program. Guidance will be developed to ensure that such a program will not, at the same time, endanger the health of those participating in it. (cont)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 09/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT:

Alternatives to the rulemaking would be to allow the status quo to continue. Physical fitness training programs would incur moderate costs to the licensees in the area of personnel time and limited physical fitness equipment.

Agency Contact: Harry S. Tovmassian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3634

RIN: 3150-AE52

4799. SAFETY REQUIREMENTS FOR REACTOR COOLANT PUMP SEALS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to require PWR plants to address the NRC's safety concerns regarding the ability of each plant to limit leakage from the pump seals during conditions such as station blackout and loss of component cooling water or service water. Seal failures experienced so far have had the benefit of available emergency core cooling systems. A LOCA from seal failures coupled with common cause failures that disable ECCS was found to be a significant contributor to public risk. This issue has been given a high priority for resolution through rulemaking.

In addition to development of a rule, the NRC staff intends to prepare a regulatory guide that will provide the methods acceptable for complying with the proposed RCP seal rule.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 01/00/94 | |
| Final Action | 01/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Syed K. Shaukat, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3934

RIN: 3150-AE53

4800. • NRC FEE POLICY

Legal Authority: 42 USC 2214

CFR Citation: 10 CFR 170; 10 CFR 171

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) was published to request public comment on changes to NRC's fee policy and associated legislation. This action responds to the requirements of the Energy Policy Act of 1992 that the NRC review its policy for assessment of annual fees, solicit public comment on the need for changes to this policy, and recommend to the Congress the changes in existing law that the NRC finds are needed to prevent the placement of an unfair burden on NRC licensees. The NRC is also announcing the receipt of and requesting comments on a petition for rulemaking submitted by the American Mining Congress (PRM-170-4) that requests that the NRC conduct

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a rulemaking to evaluate its fee policy. Because the issues raised by the petitioner concern the same subjects as the fee policy review, the NRC is including the petition in this Federal Register notice.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 04/19/93 | 58 FR 21116 |
| ANPRM Comment | 08/18/93 | 58 FR 39174 |
| Period End | | |

Next Action Undetermined

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: C. James Holloway, Jr., Nuclear Regulatory Commission, Office of the Controller, Washington, DC 20555, 301 492-4301

RIN: 3150-AE54

4801. • STANDARDS FOR CERTIFICATION OF DOE URANIUM ENRICHMENT GASEOUS DIFFUSION FACILITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 076

Legal Deadline: Other, Statutory, January 1995.

Energy Policy Act of 1992

Abstract: The proposed rule would amend the Commission's regulations by adding a new part to the Code of Federal Regulations (10 CFR Part 76). The Energy Policy Act of 1992 (the Act) authorized the establishment of a new government corporation, U.S. Enrichment Corporation (USEC), for the purpose of conducting a uranium enrichment enterprise. The Act directs the NRC to issue standards by rulemaking as necessary to govern the gaseous diffusion plants at Portsmouth, Ohio, and Paducah, Kentucky, in order to protect the public health and safety from radiological hazard, and provide for the common defense and security, including adequate safeguards. The standards are to be in effect within 2 years. This new part will include as certification standards pertinent parts of existing regulations as they are applied to similar facilities licensed by the NRC.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 10/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Charles W. Nilsen, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3834

RIN: 3150-AE62

4802. • INFORMAL HEARING PROCEDURES FOR MATERIALS LICENSING ADJUDICATIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to provide that requests for hearing in certain materials license proceedings be filed within 30 days of actual notice of the amendment application. The proposed rule would eliminate an ambiguous provision in the Commission's current regulations and would ensure that hearing requests are filed as promptly as possible in order to resolve any concerns or objections to the pending application in a timely manner.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/29/93 | 58 FR 50858 |
| NPRM Comment | 11/15/93 | |
| Period End | | |
| Final Action | 00/00/00 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Carole F. Kagan, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 504-1634

RIN: 3150-AE67

4803. • CERTIFICATION OF INDUSTRIAL RADIOGRAPHERS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 034; 10 CFR 150

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations pertaining to industrial radiography. Licensees would be required to ensure that all individuals acting as industrial radiographers are certified. These amendments are intended to enhance safety in industrial radiography and to reduce radiation exposures to both

radiography workers and the public. The proposed rule would provide assurance that radiographers have a satisfactory knowledge of radiation safety principles and of NRC regulations applicable to industrial radiography.

Timetable: Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** None

Agency Contact: J. Bruce Carrico, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 504-2634

RIN: 3150-AE69

4804. • CHANGES TO QUALITY ASSURANCE PROGRAMS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to allow licensees to make changes to their quality assurance program that do not reduce the program's content below that necessary to implement the quality assurance requirements prescribed in the regulations without prior NRC approval. The proposed rule would also require licensees to submit periodic reports of these changes to the NRC. The proposed rule is intended to reduce the regulatory burden on the NRC staff and the licensees.

Timetable: Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** None

Agency Contact: Claudia M. Craig, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 504-1281

RIN: 3150-AE70

4805. • CHANGES TO SECURITY PLANS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's reactor safety regulations to allow licensees to make changes to their safeguards contingency plan, security plan, and guard training and qualification plan that do not

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reduce the plans' content below that necessary to implement the applicable requirements prescribed in the regulations without prior NRC approval. The proposed rule would also require licensees to submit periodic reports of these changes to the NRC. The proposed rule is intended to reduce the regulatory burden on the NRC staff and the licensees.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Claudia M. Craig, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 504-1281

RIN: 3150-AE71

4806. • CHANGES TO EMERGENCY PLANS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's power reactor safety regulations to allow licensees to make changes to their emergency plans that do not reduce the plans' content below that necessary to implement the emergency planning requirements prescribed in the regulations without prior NRC approval. The proposed rule would also require licensees to submit periodic reports of these changes to the NRC. The proposed rule is intended to reduce the regulatory burden on the NRC staff and the licensees.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Claudia M. Craig, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 504-1281

RIN: 3150-AE72

4807. • CHANGES TO FIRE PROTECTION PLANS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's power reactor safety regulations to allow licensees to

make changes to their fire protection plan that do not reduce the plans' content below that necessary to implement the fire protection requirements prescribed in the regulations without prior NRC approval. The proposed rule would also require licensees to submit periodic reports of these changes to the NRC. The proposed rule is intended to reduce the regulatory burden on the NRC staff and the licensees.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Claudia M. Craig, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 504-1281

RIN: 3150-AE73

4808. • DEFINITION OF COMMITMENT

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's power reactor safety regulations to define the term "commitment" and to outline the change mechanism that would be used for a license who wishes to modify a commitment. This action is intended to reduce the regulatory burden on the NRC staff and the licensees.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Claudia M. Craig, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 504-1281

RIN: 3150-AE74

4809. • FINANCIAL ASSURANCE FOR LOW-LEVEL WASTE DISPOSAL SITE SURVEILLANCE, MONITORING, AND CUSTODIAL CARE

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 061

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations by adding requirements for financial assurance for the 100-year institutional control period, during which time

surveillance, monitoring and custodial care, would be carried out at low-level radioactive waste disposal sites. The proposed rule would implement Section 151 of the Nuclear Waste Policy Act of 1982, which gives the NRC the authority to establish these requirements.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 06/00/94 | |
| Final Action | 06/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Clark Prichard, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3734

RIN: 3150-AE76

4810. • URANIUM TAILINGS REGULATIONS; CONFORMING NRC REQUIREMENTS TO EPA STANDARDS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 040

Legal Deadline: None

Abstract: The proposed rule would conform the Commission's regulations governing uranium mill tailings to the Environmental Protection Agency (EPA) standards promulgated under the Uranium Mill Tailings Radiation Control Act. In accordance with Section 112(d)(9) of the Clean Air Act Amendments of 1990, the EPA may rescind 40 CFR Part 61, Subpart T as it applies to NRC licensees subject to a finding that the NRC regulatory program protects the public health with an ample margin of safety. In October 1991, NRC, EPA, and the affected NRC Agreement States, executed a Memorandum of Understanding to address the actions to be undertaken by EPA and NRC to eliminate regulatory redundancy and to ensure that uranium mill tailings disposal sites are closed as expeditiously as practicable considering technical feasibility. (cont)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| Final Action | 05/00/94 | |

Small Entities Affected: Undetermined

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Government Levels Affected:
Undetermined

Additional Information: ABSTRACT:
(cont)

The EPA has proposed amendments to the regulations pertaining to uranium mill tailings disposal sites in permanent radon barrier and to require monitoring for 40 CFR 192, Subpart D, to ensure timely emplacement of a permanent radon barrier and to require monitoring for nonoperational uranium mill tailings disposal sites that are licensed by NRC or one of its Agreement States (June 8, 1993; 58 FR 32174). The NRC is required to conform its regulations governing uranium mill tailings to EPA's generally applicable standards promulgated under the Uranium Mill Tailings Radiation Control Act. NRC noted its intention to amend Appendix A of 10 CFR Part 40 to conform to EPA's planned amendments to 40 CFR 192, Subpart D, in an Advance Notice of Proposed Rulemaking entitled, "Licensing of Source Material" (October 28, 1992; 57 FR 48749).

Agency Contact: Catherine R. Mattsen, Nuclear Regulatory Commission, Office

of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3638

RIN: 3150-AE77

4811. • RADIATION PROTECTION REQUIREMENTS; AMENDED DEFINITIONS AND CRITERIA

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2236; 42 USC 2282; 42 USC 5841; 42 USC 5842; 42 USC 5846; 42 USC 5851; 42 USC 10155; 42 USC 10161

CFR Citation: 10 CFR 019; 10 CFR 020

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations by (1) deleting the term "Controlled area," (2) revising the definition of "Occupational dose" to delete reference to the "restricted area" to clarify that the occupational dose limit and associated provisions such as training and badging requirements apply to workers who are exposed to radiation and/or radioactive material when engaged in licensed activities regardless

of whether those activities are in a restrictive area, and (3) revising 10 CFR 19.12 to ensure that training commensurate with the hazards present will be provided to all workers who become occupationally exposed, not just individuals who will be working in or frequenting any portion of a restricted area. This rule would neither restrict a licensee's ability to control access to areas for purposes other than radiation protection, such as for security reasons, nor will it permit members of the public to receive exposures in excess of the public dose limit even if permitted access to a restricted area.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan K. Rocklein, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3740

RIN: 3150-AE80

NUCLEAR REGULATORY COMMISSION (NRC)

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4812. UPDATE OF TRANSPORTATION REGULATIONS TO INCORPORATE NEW LICENSING INFORMATION

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 71

Legal Deadline: None

Abstract: The proposed rule would, in conjunction with a corresponding rule change by the U.S. Department of Transportation, update the United States Federal regulations for the safe transportation of radioactive material to incorporate new licensing information developed since 1972. The proposed rule would respond to the need for a: 1) new crush test; 2) new deep immersion test; and 3) new limit on low specific activity material shipments. The action will be handled as a routine updating of NRC transportation regulations. There is no reasonable alternative to rulemaking. Proposed changes to 10 CFR Part 71,

based on current IAEA regulations, have been issued for public comment.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| NPRM | 06/08/88 | 53 FR 21550 |
| DOT Proposed Rule Published | 11/14/89 | 54 FR 47454 |
| NPRM Comment Period End | 02/09/90 | 54 FR 13528 |
| Final Action | 04/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Earl P. Easton, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, 301 504-2462

RIN: 3150-AC41

4813. REQUIREMENTS FOR POSSESSION OF INDUSTRIAL DEVICES CONTAINING BYPRODUCT MATERIAL

Legal Authority: 42 USC 2111; 42 USC 2114; 42 USC 2201

CFR Citation: 10 CFR 031; 10 CFR 032

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations for the possession of industrial devices containing byproduct material to require device users to report to the NRC initially and then on a periodic basis. The report would indicate that the device is still in use or to whom the device has been transferred. The proposed rule would be the most efficient method, considering the number of general licensees and the number of devices currently in use, for assuring that devices are not improperly transferred or inadvertently discarded. The proposed rule is necessary to avoid unnecessary radiation exposure to the public that may occur when an improperly discarded device is included in a batch of scrap metal for reprocessing. The proposed rule would also avoid the unnecessary expense involved in retrieving the manufactured items fabricated from contaminated metal.

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The proposed rule would impose a small burden on device users and the NRC.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/27/91 | 56 FR 67011 |
| NPRM Comment Period End | 03/12/92 | |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected:
Undetermined

Agency Contact: Joseph J. Mate,
Nuclear Regulatory Commission, Office
of Nuclear Regulatory Research,
Washington, DC 20555, 301 492-3795

RIN: 3150-AD34

4814. DISCRIMINATION ON THE BASIS OF SEX

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002; 10 CFR 019

Legal Deadline: None

Abstract: The final rule would amend the Commission's regulations dealing with discrimination against persons who, on the grounds of sex, are excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity licensed by the NRC. The Commission has decided that Section 401 of the Energy Reorganization Act, which prohibits sex discrimination, applies only to the Commission and does not apply to NRC licensees and/or applicants. Because this decision invalidates 10 CFR 19.32 and 10 CFR 2.111, action is being taken to amend these sections and to incorporate appropriate language to clarify that these sections do not apply to licensee employees.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Markley L. Au,
Nuclear Regulatory Commission, Office
of Nuclear Regulatory Research,
Washington, DC 20555, 301 492-3749

RIN: 3150-AD50

4815. LICENSE RENEWAL FOR NUCLEAR POWER PLANTS; SCOPE OF ENVIRONMENTAL EFFECTS

Legal Authority: 42 USC 2201; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 051

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to establish new requirements for environmental review of applications for renewal of nuclear power plant operating licenses. The proposed rule would define the number and scope of environmental issues which would need to be addressed as part of a license renewal application.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 07/23/90 | 55 FR 29964 |
| ANPRM Comment Period End | 10/22/90 | |
| NPRM | 09/17/91 | 56 FR 47016 |
| NPRM Comment Period End | 03/16/92 | |
| Final Action | 06/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald P. Cleary,
Nuclear Regulatory Commission, Office
of Nuclear Regulatory Research,
Washington, DC 20555, 301 492-3936

RIN: 3150-AD63

4816. REQUIREMENTS CONCERNING THE ACCESSIBLE AIR GAP FOR GENERALLY LICENSED DEVICES

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 031; 10 CFR 032

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to prevent unnecessary radiation exposure to individuals resulting from the use of gauging devices containing radioactive sources. These devices are routinely used for measuring material density, level, weight, moisture, and thickness. The proposed rule would provide for additional regulatory control over devices with both an accessible air gap and radiation levels that exceed specified values.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/27/92 | 57 FR 56287 |
| NPRM Comment Period End | 03/29/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Torre Taylor, Nuclear
Regulatory Commission, Office of
Nuclear Regulatory Research,
Washington, DC 20555, 301 492-3746

RIN: 3150-AD82

4817. TIMELINESS IN DECOMMISSIONING OF MATERIALS FACILITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 030; 10 CFR 040;
10 CFR 070; 10 CFR 072

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to require timely decontamination and decommissioning of material facilities within a fixed period of time after cessation of operations. The proposed rule would require decontamination and decommissioning of materials facilities within a fixed period of time (e.g., 2-3 years) after cessation of operations. This requirement would be accompanied by a provision that the licensee seek a variance if completion of decontamination or decommissioning within the required times is not technically achievable or if delaying decontamination or decommissioning would reduce risk to public health and safety or the environment. (cont)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 01/13/93 | 58 FR 4099 |
| NPRM Comment Period End | 03/29/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT:
(cont)

The rulemaking would result in publication of specific criteria for timeliness in the decontamination and decommissioning of material facilities. This rulemaking would provide a more substantial planning base for the industry and result in timely decontamination and decommissioning of material facilities. The resulting timely decontamination and decommissioning of material facilities would reduce the potential radiological risk to the public and the environment from contaminated materials sites. The rulemaking is not expected to substantially affect licensee costs.

Agency Contact: Cheryl A. Trottier, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3640
RIN: 3150-AD85

4818. REACTOR SITE CRITERIA; INCLUDING SEISMIC AND EARTHQUAKE ENGINEERING CRITERIA FOR NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050; 10 CFR 052; 10 CFR 100

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to update the criteria used in decisions regarding power reactor siting, including geologic, seismic, and earthquake engineering considerations for future nuclear power plants. The proposed rule would allow NRC to benefit from experience gained in the application of the procedures and methods set forth in the current regulation and to incorporate the rapid advancements in the earth sciences and earthquake engineering. The proposed rule primarily consists of two separate changes, namely, the source term and dose considerations, and the seismic and earthquake engineering considerations of reactor siting.

A second phase of this rulemaking action is described in the proposed rule titled, "Acceptability of Plant Performance for Severe Accidents; Scope of Consideration in Safety Regulations (RIN 3150-AE38)."

The Commission is also proposing to deny the remaining issue in a petition for rulemaking (PRM-50-20) filed by Free Environment, Inc., et al. (cont)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/20/92 | 57 FR 47802 |
| NPRM Comment | 06/01/93 | 58 FR 16377 |
| Period End | | |
| Final Action | 04/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Leonard Soffer, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3918
RIN: 3150-AD93

4819. LIST OF APPROVED SPENT FUEL STORAGE CASKS: ADDITION OF CASK TN-24

Legal Authority: 42 USC 2201; 42 USC 5846

CFR Citation: 10 CFR 072

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations governing the storage of spent fuel at nuclear power reactor sites in NRC-certified casks under a general license. Five spent-fuel storage casks have been certified and are currently listed in 10 CFR 72.214. The proposed rule would approve and list an additional cask: Cask TN-24 from Transnuclear Inc. A Safety Evaluation Report has been completed for this cask. An operating nuclear power reactor licensee may choose from any of the listed casks to store spent fuel at the reactor site under a general license.

This cask, as well as Cask VSC-24, was included in the propose proposed rule entitled, "List of approved Spent Fuel Storage Casks: Additions." The proposed rule was divided into two separate rulemakings (one proposed and one final) due to a delay from Transnuclear, Inc., in allowing the release of proprietary information in accordance with Section 2.790(c). The final rulemaking, which adds Cask VSC-24, was published in the Federal Register on April 7, 1993 (58 FR 17948).

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/26/92 | 57 FR 28645 |
| NPRM Comment | 09/09/92 | |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gordon Gundersen, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3803
RIN: 3150-AE15

4820. SELF-GUARANTEEN AS AN ADDITIONAL FINANCIAL ASSURANCE MECHANISM

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 030; 10 CFR 040; 10 CFR 050; 10 CFR 070; 10 CFR 072

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations by revising the current decommissioning financial assurance requirements to allow non-electric utility reactor licensees who meet stringent financial criteria tests to provide self-guarantee as a means to comply with the decommissioning regulations. Under the current decommissioning regulations, non-electric utility reactor licensees are permitted to provide financial assurance of decommissioning funds through (1) prepayment or external sinking fund in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities; (2) surety method or insurance in the form of a surety bond, letter of credit, or line of credit; or (3) parent company guarantee. These funding methods do not permit non-electric utility reactor licensees to provide financial assurance by submitting a self-guarantee that meets or exceeds the criteria for a qualifying parent company guarantee.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/11/93 | 58 FR 3515 |
| NPRM Comment | 03/29/93 | |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Clark Prichard, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3734
RIN: 3150-AE16

4821. PROCEDURES AND CRITERIA FOR ON-SITE STORAGE OF LOW-LEVEL RADIOACTIVE WASTE

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 030; 10 CFR 040; 10 CFR 050; 10 CFR 070; 10 CFR 072

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations for reactor, material, fuel cycle, and independent spent fuel storage licensees. The proposed rule would establish a regulatory framework containing the procedures and criteria that will apply to on-site storage of low-level radioactive waste (LLW),

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beyond January 1, 1996. The Commission has determined, under the authority of the Atomic Energy Act of 1954, as amended, that these changes are required because of potential health and safety concerns associated with the increased reliance upon on-site storage of LLW. The proposed rule is intended to support the goals that have been established by the Low-Level Radioactive Waste Policy Amendments Act of 1985.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 02/02/93 | 58 FR 6730 |
| NPRM Comment Period End | 04/05/93 | |
| Final Action | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Nelson, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, 301 504-2004

RIN: 3150-AE22

4822. SPECIFIC LICENSING OF EXPORTS OF CERTAIN ALPHA-EMITTING RADIONUCLIDES AND BYPRODUCT MATERIAL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 110

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to conform with the export control guidelines of the multilateral Nuclear Suppliers Group (NSG) and of the International Atomic Energy List of the Coordinating Committee for Multilateral Export Controls (COCOM), in which the United States participates, and treaty obligations between the United States and Canada. The proposed rule would amend general license regulations for the export of dispersed tritium, bulk tritium, americium-242m, californium-249, californium-251, curium-245, curium-247, and 16 different alpha-emitting radionuclides, including compounds and mixtures containing these radionuclides with a total alpha activity of 1 curie per kilogram or greater. In regard to the radionuclides, devices containing less than 100 millicuries of alpha activity per device would be

exempt. Other exports of these alpha-emitting radionuclides would continue to be generally licensed for member states of the NSG, but would require specific licensing to other countries. (cont)

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 03/17/93 | 58 FR 14344 |
| NPRM Comment Period End | 04/16/93 | 58 FR 14344 |
| Final Action | 00/00/00 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Additional Information: ABSTRACT: (CONT) Each exporter covered by these regulations would have to meet the new requirements, as well as existing regulations.

The proposed rule would also clarify Appendix A to Part 110, covering nuclear reactor equipment under the NRC licensing authority, to aid exporters and U.S. export regulators in determining the reactor equipment under NRC jurisdiction.

Agency Contact: Elaine O. Hemby, Nuclear Regulatory Commission, Office of International Programs, Washington, DC 20555, 301 504-2341

RIN: 3150-AE31

4823. MODIFICATIONS TO FITNESS-FOR-DUTY PROGRAM REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 026

Legal Deadline: None

Abstract: The proposed rule would amend the NRC's regulations to modify the current Fitness-for-Duty Program (FFD) requirements. The proposed amendments would apply to all licensees authorized to construct or operate a nuclear power reactor and all licensees authorized to possess or transport Category I nuclear material. The proposed rule is intended to reduce unnecessary burdens by reducing the random testing rate for licensee employees and to ensure the continued protection of public health and safety.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 03/24/93 | 58 FR 15810 |
| NPRM Comment Period End | 06/22/93 | |
| Final Action | 00/00/00 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Loren Bush, Jr., Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 504-2944

RIN: 3150-AE36

4824. OPERATORS' LICENSES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 055

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to: (1) delete the requirement that each licensed individual pass an NRC-administered requalification examination during the term of license; (2) require that facility licensees submit to the NRC their annual requalification operating tests and comprehensive requalification written examinations 30 days prior to the conduct of these tests and examinations; and (3) include facility licenses in the "Scope" of Part 55. The proposed rule would also improve operational safety at each facility by redirecting NRC examiners to inspect and oversee facility requalification programs rather than conducting requalification examinations, while reducing both licensee and NRC costs to administer the program.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 05/20/93 | 58 FR 29366 |
| NPRM Comment Period End | 07/19/93 | |
| Final Action | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tony DiPalo, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3758

RIN: 3150-AE39

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4825. NOTIFICATION OF SPENT FUEL MANAGEMENT AND FUNDING PLANS BY LICENSEES OF PREMATURELY SHUT DOWN POWER REACTORS**Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 050**Legal Deadline:** None

Abstract: The proposed rule would amend the Commission's regulations to clarify the timing of notification to the NRC of Spent Fuel Management and Funding Plans by licensees of those nuclear power reactors that have been shut down before the expected end of their operating lives. The proposed rule would require that a licensee submit its notification either within 2 years after permanently ceasing operation of its reactor or no later than 5 years before the reactor operating license expires, whichever event occurs first.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/30/93 | 58 FR 34947 |
| NPRM Comment Period End | 09/13/93 | |
| Final Action | 01/00/94 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Robert Wood, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 504-1255

RIN: 3150-AE46**4826. WHISTLEBLOWER PROTECTION FOR NUCLEAR POWER PLANT EMPLOYEES****Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 019; 10 CFR 030; 10 CFR 040; 10 CFR 050; 10 CFR 060; 10 CFR 061; 10 CFR 070; 10 CFR 072; 10 CFR 150**Legal Deadline:** None

Abstract: The proposed rule would amend the Commission's regulations by revising certain sections to conform with the nuclear whistleblower protection provisions of the Energy Policy Act of 1992. The new nuclear whistleblower protection provisions of the Energy Policy Act of 1992, which was enacted on October 24, 1992, amend Section 210 of the Energy Reorganization Act of 1974. The

legislation extends the period in which to file a claim and extends protection to new classes of employees and employers. Because there were two Section 210's in the Energy Reorganization Act, the new legislation rennumbers the whistleblower protection provision as Section 211. In addition, the new legislation requires that employers post the whistleblower protection provisions in a prominent place at the work site. These additional requirements and scope changes are being reflected in the proposed rule.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/15/93 | 58 FR 33042 |
| NPRM Comment Period End | 07/15/93 | |
| Final Action | 11/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: James Lieberman, Nuclear Regulatory Commission, Office of Enforcement, Washington, DC 20555, 301 504-2741

RIN: 3150-AE50**4827. • SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE NUCLEAR REGULATORY COMMISSION****Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 000**Legal Deadline:** None

Abstract: The final rule would amend the Commission's regulations by issuing provisions applicable to NRC employees that would supplement the Standards of Ethical Conduct issued by the Office of Government Ethics (OGE). These regulations would address outside employment and security ownership by NRC employees. The NRC must obtain OGC concurrence before the rule can be published.

Timetable: Next Action Undetermined**Small Entities Affected:** None**Government Levels Affected:** None

Agency Contact: L. Michael Rafky, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 504-1608

RIN: 3150-AE60**4828. • EQUAL ACCESS TO JUSTICE ACT: IMPLEMENTATION****Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 012**Legal Deadline:** None

Abstract: The proposed rule would amend the Commission's regulations by adding new provisions designed to implement the Equal Access to Justice Act (EAJA). The EAJA provides for the award of fees and expenses to certain individuals and businesses that prevail in agency formal adjudicatory proceedings in which the agency's position is determined not to have been substantially justified. This rule replaces the existing related proposed rulemaking entitled, "Procedures Involving the Equal Access to Justice Act: Implementation" (RIN 3150-AA01).

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/02/93 | 58 FR 41061 |
| NPRM Comment Period End | 09/01/93 | |

Next Action Undetermined

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: John Cho, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 504-1585

RIN: 3150-AE61**4829. • INTERIM STORAGE OF SPENT FUEL IN AN INDEPENDENT SPENT FUEL STORAGE INSTALLATION; SITE-SPECIFIC LICENSE TO A QUALIFIED APPLICANT****Legal Authority:** 42 USC 2201; 42 USC 5841**CFR Citation:** 10 CFR 002; 10 CFR 072**Legal Deadline:** None

Abstract: The proposed rule would amend the Commission's procedures under which the Director of Nuclear Material Safety and Safeguards can issue a site-specific license to a qualified applicant for the interim storage of spent fuel in an independent spent fuel storage installation (ISFSI) following satisfactory completion of NRC safety and environmental reviews and after any public hearing on the application. The proposed rule is administrative in nature and would

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eliminate the need for express Commission authorization for each ISFSI license, but would not affect the scope of NRC review of an ISFSI license application or change the present opportunity for public hearing provided for in the NRC's rules of practice.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 06/03/93 | 58 FR 31478 |
| NPRM Comment Period End | 10/01/93 | 58 FR 48004 |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: C. William Reamer, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 504-1640

RIN: 3150-AE64

NUCLEAR REGULATORY COMMISSION (NRC)

Completed Actions

4830. PROCEDURES INVOLVING THE EQUAL ACCESS TO JUSTICE ACT: IMPLEMENTATION

Legal Authority: 5 USC 504

CFR Citation: 10 CFR 001; 10 CFR 002

Legal Deadline: None

Abstract: The proposed rule would have implemented the Equal Access to Justice Act by providing for the payment of fees and expenses to certain eligible individuals and businesses that prevail in agency adjudications when the agency's position is determined not to have been substantially justified. This proposed rule was issued by the Commission in 1981. A draft final rule was sent to the Commission in June 1982, but Commission action was suspended pending a decision by the Comptroller General on the availability of funds to pay awards to intervenor parties. Because of the considerable time period that has transpired since the proposed rule was published, the Commission is withdrawing this proposed rule and replacing it with a new proposed rule entitled, "Equal Access to Justice Act: Implementation" (RIN 3150-AE61). This new proposed rule was published in the Federal Register on August 2, 1993 (58 FR 41061)

Timetable:

| Action | Date | FR Cite |
|-----------|----------|-------------|
| Withdrawn | 08/02/93 | 58 FR 41061 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Cho, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 504-1585

RIN: 3150-AA01

4831. RADIOACTIVE WASTE BELOW REGULATORY CONCERN; GENERIC RULEMAKING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2; 10 CFR 20

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) was published to request public comment on a proposal to amend NRC regulations to address disposal of radioactive wastes that contain sufficiently low quantities of radionuclides that their disposal does not need to be regulated as radioactive. The NRC has already published a policy statement providing guidance for filing petitions for rulemaking to exempt individual waste streams (August 29, 1986; 51 FR 30839). The Commission has determined that this rulemaking is unnecessary. A notice of withdrawal was published in the Federal Register on August 24, 1993 (58 FR 44620).

Timetable:

| Action | Date | FR Cite |
|-----------|----------|-------------|
| Withdrawn | 08/24/93 | 58 FR 44620 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Francis X. Cameron, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 504-1642

RIN: 3150-AC35

4832. DAY FIRING QUALIFICATIONS FOR SECURITY PERSONNEL AT CATEGORY I LICENSEE FUEL CYCLE FACILITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 073

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to include day firing qualification courses for each type of required weapon for security personnel.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/13/91 | 56 FR 65024 |
| NPRM Comment Period End | 03/13/92 | |
| Final Action | 08/31/93 | 58 FR 45781 |
| Final Action Effective | 02/28/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry Tovmassian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3634

RIN: 3150-AD30

4833. FITNESS-FOR-DUTY REQUIREMENTS FOR LICENSEES WHO POSSESS, USE, OR TRANSPORT CATEGORY I MATERIAL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 026

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to require licensees who are authorized to possess, use, or transport formula quantities of strategic special nuclear material to institute fitness-for-duty programs. The final rule is limited to licensees who are authorized to possess, use, or transport unirradiated Category I Material.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/03/93 | 58 FR 31467 |
| Final Action Effective | 11/30/93 | |

Small Entities Affected: None

Government Levels Affected: None

NRC

Completed Actions

Additional Information: ABSTRACT CONT: The rulemaking will address the fitness-for-duty programs as they pertain to the type of facility or mode of shipment. The rulemaking will address the following aspects of the fitness-for-duty programs—general performance objectives, program elements and procedures, records and reports, audits, and enforcement. The costs to industry would include chemical testing and operating costs.

Agency Contact: Stanley Turel, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3739

RIN: 3150-AD68

4834. TRAINING AND QUALIFICATION OF NUCLEAR POWER PLANT PERSONNEL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050; 10 CFR 052

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to require each applicant for and holder of a license to operate a nuclear power plant to establish and use a systems approach in developing training programs for management, supervisory, professional, and technical workers who have an impact on the health and safety of the public.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/26/93 | 58 FR 21904 |
| Final Action Effective | 05/26/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rajender Auluck, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3794

RIN: 3150-AD80

4835. DECOMMISSIONING RECORDKEEPING AND LICENSE TERMINATION: DOCUMENTATION ADDITIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 030; 10 CFR 040; 10 CFR 050; 10 CFR 070; 10 CFR 072

Legal Deadline: None

Abstract: The final rule requires holders of a specific license for

possession of certain byproduct material, source material, special nuclear material, or for independent storage of spent nuclear fuel and high-level radioactive waste to prepare and maintain additional documentation that identifies all restricted areas where licensed materials and equipment were stored or used, all areas outside of restricted areas where documentation is required under current decommissioning regulations for unusual occurrences or spills, all areas outside of restricted areas where waste has been buried, and all areas outside of restricted areas containing material such that if the licensee were terminated, the licensee would be required to decontaminate the area or seek special approval for disposal.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/26/93 | 58 FR 39628 |
| Final Action Effective | 10/25/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Agency Contact: Carl Feldman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3883

RIN: 3150-AD98

4836. LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 061

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to require the applicant for a low-level waste (LLW) disposal facility license to provide information on the "quality assurance (QA) program, tailored to LLW disposal" that is planned for the facility instead of the "quality control (QC) program." The final rule also clarifies that above-ground disposal methods such as above-ground vaults are included within the regulatory scope of Part 61.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/22/93 | 58 FR 33886 |
| Final Action Effective | 07/22/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mel Silberberg, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3810

RIN: 3150-AE00

4837. LOSS OF ALL ALTERNATING CURRENT POWER; WITHDRAWAL OF PROPOSED RULE

Legal Authority: 42 USC 2201; 42 USC 2237; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission is withdrawing a notice of proposed rulemaking entitled "Loss of Alternating Current Power" that was published in the Federal Register on April 21, 1992. The proposed rule would have required licensees to test and monitor emergency diesel generators against specified criteria.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|-------------|
| Withdrawn | 07/14/93 | 58 FR 37884 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Aleck Serkiz, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3942

RIN: 3150-AE06

4838. LICENSEES' ANNOUNCEMENTS OF SAFEGUARDS INSPECTIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 073; 10 CFR 074

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations concerning safeguards inspections at facilities that possess a formula quantity of strategic special nuclear material in unirradiated form. This rule is intended to increase the effectiveness of unannounced safeguards inspections and to enable a safeguard inspector to obtain a more accurate view of operations at the facility.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/21/93 | 58 FR 29521 |
| Final Action Effective | 06/21/93 | |

NRC

Completed Actions

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Priscilla A. Dwyer, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, 301 504-2478

RIN: 3150-AE27

4839. FY 1991 AND FY 1992 PROPOSED RULE IMPLEMENTING THE U.S. COURT OF APPEALS DECISION AND REVISION OF FEE SCHEDULES; 100 PERCENT FEE RECOVERY, FY 1993

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 170; 10 CFR 171

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations concerning the licensing, inspection, and annual fees charged to its applicants and licensees. The final rule establishes the fees charged to Commission licensees in Fiscal Year 1993. The final rule is necessary to implement the Omnibus Budget Reconciliation Act of 1990 which requires the NRC to collect approximately 100 percent of its budget authority through fees for fiscal years (FY 1991-1995).

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/20/93 | 58 FR 38666 |
| Final Action Effective | 08/19/93 | |

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Agency Contact: C. James Holloway, Jr., Nuclear Regulatory Commission, Office of the Controller, Washington, DC 20555, 301 492-4301

RIN: 3150-AE49

4840. FREEDOM OF INFORMATION ACT REGULATIONS; MINOR AMENDMENT

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 009

Legal Deadline: None

Abstract: The final rule would amend the Commission's regulations pertaining to public records to revise the fees NRC charges for clerical search,

review, and duplication of agency records. The Office of Administration has determined that this rulemaking is unnecessary. Therefore, this rulemaking is being terminated, effective March 1, 1993.

Timetable:

| Action | Date | FR Cite |
|------------|----------|---------|
| Terminated | 03/01/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sarah Wigginton, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, 301 492-7752

RIN: 3150-AE51

4841. • MONITORING THE EFFECTIVENESS OF MAINTENANCE AT NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations for monitoring the effectiveness of maintenance programs at commercial nuclear power plants. The final rule changes the time interval for conducting evaluations from once every year to at least once every refueling cycle, but not to exceed 24 months.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/23/93 | 58 FR 33993 |
| Final Action Effective | 07/10/96 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph J. Mate, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3795

RIN: 3150-AE55

4842. • WITHDRAWAL OF BELOW REGULATORY CONCERN POLICY STATEMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002

Legal Deadline: None

Abstract: This notice formally withdraws NRC's Below Regulatory Concern (BRC) policy statements. This

action is necessary to comply with provisions of the Energy Policy Act of 1992. Specifically, this action removes the BRC Policy Statement issued on July 3, 1990, and the BRC Policy issued in 1986 concerning the submittal of petitions for disposal of radioactive waste streams below regulatory concern that were set out in the Commission's regulations.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|-------------|
| Withdrawn | 08/24/93 | 58 FR 44610 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Francis X. Cameron, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 504-1642

RIN: 3150-AE56

4843. • POLICY AND PROCEDURE FOR NRC ENFORCEMENT ACTIONS; POLICY STATEMENT

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002

Legal Deadline: None

Abstract: This notice modifies the NRC's Enforcement Policy to describe more fully the circumstances in which it may exercise enforcement discretion.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 03/17/93 | 58 FR 14308 |
| Final Action Effective | 03/17/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Lieberman, Nuclear Regulatory Commission, Office of Enforcement, Washington, DC 20555, 301 504-2741

RIN: 3150-AE57

4844. • AUTHORIZATION TO PREPARE RADIOPHARMACEUTICAL REAGENT KITS AND ELUTE RADIOPHARMACEUTICAL GENERATORS; USE OF RADIOPHARMACEUTICALS FOR THERAPY; EXTENSION OF EXPIRATION DATE

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 030; 10 CFR 035

Legal Deadline: None

NRC

Completed Actions

Abstract: The final rule amends the Commission's regulations to extend the expiration date of the interim final rule related to the preparation and therapeutic use of radiopharmaceuticals from August 23, 1993, to December 31, 1994. The extension allows licensees to continue to use byproduct material under the provisions of the interim final rule until the NRC completes a related rulemaking to address broader issues for the medical use of byproduct material, including those issues addressed by the interim final rule.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/22/93 | 58 FR 39130 |
| Final Action Effective | 08/23/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anthony N. Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3797

RIN: 3150-AE58

4845. • POLICY AND PROCEDURE FOR NRC ENFORCEMENT ACTIONS; POLICY STATEMENT

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002

Legal Deadline: None

Abstract: This notice modifies Supplement VI of NRC's Enforcement Policy to revise certain of the examples of severity levels for violations associated with the quality management program required by 10 CFR 35.32. The examples of severity levels are used in the enforcement process to provide guidance in determining the safety and regulatory significance of a particular violation.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/02/93 | 58 FR 17321 |
| Final Action Effective | 04/02/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Lieberman, Nuclear Regulatory Commission, Office of Enforcement, Washington, DC 20555, 301 504-2741

RIN: 3150-AE59

4846. • FSAR UPDATE SUBMITTALS

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5845

CFR Citation: 10 CFR 054

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission is amending its regulations on power reactor safety in order to apply the requirements that nuclear power plant licensees submit final safety analysis report updates annually or six months after each refueling outage consistently.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/14/93 | 58 FR 28523 |
| NPRM Comment Period End | 06/14/93 | |
| Final Action | 08/27/93 | 58 FR 45243 |
| Final Action Effective | 09/27/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Claudia M. Craig, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 504-1281

RIN: 3150-AE63

4847. • REPEAL OF NRC STANDARDS OF CONDUCT REGULATIONS

Legal Authority: 42 USC 2035; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 000

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to repeal those delegations of authority and other miscellaneous regulations that are now contained in NRC internal Management Directives and Handbooks or are no longer necessary. These internal documents were issued following the promulgation of government-wide ethics regulations by the Office of Government Ethics.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 05/23/93 | 58 FR 29951 |
| Final Action Effective | 06/24/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: L. Michael Rafky, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 504-1606

RIN: 3150-AE65

4848. • CLARIFICATION OF NUCLEAR POWER PLANT LICENSE RENEWAL REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 054

Legal Deadline: None

Abstract: The proposed rule would have amended the Commission's regulations regarding certain aspects of its licensee renewal requirements. The Commission has determined that this rule is unnecessary, and has terminated the rule effective June 28, 1993.

Timetable:

| Action | Date | FR Cite |
|------------|----------|---------|
| Terminated | 06/28/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven Reynolds, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 504-1115

RIN: 3150-AE66

4849. • ACCESS AUTHORIZATION FEE SCHEDULE FOR LICENSEE PERSONNEL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 011; 10 CFR 025

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to revise the fee schedule for background investigations of licensee personnel who require access to National Security Information and/or Restricted Data and access to or control over Special Nuclear Material. These amendments comply with current regulations that provide that NRC will publish fee adjustments concurrent with notifications of any changes in the rate charged the NRC by the Office of Personnel Management for conducting investigations.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/23/93 | 58 FR 44435 |
| Final Action Effective | 09/22/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sandra Schoenmann, Nuclear Regulatory Commission, Office

NRC

Completed Actions

of Administration, Washington, DC
20555, 301 492-8774

RIN: 3150-AE68

**4850. • ADJUSTMENT OF THE
MAXIMUM STANDARD DEFERRED
PREMIUM**

Legal Authority: 42 USC 2201; 42 USC
5841

CFR Citation: 10 CFR 140

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to increase standard deferred premium, presently established at \$63 million per reactor per accident (but not to exceed \$10 million in any one year), to \$75.5 million per reactor per accident (but not to exceed \$10 million in any one year), in accordance with the aggregate percentage change of 19.9 percent in the Consumer Price Index from August 1988 through March 1993.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/12/93 | 58 FR 42851 |
| Final Action Effective | 08/20/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ira Dinitz, Nuclear
Regulatory Commission, Office of

Nuclear Reactor Regulation,
Washington, DC 20555, 301 504-1289

RIN: 3150-AE75

**4851. • NUCLEAR REGULATORY
COMMISSION ACQUISITION
REGULATION; MINOR AMENDMENTS**

Legal Authority: 42 USC 2201; 42 USC
5841

CFR Citation: 48 CFR 020

Legal Deadline: None

Abstract: The final rule amends the Commission's acquisition regulations governing the procurement of goods and services within the NRC. This final rule revises the duration of contract extensions that the Head of the Contracting Activity may approve. The final rule also revises the "Security" clause in Part 2052 to identify the "Changes" clause as the authority under which changes to the Commission's security regulations and requirements would be incorporated into a contract.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/08/93 | 58 FR 47220 |
| Final Action Effective | 09/08/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ed Halman, Nuclear
Regulatory Commission, Office of

Administration, Washington, DC 20555,
301 492-4347

RIN: 3150-AE78

4852. • DUPLICATION FEES

Legal Authority: 42 USC 2201; 42 USC
5841

CFR Citation: 10 CFR 009

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations by revising the charges for copying records made publicly available at the NRC Public Document Room in Washington, DC. The amendment is necessary in order to reflect the change in copying charges resulting from the Commission's award of a new contract for the copying of records.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/20/93 | 58 FR 38665 |
| Final Action Effective | 07/20/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas E. Smith,
Nuclear Regulatory Commission, Office
of the Secretary, Washington, DC
20555, 202 634-3366

RIN: 3150-AE79

[FR Doc. 93-21462 Filed 10-22-93; 8:45 am]

BILLING CODE 7590-01-F

Federal Reserve

Monday
October 25, 1993

Part LIX

Resolution Trust Corporation

Semiannual Regulatory Agenda

RESOLUTION TRUST CORPORATION (RTC)

**RESOLUTION TRUST CORPORATION
12 CFR Ch. III**

Semiannual Agenda of Regulations

AGENCY: Resolution Trust Corporation.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The Resolution Trust Corporation (RTC) is hereby publishing items for the October 1993 regulatory agenda. The agenda contains information about the RTC's current and completed rulemakings.

FOR FURTHER INFORMATION CONTACT: Persons identified under regulations listed in the agenda. Except as

indicated, the address for all staff identified in the agenda is Resolution Trust Corporation, 801 17th Street NW., Washington, DC 20434-0001.

SUPPLEMENTARY INFORMATION: The RTC was created on August 9, 1989, as an instrumentality of the United States by title V of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA). Under FIRREA, the RTC was given powers to adopt such rules, regulations, standard policies, procedures, guidelines, and statements as the Corporation considers necessary or appropriate to carry out its mission. Twice each year, the RTC publishes an agenda of regulations to inform the public of its regulatory actions and to

enhance public participation in the rulemaking process. Publication of the agenda is in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Interested persons may petition the RTC for the issuance, amendment, or repeal of any regulations by submitting a written petition to the Secretary, Resolution Trust Corporation, Washington, DC 20434. Petitioners should include complete and concise statements of their interest in the subject matter and why the petitions should be granted.

Dated: August 25, 1993.

Resolution Trust Corporation.
John M. Buckley, Jr.,
Secretary.

RESOLUTION TRUST CORPORATION (RTC)

Proposed Rule Stage

4853. QUALIFIED FINANCIAL CONTRACTS

Significance: Agency Priority

Legal Authority: 12 USC 1821(d)(1); 12 USC 1821(d)(4)

CFR Citation: 12 CFR 1622

Legal Deadline: None

Abstract: This regulation will provide a "safe harbor" for qualified financial contracts (QFCs) with respect to the

"written agreement" requirements of the Federal Deposit Insurance Act; will require RTC, as receiver, to notify, within a prescribed timeframe, the counterparties to QFCs of the transfer of their contracts, and that doing so would prevent the counterparties from exercising their liquidation or acceleration rights; and to impose upon the depository institutions that enter into QFCs certain recordkeeping requirements.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marc Goldstrom, Counsel, Resolution Trust Corporation, 801 17th St. NW., Washington, DC 20434, 202 736-3104

RIN: 3205-AA12

RESOLUTION TRUST CORPORATION (RTC)

Final Rule Stage

4854. AFFORDABLE HOUSING DISPOSITION PROGRAM

Significance: Agency Priority

Legal Authority: 12 USC 1441a(c)

CFR Citation: 12 CFR 1609

Legal Deadline: None

Abstract: This regulation will amend the existing regulation to conform it to the recently enacted amendments to the Federal Home Loan Bank Act of 1991, Public Law No. 102-233. In addition, the regulation will clarify and resolve some outstanding issues relating to the marketing and sale of affordable housing properties.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 05/06/92 | 57 FR 19500 |
| Interim Final Rule | 12/00/93 | |

Small Entities Affected: Organizations

Government Levels Affected: Local, State

Agency Contact: Barry Wides, Financial Coordinator, Affordable Housing and Disposition Program, Resolution Trust Corporation, 801 17th St NW., Washington, DC 20434, 202 416-7138

RIN: 3205-AA03

4855. MINORITY- AND WOMEN-OWNED BUSINESS AND LAW FIRM PROGRAM

Significance: Agency Priority

Legal Authority: 12 USC 1833e

CFR Citation: 12 CFR 1617

Legal Deadline: None

Abstract: The regulation sets forth the RTC's outreach program for minority- and women-owned businesses and minority- and women-owned law firms with respect to maximizing the inclusion of those businesses and firms in RTC's contracting efforts for outside services.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 08/10/92 | 56 FR 40484 |

RTC

Final Rule Stage

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule Effective | 08/10/92 | 56 FR 40484 |
| Interim Final Rule Comment Period End | 10/09/92 | 56 FR 40484 |
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Johnnie B. Booker, Vice President, Division of Minority and Women's Programs, Resolution Trust Corporation, 801 17th St. NW., Washington, DC 20434, 202 416-6925

RIN: 3205-AA08

4856. SUSPENSION AND EXCLUSION OF REGISTERED CONTRACTORS AND RESCISSION OF CONTRACTS

Significance: Agency Priority

Legal Authority: 12 USC 1441a(b)(10); 12 USC 1441a(b)(12); 12 USC 1441a(p)

CFR Citation: 12 CFR 1618

Legal Deadline: None

Abstract: This regulation will provide for suspension and exclusion of registered contractors and rescission of contracts where contractor has engaged in various forms of misconduct.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 07/05/91 | 56 FR 30836 |
| Interim Final Rule Effective | 07/05/91 | 56 FR 30836 |
| Interim Final Rule Comment Period End | 10/30/91 | 56 FR 30836 |
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Martin Blumenthal, Contractor Ethics Program Manager, Resolution Trust Corporation, 801 17th St. NW., Washington, DC 20434, 202 416-2029

RIN: 3205-AA09

4857. PROCEDURES APPLICABLE TO RTC INVESTIGATIONS

Significance: Agency Priority

Legal Authority: 12 USC 1441a(b)(12); 12 USC 1818(n); 12 USC 1821(d)(2)(I); 12 USC 1441a(b)(4); 12 USC 1823(d)(3)(A)

CFR Citation: 12 CFR 1625

Legal Deadline: None

Abstract: This regulation will govern the conduct of investigations by the RTC which involve the issuance of investigative subpoenas.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/27/92 | 57 FR 33133 |
| NPRM Comment Period End | 08/26/92 | |
| Final Action | 10/00/93 | |
| Final Action Effective | 10/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Suzanne Rigby, Counsel, Resolution Trust Corporation, 1717 H St. NW., Washington, DC 20434, 202 736-0314

RIN: 3205-AA11

4858. PROGRAM FRAUD CIVIL REMEDIES AND PROCEDURES

Significance: Agency Priority

Legal Authority: 31 USC 3809; 12 USC 1441a

CFR Citation: 12 CFR 1626

Legal Deadline: None

Abstract: The proposed regulation will provide procedures for assessing monetary penalties against persons or businesses that make false statements or claims to the RTC. The regulation should save money for the taxpayer by deterring fraud or misrepresentations.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 11/18/92 | 57 FR 54337 |
| NPRM Comment Period End | 12/18/92 | 57 FR 54337 |
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Carl Gold, Counsel, Resolution Trust Corporation, 1717 H Street NW., Washington, DC 20434, 202 736-0728

RIN: 3205-AA18

4859. SERVICE OF PROCESS UPON THE RESOLUTION TRUST CORPORATION

Significance: Agency Priority

Legal Authority: 12 USC 1441a(b)(4)(A); 12 USC 1441a(b)(9)(E);

12 USC 1441a(b)(11)(A); 12 USC 1821(d)(2)

CFR Citation: 12 CFR 1627

Legal Deadline: None

Abstract: RTC functions in distinct capacities when acting as receiver or conservator for a savings association and when acting in its Corporate capacity. To recognize this functional distinction and to provide for service of process on those RTC officials who are most likely to be able to facilitate a prompt and constructive response, the regulation designates RTC's agents for service of process when acting in its various capacities. The action will impose no cost upon the public or the agency, since legal process must already be served upon some agent. It will confer a benefit by clarifying the manner of serving RTC in its various capacities and facilitating a prompt response.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 04/08/93 | 58 FR 18144 |
| Interim Final Rule Effective | 04/08/93 | 58 FR 18144 |
| Interim Final Rule Comment Period End | 05/10/93 | 58 FR 18144 |
| Final Action | 11/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gregg H. S. Golden, Counsel, Resolution Trust Corporation, RTC Litigation Section, 1717 H Street, NW., Room 10070, Washington, DC 20434-0001, 202 736-3042

RIN: 3205-AA19

4860. • EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: 12 USC 1441a(n)(2); EO 12674; EO 12731

CFR Citation: 12 CFR 1605

Legal Deadline: None

Abstract: The Resolution Trust Corporation (RTC) has determined to follow the Office of Government Ethics Regulations (OGE) on Confidential and Public Financial Disclosure, Standards of Conduct and Post-Employment Rules as applied to Federal Employees. This action revokes those sections of the RTC's regulation on Employee Responsibilities and Conduct, which would conflict with or be superseded

RTC

Final Rule Stage

by the OGE Regulations and reaffirms those sections not in conflict with or superseded by the OGE Regulations.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|------------|
| Interim Final Rule | 02/12/93 | 58 FR 8220 |
| Interim Final Rule | 03/15/93 | 58 FR 8220 |
| Comment Period | | |
| End | | |
| Final Action | 10/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Additional information: Upon OGE approval and publication of the RTC's supplemental standards of conduct regulations, 12 CFR 1605 will be deleted. The RTC's supplemental standards of conduct regulations will be published using OGE's numbering found in Title 5.

Agency Contact: Donald L. Rosholt,
Employee Ethics Program Manager,
Resolution Trust Corporation, 801 17th
St. NW., Washington, DC 20434, 202
416-6952

RIN: 3205-AA20

[FR Doc. 93-21464 Filed 10-22-93; 8:45 am]

BILLING CODE 6714-01-F

Federal Register

**Monday
October 25, 1993**

Part LX

**Securities and
Exchange
Commission**

Semiannual Regulatory Agenda

SECURITIES AND EXCHANGE COMMISSION (SEC)

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release Nos. 33-7612, 34-32855, 35-25878, 39-2316, IC-19692, IA-1381; File No. S7-25-93]

Regulatory Flexibility Agenda

AGENCY: Securities and Exchange Commission.

ACTION: Publication of regulatory flexibility agenda.

SUMMARY: The Securities and Exchange Commission is publishing an agenda of its open and anticipated rulemaking actions, pursuant to chapter 6 of the Administrative Procedure Act and according to guidance given by the Office of Management and Budget. The agenda is a general announcement to the public intended to provide advance notice of rulemaking actions which may have a significant economic impact on a substantial number of small entities. Information in the agenda is believed to be accurate as of August 13, 1993, the date on which compilation of the data was completed for transmittal to the Regulatory Information Service Center. The Commission invites questions and public comment on individual agenda entries.

DATES: Public comments are due by December 31, 1993.

ADDRESSES: Persons wishing to submit written comments should file three copies of their comments with Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 5th Street NW., Room 6184, Stop 6-9, Washington, DC 20549. All submissions should refer to File No. S7-25-93 and will be available for public inspection and copying at the Commission's Public Reference Room, Room 1026, at the same address.

FOR FURTHER INFORMATION CONTACT: Kevin M. Kirchoff, Senior Counsel, Office of the General Counsel, Securities and Exchange Commission, 450 5th Street NW., Room 6146, Stop 6-6, Washington, DC 20549, (202) 272-2428. Each specific item on the agenda indicates the names and addresses of persons to contact with regard to such item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA)¹ requires each Federal agency, during April and October of each year, to publish in the Federal Register an agenda identifying rules which the agency expects to propose or adopt that are likely to have a significant economic impact on a substantial number of small entities.²

The RFA specifically provides that publication of the agenda does not preclude an agency from considering or acting on any matter not included in the agenda and that an agency is not required to consider or act on any

matter which is included in the agenda.³ The inclusion of a rule in the Commission's agenda reflects only its staff's preliminary judgment that the rule, if adopted or as it exists, may have a significant economic impact on a substantial number of small entities.⁴ This preliminary judgment may be changed after further analysis.

The Commission's staff completed the compilation of data for this edition of the agenda in August 1993, prior to transmittal of the data to the Regulatory Information Service Center for inclusion in the Unified Agenda. Information in the Commission's agenda, therefore, is believed to be accurate as of August 13, 1993. The agenda includes new entries, entries carried over from previous publications, and rulemaking actions which have been completed (or withdrawn) since publication of the April 1993 agenda. New entries are indicated with a bullet next to their Sequence Number. Priority items are identified under the heading "Significance," followed by the words "Agency Priority."

The Commission's October 1993 regulatory flexibility agenda is set forth below. The Commission invites public comment on the individual entries in its agenda.

Dated: September 9, 1993.

By the Commission,
Jonathan G. Katz,
Secretary.

Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4861 | 17 CFR 274.11A Technical Amendments to Rules 24f-1 and 24f-2 | 3235-AC25 |
| 4862 | 17 CFR 230.482 Tax Exempt Money Market Fund Rule Proposals | 3235-AE17 |
| 4863 | 17 CFR 240.17a-3 Designation of Orders as "Solicited" and "Unsolicited" | 3235-AE18 |
| 4864 | 17 CFR 210 Multijurisdictional Disclosure With the United Kingdom | 3235-AE23 |
| 4865 | 17 CFR 240.19h-1 Notice By SRO of Proposed Admission to or Continuance in Membership With Any Person Subject to a Statutory Disqualification | 3235-AE39 |
| 4866 | 17 CFR 230.482 Amendments to Investment Company Registration Form N-1A and Other Forms | 3235-AE46 |
| 4867 | 17 CFR 230 American Depository Receipts | 3235-AE57 |
| 4868 | 17 CFR 270.31a-1 Investment Company Books and Records Requirements | 3235-AE94 |
| 4859 | 17 CFR 240.10b-6 Prohibitions Against Trading by Persons Interested in a Distribution; Stabilizing To Facilitate a Distribution; Distributions Through Rights | 3235-AF54 |
| 4870 | 17 CFR 240.16a-1 to 240.16a-11 Ownership Reports and Trading by Officers, Directors, and Principal Security Holders | 3235-AF66 |
| 4871 | 17 CFR 230 Simplification of Registration Procedures for Securities Offerings by Foreign Private Issuers | 3235-AF83 |
| 4872 | 17 CFR 240.10b-10 Amendments to Confirmation Requirements of Rule 10b-10 | 3235-AF84 |

¹ Pub. L. 96-354, 94 Stat. 1164 (September 19, 1980).

² 5 U.S.C. 602(a).

³ 5 U.S.C. 802(d).

⁴ The agenda relies on the definitions of the term "small entity" for purposes of the RFA, which were

adopted by the Commission for the various categories of regulated entities. See Securities Act Release No. 6380 (January 28, 1982) [47 FR 5215].

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Prerule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4873 | 17 CFR 240.15(c)(6) Securities Transactions Settlement | 3235-AF85 |
| 4874 | 17 CFR 230.482 Proposed Amendments to Form N-1A Pertaining to Money Market Funds | 3235-AF95 |

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4875 | 17 CFR 239.16 Simplification of Registration Statements Filed by, and Advertising Rules for, Unit Investment Trusts | 3235-AA47 |
| 4876 | 17 CFR 240.14a-1 to 240.14a-102 Revision of Investment Company Proxy Rules | 3235-AA69 |
| 4877 | 17 CFR 270.6c-12(New) Proposed Rule 6c-12 Under the Investment Company Act of 1940 | 3235-AC84 |
| 4878 | 17 CFR 275 Revisions to the Registration and the Annual Supplement Forms Used by Investment Advisers | 3235-AD21 |
| 4879 | 17 CFR 240.14e-5 Debt Tender Offers | 3235-AD69 |
| 4880 | 17 CFR 210.3-20 Reporting Currency in Financial Statements Under Rule 3-20 of Regulation S-X | 3235-AD70 |
| 4881 | 17 CFR 240.3b-3 Definition of "Short Sale" | 3235-AE41 |
| 4882 | 17 CFR 270.3a-5 Exemption for Subsidiaries Organized to Finance Operations of Domestic or Foreign Companies | 3235-AE95 |
| 4883 | 17 CFR 270.17f-5 Rule 17f-5 Under the Investment Company Act of 1940 | 3235-AE98 |
| 4884 | 17 CFR 270.18f-3(New) Issuance of Multiple Classes of Securities by Registered Open-End Investment Companies | 3235-AF00 |
| 4885 | 17 CFR 270.15a-4 Temporary Exemption for Certain Investment Advisers | 3235-AF57 |
| 4886 | 17 CFR 270.12b-1 Amendments to Rules 12b-1 and 17d-3 Under the Investment Company Act of 1940 | 3235-AF62 |
| 4887 | 17 CFR 270.17f-2 Rule 17f-2 Under the Investment Company Act—Custody of Investments by Registered Management Investment Company | 3235-AF70 |
| 4888 | 17 CFR 240.24c-1(New) Access to Nonpublic Information in the Commission's Possession | 3235-AF72 |
| 4889 | 17 CFR 240.17a-5 Reports To Be Made by Certain Brokers and Dealers | 3235-AF73 |
| 4890 | 17 CFR 229 Asset-Backed Securities Disclosure | 3235-AF74 |
| 4891 | 17 CFR 250.55 Exemption for Certain Acquisitions of One or More Foreign Utility Companies | 3235-AF78 |
| 4892 | 17 CFR 250.56 Exemption for Subsidiary Companies of Registered Holding Companies Formed to Hold Interests in Foreign Companies | 3235-AF79 |
| 4893 | 17 CFR 270.30f-1 Applicability of Section 30(f) of the Investment Company Act of 1940 to Certain Affiliated Persons of an Investment Adviser to a Registered Closed-End Investment Company | 3235-AF81 |
| 4894 | 17 CFR 250.87 Subsidiaries Authorized To Perform Services or Construction or To Sell Goods | 3235-AF87 |
| 4895 | 17 CFR 270.9a-1 Rule 9a3-1: Exemption From Disqualification for Certain Affiliated Persons | 3235-AF89 |
| 4896 | 17 CFR 201 Rules of Practice | 3235-AF91 |
| 4897 | 17 CFR 229.402 Executive Compensation Disclosure | 3235-AF92 |
| 4898 | 17 CFR 249.330 Amendments to Form-N-SAR, Semi-Annual Report of Registered Investment Companies | 3235-AF93 |
| 4899 | 17 CFR 210 Accounting Treatment of Investment Company Expenses Paid Through Brokerage Commission | 3235-AF94 |
| 4900 | 17 CFR 270.17f-6 Custody of Investment Company Assets With Registered Futures Commission Merchants | 3235-AF97 |
| 4901 | 17 CFR 270.3a-4 Rulemaking Regarding Individualized Investment Advisory Program | 3235-AF99 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4902 | 17 CFR 240.15c2-10 Rule 15c2-10 | 3235-AC94 |
| 4903 | 17 CFR 240.13d-1 Regulation 13D-G | 3235-AD09 |
| 4904 | 17 CFR 230.801(New) Rule 801 and Registration Forms for Rights Offerings | 3235-AD44 |
| 4905 | 17 CFR 240.15c3-3 Customer Protection Reserves and Custody of Securities | 3235-AD60 |
| 4906 | 17 CFR 240.15c3-1 Net Capital Requirements for Brokers or Dealers | 3235-AD62 |
| 4907 | 17 CFR 270.31a-2 Amendment to Rule 31a-2 Under the Investment Company Act of 1940 | 3235-AD66 |
| 4908 | 17 CFR 240.12g3-2(b) Forms for Furnishing Information Pursuant to Rule 12g3-2(b) Under the Securities Exchange Act of 1934 | 3235-AD72 |
| 4909 | 17 CFR 240.15c3-1 Net Capital Requirements for Brokers or Dealers | 3235-AD79 |
| 4910 | 17 CFR 230 Summary Prospectuses | 3235-AD90 |
| 4911 | 17 CFR 240.15c2-11 Initiation or Resumption of Quotations Without Specific Information | 3235-AD94 |

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Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4912 | 17 CFR 210.3-19 Special Provisions as to Age of Financial Statements for Foreign Private Issuers Under Regulation S-X | 3235-AD96 |
| 4913 | 17 CFR 200 International Tender and Exchange Offers | 3235-AD97 |
| 4914 | 17 CFR 240.10b-7 Stabilizing To Facilitate a Distribution | 3235-AE11 |
| 4915 | 17 CFR 240.3b-10 Definitions Principally Relating to International Transactions | 3235-AE15 |
| 4916 | 17 CFR 240.17Ad-16 Notice of Assumption or Termination of Transfer Agent Services | 3235-AE20 |
| 4917 | 17 CFR 240.13h-1 Large Trader Reporting System | 3235-AE42 |
| 4918 | 17 CFR 270.12d3-1 Proposed Amendments to Rule 12d3-1 Under the Investment Company Act of 1940 | 3235-AE47 |
| 4919 | 17 CFR 240.31-1 Securities Transactions Exempt From Transaction Fees | 3235-AE52 |
| 4920 | 17 CFR 270.6c-10 Rule 6c-10 Under the Investment Company Act of 1940 and Amendment to Item 2 of Form N-1A Under the Securities Act of 1933 | 3235-AE97 |
| 4921 | 17 CFR 270.2a19-2 Investment Company General Partners Not Deemed Interested Persons; Investment Company Limited Partners Not Deemed Affiliated Persons | 3235-AF01 |
| 4922 | 17 CFR 250.45 Revision of Registered Public Utility Company Financing Rules | 3235-AF49 |
| 4923 | 17 CFR 200.30-5 Procedures for Exemptive Orders | 3235-AF56 |
| 4924 | 17 CFR 230.482 Off-the-Page Prospectuses for Open-End Management Investment Companies | 3235-AF58 |
| 4925 | 17 CFR 270.10f-3 Revision of Certain Annual Review Requirements of Investment Company Boards of Directors | 3235-AF60 |
| 4926 | 17 CFR 250.7 Proposals To Update Rules and Forms Under the Public Utility Holding Company Act | 3235-AF68 |
| 4927 | 17 CFR 270.3a-8 Certain Research and Development Companies | 3235-AF69 |
| 4928 | 17 CFR 229 Amendments to the Multijurisdictional Disclosure System | 3235-AF75 |
| 4929 | 17 CFR 250.54 Effect of Exempt Wholesale Generators on Other Transactions | 3235-AF77 |
| 4930 | 17 CFR 250.57 Notices and Reports To Be Filed Under Section 33 | 3235-AF80 |
| 4931 | 17 CFR 250.53 Certain Registered Holding Company Financings in Connection With the Acquisition of One or More Exempt Wholesale Generators | 3235-AF82 |
| 4932 | 17 CFR 230.415 Continuous or Delayed Offerings by Certain Closed-End Management Investment Companies; Automatic Effectiveness of Certain Registration Statements | 3235-AF86 |
| 4933 | 17 CFR 240.3a12-8 Amendment to Rule 3a12-8 Under the Securities Exchange Act of 1934 | 3235-AF88 |
| 4934 | 17 CFR 240.3a51-1 Penny Stock Definition for Purposes of the Blank Check Rule | 3235-AF90 |
| 4935 | 17 CFR 200.30-5 Effective Date of Post-Effective Amendments Filed by Certain Registered Investment Companies, Separate Accounts of Insurance Companies and Certain Closed-End Management Investment Companies .. | 3235-AF96 |
| 4936 | 17 CFR 270.0-1 Redemptions by Open-End Management Investment Companies at Periodic Intervals or With Extended Payment | 3235-AF98 |

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4937 | 17 CFR 240.13d-101 Disclosure of Significant Equity Participants in Control Transactions | 3235-AD42 |
| 4938 | 17 CFR 274.11A Disclosure and Analysis of Mutual Funds' Performance Information; Portfolio Manager Disclosure | 3235-AD81 |
| 4939 | 17 CFR 230.601 Rules 603(a) and 606 of Regulation E | 3235-AE96 |
| 4940 | 17 CFR 240.10b-6 Periodic Repurchases by Closed-End Management Investment Companies | 3235-AF50 |
| 4941 | 17 CFR 240.10b-6 Prohibitions Against Trading by Persons Interested in a Distribution | 3235-AF52 |
| 4942 | 17 CFR 240.10b-2 Solicitation of Purchases on an Exchange To Facilitate Distribution of Securities | 3235-AF53 |
| 4943 | 17 CFR 210.6-10 Disclosure of Investment Portfolio Securities | 3235-AF61 |
| 4944 | 17 CFR 228 Additional Small Business Initiatives | 3235-AF63 |
| 4945 | 17 CFR 240.17a-11 Rule 17a-11 Early Warning Rule | 3235-AF67 |
| 4946 | 17 CFR 240.15b7-1 Requirement of Broker-Dealers To Comply With SRO Qualification Standards | 3235-AF76 |

SECURITIES AND EXCHANGE COMMISSION (SEC)

Prerule Stage

4861. TECHNICAL AMENDMENTS TO RULES 24F-1 AND 24F-2**Legal Authority:** 15 USC 80a-8; 15 USC 80a-58; 15 USC 80a-24**CFR Citation:** 17 CFR 274.11A; 17 CFR 270.24f-1; 17 CFR 270.24f-2**Legal Deadline:** None**Abstract:** The Division of Investment Management is considering changes in rules 24f-1 and 24f-2, the rules that permit certain investment companies to register securities sold in excess of the number of shares included in a registration statement, to clarify the rules' operation with respect to the measurement of time periods and filing requirements in the context of investment company reorganizations.**Timetable:** Next Action Undetermined**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Kenneth J. Berman, Deputy Office Chief, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-5287**RIN:** 3235-AC25**4862. TAX EXEMPT MONEY MARKET FUND RULE PROPOSALS****Significance:** Agency Priority**Legal Authority:** 15 USC 80a-2(a)(41); 15 USC 80a-6(c); 15 USC 80a-33(b)(1); 15 USC 80a-34(b); 15 USC 80a-38(a); 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77s; 15 USC 78m; 15 USC 78n; 15 USC 78w; 15 USC 80a-37**CFR Citation:** 17 CFR 230.482; 17 CFR 239.15A; 17 CFR 270.34b-1; 17 CFR 274.11A; 17 CFR 274.11c; 17 CFR 270.2a-7; 17 CFR 210.12-12; 17 CFR 230.134; 17 CFR 274.101**Legal Deadline:** None**Abstract:** The proposals would address the problems caused by developments in the money markets since 1983. The Division of Investment Management will be reviewing the conditions of Rule 2a-7 applicable to tax exempt funds and considering whether any recommendations should be made to the Commission to modify those conditions. In connection with this project, the Division will also make a recommendation to the Commission concerning proposed amendments to Rules 134, 436, and 482 under the

Securities Act of 1933. The amendments, if adopted, would permit money market funds to use in their prospectuses a security rating assigned by a nationally recognized statistical rating organization (NRSRO) without first obtaining the NRSRO's consent to being named pursuant to section 7 of the Securities Act.

Timetable: Next Action Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Local, State, Federal**Agency Contact:** Kenneth J. Berman, Deputy Office Chief, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2107**RIN:** 3235-AE17**4863. DESIGNATION OF ORDERS AS "SOLICITED" AND "UNSOLICITED"****Legal Authority:** 15 USC 78q**CFR Citation:** 17 CFR 240.17a-3; 17 CFR 240.17a-4**Legal Deadline:** None**Abstract:** The Division of Market Regulation anticipates recommending that the Commission propose amendments to Rules 17a-3 and 17a-4 that would require records relating to customer brokerage orders and dealer transactions to be marked to reflect whether they are "solicited" or "unsolicited." The proposed amendments would provide the Commission and securities self-regulatory organizations with information that would facilitate the enforcement of cases involving penny stock fraud and serve generally to promote compliance with customer suitability requirements and facilitate supervision by securities firms of sales practices.**Timetable:** Next Action Undetermined**Small Entities Affected:** Undetermined**Government Levels Affected:** None**Agency Contact:** Robert L. D. Colby, Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street NW., Washington, DC 20549, 202 504-2418**RIN:** 3235-AE18**4864. MULTIJURISDICTIONAL DISCLOSURE WITH THE UNITED KINGDOM****Legal Authority:** 15 USC 77e; 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 77ddd; 15 USC 77eee; 15 USC 77fff; 15 USC 78c(b); 15 USC 78j; 15 USC 78l; 15 USC 78m; 15 USC 78w; 15 USC 78x**CFR Citation:** 17 CFR 210; 17 CFR 230; 17 CFR 240; 17 CFR 249; 17 CFR 260**Legal Deadline:** None**Abstract:** The Division of Corporation Finance is engaged in preliminary discussions with officials from the International Stock Exchange with a view towards possibly recommending to the Commission a proposal for a multijurisdictional disclosure system with the United Kingdom similar to that adopted for Canada.**Timetable:** Next Action Undetermined**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Richard M. Kosnik, Chief, International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street NW., Washington, DC 20549, 202 272-3246**RIN:** 3235-AE23**4865. NOTICE BY SRO OF PROPOSED ADMISSION TO OR CONTINUANCE IN MEMBERSHIP WITH ANY PERSON SUBJECT TO A STATUTORY DISQUALIFICATION****Legal Authority:** 15 USC 78f; 15 USC 78o; 15 USC 78o-3; 15 USC 78o-4; 15 USC 78q; 15 USC 78q-1; 15 USC 78g; 15 USC 78w**CFR Citation:** 17 CFR 240.19h-1**Legal Deadline:** None**Abstract:** The Division of Market Regulation anticipates recommending to the Commission amendments to Rule 19h-1, which requires self-regulatory organizations ("SROs") to submit to the Commission filings whenever a person subject to a statutory disqualification, as defined in section 3(a)(39) of the Securities Exchange Act of 1934, seeks to become associated with or to continue his/her association with a broker-dealer that is a member of an SRO. Congress recently amended the definition of statutory disqualification to include, among other things,

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convictions for any felony within the last ten years and disciplinary actions taken by foreign governmental entities and SROs. The proposed amendments will address the recent changes in the definition of statutory disqualification and other areas of the rule that experience has shown can be simplified and improved.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard E. Pullano, Senior Counsel, Division of Market Regulation, Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549, 202 504-2510

RIN: 3235-AE39

4866. AMENDMENTS TO INVESTMENT COMPANY REGISTRATION FORM N-1A AND OTHER FORMS

Legal Authority: 15 USC 77a et seq; 15 USC 80a-1 et seq

CFR Citation: 17 CFR 230.482; 17 CFR 239.15; 17 CFR 274.11; 17 CFR 239.23; 17 CFR 239.15A; 17 CFR 274.11A; 17 CFR 239.17a; 17 CFR 274.11b; 17 CFR 239.17b; 17 CFR 274.11c

Legal Deadline: None

Abstract: The Division of Investment Management is reviewing the requirements of Form N-1A, the registration form for all open-end management investment companies registering under the 1933 and 1940 Acts. The review will focus on ways to update and improve the disclosure requirements of the form, particularly for money market funds. The Division will also be addressing the incorporation by reference rules in the investment company registration forms as a result of questions raised by the district court for the Southern District of New York.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Janice M. Bishop, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2107

RIN: 3235-AE46

4867. AMERICAN DEPOSITARY RECEIPTS

Significance: Agency Priority

Legal Authority: 15 USC 77b; 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s; 15 USC 78c; 15 USC 78i; 15 USC 78j; 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o; 15 USC 78q

CFR Citation: 17 CFR 230; 17 CFR 239; 17 CFR 240

Legal Deadline: None

Abstract: The Commission issued a release requesting information and comment with regard to the functioning and characteristics of the American depositary receipt marketplace, various regulatory issues under the Federal securities laws, including whether any changes to the registration process are necessary or appropriate, and duplication of depositary receipt facilities. The Commission received a large number of comment letters in response to the release.

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 05/23/91 | 56 FR 24420 |
| ANPRM Comment | 09/30/91 | |
| Period End | | |

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard M. Kosnik, Chief, International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street NW., Washington, DC 20549, 202 272-2585

RIN: 3235-AE57

4868. INVESTMENT COMPANY BOOKS AND RECORDS REQUIREMENTS

Significance: Agency Priority

Legal Authority: 15 USC 80a-31(a); 15 USC 80a-37(a); 15 USC 80a-39

CFR Citation: 17 CFR 270.31a-1; 17 CFR 270.31a-2

Legal Deadline: None

Abstract: The staff has commenced a comprehensive review of the books and records requirements under the Investment Company Act to update certain requirements relating to the portfolio transaction records of

investment companies. In particular, current requirements under rules 31a-1 and 31a-2 may need to be revised to enhance identification of securities in investment company portfolios. The primary objective of the proposals would be to improve the staff's abilities to conduct meaningful and efficient examinations of investment companies.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Peter L. Smith, Branch Chief, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-7812

RIN: 3235-AE94

4869. PROHIBITIONS AGAINST TRADING BY PERSONS INTERESTED IN A DISTRIBUTION; STABILIZING TO FACILITATE A DISTRIBUTION; DISTRIBUTIONS THROUGH RIGHTS

Legal Authority: 15 USC 78b; 15 USC 78c; 15 USC 78i(a); 15 USC 78j(b); 15 USC 78m(e); 15 USC 78o(c)

CFR Citation: 17 CFR 240.10b-6; 17 CFR 240.10b-7; 17 CFR 240.10b-8

Legal Deadline: None

Abstract: Rule 10b-6 prohibits persons engaged in a distribution of securities from bidding for or purchasing, or inducing others to purchase, such securities, any security of the same class and series as those securities, or any right to purchase any such security, until they have completed their participation in the distribution. Rule 10b-7 governs stabilizing activities to facilitate distributions of securities and Rule 10b-8 governs certain activities during distributions of securities through rights. The Commission has proposed a comprehensive review of Rules 10b-6, 10b-7, and 10b-8. This review will examine both the domestic application of those rules and well as the extraterritorial effect of their application on multinational securities distributions. This review also would address such issues as distribution and stabilization practices in the U.S. and abroad, and the impact of the rules on activities that are customary and lawful in foreign jurisdictions.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

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Prerule Stage

Agency Contact: Nancy J. Sanow, Assistant Director, Office of Trading Practices, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street NW., Washington, DC 20549, 202 272-2848
RIN: 3235-AF54

4870. OWNERSHIP REPORTS AND TRADING BY OFFICERS, DIRECTORS, AND PRINCIPAL SECURITY HOLDERS

Legal Authority: 15 USC 78n(d); 15 USC 78p(a); 15 USC 78p(b); 15 USC 78p(c); 15 USC 78w(a)

CFR Citation: 17 CFR 240.16a-1 to 240.16a-11; 17 CFR 240.16b-1 to 240.16b-11

Legal Deadline: None

Abstract: The Division is considering whether to recommend to the Commission proposed amendments to rules under section 16 of the Securities Exchange Act of 1934 designed to streamline reporting by a public company's officers, directors and significant shareholders of transactions in the company's securities.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Elizabeth M. Murphy, Special Counsel, Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street NW., Washington, DC 20549, 202 272-2589

RIN: 3235-AF66

4871. SIMPLIFICATION OF REGISTRATION PROCEDURES FOR SECURITIES OFFERINGS BY FOREIGN PRIVATE ISSUERS

Significance: Agency Priority

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s

CFR Citation: 17 CFR 230; 17 CFR 239

Legal Deadline: None

Abstract: The Division of Corporation Finance is considering whether to recommend to the Commission proposed amendments to rules and forms under the Securities Act of 1933 designed to provide foreign private issuers greater flexibility and efficiency in accessing the U.S. public securities markets. The proposals would extend the availability of the short-form

registration statements for foreign private issuers to additional issuers and result in the extension of the shelf registration procedures to additional issuers. In addition, the revisions would allow registration on Form F-3 without specific allocation of offering amounts among categories of securities and extend the use of Form F-3 for registration in connection with offerings to existing security holders.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard M. Kosnik, Chief, Office of International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street NW., Washington, DC 20549, 202 272-3248

RIN: 3235-AF83

4872. AMENDMENTS TO CONFIRMATION REQUIREMENTS OF RULE 10B-10

Legal Authority: 15 USC 78c; 15 USC 78i; 15 USC 78j; 15 USC 78k; 15 USC 78o; 15 USC 78g; 15 USC 78w

CFR Citation: 17 CFR 240.10b-10

Legal Deadline: None

Abstract: The Commission is proposing to amend Rule 10b-10, the Commission's confirmation rule. The proposed amendments to Rule 10b-10 would: (i) add a preliminary note to the Rule indicating that the Rule's disclosure requirements do not limit disclosure necessary under the antifraud provisions; (ii) clarify the Rule's application to introducing and clearing firms; (iii) require disclosure of mark-ups and mark-down for riskless principal transactions in debt securities other than U.S. Savings Bonds or municipal securities; (iv) require disclosure of mark-ups and mark-down in NASDAQ and exchange-listed securities; (v) require disclosure of investment company sales charges; (vi) codify existing staff interpretations allowing quarterly confirmation procedures for dividend reinvestment plans; (vii) require disclosure whether customer accounts are carried by broker-dealers that are members of the Securities Investor Protection Corporation; (viii) clarify the application of the Rule to repurchase and reverse repurchase transactions; (ix) clarify the requirements of the Rule

with respect to distributions of securities subject to contingencies;(cont)

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: (x) require yield and call information for transactions in municipal securities; and (xi) modify the yield disclosure requirements with respect to certain collateralized debt securities.

Agency Contact: C. Dirk Peterson, Attorney, Office of Chief Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street NW., Washington, DC 20549, 202 504-2418

RIN: 3235-AF84

4873. SECURITIES TRANSACTIONS SETTLEMENT

Legal Authority: 15 USC 15(c)(6)

CFR Citation: 17 CFR 240.15(c)(6)

Legal Deadline: None

Abstract: The proposed rule is designed to reduce the risk inherent in settling securities transactions by reducing the number of trades to be settled; enhancing the liquidity of the corporate securities markets by permitting sellers to move from these to other markets on a more timely basis; bringing the market for corporate securities into closer conformity with the government securities and derivatives markets; and increasing harmonization with international markets. Among several alternatives, the following were considered: retaining T+3 settlement but requiring a daily mark-to-market; and requiring their participants to settle trades by T+3. Although these alternatives were considered, the gravity of the change to T+3 requires an affirmative statement by the Commission. The change to T+3 may result in an increase in a broker-dealer's cost of financing the purchase of customer securities until the broker-dealer receives payment from its customers, and conversion to T+3 will require large and small broker-dealers to upgrade their computer systems.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

SEC

Prerule Stage

Agency Contact: Sonia Burnett, Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street NW., Washington, DC. 20549, 202 272-7474

RIN: 3235-AF85

4874. • PROPOSED AMENDMENTS TO FORM N-1A PERTAINING TO MONEY MARKET FUNDS

Significance: Agency Priority

Legal Authority: 15 USC 77a et seq; 15 USC 80a-1 et seq

CFR Citation: 17 CFR 230.482; 17 CFR 299.15A; 17 CFR 274.11A

Legal Deadline: None

Abstract: The staff of the Division of Investment Management is considering recommending to the Commission amendments to Form N-1A, the registration form used by mutual funds under the Investment Company Act of 1940 and the Securities Act of 1933, that would significantly shorten and simplify prospectuses for those registrants that hold themselves out as money market funds. The changes the staff is considering would provide investors with more easily understandable information about money market funds in prospectuses, while continuing to make more detailed information available through the Statement of Additional Information ("SAI"). Such amendments are also

intended to reduce the cost to funds of preparing, printing, and distributing prospectuses. The proposals would also make conforming rule and form amendments and revisions to staff guides to Form N-1A.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Martha H. Platt, Senior Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2107

RIN: 3235-AF95

SECURITIES AND EXCHANGE COMMISSION (SEC)

Proposed Rule Stage

4875. SIMPLIFICATION OF REGISTRATION STATEMENTS FILED BY, AND ADVERTISING RULES FOR, UNIT INVESTMENT TRUSTS

Legal Authority: 15 USC 80a-8; 15 USC 77g; 15 USC 77j

CFR Citation: 17 CFR 239.16; 17 CFR 274.12

Legal Deadline: None

Abstract: On March 9, 1987, the Commission repropoed for public comment Form N-7, a new form for registering unit investment trusts (UITs) and their securities under the Investment Company Act of 1940 and the Securities Act of 1933. Form N-7 was originally proposed by the Commission on May 14, 1985. Adoption of Form N-7 would: (1) codify the disclosure requirements for UITs into one form; (2) codify the disclosure standards that have been developed for UITs; and (3) shorten and simplify the prospectus used in connection with the sale of units in both the initial offering and in the secondary market maintained by the sponsor. The requirement for audited financial statements would be eliminated under certain circumstances. Under the reproposal, the requirement that registrants include certain third-party financial statements in the registration statement would be extended to insurers as well as guarantors of portfolio securities of the trust.

The Division of Investment Management is also undertaking to develop for recommendation to the Commission a rule proposal setting forth a uniform method of computing UIT yields. (cont)

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|------------|
| ANPRM Comment Period End | 07/31/85 | |
| NPRM | 03/17/87 | 52 FR 8268 |
| Reproposing Release | 03/17/87 | 52 FR 8268 |
| NPRM Comment Period End | 05/18/87 | |

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: ABSTRACT CONT: Currently, UITs advertise their performance by means of an "estimated current return," which shows estimated cash flow. However, in a market environment characterized by fluctuating interest rates, estimated current return may not accurately convey the yield of UITs. A uniform method of computation would permit investors to make more informed investment decisions by enabling them to compare the performance of different trusts. The staff is studying a proposal for a uniform method of computing UIT yields submitted by the Investment Company Institute.

Agency Contact: Eric Freed, Senior Attorney, Securities and Exchange Commission, Division of Investment

Management, 450 5th Street NW., Washington, DC 20549, 202 272-3021

RIN: 3235-AA47

4876. REVISION OF INVESTMENT COMPANY PROXY RULES

Legal Authority: 15 USC 78n; 15 USC 78w; 15 USC 80a-20; 15 USC 80a-37

CFR Citation: 17 CFR 240.14a-1 to 240.14a-102; 17 CFR 240.14b-1; 17 CFR 240.14c-1 to 240.14c-101; 17 CFR 270.20a-1 to 270.20a-3

Legal Deadline: None

Abstract: Absent an exception, every solicitation of a proxy, authorization or consent with respect to any security issued or to be issued by a registered investment company is subject to rules adopted pursuant to the Securities Exchange Act of 1934 and the Investment Company Act of 1940 concerning solicitations of proxies. Solicitations to which the rules apply may not commence unless each person solicited is furnished or has previously been furnished with a proxy statement containing specified information prepared in accordance with certain rules and the material has been filed with the Commission. The existing proxy rules were adopted in piecemeal fashion and have been the subject of frequent changes. This has led to some duplicative and, in certain cases, complex requirements. To the extent that a proxy statement contains repetitive material or is overly

SEC

Proposed Rule Stage

complicated and difficult to read, it may not effectively perform its intended function of communicating meaningful information to security holders in order that they may make informed voting decisions. In order to update the proxy regulations and, in doing so, improve the (cont)

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: readability of proxy statements and eliminate unnecessary disclosure costs, the Division of Investment Management has commenced a comprehensive review of the proxy regulations as they relate to investment companies. There does not currently exist a basis upon which to quantify the reduced costs and burdens of the revisions, if any, that might result from the staff review. However, if revisions were proposed that applied to all registered investment companies soliciting proxies, unless the solicitation is excepted, such revisions could have a significant economic impact on a substantial number of small entities.

Agency Contact: Kathleen Clarke, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2107

RIN: 3235-AA69

4877. PROPOSED RULE 6C-12 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.6c-12(New)

Legal Deadline: None

Abstract: The Division of Investment Management is considering whether to recommend that the Commission propose a rule that would codify many exemptions from provisions of the Investment Company Act granted to two-tier real estate limited partnerships. Exemptions pursuant to section 6(c) of the Act have generally been granted where: 1) The two-tier partnership invests in limited partnerships engaged

in the development and building of housing for low- and moderate-income persons; 2) the limited partnership interests are sold only to suitable investors; and 3) requirements for fair dealing by the general partner of the issuer with the limited partners of the issuer are included in the basic organizational documents of the partnership. The regulation would reduce the number of exemptive relief applications received by the Office of Investment Company Regulation.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Diane C. Blizzard, Assistant Director, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2707

RIN: 3235-AC84

4878. REVISIONS TO THE REGISTRATION AND THE ANNUAL SUPPLEMENT FORMS USED BY INVESTMENT ADVISERS

Legal Authority: 15 USC 78o(b)(1); 15 USC 78w(a); 15 USC 80b-3; 15 USC 80b-4; 15 USC 80b-6A; 15 USC 80b-11

CFR Citation: 17 CFR 275; 17 CFR 279

Legal Deadline: None

Abstract: The Division of Investment Management is considering whether to recommend that the Commission revise Form ADV, the investment adviser registration form, and related rules to: (1) request information related to the Commission's recently expanded enforcement authority, (2) enhance disclosure of information about the advisory relationship provided to clients and prospective clients, and (3) require annual amendment of the form. The enhanced disclosure would include specific requirements regarding "wrap fee" programs and additional requirements regarding "soft-dollar" allocations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Eric Freed, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2107

RIN: 3235-AD21

4879. DEBT TENDER OFFERS

Legal Authority: 15 USC 77g; 15 USC 77j; 15 USC 77s; 15 USC 77aa(12); 15 USC 781; 15 USC 78o(d); 15 USC 78w; 15 USC 78(e)

CFR Citation: 17 CFR 240.14e-5

Legal Deadline: None

Abstract: The Divisions of Corporation Finance and Market Regulation are jointly considering whether to recommend that the Commission issue proposals to amend its rule applicable to debt tender offers.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: The agency contact for the Division of Market Regulation is Nancy J. Sanow, Assistant Director, Office of Trading Practices, 202 272-2848.

Agency Contact: Gregg Corso, Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street NW., Washington, DC 20549, 202 272-3097

RIN: 3235-AD69

4880. REPORTING CURRENCY IN FINANCIAL STATEMENTS UNDER RULE 3-20 OF REGULATION S-X

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s; 15 USC 77aa(25); 15 USC 77aa(26); 15 USC 781; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e; 15 USC 79n; 15 USC 79k(a); 15 USC 80a-8; ...

CFR Citation: 17 CFR 210.3-20

Legal Deadline: None

Abstract: The Division of Corporation Finance is considering whether to recommend that the Commission propose revisions to Rule 3-20 of Regulation S-X that would clarify provisions allowing a foreign private

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issuer to state its financial statements in a currency other than that of the country in which it is incorporated or organized. In lieu of that rule's present reference to the issuer's primary economic environment, the revised rule would identify characteristics of the issuer that would guide the selection of a reporting currency.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: 15 USC 80a-29

Agency Contact: Robert A. Bayless, Chief Accountant, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street NW., Washington, DC 20549, 202 272-2553

RIN: 3235-AD70

4881. DEFINITION OF "SHORT SALE"

Significance: Agency Priority

Legal Authority: 15 USC 78b; 15 USC 78j(a); 15 USC 78dd(a)

CFR Citation: 17 CFR 240.3b-3; 17 CFR 240.10a-1

Legal Deadline: None

Abstract: The Division of Market Regulation recommended that the Commission amend Rule 10a-1, which prohibits short sales under certain circumstances. The proposals would provide an exception to permit specialists to equalize the opening price of a foreign security on a U.S. exchange with its price in the principal foreign market, to exclude from application of the rule transactions in nonconvertible corporate bonds effected on an exchange, and to codify a no-action position relating to certain liquidations of index arbitrage positions. The proposed amendments redesignate certain current provisions of Rule 10a-1. The amendments, if adopted, also would clarify Rule 3b-3's definition of ownership of a security.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/09/92 | 57 FR 24415 |
| NPRM Comment Period End | 08/10/92 | |

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: M. Blair Corkran, Assistant Director, Office of Trading Practices, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street NW., Washington, DC 20549, 202 272-2848

RIN: 3235-AE41

4882. EXEMPTION FOR SUBSIDIARIES ORGANIZED TO FINANCE OPERATIONS OF DOMESTIC OR FOREIGN COMPANIES

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.3a-5

Legal Deadline: None

Abstract: The Division of Investment Management is considering whether to recommend that the Commission propose amendments to rule 3a-5 to permit finance subsidiaries of United States banks and insurance companies to rely on the rule. Expanding the coverage of the exemptive rule could reduce regulatory burdens otherwise present.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: L. Bryce Stovell, Senior Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20459, 504 272-2408

RIN: 3235-AE95

4883. RULE 17F-5 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-17(f); 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17f-5

Legal Deadline: None

Abstract: Rule 17f-5 permits U.S.-registered investment companies to maintain certain securities and other assets in the custody of an "eligible foreign custodian," as that term is defined in the rule. In response to comments that the present definition of eligible foreign custodian and other provisions of the rule are too restrictive, the staff is considering whether to recommend that the

Commission propose amendments to the rule. This matter is a reconsideration of an item that was previously on the Unified Agenda and withdrawn (see prior RIN 3235-AC85).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Matthew M. O'Toole, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 504-2834

RIN: 3235-AE98

4884. ISSUANCE OF MULTIPLE CLASSES OF SECURITIES BY REGISTERED OPEN-END INVESTMENT COMPANIES

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.18f-3(New); 17 CFR 274.11A; 17 CFR 230.482

Legal Deadline: None

Abstract: The Division of Investment Management is considering whether to recommend that the Commission propose (i) a rule that would define the conditions under which an open-end management investment company may issue multiple classes of securities representing interests in the same portfolio, and (ii) certain related disclosure requirements. The Commission granted several exemptions from provisions of the Investment Company Act to permit open-end investment companies to issue multiple classes of securities, with each class subject to a different distribution arrangement. The Division is considering whether to codify elements of prior exemptive orders. The rule, if adopted, might reduce the number of exemptive relief applications received by the Office of Investment Company Regulation.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Roseanne Harford, Senior Counsel, Securities and

SEC

Proposed Rule Stage

Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2048

RIN: 3235-AF00

4885. TEMPORARY EXEMPTION FOR CERTAIN INVESTMENT ADVISERS

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.15a-4

Legal Deadline: None

Abstract: The Division is considering whether to amend Rule 15a-4 to permit an adviser conditionally to serve at contract fee during a short interim period, prior to shareholder approval of the new contract and following an "unforeseeable" or "uncontrollable" assignment of the advisory contract, e.g., triggered by an acquisition of the parent company of the adviser where the fund and adviser are not informed sufficiently in advance to obtain shareholder approval.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/94 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Diane C. Blizzard, Deputy Chief of Office, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2048

RIN: 3235-AF57

4886. AMENDMENTS TO RULES 12B-1 AND 17D-3 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-12(b); 15 USC 80a-17(d); 15 USC 80a-22(c); 15 USC 80a-37(a); 15 USC 80a-39

CFR Citation: 17 CFR 270.12b-1; 17 CFR 270.17d-3

Legal Deadline: None

Abstract: The Commission has proposed, and received comments on, amendments to rules 12b-1 and 17d-3 under the Investment Company Act of 1940. The proposed amendments to rule 12b-1 would clarify and enhance standards for the approval or continuation of Rule 12b-1 distribution

plans; place limits on certain practices that have developed under the rule, and prohibit funds using these plans from holding themselves out as no-load funds. The proposed amendments to rule 17d-3 would allow a mutual fund, under certain conditions, to enter into joint distribution agreements with affiliated funds, other affiliated persons, and the fund's principal underwriter. The Division of Investment Management withdrew the proposal from the Unified Agenda to consider it in the context of a comprehensive study of the Act. The Division now is reconsidering the proposal, in light of the study's recommendations, as a separate rulemaking proposal.

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-------------|
| NPRM | 06/13/88 | 53 FR 23258 |
| NPRM Comment | 12/14/88 | 53 FR 35830 |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: L. Bryce Stovell, Senior Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2048

RIN: 3235-AF62

4887. RULE 17F-2 UNDER THE INVESTMENT COMPANY ACT—CUSTODY OF INVESTMENTS BY REGISTERED MANAGEMENT INVESTMENT COMPANY

Legal Authority: 15 USC 80a-17(f); 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17f-2

Legal Deadline: None

Abstract: The Division of Investment Management is considering whether to recommend that the Commission propose amendments to Rule 17f-2 under the Investment Company Act of 1940, which governs the circumstances under which the securities and similar investments of a registered management investment company may be maintained in the custody of such company. Such amendments would respond to complaints that the rule is outdated, particularly its provisions requiring that a company's securities be physically examined by an independent accountant at least three times a year.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Matthew M. O'Toole, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 504-2834

RIN: 3235-AF70

4888. ACCESS TO NONPUBLIC INFORMATION IN THE COMMISSION'S POSSESSION

Legal Authority: 15 USC 78w; 15 USC 78x

CFR Citation: 17 CFR 240.24c-1(New)

Legal Deadline: None

Abstract: The Commission is publishing for public comment Rule 24c-1 under the Securities Exchange Act of 1934. Under a recent amendment of the Exchange Act, Section 24(c) permits the Commission, in its discretion and upon a showing that such information is needed, to provide information in its possession to such persons, domestic and foreign, as the Commission by rule deems appropriate if the person receiving such information provides such assurances of confidentiality as the Commission deems appropriate. The proposed rule is intended to complement the Commission's current access program and to implement Section 24(c). It would designate categories of domestic and foreign governmental authorities, self-regulatory organizations and other specified persons now participating in the Commission's current program as persons who may be provided access to nonpublic information in the Commission's possession.

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-------------|
| NPRM | 11/30/92 | 57 FR 57710 |
| NPRM Comment | 01/21/93 | 57 FR 57710 |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Walter B. Stahr, Assistant General Counsel, Securities and Exchange Commission, Office of the General Counsel, 450 5th Street

SEC

Proposed Rule Stage

NW., Washington, DC 20549, 202 272-2070

RIN: 3235-AF72

4889. REPORTS TO BE MADE BY CERTAIN BROKERS AND DEALERS

Legal Authority: 15 USC 78q(a)(1)

CFR Citation: 17 CFR 240.17a-5

Legal Deadline: None

Abstract: The proposed amendments will shift to Designated Examining Authorities the responsibility for extensions of time for the filing of FOCUS reports and audited annual financial reports or for approval of changes of the date as of which the audited financial report must be dated.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Julius R. Leiman-Carbia, Senior Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street NW., Washington, DC 20549, 202 272-2824

RIN: 3235-AF73

4890. ASSET-BACKED SECURITIES DISCLOSURE

Significance: Agency Priority

Legal Authority: 15 USC 77e; 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s; 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o; 15 USC 78w

CFR Citation: 17 CFR 229; 17 CFR 230; 17 CFR 239; 17 CFR 240; 17 CFR 249

Legal Deadline: None

Abstract: The Division of Corporation Finance is considering whether to recommend to the Commission proposed amendments to revise rules and forms which would specify disclosure requirements for asset-backed securities transactions.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Michael H. Mitchell, Senior Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street NW., Washington, DC 20549, 202 272-2573

RIN: 3235-AF74

4891. EXEMPTION FOR CERTAIN ACQUISITIONS OF ONE OR MORE FOREIGN UTILITY COMPANIES

Significance: Agency Priority

Legal Authority: 15 USC 79(t); 15 USC 79(n)

CFR Citation: 17 CFR 250.55; 17 CFR 259.5s(Revision)

Legal Deadline: None

Abstract: The proposed rule is intended to provide a safe harbor for the acquisition of one or more foreign utility companies by a registered holding company. The amendment to Form U5S provides for the reporting of those acquisitions and/or acquisitions of exempt wholesale generators.

Timetable:

| Action | Date | FR Cite |
|-------------------------|--------------|-------------|
| NPRM | 03/08/93 | 58 FR 13719 |
| NPRM Comment Period End | 04/14/93 | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Karen McMillan, Staff Attorney, Office of Public Utility Regulation, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 504-3387

RIN: 3235-AF78

4892. EXEMPTION FOR SUBSIDIARY COMPANIES OF REGISTERED HOLDING COMPANIES FORMED TO HOLD INTERESTS IN FOREIGN COMPANIES

Significance: Agency Priority

Legal Authority: 15 USC 79(t)

CFR Citation: 17 CFR 250.58

Legal Deadline: None

Abstract: The proposed rule clarifies that a subsidiary of a registered holding company which is engaged exclusively in the business of owning an interest in one or more foreign utility companies will be exempt from the Public Utility Holding Company Act of 1935. Registered holding companies may acquire these entities without the approval of the Commission.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 03/08/93 | 58 FR 13719 |

| Action | Date | FR Cite |
|------------------------------------|--|---------|
| NPRM Comment Period End | 04/14/93 | |
| Next Action | Undetermined | |
| Small Entities Affected: | None | |
| Government Levels Affected: | None | |
| Agency Contact: | Karen McMillan, Staff Attorney, Office of Public Utility Regulation, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 504-3387 | |
| RIN: | 3235-AF79 | |

4893. APPLICABILITY OF SECTION 30(F) OF THE INVESTMENT COMPANY ACT OF 1940 TO CERTAIN AFFILIATED PERSONS OF AN INVESTMENT ADVISER TO A REGISTERED CLOSED-END INVESTMENT COMPANY

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37; 15 USC 80a-29(f)

CFR Citation: 17 CFR 270.30f-1

Legal Deadline: None

Abstract: The Division of Investment Management is considering whether to recommend that the Commission issue a release requesting public comment on a proposed amendment to Rule 30f-1 under the Investment Company Act of 1940 which would relieve certain affiliated persons of an investment adviser to a registered closed-end investment company from the filing requirements under Section 16 of the Securities Exchange Act of 1934, made applicable by Section 30(f) of the Investment Company Act. The proposed amendment is intended to exempt certain affiliated persons of an investment adviser that are not in a position to obtain confidential information about the registered closed-end investment company or to influence or effect a change in the company's policies, consistent with the purposes of Section 30(f) and Section 16 of the Securities Exchange Act.

Timetable:

| Action | Date | FR Cite |
|------------------------------------|--|---------|
| NPRM | 11/00/93 | |
| Small Entities Affected: | Businesses | |
| Government Levels Affected: | Undetermined | |
| Agency Contact: | Julia S. Ulstrup, Senior Counsel, Office of Chief Counsel, Securities and Exchange | |

SEC

Proposed Rule Stage

Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2030
RIN: 3235-AF81

4894. • SUBSIDIARIES AUTHORIZED TO PERFORM SERVICES OR CONSTRUCTION OR TO SELL GOODS

Legal Authority: 15 USC 79t

CFR Citation: 17 CFR 250.87

Legal Deadline: None

Abstract: The amendments to rule 87 will require Commission approval before a registered holding company or its subsidiaries may render services to an exempt wholesale generator or a foreign utility company. Additionally, registered holding companies and their subsidiaries may not accept services from exempt wholesale generators or foreign utility companies without Commission approval.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Karen McMillan, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 504-3387

RIN: 3235-AF87

4895. • RULE 9A3-1: EXEMPTION FROM DISQUALIFICATION FOR CERTAIN AFFILIATED PERSONS

Legal Authority: 15 USC 80a-9(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.9a-1

Legal Deadline: None

Abstract: Section 9(a)(3) of the Investment Company Act prohibits any company from serving as employee, officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company or principal underwriter for any registered, open-end company, registered unit investment trust, or registered face amount certificate company, if section 9(a)(1) or 9(a)(2) prohibits any affiliated person of that company from serving in any such capacity. The Commission has exempted several companies from section 9(a)(3) where the disqualified affiliated person does not perform or have any ability to affect the work the company does for the investment

company, registered unit investment trust, or registered face amount certificate company. The Division of Investment Management is considering whether to recommend that the Commission propose a rule providing such an exemption.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Roseanne Harford, Senior Counsel, Office of Regulatory Policy, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2048

RIN: 3235-AF89

4896. • RULES OF PRACTICE

Significance: Agency Priority

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77h-1; 15 USC 77j; 15 USC 77s; 15 USC 77s; 15 USC 77u; 15 USC c(b); 15 USC 78d-1; 15 USC 78d-2; 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o; ...

CFR Citation: 17 CFR 201; 17 CFR 202; 17 CFR 203; 17 CFR 240

Legal Deadline: None

Abstract: The Commission is proposing to adopt comprehensive revisions to its Rules of Practice. This proposal stems from the work of the Task Force on Administrative Proceedings which examined the rules and procedures governing Commission administrative proceedings. Following passage of the Securities Enforcement Remedies and Penny Stock Reform Act, the Task Force expanded its work to include developing recommendations to implement the Commission's new powers under the Act. Among the major proposals in the proposed Rules of Practice are: new procedures for the conduct of temporary cease-and-desist order proceedings; new rules governing the collection and distribution of disgorgement required by Commission order; a streamlined discovery process; an expanded role for prehearing conferences; an expanded availability for summary disposition of matters of law; and production of documents, pursuant to subpoena, prior to the start of a hearing.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 10/00/93 | |
| NPRM Comment | 11/00/93 | |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: As to the temporary cease and desist and disgorgement order rules, a statutory deadline of 10/15/91 exists. As to the other rules, no deadline exists.

Agency Contact: Daniel O. Hirsch, Assistant General Counsel, Securities and Exchange Commission, Office of the General Counsel, 450 5th Street NW., Washington, DC 20549, 202 272-2428

RIN: 3235-AF91

4897. • EXECUTIVE COMPENSATION DISCLOSURE

Significance: Agency Priority

Legal Authority: 15 USC 77e; 15 USC 77f; 15 USC 77j; 15 USC 77s; 15 USC 78n; 15 USC 78w

CFR Citation: 17 CFR 229.402; 17 CFR 240.14a-101

Legal Deadline: None

Abstract: The Commission has proposed amendments to the Executive Compensation Disclosure requirements.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/12/93 | 58 FR 42882 |
| NPRM Comment | 10/15/93 | 58 FR 42882 |
| Period End | | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gregg W. Corso, Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street NW., Washington, DC 20549, 202 272-3097

RIN: 3235-AF92

4898. • AMENDMENTS TO FORM-N-SAR, SEMI-ANNUAL REPORT OF REGISTERED INVESTMENT COMPANIES

Legal Authority: 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a); 15 USC 80a-8; 15 USC 80a-29; 15 USC 80a-37

SEC

Proposed Rule Stage

CFR Citation: 17 CFR 249.330; 17 CFR 274.101

Legal Deadline: None

Abstract: The Division of Investment Management is considering whether to recommend that the Commission amend Form-N-SAR, the semi-annual report for registered investment companies, to update the items of the form so it will reflect current industry conditions.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carolyn Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-3784

RIN: 3235-AF93

4899. • ACCOUNTING TREATMENT OF INVESTMENT COMPANY EXPENSES PAID THROUGH BROKERAGE COMMISSION

Legal Authority: 15 USC 80a-8; 15 USC 77g; 15 USC 77j

CFR Citation: 17 CFR 210; 17 CFR 274

Legal Deadline: None

Abstract: The Division of Investment Management is considering whether to recommend that the Commission require investment companies to reflect as expenses the cost of services provided to the company that are paid for by a broker-dealer in exchange for the allocation of transaction to that broker-dealer. The amendments would address whether such costs should be reflected in expenses in fund financial statements and in fund performance and expense data.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Eric Freed, Senior Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2107

RIN: 3235-AF94

4900. • CUSTODY OF INVESTMENT COMPANY ASSETS WITH REGISTERED FUTURES COMMISSION MERCHANTS

Significance: Agency Priority

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17f-6

Legal Deadline: None

Abstract: The Division of Investment Management is considering whether to recommend that the Commission propose a rule to permit registered investment companies to maintain initial and excess variation margin in the custody of certain registered futures commission merchants if appropriate conditions can be developed to ensure the safety and integrity of the assets thus maintained.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/93 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Elizabeth R. Krentzman, Senior Attorney, Securities and Exchange Commission, Division of

Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-5416

RIN: 3235-AF97

4901. • RULEMAKING REGARDING INDIVIDUALIZED INVESTMENT ADVISORY PROGRAM

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37

CFR Citation: 17 CFR 270.3a-4

Legal Deadline: None

Abstract: The Division of Investment Management is considering whether to recommend that the Commission issue a release requesting public comment on re-proposed Rule 3a-4 under the Investment Company Act of 1940 which would deem investment advisory programs which provide their clients with individualized treatment not to be investment companies. The proposed rule would provide a safe harbor from registration and regulation under the Investment Company Act of 1940 for investment advisors operating individualized investment advisory programs under certain conditions. Rule 3a-4 was previously proposed in 1980 (45 F.R. 69479) and was never adopted or withdrawn.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Monica L. Parry, Senior Counsel, Office of Chief Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2030

RIN: 3235-AF99

SECURITIES AND EXCHANGE COMMISSION (SEC)

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4902. RULE 15C2-10

Legal Authority: 15 USC 78b; 15 USC 78c; 15 USC 78k-1; 15 USC 78o(c); 15 USC 78w(a); 15 USC 78q; 15 USC 78q-1

CFR Citation: 17 CFR 240.15c2-10

Legal Deadline: None

Abstract: The Commission has proposed for comment a rule that would govern the operation of proprietary securities trading systems that are not operated as facilities of a national securities association or exchange.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 04/18/89 | 54 FR 15429 |
| NPRM Comment Period End | 08/02/89 | |

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

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Agency Contact: Gordon K. Fuller, Special Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street NW., Washington, DC 20549, 202 272-2414

RIN: 3235-AC94

4903. REGULATION 13D-G

Legal Authority: 15 USC 78m(d); 15 USC 78m(g); 15 USC 78m(a)

CFR Citation: 17 CFR 240.13d-1; 17 CFR 240.13d-2; 17 CFR 240.13d-7; 17 CFR 240.13d-101; 17 CFR 240.13d-102

Legal Deadline: None

Abstract: The Commission has proposed revisions to Regulation 13D to change the disclosure to investors of filings on Schedule 13D, while at the same time reducing the reporting obligations of noninstitutional investors that have a passive investment purpose.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/14/89 | 54 FR 10552 |
| NPRM Comment | 05/15/89 | |
| Period End | | |

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David A. Sirignano, Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street NW., Washington, DC 20549, 202 272-3097

RIN: 3235-AD09

4904. RULE 801 AND REGISTRATION FORMS FOR RIGHTS OFFERINGS

Significance: Agency Priority

Legal Authority: 15 USC 77c(b); 15 USC 77s

CFR Citation: 17 CFR 230.801(New)

Legal Deadline: None

Abstract: The Commission has proposed a small issue exemptive rule that would provide an exemption from the registration requirements of the Securities Act of 1933 for certain rights offerings and a Securities Act registration form for certain non-exempt rights offerings. The Commission also proposed amendments to Form F-3 to permit certain foreign private issuers reporting under the Securities Exchange Act of 1934 to register certain offerings, including rights offerings, without

meeting the reporting history and public float eligibility requirements of that form.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/14/91 | 56 FR 27564 |
| NPRM Comment | 09/09/91 | |
| Period End | | |

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard M. Kosnik, Chief, International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street NW., Washington, DC 20549, 202 272-3246

RIN: 3235-AD44

4905. CUSTOMER PROTECTION RESERVES AND CUSTODY OF SECURITIES

Legal Authority: 15 USC 78o(c)(3); 15 USC 78w

CFR Citation: 17 CFR 240.15c3-3

Legal Deadline: None

Abstract: Because the borrowing of government securities plays an important role in the government securities market, the Commission believes that, for purposes of the customer protection rule, the categories of instruments that broker-dealers can provide to customer lenders of government securities should be expanded to include certain instruments currently not listed in the rule. Therefore, the Commission has proposed an amendment to the customer protection rule that would allow broker-dealers to provide, in addition to the instruments currently listed in the rule, certain other securities as the collateral in government securities borrowings.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/15/89 | 54 FR 10680 |
| NPRM Comment | 05/01/89 | |
| Period End | | |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael Jamroz, Branch Chief, Securities and Exchange Commission, Division of Market

Regulation, 450 5th Street NW., Washington, DC 20549, 202 272-2372

RIN: 3235-AD60

4906. NET CAPITAL REQUIREMENTS FOR BROKERS OR DEALERS

Legal Authority: 15 USC 78o(c)(3); 15 USC 78w

CFR Citation: 17 CFR 240.15c3-1

Legal Deadline: None

Abstract: In response to the October 1987 market break and as a part of its comprehensive market break study, the Division of Market Regulation examined the specialist financial responsibility rules and specialist financial surveillance systems of the various exchanges. As a result, the Commission has proposed amendments to the net capital rule that, among other things, will make the rule applicable to certain specialists that are now exempt from the rule. In addition to the consequential overall financial accountability and discipline that results from the application of the net capital rule, the Commission believes it would be desirable to have a uniform measure whereby it may review the financial health and liquidity of all specialists at all exchanges.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 01/05/89 | 54 FR 315 |
| NPRM Comment | 04/03/89 | |
| Period End | | |
| Interim Final Rule | 08/17/93 | 58 FR 43555 |
| Next Action Undetermined | | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michael Macchiaroli, Assistant Director, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street NW., Washington, DC 20549, 202 272-2904

RIN: 3235-AD62

4907. AMENDMENT TO RULE 31A-2 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-31(a); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.31a-2

Legal Deadline: None

Abstract: Rule 31a-2 specifies where and how long books and records, required to be maintained by U.S.-

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registered investment companies and other persons, must be preserved. The Commission has proposed for public comment an amendment to the rule that is intended to remove uncertainty regarding the location and language aspects of the recordkeeping requirements for U.S.-registered investment companies, particularly those investment companies investing in foreign securities.

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-------------|
| NPRM | 10/09/90 | 55 FR 41100 |
| NPRM Comment | 12/10/90 | |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Rochelle G. Kauffman, Senior Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2048

RIN: 3235-AD66

4908. FORMS FOR FURNISHING INFORMATION PURSUANT TO RULE 12G3-2(B) UNDER THE SECURITIES EXCHANGE ACT OF 1934

Significance: Agency Priority

Legal Authority: 15 USC 78l; 15 USC 78w

CFR Citation: 17 CFR 240.12g3-2(b); 17 CFR 249

Legal Deadline: None

Abstract: The Commission has proposed forms for use by persons furnishing information under Rule 12g3-2(b).

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-------------|
| NPRM | 06/06/91 | 56 FR 27612 |
| NPRM Comment | 09/09/91 | |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard M. Kosnik, Chief, International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street NW., Washington, DC 20549, 202 272-3246

RIN: 3235-AD72

4909. NET CAPITAL REQUIREMENTS FOR BROKERS OR DEALERS

Significance: Agency Priority

Legal Authority: 15 USC 78o(c)(3); 15 USC 78q; 15 USC 78w

CFR Citation: 17 CFR 240.15c3-1

Legal Deadline: None

Abstract: In response to the October 1987 market break and as a part of its comprehensive market break study, the Division of Market Regulation examined the appropriate levels of minimum net capital required of registered broker-dealers. As a result, the Commission has proposed amendments to the net capital rule that, among other things, would raise the minimum net capital required of various classes of registered broker-dealers. The Commission believes that these higher levels of required net capital are justified based upon the risks posed by undercapitalized firms to customers and to the securities system as a whole. On November 24, 1992, the Commission amended the net capital rule to raise the absolute minimum net capital required of certain registered broker-dealers. The increases to the minimum net capital levels are to be implemented over a period of eighteen months. In addition, the two methods of computing deductions for equity securities positions, or haircuts, were standardized. Certain changes were also made to the computation of aggregate indebtedness.

Timetable:

| Action | Date | FR Cite |
|--------------------|--------------|-------------|
| NPRM | 09/15/89 | 57 FR 56973 |
| NPRM Comment | 12/18/89 | |
| Period End | | |
| Interim Final Rule | 11/24/92 | 57 FR 59693 |
| Next Action | Undetermined | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Roger G. Coffin, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street NW., Washington, DC 20549, 202 272-7375

RIN: 3235-AD79

4910. SUMMARY PROSPECTUSES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s

CFR Citation: 17 CFR 230; 17 CFR 239

Legal Deadline: None

Abstract: The Commission has proposed amendments to Rule 431 under the Securities Act of 1933 which would revise the issuer criteria and pre-filing requirements for use of summary prospectuses. Further, the information requirements applicable to summary prospectuses are proposed to be amended to include a summary of management's discussion and analysis of the issuer's financial condition and results of operations and disclosure regarding the risks associated with investment in the securities being offered.

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-------------|
| NPRM | 06/27/90 | 55 FR 26212 |
| NPRM Comment | 09/15/90 | |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Martin Dunn, Attorney Adviser, Office of Chief Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street NW., Washington, DC 20549, 202 272-2573

RIN: 3235-AD90

4911. INITIATION OR RESUMPTION OF QUOTATIONS WITHOUT SPECIFIC INFORMATION

Legal Authority: 15 USC 78w; 15 USC 78c; 15 USC 78j(b); 15 USC 78o(c); 15 USC 78q(a); 15 USC 78w(a)

CFR Citation: 17 CFR 240.15c2-11

Legal Deadline: None

Abstract: Rule 15c2-11 governs the submission or publication of quotations by brokers or dealers for certain over-the-counter securities. Currently, the rule applies principally to the initiation or resumption of quotations in the National Daily Quotation Service, which is also known as the "pink sheets." The Commission has proposed amendments to the rule that would substantially narrow the piggyback exception so that self-piggybacking would be excepted under defined conditions and every broker-dealer generally would be required to obtain and review the specified information before submitting a quotation for a covered security. An additional amendment would encourage the creation of one or more central information repositories by permitting

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broker-dealers, under certain conditions, to rely on the presence of required issuer information in such a repository instead of maintaining those files internally. The amendments would further the Commission's efforts to combat fraud and manipulative conduct in the penny stock market.

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-------------|
| NPRM | 04/25/91 | 56 FR 19158 |
| NPRM Comment | 01/01/92 | |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Nancy J. Sanow, Assistant Director, Office of Trading Practices, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street NW., Washington, DC 20549, 202 272-2848

RIN: 3235-AD94

4912. SPECIAL PROVISIONS AS TO AGE OF FINANCIAL STATEMENTS FOR FOREIGN PRIVATE ISSUERS UNDER REGULATION S-X

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s; 15 USC 77a(25); 15 USC 77a(26); 15 USC 781; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79k(a); 15 USC 80a-8

CFR Citation: 17 CFR 210.3-19

Legal Deadline: None

Abstract: The Commission has proposed revisions to Rule 3-19 of Regulation S-X which would accommodate offerings of securities by foreign issuers that customarily prepare financial information only on a semi-annual basis.

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-------------|
| NPRM | 06/14/91 | 56 FR 27562 |
| NPRM Comment | 07/15/91 | |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: 15 USC 80a-29

Agency Contact: Robert A. Bayless, Chief Accountant, Securities and Exchange Commission, Division of

Corporation Finance, 450 5th Street NW., Washington, DC 20549, 202 272-2553

RIN: 3235-AD96

4913. INTERNATIONAL TENDER AND EXCHANGE OFFERS

Significance: Agency Priority

Legal Authority: 15 USC 77b; 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s; 15 USC 77sss; 15 USC 78c; 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o; 15 USC 78w; 15 USC 79t; 15 USC 80a-37

CFR Citation: 17 CFR 200; 17 CFR 230; 17 CFR 239; 17 CFR 240; 17 CFR 260

Legal Deadline: None

Abstract: The Commission issued for comment rule proposals to facilitate the extension of international tender offers to U.S. holders. The proposed rules would provide exemptions from the tender offer rules, securities registration and reporting requirements, and trust indenture provisions, as well as allow the registration of foreign exchange offers on the basis of foreign disclosure.

Timetable:

| Action | Date | FR Cite |
|---------------|--------------|-------------|
| ANPRM | 06/12/90 | 55 FR 23751 |
| ANPRM Comment | 09/21/90 | |
| Period End | | |
| NPRM | 06/14/91 | 56 FR 27582 |
| NPRM Comment | 09/09/91 | |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Gregg Corso, Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street NW., Washington, DC 20549, 202 272-3097

RIN: 3235-AD97

4914. STABILIZING TO FACILITATE A DISTRIBUTION

Legal Authority: 15 USC 78i(a)(6); 15 USC 78j(b); 15 USC 78q(a); 15 USC 78w(a); 15 USC 78dd(a)

CFR Citation: 17 CFR 240.10b-7

Legal Deadline: None

Abstract: The Commission has proposed amendments to Rule 10b-7, which regulates stabilizing activities to

facilitate an offering. The proposed amendments would permit the stabilizing price in an offering of a foreign security to reflect the price of the security in the foreign market that is the principal market for such security, if the stabilizing activity otherwise complies with the rule. Adjustments of stabilizing bids based on exchange rate fluctuations between the currencies of the markets on which the security is being stabilized would also be permitted. The amendments would also deem foreign stabilizing transactions during an offering of a foreign security in the United States made in compliance with comparable foreign regulations not to be in violation of Rule 10b-7.

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-----------|
| NPRM | 01/09/91 | 56 FR 814 |
| NPRM Comment | 02/25/91 | |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy J. Sanow, Assistant Director, Office of Trading Practices, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street NW., Washington, DC 20549, 202 272-2848

RIN: 3235-AE11

4915. DEFINITIONS PRINCIPALLY RELATING TO INTERNATIONAL TRANSACTIONS

Legal Authority: 15 USC 78b; 15 USC 78c(b); 15 USC 78w(a)

CFR Citation: 17 CFR 240.3b-10

Legal Deadline: None

Abstract: The Commission has proposed Rule 3b-10, which defines certain terms principally relating to international transactions, because the Commission believes it is advisable and appropriate to adopt general definitions of terms relevant to the increasing internationalization of world securities markets rather than adopt identical definitions in the context of individual rulemaking proposals.

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-----------|
| NPRM | 01/09/91 | 56 FR 820 |
| NPRM Comment | 02/25/91 | |
| Period End | | |
| Next Action | Undetermined | |

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Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Nancy J. Sanow, Assistant Director, Office of Trading Practices, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street NW., Washington, DC 20549, 202 272-2848**RIN:** 3235-AE15**4916. NOTICE OF ASSUMPTION OR TERMINATION OF TRANSFER AGENT SERVICES****Legal Authority:** 15 USC 78c; 15 USC 78q; 15 USC 78q-1; 15 USC 78w(a)**CFR Citation:** 17 CFR 240.17Ad-16**Legal Deadline:** None

Abstract: The Commission proposed for comment Rule 17Ad-16 under the Securities Exchange Act of 1934. Rule 17Ad-16, if adopted, would require a transfer agent to provide written notice to securities depositories when terminating or assuming transfer agent services on behalf of an issuer or when changing its name or address. The proposed rule would address a continuing problem affecting prompt securities certificate transfer and increase the efficiency of the National System for the Clearance and Settlement of Securities Transactions as set forth in section 17A of the Act. Transfer agents with no name or address changes and with no change in the issues for which they provide services will not be affected by this rule and will not need to file a notice. The Division expects a majority of small transfer agents and in-house transfer agents to fall into this category. Compliance costs would be minimal for transfer agents even when the rule applies. A transfer agent that changes its name or address or terminates or assumes transfer agent services on behalf of an issue need only file a short notice with one of three registered securities depositories explaining the change.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|------------|
| NPRM | 01/06/92 | 57 FR 1128 |
| NPRM Comment | 02/09/93 | |
| Period End | | |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Ester Saverson, Special Counsel, Branch of Transfer

Agent Regulation, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street NW., Washington, DC 20549, 202 272-2775

RIN: 3235-AE20**4917. LARGE TRADER REPORTING SYSTEM****Significance:** Agency Priority**Legal Authority:** 15 USC 77c; 15 USC 77d; 15 USC 77s; 15 USC 77ttt; 15 USC 78c; 15 USC 78d; 15 USC 78i; 15 USC 78j; 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o; 15 USC 78p; 15 USC 78s; 15 USC 78w**CFR Citation:** 17 CFR 240.13h-1**Legal Deadline:** None

Abstract: The Commission has released for comment proposed Rule 13h-1 pursuant to the Market Reform Act of 1990. Rule 13h-1 would require large traders to disclose accounts and affiliations to the Commission, and would require broker-dealers to maintain and report large trader account and transaction records to the Commission.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 08/28/91 | 56 FR 42550 |
| NPRM Comment | 01/06/92 | |
| Period End | | |
| Next Action Undetermined | | |

Small Entities Affected: None**Government Levels Affected:** Undetermined**Additional Information:** 15 USC 78x; 15 USC 79q; 15 USC 79t; 15 USC 80a-29; 15 USC 80a-37**Agency Contact:** Nicholas T. Chapekis, Special Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street NW., Washington, DC 20549, 202 272-3115**RIN:** 3235-AE42**4918. PROPOSED AMENDMENTS TO RULE 12D3-1 UNDER THE INVESTMENT COMPANY ACT OF 1940****Legal Authority:** 15 USC 80a-6(c); 15 USC 80a-37(a)**CFR Citation:** 17 CFR 270.12d3-1**Legal Deadline:** None

Abstract: The Commission had proposed, and received comments on, amendments to Rule 12d3-1 that would facilitate the acquisition by investment

companies of the equity securities of foreign securities firms. The Division of Investment Management withdrew the proposal (RIN 3235-AD19) from the Unified Agenda to consider it in the context of a comprehensive study of the Investment Company Act of 1940. After again considering the proposal as a separate rulemaking proposal, the Commission has proposed revised amendments to Rule 12d3-1 that would permit registered investment companies more flexibility, than under the current rule or the prior proposal, to purchase the securities of securities-related businesses by eliminating the rule's marginability and investment grade conditions for such acquisitions.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM - Proposed Amendments to Rule 12d3-1 Under the Inv. Co. Act 1940 | 08/11/89 | 54 FR 33027 |
| NPRM | 01/08/93 | 58 FR 3243 |
| NPRM Comment | 03/09/93 | |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses**Government Levels Affected:** None**Agency Contact:** L. Bryce Stovell, Senior Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2048**RIN:** 3235-AE47**4919. SECURITIES TRANSACTIONS EXEMPT FROM TRANSACTION FEES****Legal Authority:** 15 USC 78a et seq; 15 USC 77c et seq**CFR Citation:** 17 CFR 240.31-1; 17 CFR 240.31-1(g)**Legal Deadline:** None

Abstract: The proposal provides an exemption from the payment of fees for certain securities transactions. Many transactions occurring after regular trading hours involve portfolio trades. These transactions when executed overseas, currently may be exempt from section 31 transaction fees pursuant to Rule 31-1(e). The amendment to Rule 31-1, as proposed by the Commission, would provide a limited exemption from the payment of section 31 fees for sales involving 15 securities or more at one aggregate price occurring on or

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off an exchange in listed securities after regular trading hours. By aligning the fee exemption for after-hours portfolio trading to match the treatment for overseas trading, the proposal should promote the public interest and equal protection of markets because it will remove an incentive for executing these trades overseas.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 06/03/91 | 56 FR 25056 |
| NPRM Comment | 07/03/91 | |
| Period End | | |

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cheryl Dunfee 202 272-3996.

Agency Contact: Sandy Sciole, Special Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street NW., Washington, DC 20549, 202 272-7379
RIN: 3235-AE52

4920. RULE 6C-10 UNDER THE INVESTMENT COMPANY ACT OF 1940 AND AMENDMENT TO ITEM 2 OF FORM N-1A UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-22; 15 USC 80a-37(a); 15 USC 80a-39; 15 USC 77a et seq

CFR Citation: 17 CFR 270.6c-10; 17 CFR 239.15A

Legal Deadline: None

Abstract: The Commission had proposed, and received comments on, new Rule 6c-10 under the Investment Company Act of 1940 which would provide a registered open-end management investment company, other than a registered insurance company separate account, and certain related persons with exemptions from the Act to the extent necessary to permit the fund to impose sales loads on a deferred basis. The Commission had also proposed amendments to Form N-1A, the registration statement for funds, to accommodate the deferred sales loads that would be permitted if Rule 6c-10 is adopted. The Division of Investment Management withdrew the proposal [previous RIN: 3235-AD18] from the Unified Agenda to consider it in the context of a comprehensive

study of the Act. The staff is now reconsidering the proposal as a separate rulemaking proposal.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/02/88 | 53 FR 45275 |
| NPRM Comment | 01/09/89 | |
| Period End | | |
| Final Action | 11/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: L. Bryce Stovell, Senior Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2048

RIN: 3235-AE97

4921. INVESTMENT COMPANY GENERAL PARTNERS NOT DEEMED INTERESTED PERSONS; INVESTMENT COMPANY LIMITED PARTNERS NOT DEEMED AFFILIATED PERSONS

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.2a19-2; 17 CFR 270.2a3-1

Legal Deadline: None

Abstract: The Commission proposed rules providing, under appropriate conditions, comparable treatment for investment companies organized as limited partnerships as for investment companies organized as corporations. Proposed Rule 2a19-2 would exempt certain general partners of an investment company organized as a limited partnership from being considered "interested persons" of the investment company, its investment adviser, or its principal underwriter, solely on the basis of their status as partners or co-partners. Proposed Rule 2a3-1 would exempt certain limited partners of an investment company organized as a limited partnership from being considered "affiliated persons" of the investment company, other partners of the investment company, its investment adviser, or its principal underwriter, solely on the basis of their status as partners or co-partners. This item is a reconsideration of an item that was previously on the Unified Agenda and withdrawn (see prior RIN 3235-AD83). These rules, if adopted, should eliminate the need for certain limited partnership investment companies to file (cont)

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/28/92 | 57 FR 34726 |
| NPRM Comment | 10/06/92 | |
| Period End | | |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: individual exemptive applications, and their attendant costs, and make it easier for venture capital funds and other pooled investment vehicles to function as limited partnership investment companies under the Investment Company Act.

Agency Contact: Diane C. Blizzard, Assistant Director, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2048

RIN: 3235-AF01

4922. REVISION OF REGISTERED PUBLIC UTILITY COMPANY FINANCING RULES

Legal Authority: 15 USC 79c; 15 USC 79f(b); 15 USC 79i(c)(3); 15 USC 79t; 15 USC 79l

CFR Citation: 17 CFR 250.45; 17 CFR 250.52

Legal Deadline: None

Abstract: The proposed amendments are intended to further ease the regulatory and paperwork burden associated with seeking Commission approval for routine financings by registered holding companies and their subsidiary companies.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 07/07/92 | 57 FR 31156 |
| NPRM PUHCA of 1935 | 07/07/92 | 57 FR 31156 |
| NPRM Comment | 10/13/92 | |
| Period End | | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Brian Spires, Staff Attorney, Office of Public Utility Regulation, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-7688

RIN: 3235-AF49

SEC

Final Rule Stage

4923. PROCEDURES FOR EXEMPTIVE ORDERS**Significance:** Agency Priority**Legal Authority:** 15 USC 6(c); 15 USC 37(a); 15 USC 78d-1**CFR Citation:** 17 CFR 200.30-5; 17 CFR 270.0-5**Legal Deadline:** None

Abstract: The Commission proposed for comment amendments to Rule 0-5 under the Investment Company Act of 1940. The amendments to Rule 0-5 would provide a procedure for the expedited treatment of certain types of applications. The Commission also has proposed for comment amendments to Rule 30-5 Delegation of Authority to Director of Division of Investment Management. The amendments would expand the Division's delegated authority to remove unnecessary delays in the consideration of certain types of applications.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 03/31/93 | 58 FR 16799 |
| NPRM Comment Period End | 06/29/93 | |
| Final Action | 11/00/93 | |

Small Entities Affected: Businesses**Government Levels Affected:** Federal**Additional Information:** A correction to the proposing release was published April 9, 1993 (58-FR 18352).

Agency Contact: Matthew M. O'Toole, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 504-2834

RIN: 3235-AF56

4924. OFF-THE-PAGE PROSPECTUSES FOR OPEN-END MANAGEMENT INVESTMENT COMPANIES**Significance:** Agency Priority**Legal Authority:** 15 USC 77j(b); 15 USC 77s(a)**CFR Citation:** 17 CFR 230.482**Legal Deadline:** None

Abstract: The Commission has proposed for public comment amendments to Rule 482 under the Securities Act of 1933, 17 CFR 230.482 containing requirements for the use of an advertisement that would allow

investors the option of purchasing shares directly from an open-end investment company by completing an application form included with the advertisement. The advertisement would be a prospectus for purposes of liability under section 12(2) of the Securities Act, 15 USC 771(2), and would be required to contain core information about the investment company.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 03/19/93 | 58 FR 16141 |
| NPRM Comment Period End | 06/23/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses**Government Levels Affected:** Federal

Agency Contact: Rochelle G. Kauffman, Senior Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2048

RIN: 3235-AF58

4925. REVISION OF CERTAIN ANNUAL REVIEW REQUIREMENTS OF INVESTMENT COMPANY BOARDS OF DIRECTORS**Significance:** Agency Priority**Legal Authority:** 15 USC 80a-6(c); 15 USC 80a-10(f); 15 USC 80a-17(e); 15 USC 80a-17(f); 15 USC 80a-22(c); 15 USC 80a-37(a)**CFR Citation:** 17 CFR 270.10f-3; 17 CFR 270.17a-7; 17 CFR 270.17e-1; 17 CFR 270.17f-4; 17 CFR 270.22c-1**Legal Deadline:** None

Abstract: The Commission has proposed for public comment amendments to rules 10f-3, 17a-7, 17e-1, 17f-4, and 22c-1 under the Investment Company Act of 1940. The proposed amendments would eliminate requirements in these rules that directors annually review certain arrangements and procedures, and require instead that directors make and approve changes only as the board deems necessary. The proposals are intended to substitute more meaningful requirements for the current annual review requirements, which are not necessary to further the purposes of the rules or to protect investors.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|------------|
| NPRM | 12/30/92 | 58 FR 2999 |
| NPRM Comment Period End | 03/08/93 | |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses**Government Levels Affected:** Federal

Agency Contact: Elizabeth R. Krentzman, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2048

RIN: 3235-AF60

4926. PROPOSALS TO UPDATE RULES AND FORMS UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT**Legal Authority:** 15 USC 79b(a)(3); 15 USC 79b(a)(4); 15 USC 79t; 15 USC 79n; 15 USC 79o; 15 USC 79c(d); 15 USC 79e(c); 15 USC 79i(c)(3); 15 USC 79l(c); 15 USC 79f(b); 15 USC 79l(d); 15 USC 79l(f); 15 USC 79aa(a); 15 USC 79l(e); 15 USC 79l(i); ...**CFR Citation:** 17 CFR 250.7; 17 CFR 250.26; 17 CFR 250.27; 17 CFR 250.29; 17 CFR 250.40(a)(5); 17 CFR 250.14(c); 17 CFR 250.42(b); 17 CFR 250.43(b); 17 CFR 250.44(b); 17 CFR 250.49; 17 CFR 250.62; 17 CFR 250.63; 17 CFR 250.65(b)(2); 17 CFR 250.71(b); 17 CFR 250.83(d); ...**Legal Deadline:** None

Abstract: The proposals are intended generally to modernize the rules under the Act and, in particular, to reduce undue regulatory burdens on companies in a registered holding company system. The amendments would also broaden the exemption from regulation for companies that are primarily engaged in nonutility businesses.

Timetable:

| Action | Date | FR Cite |
|----------------------------|--------------|-------------|
| NPRM | 11/16/92 | 57 FR 54025 |
| NPRM Comment Period End | 01/15/93 | 57 FR 54025 |
| Next Action | Undetermined | |

Small Entities Affected: Businesses**Government Levels Affected:** None

Additional Information: CFR CITATION CONT: 17 CFR 259.55; 17 CFR 259.212a; 17 CFR 259.212b; 17 CFR 259.313

SEC

Final Rule Stage

LEGAL AUTHORITY CONT: 15 USC 79m(b)

Agency Contact: Brian Spires, Staff Attorney, Office of Public Utility Regulation, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-7688

RIN: 3235-AF68

4927. CERTAIN RESEARCH AND DEVELOPMENT COMPANIES

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.3a-8

Legal Deadline: None

Abstract: The Division of Investment Management is considering whether to recommend that the Commission propose a rule that would exempt from the definition of investment company under the Investment Company Act certain companies that invest excess funds in securities pending their use to finance research and development activities. The rule would clarify the status of certain companies, such as biotechnology companies, that are not primarily engaged in the investment company business.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/15/93 | 58 FR 38095 |
| Final Action | 01/00/94 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: L. Bryce Stovell, Senior Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2048

RIN: 3235-AF69

4928. AMENDMENTS TO THE MULTIJURISDICTIONAL DISCLOSURE SYSTEM

Significance: Agency Priority

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s; 15 USC 78c; 15 USC 78dA; 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o; 15 USC 78p; 15 USC 78w

CFR Citation: 17 CFR 229; 17 CFR 230; 27 CFR 239; 17 CFR 240

Legal Deadline: None

Abstract: The Commission has adopted amendments which continue the requirement that financial statements included in filings on Forms F-10 and 40-F include a reconciliation to U.S. generally accepted accounting principles. The Commission has proposed amendments to revise rules and forms relating to the multijurisdictional disclosure system for Canadian issues, including revisions which would (1) modify the eligibility requirements for use of certain forms, (2) recognize investment grade ratings by securities rating organizations recognized by Canadian securities regulators for purposes of the eligibility requirements under Forms F-9 and 40-F, and (3) permit unallocated shelf registrations for filings under the system.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 04/28/93 | 58 FR 26442 |
| NPRM Comment Period End | 06/02/93 | |
| Final Action on Certain Proposals | 06/28/93 | 58 FR 35367 |
| NPRM Comment Period End for Certain Proposals | 07/02/93 | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard M. Kosnik, Chief, Office of International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street NW., Washington, DC 20549, 202 272-3246

RIN: 3235-AF75

4929. EFFECT OF EXEMPT WHOLESALE GENERATORS ON OTHER TRANSACTIONS

Significance: Agency Priority

Legal Authority: 15 USC 79(t)

CFR Citation: 17 CFR 250.54

Legal Deadline: None

Abstract: The proposed rule is intended to provide a safe harbor for the financing of transactions by a registered holding company other than the acquisition of an exempt wholesale generator when the registered holding company holds an interest in one or more exempt wholesale generators.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 03/08/93 | 58 FR 13719 |
| NPRM Comment Period End | 04/14/93 | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Karen McMillan, Staff Attorney, Office of Public Utility Regulation, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 504-3387

RIN: 3235-AF77

4930. NOTICES AND REPORTS TO BE FILED UNDER SECTION 33

Significance: Agency Priority

Legal Authority: 15 USC 79(n); 15 USC 79(t)

CFR Citation: 17 CFR 250.57

Legal Deadline: None

Abstract: The proposed rule specifies the information to be provided to the Commission under P.L. 102-406, Sec. 715. The rule also provides for the reporting of acquisition of foreign utility companies by exempt holding companies.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 03/08/93 | 58 FR 13719 |
| NPRM Comment Period End | 04/14/93 | |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Karen McMillan, Staff Attorney, Office of Public Utility Regulation, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 504-3387

RIN: 3235-AF80

4931. CERTAIN REGISTERED HOLDING COMPANY FINANCINGS IN CONNECTION WITH THE ACQUISITION OF ONE OR MORE EXEMPT WHOLESALE GENERATORS

Significance: Agency Priority

Legal Authority: 15 USC 79(t); 15 USC 79(n)

CFR Citation: 17 CFR 250.53; 17 CFR 259.5s(Revision)

SEC

Final Rule Stage

Legal Deadline: None

Abstract: The proposed rule is intended to provide a safe harbor for the financing of acquisitions of exempt wholesale generators by registered holding companies. The amendment to Form U5S provides for the reporting of those acquisitions and of acquisitions of foreign utility companies by registered holding companies.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/08/93 | 58 FR 13719 |
| NPRM Comment | 04/14/93 | |

Period End
Next Action Undetermined

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Karen McMillan, Staff Attorney, Office of Public Utility Regulation, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 504-3387

RIN: 3235-AF86

4932. • CONTINUOUS OR DELAYED OFFERINGS BY CERTAIN CLOSED-END MANAGEMENT INVESTMENT COMPANIES; AUTOMATIC EFFECTIVENESS OF CERTAIN REGISTRATION STATEMENTS

Legal Authority: 15 USC 77g; 15 USC 77h; 15 USC 77s(a); 15 USC 77f; 15 USC 77j; 15 USC 80a-8(b); 15 USC 80a-24(a); 15 USC 80a-37(a)

CFR Citation: 17 CFR 230.415; 17 CFR 230.485a

Legal Deadline: None

Abstract: The Commission proposed for public comment an amendment to rule 415 under the Securities Act and new rule 485a under the Securities Act. The amendment to rule 415 would permit closed-end management investment companies or business development companies that make periodic repurchases under Investment Company Act Rule 23c-3 to offer securities on a continuous or delayed basis. New rule 485a would provide for the automatic effectiveness of post-effective amendments to registration statements, or new registration statements for the purpose of registering additional securities, filed by such investment companies. The Commission also proposed certain related changes to Form N-2, the

registration form for closed-end investment companies.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 04/07/93 | 58 FR 19361 |
| Final Action | 10/00/93 | |

Small Entities Affected: Businesses**Government Levels Affected:** Federal

Agency Contact: Robert G. Bagnall, Assistant Chief of Office, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-3042

RIN: 3235-AF86

4933. • AMENDMENT TO RULE 3A12-8 UNDER THE SECURITIES EXCHANGE ACT OF 1934

Legal Authority: 15 USC 78(a) to 78(w)

CFR Citation: 17 CFR 240.3a12-8

Legal Deadline: None

Abstract: The proposed rule would designate debt obligations issued by the Kingdom of Spain as exempted securities for purposes of marketing and trading of futures contracts on these securities in the United States. The amendment is intended to permit futures on Spanish government debt to be traded in the U.S. This change is not intended to have any substantive effect on the operation of the rule.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/04/93 | 58 FR 27684 |
| NPRM Comment | 06/10/93 | |

Period End
Next Action Undetermined

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Michael A. Walinskas, Staff Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street NW., Washington, DC 20549, 202 504-2545

RIN: 3235-AF88

4934. • PENNY STOCK DEFINITION FOR PURPOSES OF THE BLANK CHECK RULE

Legal Authority: 15 USC 77g; 15 USC 77s; 15 USC 78c(a)(51)(A); 15 USC 78w(a)

CFR Citation: 17 CFR 240.3a51-1

Legal Deadline: None

Abstract: The Commission has proposed that the definition of penny stock for purposes of the Commission's blank check rule be revised to make the exclusion for offerings priced at five dollars or more inapplicable.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/02/93 | 58 FR 37445 |
| NPRM Comment | 08/11/93 | |

Period End
Next Action Undetermined

Small Entities Affected: Businesses**Government Levels Affected:** None

Agency Contact: Richard Wulff, Chief, Office of Small Business Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street NW., Washington, DC 20549, 202 272-2644

RIN: 3235-AF90

4935. • EFFECTIVE DATE OF POST-EFFECTIVE AMENDMENTS FILED BY CERTAIN REGISTERED INVESTMENT COMPANIES, SEPARATE ACCOUNTS OF INSURANCE COMPANIES AND CERTAIN CLOSED-END MANAGEMENT INVESTMENT COMPANIES

Significance: Agency Priority

Legal Authority: 15 USC 77a et seq; 15 USC 80a-1 et seq; 15 USC 80b-11

CFR Citation: 17 CFR 200.30-5; 17 CFR 230.485; 17 CFR 230.486; 17 CFR 230.487; 17 CFR 270.6e-3(T); 17 CFR 274.101; 17 CFR 239.15A; 17 CFR 239.14; 17 CFR 239.16; 17 CFR 239.17a; 17 CFR 239.17b; 17 CFR 274.11A; 17 CFR 274.11a-1; 17 CFR 274.aab; 17 CFR 274.11c

Legal Deadline: None

Abstract: The staff is considering amendments to Rule 485 and related rules and forms to clarify the rule and to expand the ability of open-end and certain closed-end management investment companies and separate accounts of insurance companies to file post-effective amendments that become effective upon filing.

Timetable: Next Action Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

Agency Contact: Janice M. Bishop, Staff Attorney, Securities and Exchange Commission, Division of Investment

SEC

Final Rule Stage

Management, 450 5th Street NW.,
Washington, DC 20549, 292 272-2107
RIN: 3235-AF96

4936. • REDEMPTIONS BY OPEN-END MANAGEMENT INVESTMENT COMPANIES AT PERIODIC INTERVALS OR WITH EXTENDED PAYMENT

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-22(c); 15 USC 80a-33(b); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.0-1; 17 CFR 270.22C-1; 17 CFR 270.27C-2; 17 CFR 274.11a; 17 CFR 274.11B; 17 CFR 274.11C

Legal Deadline: None

Abstract: The Commission proposed new rules and rule amendments under the Investment Company Act to provide that open-end investment companies and registered separate accounts may take up to 31 days to pay redemption proceeds and/or may redeem only at periodic intervals. The proposal would permit greater investment in less liquid securities than is permitted for open-end companies and would permit insurance companies to use investment vehicles that are more consistent with the long-term nature of variable insurance contracts.

Timetable:

| Action | Date | FR Cite |
|--------------|--------------|-------------|
| NPRM | 07/28/92 | 57 FR 34701 |
| NPRM Comment | 11/04/92 | |
| Period End | | |
| Next Action | Undetermined | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert G. Bagnall, Assistant Chief of Office, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-3042

RIN: 3235-AF98

SECURITIES AND EXCHANGE COMMISSION (SEC)

Completed Actions

4937. DISCLOSURE OF SIGNIFICANT EQUITY PARTICIPANTS IN CONTROL TRANSACTIONS

Legal Authority: 15 USC 78c(b); 15 USC 78m(d); 15 USC 78n; 15 USC 78v

CFR Citation: 17 CFR 240.13d-101; 17 CFR 240.13e-100; 17 CFR 240.14a-102; 17 CFR 240.14d-100

Legal Deadline: None

Abstract: The Commission is no longer considering taking action with respect to this proposal regarding disclosure of significant equity participants in control transactions.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/13/89 | 54 FR 10360 |
| NPRM Comment | 05/12/89 | |
| Period End | | |
| Withdrawn | 07/16/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David A. Sirignano, Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street NW., Washington, DC 20549, 202 272-3097

RIN: 3235-AD42

4938. DISCLOSURE AND ANALYSIS OF MUTUAL FUNDS' PERFORMANCE INFORMATION; PORTFOLIO MANAGER DISCLOSURE

Significance: Agency Priority

Legal Authority: 15 USC 80a-29(b); 15 USC 80a-37(a); 15 USC 80a-30

CFR Citation: 17 CFR 274.11A; 17 CFR 239.15A; 17 CFR 239.23; 17 CFR 239.23

Legal Deadline: None

Abstract: The Commission has adopted amendments to Form N-1A, the registration form used by mutual funds to register under the Investment Company Act of 1940 and to register securities under the Securities Act of 1933. These amendments improve disclosure regarding the performance of mutual funds and the individuals responsible for that performance. The amended form requires a fund to provide in its prospectus a new Financial Highlights table and disclosure about its portfolio manager(s). Funds are also required to provide a management's Discussion of Fund Performance (narrative analysis and performance graph) in either the prospectus or annual report to shareholders. Conforming amendments to rule 34b-1 under the 1940 Act and Form N-14 under the 1933 Act were also adopted.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 01/16/90 | 55 FR 1460 |
| NPRM Comment | 03/12/90 | |
| Period End | | |
| Final Action Form and rule amendments adopted | 04/06/93 | 58 FR 19050 |
| Final Action Effective | 07/01/93 | 58 FR 19050 |

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: The general effectiveness date of the amendments is July 1, 1993, but this date does not apply to all funds. Individual funds should refer to Section I.E. of the release to determine when the amendments require fund action.

Agency Contact: Robert E. Plaze, Assistant Director, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2107

RIN: 3235-AD81

4939. RULES 603(A) AND 606 OF REGULATION E

Legal Authority: 15 USC 77c(c); 15 USC 80a-37

CFR Citation: 17 CFR 230.601; 17 CFR 230.602; 17 CFR 230.603(a); 17 CFR 230.605; 17 CFR 230.606; 17 CFR 230.609

Legal Deadline: None

Abstract: The Commission has proposed amendments to Regulation E to: (1) increase from \$5 million to \$15 million the aggregate offering price of all securities of small business investment companies that may be sold within a 12-month period; and (2) increase the aggregate offering price of securities of a small business investment company or a business development company that may be sold by a security holder from \$100,000 to \$1.5 million. The staff is not planning to make any recommendation concerning this proposal.

SEC

Completed Actions

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 03/20/92 | 57 FR 9825 |
| NPRM Comment | 05/19/92 | |
| Period End | | |
| Withdrawn | 07/09/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen K. Clarke, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2107

RIN: 3235-AE96

4940. PERIODIC REPURCHASES BY CLOSED-END MANAGEMENT INVESTMENT COMPANIES

Significance: Agency Priority

Legal Authority: 15 USC 78a; 15 USC 78i(a); 15 USC 78j(b); 15 USC 78m(e); 15 USC 78n(d); 15 USC 78n(e); 15 USC 78w; 15 USC 80a-6(c); 15 USC 78b

CFR Citation: 17 CFR 240.10b-6; 17 CFR 240.13e-4; 17 CFR 240.14e-6; 17 CFR 270.23c-3; 17 CFR 274.11a-1; 17 CFR 274.221

Legal Deadline: None

Abstract: The Commission adopted new rules and rule amendments under the Investment Company Act and the Securities Exchange Act to provide that closed-end investment companies may repurchase their shares at periodic intervals at net asset value.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 07/28/92 | 57 FR 34701 |
| NPRM Comment | 11/04/92 | |
| Period End | | |
| Final Action | 04/07/93 | 58 FR 19330 |
| Final Action Effective | 05/14/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert G. Bagnall, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington DC 20549, 202 272-2048

RIN: 3235-AF50

4941. PROHIBITIONS AGAINST TRADING BY PERSONS INTERESTED IN A DISTRIBUTION

Significance: Agency Priority

Legal Authority: 15 USC 78b; 15 USC 78c; 15 USC 78i(a); 15 USC 78j(b); 15 USC 78m(e); 15 USC 78o(c)

CFR Citation: 17 CFR 240.10b-6

Legal Deadline: None

Abstract: Rule 10b-6 prohibits persons engaged in a distribution of securities from bidding for or purchasing, or inducing others to purchase, such securities, any security of the same class and series as those securities, or any right to purchase any such security, until they have completed their participation in the distribution. On April 8, 1993, the Commission adopted a new exception to Rule 10b-6 and a new companion rule, Rule 10b-6A(T) under the Securities Exchange Act of 1934 to permit "passive market making" in connection with certain distributions of securities quoted on NASDAQ during the period when Rule 10b-6 would otherwise prohibit such activity. The new provisions would apply to a firm commitment distribution of securities that qualify for the two business day "cooling-off" period of Rule 10b-6. A passive market maker's bids are limited by the level of bids of market makers who are not participating in the distribution. The new exception and new rule were adopted in response to a petition for rulemaking filed by the National Association of Securities Dealers.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 10/29/92 | 57 FR 49039 |
| NPRM Comment | 12/15/92 | |
| Period End | | |
| Final Action | 04/08/93 | 58 FR 19598 |
| Final Action Effective | 05/17/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy J. Sanow, Assistant Director, Office of Trading Practices, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street NW., Washington, DC 20549, 202 272-2848

RIN: 3235-AF52

4942. SOLICITATION OF PURCHASES ON AN EXCHANGE TO FACILITATE DISTRIBUTION OF SECURITIES

Legal Authority: 15 USC 78j

CFR Citation: 17 CFR 240.10b-2

Legal Deadline: None

Abstract: Subject to certain exceptions, Rule 10b-2 prohibited any person participating or otherwise financially interested in a distribution of securities from compensating any person for soliciting another person to purchase on a national securities exchange, any security of the same issuer whose securities are the subject of the distribution. In view of the significant changes that have taken place in the securities markets since the rule's adoption and the coverage of other antifraud and anti-manipulation provisions of federal securities laws, particularly Rules 10b-5 and 10b-6 under the Securities Exchange Act of 1934, the Commission rescinded Rule 10b-2.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 12/04/92 | 57 FR 57397 |
| NPRM Comment | 01/04/93 | |
| Period End | | |
| Final Action | 04/02/93 | 58 FR 18145 |
| Final Action Effective | 04/08/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy J. Sanow, Assistant Director, Office of Trading Practices, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street NW., Washington, DC 20549, 202 272-2848

RIN: 3235-AF53

4943. DISCLOSURE OF INVESTMENT PORTFOLIO SECURITIES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s; 15 USC 80a-8; 15 USC 80a-24; 15 USC 80a-30; 15 USC 80a-37a

CFR Citation: 17 CFR 210.6-10; 17 CFR 210.12-12; 17 CFR 270.30G 2-1; 17 CFR 270.30d-1; 17 CFR 239.15A; 17 CFR 274.11A; 17 CFR 239.11A; 17 CFR 274.11G

Legal Deadline: None

Abstract: The Division of Investment Management is no longer considering changes to Regulation S-X and certain investment company registration statement forms that would permit open-end investment companies to provide an abbreviated listing of portfolio securities with their financial statements under certain circumstances.

SEC

Completed Actions

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/09/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen K. Clarke, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street NW., Washington, DC 20549, 202 272-2097

RIN: 3235-AF61

4944. ADDITIONAL SMALL BUSINESS INITIATIVES

Significance: Agency Priority

Legal Authority: 15 USC 77b; 15 USC 77c(b); 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 78l; 15 USC 78m; 15 USC 78o(d); 15 USC 78p(a); 15 USC 78w(a); 15 USC 77sss

CFR Citation: 17 CFR 228; 17 CFR 230; 17 CFR 239; 17 CFR 240; 17 CFR 249; 17 CFR 260

Legal Deadline: None

Abstract: The Commission adopted rules and form revisions to facilitate financings by small business issuers under the Securities Act of 1933 and their compliance with the reporting requirements of the Securities Exchange Act of 1934.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/29/92 | 57 FR 36502 |
| NPRM Comment | 09/14/92 | |
| Period End for Rule 504a | | |
| NPRM Comment | 09/29/92 | |
| Period End for Other Items | | |

Action Date FR Cite

| | | |
|------------------------|----------|-------------|
| Final Action | 05/04/93 | 58 FR 26509 |
| Final Action Effective | 06/03/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Martin Dunn, Attorney Adviser, Office of Chief Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street NW., Washington, DC 20549, 202 272-2573

RIN: 3235-AF63

4945. RULE 17A-11 EARLY WARNING RULE

Legal Authority: 15 USC 77c; 15 USC 77d; 15 USC 77g; 15 USC 77j; 15 USC 77s; 15 USC 77eee; 15 USC 77ggg; 15 USC 77nnn; 15 USC 77sss; 15 USC 77ttt; 15 USC 78c; 15 USC 78d; 15 USC 78i; 15 USC 78j; 15 USC 78l; ...

CFR Citation: 17 CFR 240.17a-11

Legal Deadline: None

Abstract: Rule 17a-11 requires a broker dealer to give notice and transmit reports to the Commission and other regulatory bodies when its net capital declines below certain specified levels, or in other instances that indicate the existence of financial or operational difficulties. The final amendments, among other things, eliminate the requirement that broker-dealer submit the supplemental reports now required by Rule 17a-11.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/13/93 | 58 FR 37655 |
| Final Action Effective | 08/12/93 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Roger G. Coffin, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street NW., Washington, DC 20549, 202 272-7375

RIN: 3235-AF67

4946. REQUIREMENT OF BROKER-DEALERS TO COMPLY WITH SRO QUALIFICATION STANDARDS

Significance: Agency Priority

Legal Authority: 15 USC 78o; 15 USC 78w

CFR Citation: 17 CFR 240.15b7-1

Legal Deadline: None

Abstract: The Commission has adopted a Rule under section 15(b)(7) of the Exchange Act prohibiting registered broker-dealers from effecting any securities transaction unless the associated person effecting such transaction is in compliance with the qualification requirements established under the rules of any self-regulatory organizations of which the broker-dealer is a member or to which it is subject.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action Effective | 01/10/93 | |
| Final Action | 05/04/93 | 58 FR 27656 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Andrew S. Margolin, Staff Attorney, Office of Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street NW., Washington, DC 20549, 202 504-2418

RIN: 3235-AF76

[FR Doc. 93-22936 Filed 10-22-93; 8:45 am]

BILLING CODE 8010-01-F

Federal Register

**Monday
October 25, 1993**

Part LXI

**Thrift Depositor
Protection Oversight
Board**

Semiannual Regulatory Agenda

THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD (OB)**THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD**

12 CFR Ch. XV

Unified Regulatory Agenda

AGENCY: Thrift Depositor Protection Oversight Board.

ACTION: Publication of agenda items.

SUMMARY: The Thrift Depositor Protection Oversight Board, established pursuant to section 21A(a)(1) of the Federal Home Loan Bank Act, as amended, 12 U.S.C. 1441a(a)(1), is hereby publishing items for the October 1993 Unified Agenda of Federal Regulations.

ADDRESSES: Comments should be addressed to the Secretary, Thrift

Depositor Protection Oversight Board, 1777 F Street NW., Washington, DC 20232.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated below.

Dated: August 5, 1993.
Thrift Depositor Protection Oversight Board.
Richard H. Farina,
Acting President.

THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD (OB)**Proposed Rule Stage****4947. MINIMUM STANDARDS OF COMPETENCE, EXPERIENCE, INTEGRITY, AND FITNESS****Significance:** Agency Priority**Legal Authority:** 12 USC 1441a(a)(13); 12 USC 1441a(n)(6)**CFR Citation:** 12 CFR 1504**Legal Deadline:** None

Abstract: The Oversight Board is required by statute to provide regulations establishing procedures for ensuring that any individual who is performing, directly or indirectly, any function or service on behalf of the Resolution Trust Corporation meets minimum standards of competence, experience, integrity, and fitness. Existing regulations are included in rules governing employee responsibilities and conduct, which were superseded for the most part, effective February 3, 1993, by the governmentwide rule issued by the Office of Government Ethics. Although the existing minimum standards, codified at 12 CFR 1505.40, remain in effect, the Thrift Depositor Protection Oversight Board will prescribe a new separate rule under its independent statutory authority.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |
| Final Action | 12/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Lawrence W. Hayes, Deputy General Counsel, Thrift Depositor Protection Oversight Board, 1777 F Street NW., Washington, DC 20232, 202 786-9681

RIN: 3203-AA07**4948. SUPPLEMENTAL REGULATIONS ON EMPLOYEE STANDARDS OF CONDUCT****Significance:** Agency Priority**Legal Authority:** EO 12674; 12 USC 1441a(a)(13); 12 USC 1441a(n)(2)**CFR Citation:** 5 CFR 2635**Legal Deadline:** None

Abstract: The Oversight Board is required by statute to promulgate regulations governing conflict of

interest, ethical responsibilities, and post-employment restrictions applicable to members, officers, and employees that are no less stringent than those applicable to the Federal Deposit Insurance Corporation. Pursuant to this requirement, the Board will issue regulations supplementing the governmentwide standards of conduct rule issued by the Office of Government Ethics, which superseded the Oversight Board's existing rule on February 3, 1993.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| NPRM | 11/00/93 | |
| NPRM Comment | 12/00/93 | |
| Period End | | |
| Final Action | 12/00/93 | |
| Final Action Effective | 12/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Lawrence W. Hayes, Deputy General Counsel, Thrift Depositor Protection Oversight Board, 1777 F Street NW., Washington, DC 20232, 202 786-9681

RIN: 3203-AA08**THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD (OB)****Final Rule Stage****4949. EMPLOYEE RESPONSIBILITIES AND CONDUCT****Legal Authority:** 12 USC 1441a**CFR Citation:** 12 CFR 1505**Legal Deadline:** Final, Statutory, February 5, 1990.

Abstract: The final rule issued by the Office of Government Ethics establishing uniform standards of

ethical conduct for officers and employees of the Government, effective February 3, 1993, superseded most of the Thrift Depositor Protection Oversight Board's interim final rule.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-----------|
| NPRM | 01/09/90 | 55 FR 820 |

| Action | Date | FR Cite |
|--------------------|----------|------------|
| NPRM Comment | 02/08/90 | |
| Period End | | |
| Interim Final Rule | 02/14/90 | 55 FR 5358 |
| To Be Repealed | 11/00/93 | |

Small Entities Affected: None**Government Levels Affected:** None

OB Final Rule Stage

Agency Contact: Lawrence W. Hayes,
Deputy General Counsel, Thrift
Depositor Protection Oversight Board,
1777 F Street NW., Washington, DC
20232, 202 786-9681

RIN: 3203-AA03

**4950. EXEMPTION OF SYSTEM OF
RECORDS FROM PRIVACY ACT
PROVISIONS**

Significance: Agency Priority

Legal Authority: 5 USC 552a; 12 USC
1441a(a)(2); 12 USC 1441a(a)(13)

CFR Citation: 12 CFR 1503.13

Legal Deadline: None

Abstract: Addition to the Privacy Act
rule of the Oversight Board of the
specific exemption that may be
promulgated pursuant to 5 USC
552a(k)(5).

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/24/92 | 57 FR 61342 |
| NPRM Comment Period End | 01/25/93 | 57 FR 61342 |

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 11/00/93 | |
| Final Action Effective | 11/00/93 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence W. Hayes,
Deputy General Counsel, Thrift
Depositor Protection Oversight Board,
1777 F Street NW., Washington, DC
20232, 202 786-9681

RIN: 3203-AA09

[FR Doc. 93-21463 Filed 10-22-93; 8:45 am]

BILLING CODE 2222-01-F

INDEX TO ENTRIES THAT MAY AFFECT SMALL ENTITIES

The Regulatory Flexibility Act (5 U.S.C. 601) requires that agencies publish regulatory agendas identifying those rules that may have a significant economic impact on a substantial number of small entities. Agencies meet that requirement by including the information in their submissions for the Unified Agenda of Federal Regulations.

The following index lists the regulatory actions that agencies in the Unified Agenda believe may have effects on small businesses, small governmental jurisdictions, or small organizations. The Sequence Number (Seq. No.) of the entry identifies the location of the entry in this edition of the Agenda. For further information, see the Regulatory Information Service Center's Introduction to the Unified Agenda in Part II of this issue.

| Small Businesses | | Seq. No. | Title | Seq. No. | Title |
|------------------|--|----------|--|----------|---|
| Seq. No. | Title | | | | |
| | USDA | | | | |
| 5 | Establish a Processor-Funded Milk Promotion Program | 176 | Adverse Decisions and Administrative Appeals; FmHA Instruction 1900-B | 289 | Food Stamp Program: Maximum Allotments for the 48 States and DC, and Income Elig. Stds. and Deductions for the 48 States and DC, Alaska, Hawaii, Guam, and the Virgin Islands |
| 6 | Revision of Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products | 179 | Farmer Program Account Servicing Policies for Section 1816 and Other Related Sections for the "1990 FACT Act" | 310 | Prior Label Approval Process |
| 8 | Policy Statement and Regulations Governing Availability of Tobacco Inspection Services to Burley Tobacco on Designated Markets | 183 | Implement Section 1818 (Borrower Training) of the Food Agriculture, Conservation, and Trade Act of 1990 (Fact Act) | 311 | Substitute Products Identified by Standardized Terms and Nutrient Content Claims |
| 13 | Fees and Charges, Mandatory Tobacco Inspection | 187 | Appraisal of Farms and Leasehold Interests (FIRREA) | 330 | Prominent Labeling Disclosures on Meat and Poultry Products |
| 14 | User Fees for Cotton Classification Services to Growers | 189 | Five-Year Applicant Loan Eligibility Certification by County Committee | 340 | Reporting Requirements Related to Tobacco Exports |
| 24 | Revision of Fees for Fresh Fruit and Vegetable Destination Market Grading Services | 190 | Implementation of Certified Lender Program | 342 | Section 22 Import Quotas |
| 32 | Regulation Governing the Fresh Irish Round White Potato Diversion Program, 1992 Crop | 191 | 1945-D Emergency Loan Policies, Procedures, and Authorizations -- Waiver of Crop Insurance for Crops Planted for Harvest in 1992 and 1993 | 353 | Retention of Downpayment on Timber Sale Contracts |
| 36 | Fee Increase for Dairy Grading Program | 192 | Requirement of a 10 Percent Cash Down Payment in Conjunction With Insured and Guaranteed Farm Ownership Loans, Including Credit Sale, To Purchase Farm Real Estate | 361 | Solid Waste Disposal Policy |
| 44 | Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets | 195 | Revisions to the Insured and Guaranteed Operating (OI), Farm Ownership, (FO), and Soil and Water Loan and Related Instructions To Implement Sections 18 and 22 of PL 102-554 | 371 | Species Surplus to Domestic Manufacturing Needs |
| 46 | Grading and Inspection General Specifications for Approved Plants and Standards for Grades of Dairy Products; General Specification for Dairy Plants | 198 | Section 515 Nonprofit Set-Aside Funds | 374 | Collection of Reimbursable Costs for Processing Special-Use Applications and Administration of Special-Use Authorizations |
| 48 | Pork Promotion and Research: Decrease in Importer Assessments | 199 | FmHA Ins. 1955-A "Liquidation of Loan Secured by Real Estate and Acquisition of Real and Chattel Property "FmHA Ins. 1955-B "Manage. of Property" FmHA Ins. 1955-C | 389 | National Forest System Notice; Comment and Appeals Procedures |
| 128 | Chicken Disease Caused by Salmonella Enteritidis | 200 | Acquisition and Management of Real and Chattel Property | 394 | Audits of Institutions of Higher Education and Other Nonprofit Organizations |
| 134 | Harry S Truman Animal Import Center (HSTAIC); Exclusive Use | 201 | BID Application Deadline | 402 | Alcohol Fuels Credit Implementing Regulations |
| 136 | Animal Welfare; Random Source Dogs and Cats | 202 | Business and Industrial Loan Program | 403 | Rural Technology Development Grants |
| 137 | Fruits and Vegetables From Hawaii, Puerto Rico, and the Virgin Islands | 206 | Rural Rental Housing Loan Policies, Procedures and Authorizations -- Processing Preapplications | 404 | Local Technical Assistance and Planning Grants |
| 148 | Section 502 Rural Housing Loan Policies, Procedures, and Authorizations | 208 | Disposal of Inventory Property | 459 | New Restrictions on Lobbying |
| 148 | Deny Credit to Applicants Delinquent on Any Federal Debt | 212 | 1980-E Business and Industrial Loan Program -- Feasibility Studies | | DOC |
| 157 | 1980-E Business and Industrial Loan Program -- Audit Requirements | 213 | 1980-E Business and Industrial Loan Program--Business and Industry Disaster Loans | 522 | Fastener Quality |
| 159 | Loans to Indian Tribes and Tribal Corporation | 215 | Insured and Guaranteed Soil and Water Loan | 540 | Use of Information Collected by Voluntary Fishery Data Collectors in Enforcement Proceedings |
| 164 | 1927-B Real Estate Title Clearance and Loan Closing | 244 | Food Distribution Programs -- Paperwork Reduction | 558 | Amendment 7 to the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region |
| 166 | Offsets of Federal Payments to FmHA Borrowers | 245 | Food Distribution Programs -- Implementation of 1990 Farm Bill | 584 | Sea Turtle Monitoring and Conservation Measures for Nonshrimp Fisheries |
| 169 | Revision to Planning and Performing Construction and Other Development and Related Construction Sections of Other FmHA Regulations | 278 | Technical Amendments to the State Processing Program and the National Commodity Processing Program | 565 | Amendment 5 to the Gulf of Mexico Reef Fish Fishery Management Plan |
| | | 282 | WIC Farmers' Market Nutrition Program | 578 | Proposed Rule To Require Certain Fish From Mexico To Retain Heads and Tails Intact in Order To Protect the Endangered Totoaba |
| | | 288 | Food Stamp Program: Maximum Allotments for Alaska, Hawaii, Guam, and the Virgin Islands | 597 | Regulatory Amendment for Red Snapper Management in 1994 Under the Gulf of Mexico |
| | | | | 605 | Regulatory Amendment To Establish Permit Consolidation Procedures Under the Pacific Coast Groundfish FMP Limited Entry Program |

| Small Businesses—Cont. | | Seq. No. | Title | Seq. No. | Title |
|------------------------|---|----------|--|----------|---|
| | | | DOD | | HHS |
| 618 | Amendment 8 to the Pacific Coast Groundfish Fishery Management Plan To Implement Individual Quotas for Sablefish and Pacific Halibut | 744 | Streamlined Research and Development Procedures (Lab Demonstrations) (DAR Case 92-D034) | 1058 | Nondiscrimination Requirements (Including on the Basis of Sex or Religion) Applicable to Block Grants and Standard Nondiscrimination Procedures Applicable to Certain Other Programs |
| 619 | Regulatory Amendment To Establish the 1994 Allocation of Pacific Whiting | 745 | Security Containers (DAR Case 92-D311) | 1059 | Principles for Determining Costs and Cost Allocation Procedures Applicable to Grants, Contracts, and Other Agreements for Work Performed by Hospitals |
| 629 | National Marine Sanctuary Program, Site Evaluation List | 753 | Waiver of Non-Manufacturer Rule (DAR Case 91-055) | 1060 | Equal Opportunity in Employment: Public Broadcasting, Public Radio, and Public Telecommunications Entities Receiving Federal Funds From the Corporation for Public Broadcasting |
| 635 | Fishermen's Protective Act | 755 | Electronic Funds Transfer (DAR Case 90-009) | 1062 | Civil Money Penalties (CMPs) for Certain Practices Relating to Medicare Supplemental Policies |
| 638 | Secretarial Fishery Management Plan for Sharks of the Atlantic Ocean | 759 | Incremental Funding, Fixed Price Contracts (DAR Case 90-037) | 1066 | Title VI of the CRA of 1964, Subpart B -- National Origin Discrimination in Programs Receiving Fed. Financial Assistance From the DHHS Against Persons of Limited English Proficiency |
| 639 | Amendment 15 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Amendment 20 to the FMP for the Groundfish Fishery of the Gulf of Alaska | 766 | Construction Performance Evaluation (DAR Case 92-D042) | 1108 | Procedures for Handling Earnings Reports (418P) |
| 641 | Regulatory Amendment—U.S. Nationals Fishing in Russian Fisheries | 767 | Uniform Procurement Instrument Identification Numbers (PIIN) (DAR Case 92-D044) | 1154 | Confidentiality of Substance Abuse Patient Records |
| 648 | Regulatory Amendment to Implement Permit, Reporting, and Recordkeeping and Observer Requirements for Processing Vessels Over 125 Feet and Their Catcher Vessels; Pacific Coast Groundfish | 768 | Organizational Conflicts of Interest (DAR Case 92-D344) | 1156 | Block Grants for Prevention and Treatment of Substance Abuse (Tobacco Provisions) |
| 660 | Fishing Vessel Obligation Guarantee Program | 771 | Production Surveillance (DAR Case 93-D003) | 1161 | Medical Foods |
| 674 | Interim Exemption Governing the Incidental Taking of Marine Mammals During Commercial Fishing Operations | 782 | Drug-Free Workforce (DAR Case 88-083) | 1165 | Implementation of Title I of the Generic Animal Drug and Patent Term Restoration Act |
| 677 | Nontrawl Sablefish Season Regulatory Amendment Under the Pacific Coast Groundfish FMP | 793 | Section 1207 (DAR Case 92-D332) | 1166 | Voluntary, Fee-for-Service Seafood Inspection Program |
| 680 | Regulatory Amendment Prohibiting Landing of Surf Clams and Ocean Quahogs on the Same Trip and Requiring Trip Notification | 794 | Small Business Subcontracting Plan (DAR Case 92-D333) | 1168 | Implementation of the Safe Medical Devices Act of 1990 |
| 681 | Regulatory Amendment To Implement Seasonally Expanded Trawl Fishery Closure Around Ugamak Island, Alaska | 795 | Certificate of Conformance Requirements (DAR Case 92-D334) | 1169 | Mandatory HACCP Seafood Inspection Program |
| 683 | Regulatory Amendment To Establish 1993 Allocation of Pacific Whiting | 796 | Certification of Contract Claims (DAR Case 92-D339) | 1171 | Reporting of Errors and Accidents Relating to Blood Safety and Withdrawal of Previously Proposed Rule |
| 684 | Regulatory Amendment for Red Snapper Management in 1993 Under the Gulf of Mexico Reef Fish Fishery Management Plan | 802 | Reduction in Defense Programs (DAR Case 92-D363) | 1174 | Part 1260; Human Semen for Artificial Insemination |
| 692 | Amendment 7 to the Pacific Coast Groundfish Fishery Management Plan | 814 | Mentor-Protege Credits (DAR Case 91-317) | 1175 | Medical Devices; Infant Apnea Monitor; Development of Mandatory Standard |
| 695 | Regulatory Amendment To Require Off-loading of Prohibited Species Caught Seaward of the EEZ; Groundfish Fisheries of the GOA and BSAI | 815 | Environmental Surety Bonds (DAR Case 91-325) | 1178 | Dietary Supplements |
| 696 | Regulatory Amendment To Reduce Halibut Bycatch Mortality Rates in the Hook-and-Line Fisheries for Groundfish in the Gulf of Alaska and the Bering Sea and Aleutian Islands Area | 851 | Part 326, Enforcement; Class II Administrative Penalties | 1179 | Clinical Investigator Disqualification |
| 698 | Regulatory Amendment to the FMP for Groundfish of the BSAI To Delay the Pollock Non-Roe Season | 862 | Air Force Materiel Command Federal Acquisition Regulation Supplement; Vendor Rating System | 1181 | Mammography Quality Standards Act of 1992 |
| 699 | Regulatory Amendment To Establish Pacific Halibut Bycatch Mortality Limits for Trawl and Non-trawl Gear | 863 | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Supplemental Insurance Plans (DoD 6010.8-R) | 1182 | Proposal To Establish Procedures for the Safe Processing, Packaging, Storage, and Distribution of Smoked Fish, Smoke-Flavored Fish, and Salted Fish |
| 703 | Regulatory Amendment To Establish "Fair Start" in the Gulf of Alaska Hook-and-Line Sablefish Fishery | | ED | 1185 | Current Good Manufacturing Practice for Blood and Blood Components; Notification of Consignees Receiving Blood and Blood Components at Increased Risk for Transmitting HIV Infection |
| 704 | Pacific Halibut Regulations for 1993 | 947 | State Vocational Rehabilitation Services Program—Criteria for Selection of Vocational Rehabilitation Services | 1192 | Medical Devices; Protective Restraints; Revocation of Exemptions From 510(k) Premarket Notification Procedures and Current Good Manufacturing Practices Regulations |
| 706 | Regulatory Amendment to the FMP for Groundfish of the Bering Sea and Aleutian Islands To Incorporate Community Development Quota Criteria | 957 | Technical Amendments Package—Rehabilitation Services Administration | 1193 | Food Labeling Review |
| 711 | Regulatory Amendment To Delay the Second Quarter Pollock Opening in the Gulf of Alaska | 967 | State-Administered Workplace Literacy Program and National Workplace Literacy Program | 1196 | Dietary Supplement Label Review |
| 726 | Procedures for Amending Patent Applications | | DOE | 1197 | Adverse Experience Reporting Required for Licensed Biological Products |
| | | 980 | Test Procedures for Commercial Air Conditioners and Heat Pumps | 1214 | Maternal and Child Health (MCH) Project Grants |
| | | 981 | Test Procedures for Commercial Furnaces and Boilers | 1232 | Responsibilities of Public Health Service Funded Institutions for Promoting Objectivity in Research |
| | | 982 | Test Procedures for Storage Water Heaters, Instantaneous Water Heaters, and Unfired Hot Water Storage Tanks | 1240 | Denial of Payment for Substandard Quality Care (HSQ-132-P) |
| | | 983 | Electric Motor Manufacturer Petition Procedures | 1254 | Post-Contract Beneficiary Protections and Other Provisions (OCC-011-P) |
| | | 989 | Test Procedures for Fluorescent and Incandescent Reflector Lamps | | |
| | | 1000 | New Administrative Procedures With Respect to Short-Term Imports and Exports of Natural Gas | | |
| | | 1009 | The Office of Energy Research Financial Assistance Program | | |
| | | 1033 | Seismic Safety Standards | | |
| | | 1046 | DEAR: Recovered/Recycled Materials | | |

| Small Businesses—Cont. | | Seq. No. | Title | Seq. No. | Title |
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| 1256 | Coverage of Screening Pap Smears (BPD-705-P) | 1342 | Resident Assessment in Long-Term Care Facilities (HSQ-180-F) | 1511 | Rent Changes in Section 236 and 221 Projects (FR-2977) |
| 1258 | Coverage of Physician Assistant, Nurse Practitioner, and Clinical Nurse Specialist Services (BPD-708-P) | 1345 | Uniform Electronic Cost Reporting System for Hospitals (BPD-689-F) | 1518 | Drug-Related Rent Adjustments (FR-2960) |
| 1260 | Case Management (MB-27-P) | 1351 | General Notice on Medicare Secondary Payment (BPO-94-GN) | 1519 | Manufactured Home Construction and Safety Standards on Seismic Requirements (FR-3099) |
| 1263 | OBRA '90 and Miscellaneous Managed Care Technical Amendments (MB-044-P) | 1355 | Medicare Coverage of Screening Mammography (BPD-724-F) | 1520 | Manufactured Home Procedures and Enforcement Regulations; To Implement Inspection, Design Approval, Consumer Complaint Handling and Monitoring Program (FR-2985) |
| 1267 | Medicare, Medicaid, and CLIA Programs: Inspection and Certification Procedures for Laboratories (HSQ-193-P) | 1356 | Self-Implementing Coverage and Payment Provisions of Omnibus Budget Reconciliation Act of 1990 (BPD-725-N) | 1521 | Manufactured Home Construction Safety Standards on Hardboard Siding (FR-3470) |
| 1268 | Preadmission Review and Authorization, Outpatient Surgery, Preadmission Diagnostic Testing, and Same Day Surgery Under Medicaid (MB-021P) | 1357 | Physician Ownership of and Referrals to Health Care Facilities That Furnish Clinical Laboratory Services (BPD-674-F) | 1522 | Regulations Implementing Section 10 of RESPA Concerning Escrow Accounts (FR-3255) |
| 1271 | Requirements for Enrollment of Medicaid Recipients Under Cost Effective Employer Based Group Health Plans (MB-047-P) | 1358 | Medicaid Payment for Covered Outpatient Drugs Under Rebate Agreements (MB-046-IFC) | 1523 | Changes to the Minimum Property Standards (FR-2599) |
| 1275 | Part B Advance Payments to Physicians/Suppliers or Other Entities Furnishing Items or Services Under Medicare Part B (BPO-105-P) | 1364 | Designation of Regional Carriers To Process Claims for Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (BPO-102-F) | 1524 | Use of Materials Bulletin Used in the HUD Building Product Standards and Certification Program (FR-3210) |
| 1281 | Change in Provider Agreement Regulations Related to Federal Employee Health Benefits (BPD-748-P) | 1365 | Uniform Payment Mechanism for Hospitals Under Part A of Medicare (BPO-104-FN) | 1527 | Title I Property Improvement and Manufactured Home Loans—Debt Owed to the U.S. Under Title I (FR-3326) |
| 1284 | Intermediary and Carrier Functions (BPO-111-P) | 1367 | Medicaid Drug Use Review Program and Electronic Claims Management System for Outpatient Drug Claims (MB-050-F) | 1528 | Nondiscrimination on Basis of Mortgage Charge Rates by Mortgagees on the Basis of Geographical Area (Tiered Pricing) (FR-3021) |
| 1289 | Update of EPO Payment Rate for 1993 (BPD-768-PN) | 1372 | Revisions to Criteria and Standards for Evaluating Intermediaries and Carriers (BPO-083-F) | 1532 | Effect of Acquisition of Title by Mortgagee or the Secretary on Title Insurance Policy (FR-3224) |
| 1294 | Medicare Program: Proposed Additions to and Deletions From the Current List of Covered Surgical Procedures for Ambulatory Surgical Centers (BPD-776-PN) | 1373 | Application of Interest Charges to Medicare Secondary Payer Recoveries (BPO-108-GN) | 1537 | Flexible Subsidy (FR-3441) |
| 1295 | Medicare Program: Special Payment Limits for Home Blood Glucose Monitors (BPD-778-PN) | 1376 | Payment for Preadmission Services (BPD-731-IFC) | 1540 | GNMA Request for Full Insurance on Co-Insurance Loan (FR-2951) |
| 1300 | Medicaid Coverage of Personal Care Services Outside the Home (MB-071-P) | 1378 | Revisions to Payment Policies Under the Physician Fee Schedule (BPD-770-F) | 1545 | Annual Rent Adjustments for Section 8 Assisted Housing; Comparability Studies (FR-2822) |
| 1302 | Medicare Programs: Limitations on Medicare Coverage of Intermittent Positive Pressure Breathing Machine Therapy (BPD-781-PN) | 1386 | Schedule of Limits on Home Health Agency Costs Per Visit for Cost Reporting Periods Beginning on or After July 1, 1994 (BPD-786-NC) | 1550 | Update to the Manufactured Home Construction and Safety Standards (HUD Code) (FR-2622) |
| 1304 | Medicare Program: Changes to the Inpatient Hospital Prospective Payment Systems and Fiscal Year 1995 Rates (BPD-785-P) | 1393 | Required Laboratory Procedures for Rural Health Clinics (BPD-783-FC) | 1552 | RESPA Amendments Required by the Housing and Community Development Act of 1992 (FR-3382) |
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Executive Order 12612 of October 26, 1987, entitled "Federalism" (3 CFR 1987 Comp., p. 252) directs Executive departments and agencies to identify proposed regulatory provisions that have significant federalism implications. As part of this effort, agencies include in their submissions for the Unified Agenda of Federal Regulations information on whether their regulatory actions have an effect on various levels of government.

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